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CITY CLERK
PROVIDENCE, R.I.

**CITY OF PROVIDENCE
RHODE ISLAND**



**CITY COUNCIL
JOURNAL OF PROCEEDINGS**

No. 14 City Council Regular Meeting, Thursday, June 1, 2006, 7:30 o'clock P.M. (E.D.T.)

PRESIDING

COUNCIL PRESIDENT

JOHN J. LOMBARDI

ROLL CALL

Present: COUNCIL PRESIDENT JOHN J. LOMBARDI, COUNCILMEN APONTE, BUTLER, DeLUCA, COUNCILWOMAN DiRUZZO, COUNCILMEN HASSETT, IGLIOZZI, LUNA, MANCINI, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL, COUNCILWOMEN WILLIAMS and YOUNG -13.

Absent: COUNCILMEN ALLEN and COUNCILMAN JACKSON - 2.

Also Present: Anna M. Stetson, City Clerk, Claire E. Bestwick, First Deputy City Clerk, Sheri A. Petronio, Assistant Clerk, Adrienne G. Southgate, Deputy City Solicitor and Vincent J. Berarducci, City Sergeant.

IN CITY COUNCIL

AUG 3 2006

APPROVED:

Anna M. Stetson CLERK

INVOCATION

The Invocation is be given by COUNCIL
PRESIDENT JOHN J. LOMBARDI.

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

COUNCILMAN MIGUEL C. LUNA
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 EXPRESSION

COUNCILMAN HASSETT Request the
privilege of the floor to speak on a Point
of Personal Expression and states:

"I do have some guests from my ward. The 2006 Girl's Midget Basketball Team State Championship that they won this past year and I thought it would be nice to have the young kids from Saint Patrick's, a great school that I attended many years ago, to come before the Council just for a brief presentation of their proclamations. If I could indulge the Council at this time. I

would as you to come forward and we will announce them for the record. Thank you."

Vandell Andrade	Samantha Gill
Leslie Cruz	Jamienata Lamin
Prisca Yangambi	Mezee Sendolo
Kathleen Coletta	America Horton

ORDINANCES SECOND READING

The Following Ordinances were in City Council May 18, 2006, Read and Passed the First Time and are Severally Returned for Passage the Second Time:

An Ordinance Regarding Predatory Lending.

Be it ordained by the City of Providence:

Whereas, While federal and state laws and regulations govern lending practices, the City of Providence Predatory Lending Ordinance protects consumers by insuring that:

- The City will not use as a depository any bank that practices predatory lending. Banks that do business with the City of Providence must submit annual reports and pledge that they do not knowingly practice predatory or discriminatory lending.
- Licensed Home Repair contractors in Providence cannot receive funds directly from a home equity loan. Loans funds must be dispersed to the consumer, who will then pay the home repair contractor.
- Deceptive Practices and Consumer Fraud that may result in a Real Estate foreclosure are prohibited and carry a fine of up to \$ 10,000 plus restitution to the victim.

Now, therefore, be it ordained by the City Council of Providence:

Section 1. The Code of Ordinances of the City of Providence is hereby amended by adding the following sections:

Section 1. Lending and deposit specifications required.

With each bid for interest upon city and school funds, the controller shall obtain, in a form prescribed by him from each bidder, the lending and deposit information for its home office and for each branch office or facility information that shall include, but is not limited to, the following:

- (a) the affidavit required under Section 2;
- (b) the number of high cost loans made by the lender and its affiliates;
- (c) the market share ratio of the lender's refinance loans in minority census tracts in Providence to nonminority census tracts in Providence;
- (d) the market share ratio of the lender's refinance loans in low and moderate income census tracts in Providence to middle and upper income census tracts.
- (e) Ratios of high cost loans shall be broken out separately; and considering each lender and affiliate separately in the calculations.

Section 2. Predatory lenders: city depository, definitions.

(a) No bidding bank or savings and loan association may be designated as a city depository if it or any of its affiliates is a predatory lender. Every bidding bank and loan association shall, prior to any such designation, submit to the City an affidavit certifying that neither it, nor any of its affiliates, is a predatory lender. The affidavit shall be in a form prescribed by the Director of Finance and shall be sworn by one or more of the officers of the bank or loan association.

(b) As used in this Section:

"Affiliate" means any entity that controls, is controlled by, or is under common control with another entity.

"Flipping" means the refinancing, and charging of additional points, charges or other costs, on any loan secured by residential real estate within a two year period after the original loan was made, unless the refinancing results in a demonstrable net economic benefit to the borrower.

"High-cost loan" means a loan entered into after the effective date of this section, where:

- (1) at the time of the loan's origination, the annual percentage rate of the loan exceeds by 5 or more percentage points the yield on United States securities having comparable periods of maturity to the loan's maturity, measured as of the 15th day of each month; or

(2) the total points and fees exceed 4% of the total loan amount. "Points and fees" means:

- (1) All items required to be disclosed under sections 226.4(a) and 226.4(b) of Title 12 of the Code of Federal Regulations, as amended from time to time, except interest or the time-price differential;
- (2) All charges for items listed under section 226.4(c)(7) of Title 12 of the Code of Federal Regulations, as amended from time to time, but only if the lender receives direct or indirect compensation in connection with the charge or the charge is paid to an affiliate of the lender; otherwise, the charges are not included within the meaning of the phrase "points and fees";
- (3) All compensation paid directly or indirectly to a mortgage broker, including a broker that originates a loan in its own name in a table, funded transaction, not otherwise included in sub-section (1) or (2), above;

"Points and fees" shall not include: (i) taxes, filing fees recording and other charges and fees paid or to be paid to public officials for determining the existence of or for perfecting, releasing or satisfying a security interest; and (ii) bona fide and reasonable fees paid to a person other than a lender or an affiliate of the lender or to the mortgage broker or an affiliate of the mortgage broker for the following: fees for flood certification; fees for

pest infestation and flood determinations; appraisal fees; fees for home inspections performed prior to closing; credit reports; surveys; attorney's fees (if the borrower has the right to select the attorney from an approved list or otherwise); notary fees; escrow charges, so long as not otherwise included under sub-section (1) of this sub-section; title insurance premiums; and fire insurance and flood insurance premiums, provided that the conditions in section 226.4(d)(2) of Title 12 of the Code of Federal Regulations are met.

"Predatory lender" means a business entity that has made, within the previous 24 month period, predatory loans that comprise either:

- (1) 5% of the total annual number of loans made; or
- (2) 25 individual loans; whichever is less.

Each lender and affiliate shall be considered separately for the purposes of these calculations, and only loans secured by residential real estate that is located within the City of Providence shall be considered. The term "predatory lender" shall not include a business entity that has demonstrated to the satisfaction of the Director of Finance that it has discontinued the practice of making predatory loans and has taken steps to ensure that it does not make such loans in the future.

"Predatory loan" means a high-cost loan that is secured by residential real estate that is located within the City, including but not limited to home purchase, home refinance and home equity loans, that the Director of Finance has determined was made under circumstances that are abusive, based upon

the factors set forth in this paragraph. The circumstances upon which the Director of Finance shall base his or her determination shall include unfair or abusive loan terms, unscrupulous and misleading marketing, high pressure lending tactics that limit information or choices available to a consumer, or any combination thereof. Practices that indicate that a loan was made under abusive circumstances shall include, but are not limited to, the following:

- (1) Fraudulent, high-pressure and misleading marketing and sales efforts to sell high cost loans;
- (2) Excessive fees and exorbitant interest rates that are well beyond the levels appropriate or necessary to cover risk and a profitable return;
- (3) The financing of those excessive origination fees as well as fees for excessively priced or unnecessary products into high cost loans;
- (4) Prepayment penalties that force borrowers to keep an unfavorable or unaffordable high cost loan;
- (5) Short-term balloon payments which often force refinancing into another high cost loan and may prompt foreclosure;
- (6) Loan flipping;
- (7) The stripping of equity out of the home through financing high fees, frequent refinancing of high cost loans or through artificially reducing monthly payments through negative amortization;

- (8) The financing of any credit life, credit disability, credit unemployment, or any other life or health insurance, directly or indirectly, into one or more high cost loans;
- (9) The extension of credit based on the consumers' collateral without regard to the consumers' repayment ability, including the consumers' current and expected income, current obligations, and employment, and without regard to the availability of lower cost alternative financing options;
- (10) The payment by a lender to a contractor under a home repair or improvement contract from loan proceeds, unless the payment (i) is in the form of an instrument that is payable to the consumer or jointly to the consumer and the contractor; or (ii) is by a third party escrow agent in accordance with terms established in a written agreement signed by the consumer, the lender, and the contractor before the date of payment; and
- (11) The payment by a lender to a contractor under a home repair or improvement contract from loan proceeds, where the contractor has been, on two or more occasions within the previous 24 month period, found by a court or the department of business regulation to be in violation of any law or ordinance prohibiting deceptive practices or similar conduct.
- (a) No person or business entity shall be awarded a contract with the City if the person or business entity, or any of its affiliates is a predatory lender. Every person or business entity seeking to do business with the City shall submit to the City an affidavit certifying that neither it, nor any of its affiliates, is a predatory lender. The affidavit shall be in a form prescribed by the Director of Finance and shall be sworn by the person or one or more of the officers or owners of the business entity, as the case may be. Nothing in this section shall affect the validity of any contract entered into in connection with any debt obligations issued by or on behalf of the City, regardless of whether the contract is awarded in compliance with this Section. Any other contract awarded in violation of this Section shall be voidable at the option of the City. For purposes of this Section, "predatory lender" and "affiliations" shall have the meaning ascribed to the terms in Section 2.
- (b) The purchasing agent may suspend the ineligibility of a person or business entity in order to allow execution of a contract with the person or entity, upon written application by the head of a city agency or department affected by the proposed contract, setting forth facts sufficient in the judgment of the purchasing agent to establish: (i) that the public health, safety or welfare of the city requires the goods or services of the person or business entity; and (ii) that the city is unable to acquire the goods or services at

Section 3. Predatory lenders: city contracts.

comparable price and quality, and in sufficient quantity from other sources.

Section 4. Severability.

If any provision of this ordinance is held invalid, such provision shall be deemed excised from this ordinance and the invalidity thereof shall not affect any of the other provisions of this ordinance. If the application of any provision of this ordinance to any person or circumstance is held invalid, it shall not affect the application of such provision to other persons or circumstances.

Section 2. This ordinance shall take effect 30 days after its passage and approval.

An Ordinance in Amendment of the Providence Code of Ordinances, Chapter 13, Entitled: "Housing", Article X, "Responsibilities of Owners, Operators and Occupants", to add Section 13-212, Entitled: "Landlord's Liability for Nuisance" and Chapter 16, Entitled: "Offenses and Miscellaneous Provisions", Article I, "in general", to add Sections 16-21 through 16-24.

Be it ordained by the City of Providence:

Section 1. Chapter 13, Article X of the Providence Code of Ordinance is hereby amended to add Section 13-212, as follows:

Section 13-212. Landlord's liability for nuisance: limitation on collections from tenant or occupant.

- (a) Every person who lets a building or tenement under his or her ownership or control for any of the

purposes defined as nuisances in chapter 16, or who knowingly permits any building, tenement, or part thereof to be used in furtherance of a nuisance while under his or her control, shall be subject to the penalties described below. ~~Such penalties shall go into effect if said person fails to take all reasonable measures to eject the tenant(s) or occupant(s) from the premises as soon as may be lawfully done after five (5) days notice from any officer or magistrate of the improper use of a building or tenement:~~

~~The landlord shall be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1000) or be imprisoned in the adult correctional institutions not less than sixty (60) days nor more than one year.~~

Any landlord whose property requires an intervention by the police department to abate a gathering constituting a public nuisance within sixty (60) days after the property is posted pursuant to section 16-22 shall incur:

- (1) For the first intervention in the sixty (60) day period, a mandatory minimum fine of two hundred fifty dollars (\$250.00);
- (2) For the second such intervention in the sixty (60) day period, a mandatory minimum fine of three hundred fifty dollars (\$350.00);

- (3) For any further such responses in a sixty (60) day period, a mandatory minimum fine of five hundred dollars (\$500.00):
- (4) Upon the third such intervention and thereafter, the landlord will be fined an additional two hundred dollars (\$200.00) for each tenant cited for a nuisance violation.
- (b) Landlords may not avoid liability under this section by including a provision in a lease which would transfer the penalty obligation to the tenant. Landlords may not withhold the amount of any fines assessed under this section from a security deposit.

Section 2. Chapter 16, Article I of the Providence Code of Ordinances is hereby amended to add Sections 16-21 through 16-24, as follows:

Section 16-21. Loud or unruly gatherings-public nuisance.

It shall be a public nuisance to conduct a gathering of five (5) or more persons on any private property in a manner which constitutes a substantial disturbance of the quiet enjoyment of private or public property in a significant segment of a neighborhood, as a result of conduct constituting a violation of law. Illustrative of such unlawful conduct is excessive noise or traffic, obstruction of public streets by crowds or vehicles, illegal parking, public drunkenness, public urination, the service of alcohol to minors, fights, disturbances of the peace, and litter.

Section 16-22. Notice of unruly gathering-posting; mailing.

- (a) When the police department intervenes at a gathering which constitutes a nuisance under this ordinance, the premises at which such nuisance occurred shall be posted with a notice stating that the intervention of the police has been necessitated as a result of a public nuisance under this ordinance caused by an event at the premises, the date of the police intervention, and that any subsequent event within a sixty (60) day period there from on the same premises which necessitates police intervention, shall result in the joint and several liability of any guests causing a public nuisance, or any persons who own or are residents of the property at which the public nuisance occurred, or who sponsored the event constituting the public nuisance as more fully set forth below.
- (b) The residents of such property shall be responsible for ensuring that such notice is not removed or defaced. It shall be an ordinance violation carrying a penalty of a minimum, mandatory one hundred dollar (\$100.00) fine in addition to any other penalties which may be due under this section if such notice is removed or defaced, provided, however, that the residents of the premises or sponsor of the event, if present, shall be consulted as to the location in which such notice is posted in order to achieve both the security of the notice and its prominent display.

Section 16-23. Mailing of notice to property owner.

Notice of the intervention shall also be mailed to any property owner on the City of Providence property tax assessment records to advise the property owner that any subsequent such intervention within sixty (60) days on the same premises shall result in liability of the property owner for all penalties associated with such intervention.

Section 16-24. Persons liable for a subsequent response to a gathering constituting a public nuisance.

If the police department is required to respond to a gathering constituting a public nuisance on the premises more than once in sixty (60) day period, the following persons shall be jointly and severally liable for fines.

1. The person or persons who own the property where the gathering constituting the public nuisance took place, provided that notice has been mailed to the owner of the property as set forth herein and the gathering occurs at least two weeks after the mailing of such notice.
2. The person or persons residing on or otherwise in control of the property where such a gathering took place.
3. The person or persons who organized or sponsored such gathering.

4. All persons attending such gatherings who engage in any activity resulting in the public nuisance.

5. Nothing in this section shall be construed to impose liability on the resident or owners of the premises or sponsor of the gathering for the conduct of persons who are present without the express or implied consent of the resident or sponsor, as long as the resident and sponsor have taken all steps reasonably necessary to exclude such uninvited participants from the premises, including landlords who are actively attempting to evict a tenant from the premises.

Where an invited guest engages in conduct which the sponsor or resident could not reasonably foresee and the conduct is an isolated instance of a guest at the event violating the law which the sponsor is unable to reasonably control without the intervention of the police, the unlawful conduct of the individual guest shall not be attributable to the sponsor or resident for the purposes of determining whether the event constitutes a public nuisance under this section.

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

An Ordinance in Amendment of Chapter 16, "Offenses and Miscellaneous Provisions", Articles I and V of the Code of Ordinances regarding Graffiti and Rewards.

Be it ordained by the City of Providence:

Whereas, The City of Providence is enacting this ordinance to prevent graffiti and its spread, to establish a program for the removal of graffiti from public and private property, and to reward those whose public-spirited actions result in the apprehension of those defacing property; and

Whereas, The City of Providence finds that graffiti is a public nuisance and destructive of the rights and values of property owners as well as the entire community. Unless action is taken to remove graffiti from public and private property, the graffiti tends to remain. Other properties then become the target of graffiti, and entire neighborhoods are affected and become less desirable places in which to be, all to the detriment of the City; and

Whereas, The City of Providence intends, through the adoption of this Ordinance, to provide enforcement tools to protect public and private property from acts of graffiti vandalism, defacement and to minimize graffiti in the City;

Now Therefore, Chapter 16, entitled "Offenses and Miscellaneous Provisions," Article I, entitled "In General" of the Code of Ordinances of the City of Providence, Rhode Island is hereby amended as follows:

Section 1.

Sec. 16-5. Same - Reward for apprehension of person maliciously damaging city property,

(a) Authorized. The mayor of the City of Providence is hereby authorized to offer a suitable reward, not to exceed the sum of five hundred dollars (\$500.00) in any case, for any information leading to the detection, apprehension and conviction of any extender, or offenders who maliciously destroy or deface city public or private property.

(b) Payment. Said reward shall be paid by the city treasurer upon the order of the city controller, and said city controller shall draw said order for payment whenever he shall receive a certificate of final conviction from the justice or clerk of the court before which said offender or offenders were tried.

Section 2. Chapter 16, entitled "Offenses and Miscellaneous Provisions," Article V, entitled "Graffiti" of the Code of Ordinances of the City of Providence, Rhode Island is hereby amended as follows:

Sec. 16-141. Prohibited.

~~It shall be unlawful for any person without the expressed consent of the owner of the subject property to daub, scratch, write or otherwise injure with point or similar materials, blacken, caulk or in any other way or manner deface any post, lamppost, fence, tree, tree box, dwelling or other building situated on or upon any street, highway, bridge, way public or private, place or ground set apart for public purpose in the city or any ornament or appurtenance of such post, lamppost fence, tree, tree box, dwelling or other building.~~

Definitions:

- (a) "Graffiti" means any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advance authorization, is otherwise deemed a public nuisance.
- (b) "Graffiti Implement" means an aerosol paint container, a broad-tipped marker, gum label, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or manmade surface.
- (c) "Aerosol Paint Container" means any aerosol container that is adapted or made for the purpose of applying spray paint or other substance capable of defacing property.
- (d) "Broad-tipped Marker" means any felt tip indelible marker or similar implement with a flat or angled writing surface that, at its broadest width, is greater than one-fourth (1/4) of an inch, containing ink or other pigmented liquid that is not water soluble.
- (e) "Etching Equipment" means any tools, device or substance that can be used to make permanent marks on any natural or man-made surface.
- (f) "Paint Stick or Graffiti Stick" means any device containing a solid form of paint chalk, wax, epoxy, or other similar substance capable of being applied to a surface by pressure and leaving a mark thereon.
- (g) "Person" means any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee, or any other legal entity.
- (h) "Abate" means to effectively remove
- (i) "Public or Private Property" shall include any building, bridge fence or other structure, any street, alley, sidewalk, or other vehicular or pedestrian right-of-way, any article of street furniture, lamppost, bus shelter, newspaper box, or trash receptacle, any tree, rock, or other natural fixture, any utility or public service equipment, or any other personal property located outdoors, whether publicly or privately owned.

Sec. 16-142. Violation; penalty.

~~Any person who commits any of the aforesaid offenses shall be punished by a fine of not less than two hundred dollars (\$200.00) and one hundred twenty (120) hours of community service. Such community service shall be completed by the removal of litter, painting of community lots and the general restoration of public grounds.~~

Prohibited Acts: Defacement.

It shall be unlawful for any person to apply graffiti to any natural or man-made surface

on any city-owned property or on any non city-owned property.

Sec. 16-143. Violation; penalty

Any person violating this ordinance shall be punished in the following manner:

(a) Fines: A fine not to exceed one-thousand dollars (\$1,000) for any offense.

1. In case of a minor, the parents or legal guardian shall be jointly and severally liable with the minor for the payment of all fines.
2. Failure of the parents or legal guardian to make payment will result in the filing of a lien on the parent's or legal guardian's property that includes the fine and administrative costs.
3. Upon an application and finding of indigence, the court may decline to order fines against the minor, parents or guardian.

(b) Restitution: A court shall order any violator to make restitution to the victim for damages or loss caused directly or indirectly by the violator's offense in the amount or manner determined by the court. In the case of a minor, the parents or legal guardian shall be ordered jointly and severally liable with the minor to make the restitution.

(c) Community Service: A minor or adult shall be required to perform community service as described by

the court based on the following minimum requirements:

1. The minor or adult shall perform up to one hundred (100) hours of community service for a first offense. A second or subsequent offense shall require up to two hundred (200) hours of public community restitution work.
2. At least one parent or guardian of the minor shall be in attendance a minimum of fifty percent (50%) of the period of assigned community service.
3. The entire period of community service shall be performed under the supervision of a community service provider approved by the chief of police or the probation department of the court.
4. Reasonable effort shall be made to assign the minor or adult to a type of community service that is reasonably expected to have the most rehabilitative effect on the minor or adult, including community service that involves graffiti removal.

Sec. 16 -144. Sale of Graffiti Materials to Minors

- (a) It shall be unlawful for any person, other than a parent or legal guardian, to sell, exchange, give, loan, otherwise furnish, cause, or permit to be exchanged, given, loaned, or otherwise furnished, any aerosol paint container, broad-tipped marker, etching

equipment, paint stick or graffiti stick to any person under the age of eighteen (18) years without the written consent of the parents or guardian of the person.

- (b) For purposes of this section, bona fide evidence of majority, identity of majority and identity of the person is a document issued by a federal, state, country, or municipal government, or subdivision or agency of them, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the federal Selective Service Act, 50 App. U.S.C. § 451 et seq., or an identification card issued to a member of the armed forces.
- (c) Proof that the defendant, or his employee or agent, demanded was shown and acted in reliance upon bona fide evidence in any sale transaction forbidden by this Ordinance, shall be a defense to any criminal prosecution for that violation.
- (d) Any person who owns, manages or operates a place of business where aerosol containers of paint capable of defacing property are sold shall conspicuously post notice of this law in the place of business in letters at least three-eighths of an inch (3/8") high.
- (e) Any person who owns, manages or operates a place of business where graffiti implements (as defined in Sec. 16-141) are sold shall be prohibited from displaying these items. Only the use of facsimiles of graffiti implements, or locked and

secured display cases containing graffiti implements shall be permitted.

(f) Penalties:

1. Any person who sells, displays or stores, or permits the sale, display or storage of any graffiti implements in violation of the provisions of this ordinance shall be fined not more than one hundred dollars (\$100) for each offense.
2. Any person who sells, displays or stores, or permits the sale, display or storage of any graffiti implement in violation of the provisions of this ordinance shall be personally liable for all costs, including attorney's fees and court costs, incurred by any party in connection with the removal of graffiti, the repair of any property containing graffiti, or such party's prosecution of a civil claim for reimbursement or damages resulting from such graffiti removal or property repair, arising from the use by any person of such implements in violation of the provisions of this ordinance, provided that such liability shall not exceed fifteen hundred dollars (\$1500).

- (g) The severability provision is intended to permit a court to strike a portion of the ordinance that is overbroad, vague or otherwise unconstitutional, while upholding the remainder of the ordinance. Severability is intended throughout and within the provisions

of the Ordinance. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction than that decision shall not affect the validity of the remaining portions of this Ordinance.

Sec. 16-145. Graffiti as Nuisance

(a) Prohibited:

1. The existence of graffiti on public or private property in violation of this Ordinance is expressly declared to be a public nuisance and, therefore, is subject to the removal and abatement provisions specified in this Ordinance.
2. It is the duty of both the owner of the property to which the graffiti has been applied and any other person who may be in possession or who has the right to possess such property to at all times keep the property clear of graffiti.

(b) Removal of Graffiti by Perpetrator:

1. Any person applying graffiti on public or private property shall have the duty to remove the graffiti within twenty-four (24) hours after notice by the City or private owner of the property involved. Such removal shall be done in a manner prescribed by the Chief of Police, the Director of the Department of Public Property, or any additional City

department head, as authorized by the City of Providence. Any person applying graffiti shall be responsible for the removal or for the payment of the removal. Failure of any person to remove graffiti or pay for the removal shall constitute an additional violation of this Ordinance. Where graffiti is applied by an unemancipated minor, the parents or legal guardian shall also be responsible for such removal or for the payment of such removal.

(c) Removal of graffiti by property owner or city: If graffiti is not removed by the perpetrator according to this chapter, graffiti shall be removed pursuant to the following provisions:

1. Property Owner Responsibility: It is unlawful for any person who is the owner or who has primary responsibility for control of property or for repair or maintenance of property in the city to permit property that is defaced with graffiti to remain defaced for a period often (10) days after receiving notification by the city of the defacement. Such notice shall be provided in a manner prescribed by the Chief of Police, the Director of the Department of Public Property, or any additional City department head, as authorized by the City of Providence.
2. Exceptions to Property Owner Responsibility: The removal requirements above shall not

apply if the property owner or responsible party can demonstrate that:

- a. The property owner or responsible party lacks the financial ability to remove the defacing or graffiti: or
- b. The property owner or responsible party has an active program for the removal of graffiti and has scheduled the removal of the graffiti as part of that program, in which case it shall be unlawful to permit such property to remain defaced with graffiti for a period of fifteen (15) days after receiving notification of the defacement.

(d) Right of City to Remove:

1. Use of Public and/or Trust Funds. Whenever the City becomes aware or is notified and determines that graffiti is located on publicly or privately owned property viewable from a public or quasi-public place, the City shall be authorized to use public and/or trust funds for the removal of the graffiti, but shall not authorize or undertake to provide for the painting or repair of any more extensive an area that that where the graffiti is located, unless the City determines in writing that a more extensive area is required to be repainted or repaired in order to avoid an aesthetic disfigurement to the neighborhood or community, or unless

the property owner or responsible party agrees to pay for the costs of repainting or repairing the more extensive area.

2. Right of Entry on Private Property. Prior to entering upon private property or property owned by a public entity other than the City for the purpose of graffiti removal the City shall attempt to secure the consent of the property owner or responsible party and a release of the City from liability for property damage or personal injury.

(e) Abatement and Cost Recovery:

If the property owner or responsible party fails to remove the offending graffiti within the time specified by this ordinance, or if the City has requested consent to remove or paint over the offending graffiti and the property owner or responsible party has refused consent for entry on terms acceptable to the City and consistent with the terms of this section, the City may enter and abate the graffiti. If all or any portion of the eradication charges remain unpaid after thirty (30) days, the portion thereof that remains unpaid shall constitute a lien on the property that was the subject of the eradication effort.

- (f) The severability provision is intended to permit a court to strike a portion of the ordinance that is over broad, vague or otherwise unconstitutional, while upholding the remainder of the ordinance. Severability is intended

throughout and within the provisions of the Ordinance. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction than that decision shall not affect the validity of the remaining portions of this Ordinance.

Section 3. This Ordinance shall take effect upon passage.

COUNCILMAN APONTE Moves to Dispense with the Reading of the foregoing matters and Moves Passage of the Several Ordinances the Second Time, seconded by **COUNCILWOMAN WILLIAMS**, by the Following Roll Call Vote:

AYES: COUNCIL PRESIDENT JOHN J. LOMBARDI, COUNCILMEN APONTE, BUTLER, DeLUCA, COUNCILWOMAN DiRUZZO, COUNCILMEN IGLIOZZI, LUNA, MANCINI, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL, COUNCILWOMEN WILLIAMS and YOUNG-12.

NAYES: NONE.

ABSENT: COUNCILMEN ALLEN, HASSETT, JACKSON - 3.

The Motion for Passage the Second Time is Sustained.

PRESENTATION OF RESOLUTIONS

COUNCIL PRESIDENT LOMBARDI, COUNCILMEN ALLEN, BUTLER, DeLUCA, COUNCILWOMAN DiRUZZO, COUNCILMEN HASSETT, IGLIOZZI, JACKSON, LUNA, MANCINI, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL, COUNCILWOMAN WILLIAMS and YOUNG:

Resolution Extending Sincere Best Wishes for a Happy Birthday to Councilman Luis A. Aponte on June 3, 2006.

Resolved, That the Members of the Providence City Council hereby Extend Sincere Best Wishes for a Happy Birthday to Councilman Luis A. Aponte on June 3, 2006.

COUNCIL PRESIDENT LOMBARDI, COUNCILMEN ALLEN, APONTE, BUTLER, IGLIOZZI, JACKSON, LUNA, MANCINI, COUNCILWOMEN ROMANO, WILLIAMS and YOUNG:

Resolution Requesting the City Council to retain R. Kelly Sheridan, Esquire, under

the provisions of the Providence Home Rule Charter of 1980, as amended, Section 401(d), for the purpose of assisting the City Council on the drafting of a Code of Ethics Ordinance for the City of Providence, in a total amount not to exceed Ten Thousand (\$10,000.00) Dollars.

Resolved, that the City Council is requested to retain R. Kelly Sheridan, Esquire, under the provisions of the Providence Home Rule Charter of 1980, as amended, Section 401(d), for the purpose of assisting the City Council on the drafting of a Code of Ethics Ordinance for the City of Providence, in a total amount not to exceed Ten Thousand (\$10,000.00) Dollars.

COUNCIL PRESIDENT LOMBARDI:

Resolution Opposing the Town of Charlestown's resolution requesting the Rhode Island General Assembly reject the proposed Providence Tax Plan for the authorization of an additional Ten Million (\$10,000,000) Dollars in State Aid to the City of Providence.

Resolved, That the Members of the Providence City Council hereby Oppose the Town of Charlestown's resolution requesting the Rhode Island General Assembly reject the proposed Providence Tax Plan for the authorization of an additional Ten Million (\$10,000,000) Dollars in State Aid to the City of Providence.

COUNCILMAN APONTE Moves to Dispense with the Reading of the foregoing matters and Moves Passage of the Several Resolutions, seconded by COUNCILWOMAN WILLIAMS.

The Motion for Passage is Sustained.

Resolution Requesting to cause the abandonment of Lily Street, in its entirety.

COUNCILMAN APONTE (By Request):

Resolution Requesting the Traffic Engineer to cause the installation of a "Handicapped Parking" Sign in front of 252 California Avenue.

COUNCILMAN APONTE Moves to Dispense with the Reading of the foregoing matters.

COUNCIL PRESIDENT LOMBARDI Refers the Several Resolutions to the Committee on Public Works.

COUNCILMAN DeLUCA and COUNCILMAN BUTLER (By Request):

Resolution Authorizing His Honor the Mayor to execute an agreement between the City of Providence, on behalf of the Providence Water Supply Board, and the successful low bidder for Short Term Line of Credit Borrowing up to Two Million Seven Hundred and Fifty Thousand (\$2,750,000.00) Dollars, plus interest for a 364 day period.

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

COUNCILWOMAN DiRUZZO (By Request):

Resolution Requesting the Traffic Engineer to cause the installation of "Four-Way Stop" Signs at the intersection of Dora Street and Cumerford Street.

Resolution Requesting the Traffic Engineer to cause the installation of a "Stop" Sign on Priscilla Avenue at its intersection with Elmdale Avenue.

COUNCILMAN APONTE Moves to Dispense with the Reading of the foregoing matters.

COUNCIL PRESIDENT LOMBARDI Refers the Several Resolutions to the Committee on Public Works.

COUNCILWOMAN DiRUZZO:

Resolution Requesting the Chief Electrical Inspector to cause the upgrade of street lighting on Oak Street, Willow Street, Wood Street, Chapin Avenue, Wendell Street, Rosedale Street, Waverly Street, Althea Street, and Ellery Street to 27,500 lumen.

Resolved, That the Chief Electrical Inspector is requested to cause the upgrade of street lighting on Oak Street, Willow Street, Wood Street, Chapin Avenue, Wendell Street, Rosedale Street, Waverly Street, Althea Street, and Ellery Street to 27,500 lumen.

Resolution Extending Sincere Congratulations to Eileen Biancuzzo, Principal and the teachers at Webster Avenue Elementary School for sponsoring a successful "Cultural Diversity Night" celebration.

Resolved, That the Members of the Providence City Council hereby Extend Sincere Congratulations to Eileen Biancuzzo, Principal and the teachers at Webster Avenue Elementary School for sponsoring a successful "Cultural Diversity Night" celebration.

Resolution Requesting the Providence Gas Company to cause the permanent repair of all streets and sidewalks located within Ward 15 as a result of the upgrade of gas lines.

Resolved, That the Providence Gas Company is requested to cause the permanent repair of all streets and sidewalks located within Ward 15 as a result of the upgrade of gas lines.

COUNCILMAN HASSETT (By Request):

Resolution Extending Sincere Congratulations to Ray M. DiPasquale upon his appointment as President of the Community College of Rhode Island.

Resolved, That the Members of the Providence City Council hereby Extend Sincere Congratulations to Ray M. DiPasquale upon his appointment as President of the Community College of Rhode Island.

COUNCILMAN HASSETT and COUNCILWOMAN DiRUZZO:

Resolution Extending Sincere Congratulations to Leona Duffy upon her retirement from the Government of the State of Rhode Island after 50 years of loyal and dedicated service.

Resolved, That the Members of the Providence City Council hereby Extend Sincere Congratulations to Leona Duffy upon her retirement from the Government of the State of Rhode Island after 50 years of loyal and dedicated service.

COUNCILMAN APONTE Moves to Dispense with the Reading of the foregoing matters and Moves Passage of the Several Resolutions, seconded by COUNCILWOMAN WILLIAMS.

The Motion for Passage is Sustained.

Resolution Requesting that "Park Row West" be re-named to "Finance Way" from that point at Francis Street to Exchange Street.

Resolution Requesting that "Avenue of the Arts" be re-named to its former name of "Brownell Street" from that point from Interstate Route 95 to Holden Street, in order to substantially limit geographical confusion associated with the much published street directions for the Mowry Nicholson House, a bed and breakfast venue in Smith Hill.

COUNCILMAN IGLIOZZI, COUNCILWOMAN DiRUZZO, COUNCILMEN HASSETT and DeLUCA:

Resolution Requesting the Mayor of the City of Providence and the Providence City Council that the State of Rhode Island re-name the Woonasquatucket River

Greenway in Providence the "Fred Lippitt Woonasquatucket River Greenway" as a permanent tribute to the dedication and leadership of the Honorable Frederick Lippitt.

COUNCILMAN APONTE Moves to Dispense with the Reading of the foregoing matters.

COUNCIL PRESIDENT LOMBARDI Refers the Several Resolutions to the Committee on Urban Redevelopment, Renewal and Planning.

COUNCILWOMAN YOUNG, COUNCIL PRESIDENT LOMBARDI, COUNCILMEN ALLEN, APONTE, BUTLER, DeLUCA, COUNCILWOMAN DiRUZZO, COUNCILMEN HASSETT, IGLIOZZI, JACKSON, LUNA, MANCINI, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL and COUNCILWOMAN WILLIAMS:

Resolution Extending Sincere Best Wishes to Joseph Vilenio for a quick and speedy recovery from his recent surgery.

Resolved, That the Members of the Providence City Council hereby Extend Sincere Best Wishes to Joseph Velino for a quick and speedy recovery from his recent surgery.

REPORTS FROM COMMITTEES

COMMITTEE ON CITY PROPERTY

COUNCILWOMAN JOSEPHINE DiRUZZO, Chairwoman

AND

COMMITTEE ON PUBLIC WORKS, JOINTLY

COUNCILMAN TERRENCE M. HASSETT, Chairman

**Transmits the Following with Re-
commendation the Same be Approved:**

Resolution Authorizing the purchase of a portion of City Property immediately adjacent to the residence and office located at 945 Smith Street.

Whereas, On July 23, 2004, Dr. Vito D. Buonomano and Louise J. Buonomano, petitioners, sought to purchase a portion of City property immediately adjacent to a residence and office located at 945 Smith Street in the City of Providence (AP 81, Lot 39), having been advised that their garage was encroaching on a playground at Fagnoli Park (AP 71, Lot 451); and

Whereas, the matter was presented to City Council on September 2, 2004 and thereafter was referred to the City Property Commission, where it was considered at meetings held on October 20, 2004 and March 29, 2005; and

Whereas, on May 13, 2005, Andolfo Appraisal Associates, Inc. submitted its valuations of

the property, finding that the petitioners' encroachment had a value of \$1,071;

Now, therefore, be it resolved, That Petitioners are granted permission to purchase the 59.5 square feet, more or less, which the city owns in AP 71, Lot 451. Said grant is specifically conditioned upon the following.

1. For such grant and other good and valuable consideration, Petitioners shall indemnify and hold harmless the City of Providence its agents, officers, servants, and employees, from any and all claims, demands, suits and compromise, both for damage to property and damages to persons, of whatever kind which may result from the purchase.
2. Petitioners shall record this exchange in the Land Evidence Records of the City of Providence

within sixty (60) days of an affirmative vote by the City Council.

3. Such other terms and conditions as may be imposed by His Honor, the Mayor, the City Solicitor, and the City Property Committee.

Whereas, On July 23, 2004, Dr. Vito D. Buonomano and Louise J. Buonomano, petitioners, sought to purchase a portion of City property immediately adjacent to a residence and office located at 945 Smith Street in the City of Providence (AP 81, Lot 39), having been advised that their garage was encroaching on a playground at Fargnoli Park (AP 71, Lot 451); and

Whereas, The matter was presented to City Council on September 2, 2004, and thereafter was referred to the City Property Commission, where it was considered at meetings held on October 20, 2004 and March 29, 2005; and

Whereas, during the March meeting, information was provided showing that the City was likewise encroaching on certain property owned by the petitioners' property; and

Whereas, the Law Department requested that the Tax Assessor arrange for an appraisal of both the petitioners' encroachment on City property and the City's encroachment on the petitioners' property; and

Whereas, On May 13, 2005, Andolfo Appraisal Associates, Inc. submitted its valuations of the two properties, finding that the petitioners' encroachment had a value of \$1,071 and that the City's encroachment had a value of \$1,080; and

Whereas, the City's Home Rule Charter, Section 416 (7), states:

No city property shall be exchanged for other property until an appraisal of all property included in the exchange has been made by the city assessor and the value of the property to be disposed of by the city. Exchange of property must be authorized by resolution passed by an affirmative vote of the majority of the entire city council unless otherwise specified by this Charter.

Now, therefore, be it resolved, That Petitioners are granted permission to exchange the 60 square feet, more or less, which they own in AP 81, Lot 39, for the 59.5 square feet, more or less, which the City owns in AP 71, Lot 451. Said grant is specifically conditioned upon the following:

1. For such grant and other good and valuable consideration, Petitioners shall indemnify and hold harmless the City of Providence its agents, officers, servants, and employees, from any and all claims, demands, suits and compromise, both for damage to property and damages to persons, of whatever kind which may result from the purchase.
2. Petitioners shall record this exchange in the Land Evidence Records of the City of Providence within sixty (60) days of an affirmative vote by the City Council.
3. Such other terms and conditions as may be imposed by His Honor, the Mayor, the City Solicitor, and the City Property Committee.

COMMITTEE ON CITY PROPERTY

COUNCILWOMAN JOSEPHINE DiRUZZO, Chairwoman

**Transmits the Following with Re-
commendation the Same be Severally
Approved:**

Resolution Requesting the transfer of the property located on Assessor's Plat 57, Lot 52 (181 Pavilion Avenue) to the Providence Redevelopment Agency.

Whereas, in an effort to convert vacant lots into productive reuse, the Providence Redevelopment Agency is working with a community development corporation to develop homeownership opportunities.

Now, therefore, be it resolved, that the Mayor of the City of Providence is hereby authorized to execute a deed and transfer the lot known as Assessor's Plat 57, Lot 52 (181 Pavilion Avenue) to the Providence Redevelopment Agency and that the property is declared exempt in accordance with Rhode Island General Law 45-32-40 while under PRA ownership.

Now, therefore, be it resolved, that the Mayor of the City of Providence is hereby authorized to execute a deed and transfer the lot known as Assessor's Plat 57, Lot 82 (186 Pavilion Avenue) to the Providence Redevelopment Agency and that the property is declared exempt in accordance with Rhode Island General Law 45-32-40 while under PRA ownership.

Resolution Requesting the transfer of the property located on Assessor's Plat 47, Lot 746 (260 Sayles Street) to the Providence Redevelopment Agency.

Whereas, in an effort to convert vacant lots into productive reuse, the Providence Redevelopment Agency is working with a community development corporation to develop homeownership opportunities.

Resolution Requesting the transfer of the property located on Assessor's Plat 57, Lot 82 (186 Pavilion Avenue) to the Providence Redevelopment Agency.

Whereas, in an effort to convert vacant lots into productive reuse, the Providence Redevelopment Agency is working with a community development corporation to develop homeownership opportunities.

Now therefore, be it resolved that the Mayor of the City of Providence hereby authorized to execute a deed and transfer the lot known as Assessor's Plat 47, Lot 746 (260 Sayles Street) to the Providence Redevelopment Agency and that the property is declared exempt in accordance with Rhode Island General Law 45-32-40 while under PRA ownership.

COMMITTEE ON PUBLIC WORKS

COUNCILMAN TERRENCE M. HASSETT, Chairman

Transmits the Following with Recommendation the Same be Severally Approved:

Resolution Requesting the Traffic Engineer to cause the installation of "Caution Children" Signs at the intersection of Williams Street and East Street.

Resolved, That the Traffic Engineer is requested to cause the installation of "Caution Children" Signs at the intersection of Williams Street and East Street.

Resolution Requesting the Traffic Engineer to cause the installation of "No Parking to Corner" Signs at the intersection of President Avenue and Taber Avenue.

Resolved, That the Traffic Engineer is requested to cause the installation of "No Parking to Corner" Signs at the intersection of President Avenue and Taber Avenue.

Resolution Requesting the Traffic Engineer to cause the installation of a "Children at Play" Sign on Tiffany Street.

Resolved, that the Traffic Engineer is requested to cause the installation of a "Children at Play" Sign on Tiffany Street.

Transmits the Following with Recommendation the Same be Severally Approved:

Resolution Requesting the Traffic Engineer to cause the installation of a "Handicapped Parking" Sign in front of 217 Sterling Avenue.

Resolved, that the Traffic Engineer is requested to cause the installation of a "Handicapped Parking" Sign in front of 217 Sterling Avenue.

Resolution Requesting the Traffic Engineer to cause the installation of a "Handicapped" Parking Sign in front of 213-215 Putnam Street.

Resolved, That the Traffic Engineer to is requested to cause the installation of a "Handicapped" Parking Sign in front of 213-215 Putnam Street.

Resolution Requesting the Traffic Engineer to cause the installation of a "No Parking" Sign on Sandringham Avenue at the corner of 409 Sharon Street.

Resolved, That the Traffic Engineer is requested to cause the installation of a "No Parking" Sign on Sandringham Avenue at the corner of 409 Sharon Street.

Resolution Requesting the Traffic Engineer to cause the institution of an "all-red" period at the traffic light at the intersection of Brook Street and Wickenden Street.

Resolved, that the Traffic Engineer is requested to cause the institution of an "all-red" period at the traffic light at the intersection of Brook Street and Wickenden Street.

Resolution Requesting the Traffic Engineer to receive Addeo Street as a public way.

Resolved, that the Traffic Engineer is requested to receive Addeo Street as a public way.

Resolution Granting an easement on a portion of Assessor's Plat 56, Lot 288 for continued use in the operations of the Port of Providence.

It is hereby resolved That His Honor, the Mayor, is authorized to grant an exclusive easement in one or more documents, in a form satisfactory to the City Solicitor, in accordance with the Petition presented by ProvPort, Inc. (the "Petitioner"), to the meeting of the Providence City Council Committee on Public Works on, to wit: May

17, 2006, incorporating by reference Exhibits A and B, the Letter Agreement, and the easement attached thereto:

1. Lot 288 Easement Area: In consideration of the payment of One (\$ 1.00) Dollar), an exclusive easement to be used by ProvPort, Inc., in its operations of the Port of Providence and comprising approximately ninety three thousand six hundred and eight (93,608') square feet, more or less, to be further described in a form satisfactory to the City Solicitor.
2. The easement granted pursuant to this resolution shall be deemed to run with the land and shall be binding on and for the benefit of any successors in title and the easement shall be recorded by the Petitioner at its sole cost, in the Office of Land Records for the City of Providence.
3. Petitioner shall ensure the continuing integrity of any existing structures of any existing utility company in the Lot 288 Easement Area.
4. Petitioner shall execute an indemnification and hold-harmless agreement with the City of Providence in such a form satisfactory to the City Solicitor.
5. Petitioner recognizes the applicability of Sections 23-107, 23-108 and 23-190 of the Providence Code of Ordinances which read as follows:

23-107. Public work of city to take precedence over installation.
No right of any person to maintain,

use or operate any poles, wires, cables, conduits, ducts, pipes, manholes, handholes or other appliances or appurtenances in any street or other traveled way in the city, shall be in preference or hindrance of public work in the city, and should any of the same in any way interfere with the construction, alteration or repair of public work in any such street or way, whether done by the city directly or by any contractor for the city, such person shall at his own expense protect, alter or move any of the same so interfering to some other location in such street or way, or discontinue the use and operation thereof for the time being, as directed by the director of public works, without the city being liable for any damages suffered by such person thereby. The city shall notify such person a reasonable time in advance of any public work, which will interfere with any of the same or the use or operation thereof. In case such person shall fail to comply with any such direction of said director, the city may protect, alter or move the same, and recover the cost thereof from such person.

Sec. 23-108. Precedence of wires, apparatus of city signal service. The wires, poles, posts, structures and supports of the telephone, fire alarm and police signal service maintained by the city shall at all times take precedence and right-of-way as to all other wires, poles, posts, structures and supports maintained or erected in the city; and no lineman or other person,

either in erecting wires, poles, posts, structures or supports in any way whatsoever shall interfere with, or disturb, disarrange or change any wires maintained by the city, or any appurtenance thereof; and in every instance of removal of any of said wires, poles, posts, structures or supports for the accommodation of any other corporation or party, or to place the same beyond danger from the electric current of any other corporation or party, the expense incident to said removal shall be paid immediately by such other corporation or party.

Sec. 23-109. Indemnity of city against claims arising out of electrical installations. Every person erecting, maintaining or using electric wires or poles, fixtures or structures, for the support or conducting of the same shall indemnify and save harmless the city, its officers, agents and servants, from and against all lawful claims and demands for injuries to persons or property occasioned by the existence of such poles, wires, fixtures or structures, or the transmission of electric current by means thereof, or by the digging up, opening or keeping open of any street, highway, traveled way, public place or part thereof, which shall be or has been opened for the purpose of installing, constructing or repairing any underground conduit, duct, structure, appliance or appurtenance by or for such person, or by any failure of such person to restore and keep in sound and safe condition for the required time any

ground opened or dug up in the prosecution of any of its work in any street, way or place. The city, city council, or the officers, agents or servants of the city, exercising the rights, powers or permission, and subject to the restrictions, respectively given and reserved herein, shall not be held liable by such person or corporation on account thereof, or by reason of any injury or damage caused thereby.

Petitioner, and its successors, agrees to comply with the same.

6. The easement shall be executed, delivered and accepted upon the express terms, covenants and conditions contained herein, which terms, covenants and conditions shall be binding upon and inure to the benefit of the City of Providence and Petitioner and their respective successors, heirs, legal representatives, and assigns, as the case may be. The easement shall be governed by and construed in accordance with the laws of the State of Rhode Island. The easement may not be amended or modified except pursuant to a written instrument signed by all parties thereto.
7. Such other terms and conditions as may be reflected in the record and minutes of the meeting of the City Council Committee on Public Property and/or as may be reasonably deemed appropriate by the Mayor or the City Solicitor.
8. The easement shall be subject to a purchase option in favor of the City

of Providence whereby the City of Providence may, for One (\$1.00) Dollar, acquire the easement granted herein upon the earlier of the payment of all outstanding finance indebtedness as contemplated between the parties under the 2006 Certificates of Participation or September 2036, as contemplated under the parties' agreements.

9. This resolution shall take effect upon its passage.

Resolution Granting permission to Trinity Brewhouse for the construction of an outside seating area at 186 Fountain Street for a two year period.

It is hereby resolved, That His Honor the Mayor, is authorized to grant permission, in accordance with the Petition presented by Trinity Brewhouse (the "Petitioner") to the meeting of the Providence City Council Committee on Public Works on, to wit: May 17, 2006, incorporating by reference Exhibit "A", the Petition attached thereto:

1. That having been granted a permit from the Department of Public Works for the construction of an outside seating area at 186 Fountain Street, adjacent to the Trinity Brewhouse, said structure may remain as currently situated for a period.

NOT VOTING: COUNCILMAN IGLIOZZI

- 1.

COUNCILMAN APONTE Moves to Dispense with the Reading of the foregoing matters and Moves Passage of

**the Several Resolutions, seconded by
COUNCILWOMAN WILLIAMS.**

The Motion for Passage is Sustained.

**COUNCIL PRESIDENT LOMBARDI
Refers the Resolution Back to the
Committee on Public Works.**

Resolution Granting an easement to place a
telecommunications conduit within the
public right-of-way of Park Row West.

COMMITTEE ON FINANCE

COUNCILMAN KEVIN JACKSON, Chairman

**Transmits the Following with Re-
commendation the Same be Approved:**

Communication from His Honor the Mayor dated May 2, 2006, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) of the Providence Home Rule Charter of 1980, as amended, and Public Law Chapter 45-50, sections 1 through 31, passed in 1987, he is this day re-appointing Dee Dee Witman, of 64 Hazard Avenue, Providence, Rhode Island 02906, as a member of the

Providence Public Building Authority for a term to expire in July 2010, and respectfully submits the same for your approval.

**COUNCILMAN APONTE Receives and
Approves the Communication, seconded
by COUNCILWOMAN WILLIAMS.**

COMMUNICATIONS AND REPORTS

Communication from Mary B. Olenn, Chair, Providence Public Library, 150 Empire Street, Providence, RI 02903, dated May 24,

2006, submitting a petition with more than 3,000 signatures, as well as letters from Providence school children, all supporting

neighborhood library services and urging the City and the Library administration to do everything in their power to preserve those services. (Copies of signed petitions are available in the City Clerk's Department for review)

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

FROM THE CLERK'S DESK

Petition from Gabrielle Keel, Project Manager, The Procaccianti Group, 1140 Reservoir Avenue, Cranston, RI 02920, requesting an easement to construct a wheelchair accessible ramp on the sidewalk of Fountain Street, leading up to a public arcade that will link Fountain Street and Sabin Street.

**COUNCIL PRESIDENT LOMBARDI
Refers the Petition to the Committee on
Public Works.**

**Petitions for Compensation for Injuries
and Damages. Viz:**

Liberty Mutual Insurance
a/s/o Donald Carleton

Aja Feingold

Amica Mutual Insurance Company
a/s/o Amy Bowles

Nationwide
a/s/o Robert Fraser

Seolito Rodriguez

Progressive Insurance Company
a/s/o Amber Gittens

Holly Silvia

Alma Posadas
(Mariam Lavoie, Esquire)

Luz Velez
(Robert V. Russo, Esquire)

Maria Rivera Mota
(Christopher E. Fay, Esquire)

Christopher Williams

Karen N. Doucette

**COUNCIL PRESIDENT LOMBARDI
Refers the Several Petitions to the
Committee on Claims and Pending
Suits.**

PRESENTATION OF RESOLUTIONS

"In Congratulations"

COUNCIL PRESIDENT LOMBARDI and MEMBERS OF THE CITY COUNCIL:

Resolution Extending Congratulations.

Resolved, That the Members of the City Council hereby Extend their Sincere Congratulations to the following:

Ray M. DiPasquale, in recognition of his appointment as President of The Community College of Rhode Island.

Leona Duffy, in recognition of her retirement from The Government of The State of Rhode Island after 50 years of loyal and dedicated service.

Michelle Bouchard, Mrs. RI America, in recognition of her great achievements and services in our community.

Councilwoman Rita M. Williams, in recognition of the special occasion her Birthday Tuesday, May 23, 2006.

Katherine Ovalles, in recognition of receiving the 2006 Sodexho Scholarship Award for excellence in education.

Asanan A. Nuth, in recognition of receiving the 2006 Sodexho Scholarship Award for excellence in education.

Amie Darboe, in recognition of receiving the 2006 Sodexho Scholarship Award for excellence in education.

Vadtnak Sar, in recognition of receiving the 2006 Sodexho Scholarship Award for excellence in education.

Keomarney Phan, in recognition of receiving the 2006 Sodexho Scholarship Award for excellence in education.

Aria B. Casinelli, in recognition of receiving the 2006 Sodexho Scholarship Award for excellence in education.

Juan A. Garcia, in recognition of receiving the 2006 Sodexho Scholarship Award for excellence in education.

Astrid Galan, in recognition of receiving the 2006 Sodexho Scholarship Award for excellence in education.

Angela Kue, in recognition of receiving the 2006 Sodexho Scholarship Award for excellence in education.

Lakhanna E. Pich, in recognition of receiving the 2006 Sodexho Scholarship Award for excellence in education.

Martin Lakpor, in recognition of receiving the 2006 Sodexho Scholarship Award for excellence in education.

Temitayo Omodunbi, in recognition of receiving the 2006 Sodexho Scholarship Award for excellence in education.

Sairis Reyes, in recognition of receiving the 2006 Sodexho Scholarship Award for excellence in education.

Milton Hernandez, in recognition of receiving the 2006 Sodexo Scholarship Award for excellence in education.

Isaac Rosario, in recognition of receiving the 2006 Sodexo Scholarship Award for excellence in education.

Heidy Herrera, in recognition of receiving the 2006 Sodexo Scholarship Award for excellence in education.

Michael Yang, in recognition of receiving the 2006 Sodexo Scholarship Award for excellence in education.

Josephson Delpêche, in recognition of receiving the 2006 Sodexo Scholarship Award for excellence in education.

Wayne J. Montague, Jr., in recognition of receiving the 2006 Sodexo Scholarship Award for excellence in education.

Maria Lourenco, Mary E. Fogarty School, in recognition of being selected as the 2006 Local Wal-Mart Teacher of the Year.

Brittany Rastelli, Captain, in recognition of winning the Rhode Island State Cheerleader Championship Novice Varsity.

Betsy Santiago, in recognition of winning the Rhode Island State Cheerleader Championship Novice Varsity.

Leyhana Silva, in recognition of winning the Rhode Island State Cheerleader Championship Novice Varsity.

Lisa Silvestri, in recognition of winning the Rhode Island State Cheerleader Championship Novice Varsity.

Katia Sorrentino, in recognition of winning the Rhode Island State Cheerleader Championship Novice Varsity.

Rosaura Vasquez, in recognition of winning the Rhode Island State Cheerleader Championship Novice Varsity.

Marlaydis Torres, in recognition of winning the Rhode Island State Cheerleader Championship Novice Varsity.

Eva Spinola, Captain-All State, in recognition of winning the Rhode Island State Cheerleader Championship Novice Varsity.

Joke Alesh, in recognition of winning the Rhode Island State Cheerleader Championship Novice Varsity.

Angie Arias, in recognition of winning the Rhode Island State Cheerleader Championship Novice Varsity.

Chantal Bannerman, in recognition of winning the Rhode Island State Cheerleader Championship Novice Varsity.

Jennifer Puglia, in recognition of winning the Rhode Island State Cheerleader Championship Novice Varsity.

Paola Beltran, in recognition of winning the Rhode Island State Cheerleader Championship Novice Varsity.

Brianna Bucklin, in recognition of winning the Rhode Island State Cheerleader Championship Novice Varsity.

Alison Cafaro, in recognition of winning the Rhode Island State Cheerleader Championship Novice Varsity.

Pauline Cardoso, in recognition of winning the Rhode Island State Cheerleader Championship Novice Varsity.

Katie Comerford, in recognition of winning the Rhode Island State Cheerleader Championship Novice Varsity.

Charlene Cooper, in recognition of winning the Rhode Island State Cheerleader Championship Novice Varsity.

Darlene Disu, in recognition of winning the Rhode Island State Cheerleader Championship Novice Varsity.

Sherri Garcia, in recognition of winning the Rhode Island State Cheerleader Championship Novice Varsity.

Amber Lisi, in recognition of winning the Rhode Island State Cheerleader Championship Novice Varsity.

Jessica Martinez, in recognition of winning the Rhode Island State Cheerleader Championship Novice Varsity.

Taiwo Omisore, in recognition of winning the Rhode Island State Cheerleader Championship Novice Varsity.

Mr. Samuel & Mrs. Rosalyn Shafner, in recognition of being the recipient of the 2006 AMUDIM AWARD.

Erika E. Gora, in recognition of her eighty-fifth birthday, born May 28, 1921.

Sophia Academy, in recognition of the graduating Class of 2006 on June 19, 2006.

St. Ann School, in recognition of the Eighth grade graduating Class on June 16, 2006.

Windmill Elementary School, in recognition of the Fifth grade graduating Class on June 15, 2006.

Esek Hopkins Middle School, in recognition of the Eighth grade graduating Class on June 16, 2006.

Detective Kerion O'Mara, in recognition of his retirement after nineteen years of dedicated service to the Providence Police Department.

MuMu's Cuisine Asian Restaurant, in recognition of the celebration of the Grand Opening of the Restaurant on Wednesday, May 31, 2006.

Mark Butler, in recognition on the Occasion of their efforts to raise money and to provide Community Service with Habitat for Humanity in Florida during the April School Vacation.

Anthony Peña, in recognition on the Occasion of their efforts to raise money and to provide Community Service with Habitat for Humanity in Florida during the April School Vacation.

Maggie Payen, in recognition on the Occasion of their efforts to raise money and to provide Community Service with Habitat for Humanity in Florida during the April School Vacation.

Raymond Delgado, in recognition on the Occasion of their efforts to raise money and to provide Community Service with Habitat for Humanity in Florida during the April School Vacation.

German Mendez, in recognition on the Occasion of their efforts to raise money and

to provide Community Service with Habitat for Humanity in Florida during the April School Vacation.

Jessie Nichols, in recognition on the Occasion of their efforts to raise money and to provide Community Service with Habitat for Humanity in Florida during the April School Vacation.

Ashleigh Whitehead, in recognition on the Occasion of their efforts to raise money and to provide Community Service with Habitat for Humanity in Florida during the April School Vacation.

Charitza Dominique, in recognition on the Occasion of their efforts to raise money and to provide Community Service with Habitat for Humanity in Florida during the April School Vacation.

Severally Read and Collectively Passed, on Motion of COUNCILMAN APONTE, seconded by COUNCILWOMAN WILLIAMS.

The Motion for Passage is Sustained.

PRESENTATION OF RESOLUTIONS

"In Memoriam"

COUNCIL PRESIDENT LOMBARDI and MEMBERS OF THE CITY COUNCIL:

Resolution Extending Sympathy.

Resolved, That the Members of the City Council hereby extend their sincere sympathy to the families of the following.

Stanley J. Slidkevich

Charles W. Ashley

Richard K. Sacco, Sr.

Eleonora I. "Penny" Landi

Santina "Tina" Cola

Irene D. Brien

Thomas J. Ferns

Rosa Domenica Riccio

Luigi T. Disparito

Joseph DelSignore

Severally Read and Collectively Passed, by a Unanimous Rising Vote, on Motion of COUNCILMAN APONTE, seconded by COUNCILWOMAN WILLIAMS.

The Motion for Passage is Sustained.

MATTER NOT APPEARING ON THE PRINTED DOCKET

**On Motion of COUNCILMAN APONTE,
seconded by COUNCILWOMAN WILLIAMS,
it is voted to Suspend Rule 16-B of the
City Council Rules in order to allow
the introduction of the Following Matter
Not Appearing on the Printed Docket.**

PRESENTATION OF ORDINANCE

COUNCILMAN APONTE:

An Ordinance in Amendment of Chapter 1994-29, No. 555, Effective September 9, 1994 of Section 2-23 of the Code of Ordinances Entitled: "Salaries of Councilmen", As Amended.

**COUNCILMAN APONTE Moves to
Dispense with the Reading of the
foregoing matters.**

**COUNCIL PRESIDENT LOMBARDI
Refers the Ordinance to the Committee
on Finance.**

ADJOURNMENT

There being no further business, on Motion of COUNCILMAN APONTE, seconded by COUNCILWOMAN WILLIAMS, it is voted to adjourn at 8:10 o'clock P.M. (E.D.T.), to meet again on THURSDAY, JUNE 15, 2006 at 7:30 o'clock P.M. (E.D.T.).



ANNA M. STETSON
CITY CLERK



CITY OF PROVIDENCE
RHODE ISLAND

2006 JUL 14 AM 11:44



DEPT. OF CITY CLERK
PROVIDENCE, R.I.

CITY COUNCIL
JOURNAL OF PROCEEDINGS

No. 15 City Council Regular Meeting, Thursday, June 15, 2006, 7:30 o'clock P.M. (E.D.T.)

PRESIDING

COUNCIL PRESIDENT

JOHN J. LOMBARDI

ROLL CALL

Present: COUNCIL PRESIDENT JOHN J. LOMBARDI, COUNCILMEN APONTE, BUTLER, DeLUCA, COUNCILWOMAN DiRUZZO, COUNCILMEN IGLIOZZI, JACKSON, MANCINI, SEGAL, COUNCILWOMEN WILLIAMS and YOUNG - 11.

Absent: COUNCILMEN ALLEN, HASSETT, LUNA and COUNCILWOMAN ROMANO - 4.

(SUBSEQUENTLY COUNCILMAN HASSETT and COUNCILWOMAN ROMANO JOIN THE MEETING)

Also Present: Anna M. Stetson, City Clerk, Claire E. Bestwick, First Deputy City Clerk, Deborah Hudson, Assistant Clerk, Adrienne G. Southgate, Deputy City Solicitor and Vincent J. Berarducci, City Sergeant.

INVOCATION

The Invocation is given by COUNCILWOMAN RITA M. WILLIAMS.

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

ANDREW MIGLIORI AND NATHAN D'AMBROSIO Lead 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

Journal of Proceedings No. 1 of the Regular Meeting of the City Council held January 5, 2006, Journal of Proceedings No. 2 of the Regular Meeting of the City Council held January 19, 2006, Journal of Proceedings No. 3 of the Regular Meeting of the City Council held February 2, 2006, Journal of Proceedings No. 39 of the Regular Meeting of the City Council held April 1, 2004 and Journal of Proceedings No. 40 of the Regular Meeting of the City Council held April 15, 2004 and Posted on May 26, 2006 on that Bulletin Board located on the Ground Level of City Hall, are approved, as printed.

APPOINTMENTS BY HIS HONOR THE MAYOR

Communication dated May 23, 2006, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 815 of the Providence Home Rule Charter of 1980, as amended, he is this day appointing Mr. Craig Baker of 183 Medway Street, Providence, Rhode Island 02906, as a member of the Board of Investment Commissioners for a term to expire in January 2008. (Mr. Baker is replacing Mark Harriman, whose term has expired)

Communication dated May 23, 2006, Informing the Honorable Members of the City Council that pursuant to Section 302(b) of the Providence Home Rule Charter of 1980, as amended, he is this day appointing Mr. Gary Glassman of 601 Elmgrove Avenue, Providence, RI 02906, as a member of the Providence Economic Development Partnership for a term to expire in June 2009. (Mr. Glassman is replacing Robbie Mann whose term has expired.)

Communication dated May 23, 2006, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) of the Providence Home Rule Charter of

1980, as amended and Rhode Island Public Law of 1980, Chapter 84, he is this day appointing Ms. Kibbe Reilly of 572 Elmgrove Avenue, Providence, RI 02906, as a member of the Providence Tourism Council for a term to expire in June 2007. (Ms. Reilly is replacing Jeneata Aldrich, whose term has expired)

Communication dated May 26, 2006, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1003 of the Providence Home Rule Charter of 1980, as amended, he is this day appointing Sarah McConnell of 750 Elmgrove Avenue, Providence, RI 02906, as a member of the Board of Park Commissioners for a term to expire in January 2009. (Mrs. McConnell is replacing John Kelly, who has resigned)

COUNCILMAN APONTE Moves to Dispense with the Reading of the foregoing matters.

COUNCIL PRESIDENT LOMBARDI Receives the Several Communications.

The Following Appointment was re-submitted for consideration. Due to unavoidable circumstances said appointee was unable to attend the hearing of the Finance Committee, and in accordance with protocol was denied without prejudice.

Communication dated June 8, 2006, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1103 of the Providence Home Rule Charter of 1980, as amended, he is this day re-appointing Bishop Robert Farrow of 20 Legion Memorial Drive, Providence, RI

02909, as a member of the Human Relations Commission for a term to expire in January 2009, and respectfully submits the same for your approval.

PRESENTATION OF ORDINANCE

COUNCILMAN BUTLER (By Request):

An Ordinance Relating to Article IV, Chapter 17, Section 17-189(5) of the Code of Ordinances.

COUNCILMAN APONTE Moves to Dispense with the Reading of the foregoing matters.

COUNCIL PRESIDENT LOMBARDI Refers the foregoing Communication and Ordinance to the Committee on Finance.

PRESENTATION OF RESOLUTIONS

COUNCIL PRESIDENT LOMBARDI:

Resolution Requesting the City of Providence to donate a 1994 Ford E350 Mini Bus an obsolete vehicle, to Ruben Cruz, Governor of Halto Mayor, Dominican Republic.

Whereas, The Providence Police Department has deemed various pieces of Police

equipment and vehicles obsolete and no longer viable tools for the City of Providence; and

Whereas, The City Council requests the transfer of one (1) 1994 Ford E350 Mini Bus Vin #1FDKEOM8RHB51791 to Ruben Cruz, Governor of Halto Mayor, Dominican Republic.

Now, therefore, be it resolved, That the City of Providence take any and all appropriate action to donate said vehicle to Ruben Cruz, Governor of Halto Mayor, Dominican Republic.

Resolution Requesting the City of Providence to donate a 1990 Ford E350 Special Response Unit, an obsolete vehicle, to the Hope of Life, Inc., in Llanoverde, Zacapa, Guatemala.

Whereas, The Providence Police Department has deemed various pieces of Police equipment and vehicles obsolete and no longer viable tools for the City of Providence; and

Whereas, The City Council requests the transfer of one (1) 1990 Ford E350 Special Response Unit Vin #1FDKE30M4LH58256 to the Hope of Life, Inc., in Llanoverde, Zacapa, Guatemala.

Now, therefore, be it resolved, That the City of Providence take any and all appropriate action to donate said vehicle to the Hope of Life, Inc., in Llanoverde, Zacapa, Guatemala.

COUNCILMAN APONTE Moves to Dispense with the Reading of the foregoing matters and Moves Passage of the Several Resolutions, seconded by COUNCILWOMAN WILLIAMS.

The Motion for Passage of the Several Resolutions is Sustained.

COUNCILMAN APONTE (By Request):

Resolution Requesting the Traffic Engineer to cause the installation of a "Four-Way"

Stop Sign at the intersection of Oxford Street and Prairie Avenue.

COUNCILMAN BUTLER (By Request):

Resolution Requesting the Traffic Engineer to cause the installation of a "Stop" Sign on the telephone pole located at the corner of Farm Street and Webb Street.

COUNCILMAN MANCINI (By Request):

Resolution Requesting the Traffic Engineer to cause the installation of "Four-Way" Stop Signs on River Avenue and Augusta Street.

COUNCILMAN APONTE Moves to Dispense with the Reading of the foregoing matters.

COUNCIL PRESIDENT LOMBARDI Refers the Several Resolutions to the Committee on Public Works.

Resolution Requesting the Chief Electrical Inspector to cause the upgrade of street lighting on LaSalle Drive to 27,500 lumen.

Resolved, That the Chief Electrical Inspector is requested to cause the upgrade of street lighting on LaSalle Drive to 27,500 lumen.

COUNCILMAN MANCINI, COUNCILWOMAN ROMANO and COUNCILWOMAN DIRUZZO:

Resolution Urging all tax exempt colleges, universities and hospitals to support direct financial aid, or an "Adopt a Fire Station

Program" for the maintenance and repair of fire stations located within the City of Providence.

Resolved, That all tax exempt colleges, universities and hospitals are hereby urged to support direct financial aid, or an "Adopt a Fire Station Program" for the maintenance and repair of fire stations located within the City of Providence.

COUNCILWOMAN YOUNG:

Resolution the Requesting the Director of Public Works to cause the potholes to be repaired at various locations within the 11th Ward.

Resolved, That the Director of Public Works is requested to cause the potholes to be repaired at various locations within the 11th Ward:

West Clifford and Lockwood Street

Corner of Pearl Street and Prairie Avenue

Next to 112 Providence Street

Next to 282 Dudley Street

Corner of Comstock Avenue and Prairie Avenue

Next to 51 Glenham Street

Corner of Mawney Street and Updike Street

Next to 77 Princeton Avenue

Next to 52 Whitmarsh Street

Peace Street and Updike Street

Next to 86 Wilson Street

Corner of Wilson Street and Harrison Street

Fales Street

Next to 489 Public Street

COUNCILMAN APONTE Moves to Dispense with the Reading of the foregoing matters and Moves Passage of the Several Resolutions, seconded by COUNCILWOMAN WILLIAMS.

The Motion for Passage of the Several Resolutions is Sustained.

REPORTS FROM COMMITTEE

COUNCILMAN KEVIN JACKSON, Chairman

Transmits the Following with Recommendation the Same be Approved:

Communication from His Honor the Mayor dated April 24, 2006, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1103 of the Providence Home Rule Charter of 1980, as amended, he is this day appointing Ms. Joan Gelch, of 83 Loring Avenue, Providence Rhode Island 02906, as a member of the Human Relations Commission for a term to expire in January 2009, and respectfully

submits the same for your approval. (Ms. Gelch will fill an existing vacancy on the board)

COUNCILMAN APONTE Moves to Receive and Approve the foregoing Communication, seconded by COUNCILWOMAN WILLIAMS.

Transmits the Following with Recommendation the Same be Denied:

Communication from His Honor the Mayor dated April 24, 2006, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1103 of the Providence Home Rule Charter of 1980, as amended, he is this day re-appointing Bishop Robert Farrow, of 20 Legion Memorial Drive, Providence, Rhode Island 02909, as a member of the Human Relations Commission

for a term to expire in January 2009, and respectfully submits the same for your approval.

Read and Denied, on Motion of COUNCILMAN APONTE, seconded by COUNCILWOMAN WILLIAMS.

COMMUNICATIONS AND REPORTS

Communication from Councilman Kevin Jackson, dated June 1, 2006, Informing the City Clerk of his re-appointment of Mr. Kenneth Brown, 130 Evergreen Street, Providence, RI 02906, to the Providence External Review Authority (PERA).

Read and Passed, on Motion of COUNCILMAN APONTE, seconded by COUNCILWOMAN WILLIAMS.

The Motion for Passage is Sustained.

FROM THE CLERK'S DESK

Petition from Erica P. Bigelow, Tillinghast Licht, LLP, Ten Weybosset Street, Providence, RI 02903, requesting to abandon a portion of Russell Street.

COUNCIL PRESIDENT LOMBARDI Refers the petition to the Committee on Public Works.

Petitions for Compensation for Injuries and Damages, viz:

Henry Pena p.p.a. Henry Pena, Jr.
(Robert Testa, Esquire)

Richard V. Shappy

Marilyn Soccia

Robert DeCurtis
(Jessica L. Basso, Esquire)

Dolores Tillman

Gail L. and James T. DiPietro

George Brown
(Christopher E. Fay, Esquire)

Rebecca Nadeau

Eric J. DiLullo

Barbara West

COUNCIL PRESIDENT LOMBARDI Refers the Several Petitions to the Committee on Claims and Pending Suits.

PRESENTATION OF RESOLUTIONS

"In Congratulations"

COUNCIL PRESIDENT LOMBARDI and MEMBERS OF THE CITY COUNCIL:

Resolution Extending Congratulations.

Resolved, That the Members of the City Council hereby Extend their Sincere Congratulations to the following:

Jennifer Briggs, in recognition of the leadership role she played in organizing the Hope High School Students to raise funds to go to Florida for community service for Habitat for Humanity.

Michaela Keegan, in recognition of the leadership role she played in organizing the Hope High School Students to raise funds to go to Florida for community service for Habitat for Humanity.

Dr. Herbert Smokler, in recognition of your dedication, compassion and care of hundreds of Veterans at the Veterans Administration Medical Center.

Ifelouwapo Ajayi-Bembe, in recognition of his Graduation from the Roger Williams Day Care Center, Kindergarten Class of 2006.

Carolina Akanji, in recognition of her Graduation from the Roger Williams Day Care Center, Kindergarten Class of 2006.

Shawn M. Catala, in recognition of her Graduation from the Roger Williams Day Care Center, Kindergarten Class of 2006.

Victoria Ibitoye, in recognition of her Graduation from the Roger Williams Day Care Center, Kindergarten Class of 2006.

Jasmine Marsula, in recognition of her Graduation from the Roger Williams Day Care Center, Kindergarten Class of 2006.

Treyvon Mendes, in recognition of his Graduation from the Roger Williams Day Care Center, Kindergarten Class of 2006.

Genessis N. Mendez, in recognition of her Graduation from the Roger Williams Day Care Center, Kindergarten Class of 2006.

Perla Mora, in recognition of her Graduation from the Roger Williams Day Care Center, Kindergarten Class of 2006.

Tiara Morse, in recognition of her Graduation from the Roger Williams Day Care Center, Kindergarten Class of 2006.

Dasanie Peña, in recognition of her Graduation from the Roger Williams Day Care Center, Kindergarten Class of 2006.

Alexander Perez, in recognition of his Graduation from the Roger Williams Day Care Center, Kindergarten Class of 2006.

Qyon Pichardo, in recognition of his Graduation from the Roger Williams Day Care Center, Kindergarten Class of 2006.

Jacqueline Ruiz, in recognition of her Graduation from the Roger Williams Day Care Center, Kindergarten Class of 2006.

Boluwatife Taiwo, in recognition of his Graduation from the Roger Williams Day Care Center, Kindergarten Class of 2006.

Taliq Tillman, in recognition of his Graduation from the Roger Williams Day Care Center, Kindergarten Class of 2006.

Kahlin C. Watkins, in recognition of his Graduation from the Roger Williams Day Care Center, Kindergarten Class of 2006.

Sikayla Wilson, in recognition of her Graduation from the Roger Williams Day Care Center, Kindergarten Class of 2006.

St. Ann School, in recognition of The Celebration of their 90th Anniversary Reunion on Sunday June 11, 2006, 1916-2006.

Reverend Raymond B. Bastia, in recognition on his new assignment as Assistant Secretary for Planning and Finance for the Diocese of Providence.

Deepak Vishnu, in recognition of the Occasion of his being elected President for the 2006-2007 period of the Rotary Club of Providence No. 22 of District 7950.

Caroline A. Berarducci, in recognition of the celebration of her eightieth birthday, born June 4, 1926.

Heidi J. Rivard, in recognition of her promotion to the rank of Rescue Captain in the Providence Fire Department.

Scott G. Mello, in recognition of his promotion to the rank of Captain in the Providence Fire Department.

Kenneth J. Cirelli, in recognition of his promotion to the rank of Captain in the Providence Fire Department.

Peter K. McMichael, in recognition of his promotion to the rank of Lieutenant in the Providence Fire Department.

Anthony J. Lancellotti, in recognition of his promotion to the rank of Lieutenant in the Providence Fire Department.

Reverend Bertil J. Anderson, Pastor St. Rita Church, in recognition of his promotion to the rank of Lieutenant in the Providence Fire Department.

Reverend Kenneth Erickson, Church of God in Christ, in recognition of his promotion to the rank of Lieutenant in the Providence Fire Department.

John and Marylou Dauray (Lifelong residents of the City of Providence), in recognition of the celebration of their fiftieth wedding anniversary on June 16th 2006.

Diputado Electo Juan Compre, in recognition of being re-elected as Congressman.

Alejo Ortega and Tarcidi Abreu, in recognition of the birth of their daughter, Amaia Ortega on Tuesday, June 6, 2006.

Danielle Autiello, in recognition of the celebration of her twenty-first birthday, born June 17, 1985.

Zofia Laszewski, M.D., in recognition of her retirement after fifty-five years of service in the practice of medicine in Rhode Island and her dedication to helping thousands of veterans while Chief of Veterans Administration Rehabilitation Services.

Michael Migliori, in recognition of receiving a Gold Medal for his entry into the National Science Olympiad, titled "Compute This".

Nathan D'Ambrosio, in recognition of receiving a Gold Medal for his entry into the National Science Olympiad, titled "Compute This".

Olga Noguera, Latina Leadership Institute, in recognition of serving as an example of dedication and leadership for Las Latinas 2006.

Ana Rivas, Latina Leadership Institute Class of 2006, in recognition of the celebration of her graduation, dedication and leadership for Latinas.

Arelis Valerio, Latina Leadership Institute Class of 2006, in recognition of the celebration of her graduation, dedication and leadership for Latinas.

Beiyanil Pena, Latina Leadership Institute Class of 2006, in recognition of the celebration of her graduation, dedication and leadership for Latinas.

Benita Chang De Santiago, Latina Leadership Institute Class of 2006, in recognition of the celebration of her graduation, dedication and leadership for Latinas.

Bety Huaranga, Latina Leadership Institute Class of 2006, in recognition of the

celebration of her graduation, dedication and leadership for Latinas.

Carmen Aguilar, Latina Leadership Institute Class of 2006, in recognition of the celebration of her graduation, dedication and leadership for Latinas.

Carmen Morales, Latina Leadership Institute Class of 2006, in recognition of the celebration of her graduation, dedication and leadership for Latinas.

Carolina Briones, Latina Leadership Institute Class of 2006, in recognition of the celebration of her graduation, dedication and leadership for Latinas.

Dulce Hernandez, Latina Leadership Institute Class of 2006, in recognition of the celebration of her graduation, dedication and leadership for Latinas.

Gaby Molina, Latina Leadership Institute Class of 2006, in recognition of the celebration of her graduation, dedication and leadership for Latinas.

Altabeiry Jorge, Latina Leadership Institute Class of 2006, in recognition of the celebration of her graduation, dedication and leadership for Latinas.

Jovanna Garcia, Latina Leadership Institute Class of 2006, in recognition of the celebration of her graduation, dedication and leadership for Latinas.

Lillyam Del Carmen Tabares, Latina Leadership Institute-Class of 2006, in recognition of the celebration of her graduation, dedication and leadership for Latinas.

Lubia Garcia, Latina Leadership Institute Class of 2006, in recognition of the celebration of her graduation, dedication and leadership for Latinas.

Ludys Cortorreal, Latina Leadership Institute Class of 2006, in recognition of the celebration of her graduation, dedication and leadership for Latinas.

Maria Fajardo, Latina Leadership Institute Class of 2006, in recognition of the celebration of her graduation, dedication and leadership for Latinas.

Mendrid Peralta, Latina Leadership Institute Class of 2006, in recognition of the celebration of her graduation, dedication and leadership for Latinas.

Mildred Rodríguez, Latina Leadership Institute Class of 2006, in recognition of the celebration of her graduation, dedication and leadership for Latinas.

Mirna Calderon, Latina Leadership Institute Class of 2006, in recognition of the celebration of her graduation, dedication and leadership for Latinas.

Nazly Guzman-Singleton, Latina Leadership Institute Class of 2006, in recognition of the celebration of her graduation, dedication and leadership for Latinas.

Olga Granados, Latina Leadership Institute Class of 2006, in recognition of the celebration of her graduation, dedication and leadership for Latinas.

Paola Harris, Latina Leadership Institute Class of 2006, in recognition of the

celebration of her graduation, dedication and leadership for Latinas.

Raisa Burgos, Latina Leadership Institute Class of 2006, in recognition of the celebration of her graduation, dedication and leadership for Latinas.

Raysa Marte, Latina Leadership Institute Class of 2006, in recognition of the celebration of her graduation, dedication and leadership for Latinas.

Ruth Fuerte, Latina Leadership Institute Class of 2006, in recognition of the celebration of her graduation, dedication and leadership for Latinas.

Tania Quezada, Latina Leadership Institute Class of 2006, in recognition of the celebration of her graduation, dedication and leadership for Latinas.

Xiomara Rodríguez, Latina Leadership Institute Class of 2006, in recognition of the celebration of her graduation, dedication and leadership for Latinas.

Yasmin Rincon, Latina Leadership Institute Class of 2006, in recognition of the celebration of her graduation, dedication and leadership for Latinas.

Zoila Bernal, Latina Leadership Institute Class of 2006, in recognition of the celebration of her graduation, dedication and leadership for Latinas.

Ian G. Bedard, in recognition of his retirement from the City Council Office after seven years of loyal, dedicated and affable public service to the members of the City Council and the people of Providence.

Severally Read and Collectively Passed, on Motion of COUNCILMAN APONTE, seconded by COUNCILWOMAN WILLIAMS.

The Motion for Passage is Sustained.

COUNCIL PRESIDENT LOMBARDI RELINQUISHES THE CHAIR

ACTING COUNCIL PRESIDENT PRO-TEMPORE YOUNG IN THE CHAIR

COUNCIL PRESIDENT LOMBARDI RETURNS TO THE CHAIR

PRESENTATION OF RESOLUTIONS

"In Memoriam"

COUNCIL PRESIDENT LOMBARDI and MEMBERS OF THE CITY COUNCIL:

Resolution Extending Sympathy..

Resolved, That the Members of the City Council hereby extend their sincere sympathy to the families of the following.

Armande Hartson

Dante Martino Cappelli

Patrick J. Lynch

Angela L. DiChiara

The Honorable William A. Dimitri, Jr.

Peter T. Pastore, Jr.

Robert T. Fitzpatrick

Louis Bassi

Susan B. D'Uva

Richard K. Sacco, Sr.

Edward A. Ferrario

Dr. Thomas Anton

Stephen E. Conroy

Deputy Assistant Chief Michael J. Day

Dolores L. Giovannucci

Maria A. "Annina" Marinucci

Severally Read and Collectively Passed, by a Unanimous Rising Vote, on Motion of COUNCILMAN APONTE, seconded by COUNCILWOMAN WILLIAMS.

The Motion for Passage is Sustained.

**COUNCIL PRESIDENT LOMBARDI
RELINQUISHES THE CHAIR**

**ACTING COUNCIL PRESIDENT PRO-
TEMPORE YOUNG IN THE CHAIR**

**MATTERS NOT APPEARING
ON THE PRINTED DOCKET**

**On Motion of COUNCILMAN APONTE,
seconded by COUNCILWOMAN WILLIAMS,
it is voted to Suspend Rule 16-B of the
City Council Rules in order to allow the
introduction of the Following Matters
Not Appearing on the Printed Docket.**

PRESENTATION OF RESOLUTIONS

COUNCIL PRESIDENT LOMBARDI (By Request):

Resolution Endorsing and Urging Passage by the General Assembly of House bill 2006-H 7642, An Act Relating to Taxation-Providence Freeze of Certain Tax.

Resolution Opposing Senate Bill 2006-S 2450 and House Bill 2006-H 7525, An Act Relating to Public Utilities and Carriers.

COUNCIL PRESIDENT LOMBARDI, COUNCILMEN ALLEN, APONTE, BUTLER, DeLUCA, COUNCILWOMAN DIRUZZO, COUNCILMEN HASSETT, IGLIOZZI, JACKSON, LUNA, MANCINI,

COUNCILWOMAN ROMANO, COUNCILMAN SEGAL, COUNCILWOMEN WILLIAMS and YOUNG:

Resolution Supporting the Coalition of Missing- In- Action/Prisoner of War Association's request for a hearing before the Armed Services Committee of the United States House of Representatives.

COUNCILMAN APONTE Moves to Dispense with the Reading of the foregoing matters.

ACTING COUNCIL PRESIDENT YOUNG Refers the foregoing Resolutions to the Committee on State Legislation.

ADJOURNMENT

There being no further business, on Motion of COUNCILMAN APONTE, seconded by COUNCILWOMAN WILLIAMS, it is voted to adjourn in memory of DEPUTY ASSISTANT CHIEF MICHAEL J. DAY at 8:10 o'clock P.M. (E.D.T.), to meet again on THURSDAY, JULY 6, 2006 at 6:30 o'clock P.M. (E.D.T.).



ANNA M. STETSON
CITY CLERK

