

-410-

CITY OF PROVIDENCE RHODE ISLAND



CITY COUNCIL JOURNAL OF PROCEEDINGS

No. 5 City Council Regular Meeting, Thursday, March 3, 2005, 7:30 o'clock P.M. (E.S.T.)

PRESIDING

COUNCIL PRESIDENT

JOHN J. LOMBARDI

ROLL CALL

Present: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN APONTE, BUTLER, DeLUCA, COUNCILWOMAN DiRUZZO, COUNCILMEN HASSETT, IGLIOZZI, JACKSON, LUNA, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL and COUNCILWOMAN WILLIAMS - 12.

Absent: COUNCILMEN ALLEN, MANCINI and COUNCILWOMAN YOUNG - 3.

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

2005 SEP 21 A 9:10
DEPT. OF CITY CLERK
PROVIDENCE, R.I.

FILED

IN CITY COUNCIL
OCT 5 2006

APPROVED

John M. Stebbins CLERK

INVOCATION

The Invocation will be given by LYMAN WILLIAMS.

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

COUNCILMAN DAVID A. SEGAL Leads the Members of the City Council and the Assemblage in the Pledge of Allegiance to the Flag of the United States of America.

ORDINANCES SECOND READING

The Following Ordinance was in City Council February 17, 2005, Read and Passed the First Time and is Returned for Passage the Second Time:

An Ordinance Regarding the posting of signs at sites that have applied for Licenses, Zone Changes, Major Subdivisions, and Major Land Development Projects.

Be it ordained by the City of Providence:

Whereas, the general public has an interest in establishments which are applying

for licenses, zone changes, major subdivisions, and major land development projects;

Whereas, the posting of signs will provide the public with notice of a pending application, and information regarding the appropriate city agency to which inquiries may be directed;

Be it ordained by the City of Providence:

SECTION 1. Posting by Applicants.

(a) Any establishment applying for a liquor, adult entertainment, motor vehicle repair, second-hand automobile dealer, second-hand store, or junk license, or the transfer of such, or which is the subject of a hearing relating to such, must provide the general public with notice of its application by posting a twenty-four (24) inch by thirty six (36) inch notice on its premises, in a manner clearly visible to the general public, at least thirty (30) days prior to the hearing date before the Board, and at least thirty (30) days prior to hearings related to the license on appeal. If any hearing is scheduled to occur in less than thirty (30) days, the applicant or licensee must post this notice within three (3) business days after its receipt of notification of that hearing.

(b) Any establishment which has applied for a zoning change, major subdivision, or major land development project must provide the general public with notice of a required

public hearing on its application by posting a notice on its premises, no smaller than twelve (12) inches by twenty-four (24) inches, in a manner clearly visible to the general public, at least seven (7) but no more than fourteen (14) days prior to the hearing. An establishment or applicant who fails to post the sign may have the application declared defective.

(c) Notices shall contain the name of the applicant and a description by street and number or other plain designation of the particular location involved. As to licenses, the notice shall state that remonstrants are entitled to be heard at the hearing on the license, and shall provide the time and place of that hearing. It shall also contain contact information for the relevant city agency regarding the license, zoning change, major subdivision, or major land development project.

SECTION 2. This ordinance shall take effect on September 1, 2005.

The Following Ordinance was in City Council February 17, 2005, Read and Passed the First Time and Referred Back to the Committee on Finance and is Returned for Passage the Second Time:

An Ordinance Establishing and Granting a Tax Stabilization Plan for Capitol Cove, LLC with respect to Assessor's Plat 4, Lot 247 of the City of Providence. (Parcel 6)

Be it ordained by the City of Providence:

Whereas, the City Council of the City of Providence, pursuant to Section 44-3-9 of the

Rhode Island General Laws, as amended, and Sections 21-160 through 21-170.1 of the Code of Ordinances of the City of Providence, has the authority to exempt real and personal property used for manufacturing, commercial, and/or residential purposes from the payment of property taxes, or to stabilize said taxes, if the granting of the exemption or stabilization plan inures to the benefit of the City of

Providence by reason of physical improvements within the City of Providence which will result in a long-term economic benefit, and/or by reason of the willingness of a commercial enterprise to construct new buildings or to replace, reconstruct, convert, expand, retain or remodel existing buildings; and

Whereas, the City Council of the City of Providence, pursuant to R.I. Gen. Laws Sec. 44-3-9, as amended, has the authority to exempt and/or stabilize said taxes for a term not to exceed twenty (20) years; and

Whereas, Capitol Cove, LLC, a Rhode Island limited liability company (defined below as the "Project Owner") has made application for tax stabilization under said Rhode Island General Laws and applicable ordinances of the City of Providence as set forth in Exhibit A attached hereto and incorporated by reference, and has satisfied each condition of same; and

Whereas, there is underdeveloped land located at 80 Smith Street, more specifically described as Assessor's Plat 4, Lot 247, being Parcel 6A in The Capital Center Project, so-called; and

Whereas, the Project Owner, as the long term lessee of said Parcel 6A has evidenced a willingness to construct a multi-story apartment building consisting of two hundred and sixty-five (265) apartments and three hundred and thirty (330) parking spaces, with 1,500 square feet of retail space on its first floor on ("Phase I," as further described below), and to explore the possibility of constructing of two (2) additional multi-story residential buildings on the site ("Phase II" and/or "Phase III," as

further described below) (collectively, the "Project"); and,

Whereas, the Project will result in an increase in the tax base of the City of Providence, an increase in expenditures by residents in the City of Providence and will increase employment opportunities in the City of Providence; and

Whereas, the City Council of the City of Providence has determined it is in the best interests of the residents of the City of Providence to grant such tax stabilization to induce the development of The Capital Center Project, generally, and this Project, specifically, and such tax stabilization will inure to the long-term benefit of the City of Providence,

Now, therefore, be it resolved:

Section 1. That the findings set forth in the preceding recitals are hereby made and confirmed.

Section 2. Definitions. The following terms shall have the meanings set forth herein:

(a) "Commencement Date" shall be upon passage of this ordinance.

(b) "Personal Property" means any and all tangible personal property, including, but not limited to, all fixtures, equipment, furnishings, and other personal property, now or hereafter located at the Project Site (as hereinafter defined).

(c) "Phase I" means the two hundred and sixty five (265) apartment, three hundred and thirty (330) parking space, 1,500 square retail space, residential complex to be situated on New Lot A and B as designated as such on the subdivision plan

approved by the Providence City Plan Commission on June 22, 2004 and designated "Plan 04-047MI, Assessor's Plat 4, Lot 247" (the, "Sub-division"). "Phase II" means the multi-story residential building anticipated to be situated on New Lot C of the Sub-division.; and, "Phase III" means the multi-story residential building, anticipated to be situated on New Lot C of the Sub-division.

(d) "Project" means the Project Site (as hereinafter defined), the Real Property Improvements (as hereinafter defined), and Personal Property.

(e) "Project Owner" means Capitol Cove, LLC, which is the (i) lessee or sublessee under a ground lease with Capital Properties, Inc., of the Project Site as hereinafter defined) and (ii) which holds legal title to the Real Property Improvements (as hereinafter defined) or Personal Property, or any successor and/or assignee permitted hereunder.

(f) "Project Site" means the property located at 80 Smith Street and more specifically described as Assessor's Plat 4, Lot 247, in the Land Evidence Records for the City of Providence, being Parcel 6A of The Capital Center Project, consisting of New Lots A, B and C of the Sub-Division.

(g) "Project Taxable Properties" means, collectively, the Project Site as proposed, the Real Property Improvements (as hereinafter defined), and the Personal Property, together constituting the Project.

(h) "Real Property Improvements" means all structures, buildings, renovations and improvements currently proposed to be located at the Project Site. Any material

additional improvements, excluding customary repairs and renovations, shall require an amendment to this ordinance, except as provided herein.

(i) "Stabilized Assessment" means:

(1) The Project Site together with any and all existing infrastructure improvements thereon shall be the City of Providence tax assessment value as of December 31, 2003, as shown on Exhibit B attached hereto and incorporated by reference, being \$13,350,000 for the Project Site, with \$5,350,000 thereof being allocated to Phase I (New Lots A and B of the Subdivision) and the balance of \$8,000,000 being allocated between Phases II and III as reasonably determined by the tax assessor after consultation with the Project Owner.

(2) The Real Property Improvements shall be assessed as follows:

- Phase I: Two hundred and sixty-five (265) apartments, three hundred and thirty (330) parking spaces, with 1,500' first floor retail space, as shown on Exhibit B hereof
- Phases II and III: Two (2) multi-story residential complexes: Assessment will be determined upon request to the tax assessor of the City of Providence, based on the sum of the product of the number of residential units times \$125,000, plus the number of parking spaces times \$10,000, if any, plus the retail square footage times \$84.95, if any, for each phase, with the tax assessor setting forth a schedule using the remaining years left under the term

of tax stabilization agreement in modification of Exhibit B.

- (i) "Stabilized Tax Payment" means, with respect to the project Taxable Properties, the amounts listed in the schedule attached hereto as Exhibit B, as it may be amended through the calculations of the tax assessor if and when Phases II and III are or are not developed, as provided for herein,

(j) "Stabilized Tax Rate" shall mean \$38.82 per \$1,000.00 of assessed valuation for Real Property Improvements and \$49.68 per \$1,000.00 of assessed valuation for Personal Property.

(k) "Termination Date" means June 30th of the year in which Stabilized Tax Payments based on the December 31, 2023 assessment date are to be paid in full.

Section 3. Tax Stabilization. That the City of Providence grants to the Project Owner for the Project Site the Stabilized Assessment at the Stabilized Tax Rate in accordance with Exhibit B as attached for the period commencing with the December 31, 2004 assessment date through the December 31, 2023 assessment date; provided, however, that in the event that Project Owner does not commence construction of Phase II and/or Phase III of the Project on or before December 31, 2006, no tax stabilization shall apply to the portion of the Project not so commenced and that portion of the Project Site allocated to said phase or phases of the Project shall be taxed at its full and fair market value as assessed on December 31, 2006.

Section 4. Term. The term of the tax stabilization shall be for a period

commencing on the Commencement Date and terminating on the Termination Date, as more particularly described on Exhibit B hereof, unless earlier terminated as provided herein.

Section 5. As long as Project Owner owns or operates the Project Site, it will continue to make the Stabilized Tax Payment(s) as set forth in Exhibit B during the term of this tax stabilization agreement. Project Owner, its successors and assigns, agrees that this Project Site will be subject to taxation, without regard to tax stabilization, as of the Termination Date and thereafter. Project Owner also agrees not to transfer the Project Site, or any portion thereof, to any tax-exempt entity or to allow any transfer by any subsequent transferee to any tax-exempt entity during the term of this agreement to stabilize taxes. Project Owner is also required as a condition precedent to this tax treaty to record notice in the Land Evidence Records of the City of Providence of the requirement that the subject property covered by this ordinance be transferred only to a tax-paying entity as long as this agreement is in effect. In the event that the subject property covered by this ordinance is transferred to a tax-exempt entity, despite the prohibition against such transfer, whether by Capitol Cove, LLC, or any subsequent transferee of such property, Capitol Cove, LLC, will be responsible to make payments in lieu of taxes to the City of Providence equal to the amount of taxes as set forth in Exhibit B which would have been paid to the City of Providence if such prohibition against transfer to a tax-exempt entity had not been violated. In the event that Project Owner shall divide the Project Site or any portion thereof into residential and/or commercial condominiums, said residential and/or commercial condominiums,

once sold by the Project Owner, shall no longer be covered under this ordinance and shall be subject to taxation without regard to any tax stabilization agreement (the remaining portion of the Project shall be prorated accordingly). Project Owner shall send written notice of any such sale or sales to the tax assessor, by certified mail, postage pre-paid, return receipt requested, identifying the unit sold, the date thereof, the sale price, and the buyer's name and current address.

Section 6. Payment of Taxes. The following shall pertain to the payment of taxes set forth herein:

(a) The Project Owner shall make Stabilized Tax Payments to the City of Providence as prescribed in the schedule attached in Exhibit B to the City of Providence, in lieu of all other real property and personal property taxes and assessments of every kind and nature which would now or hereafter otherwise be levied upon the Project and the City of Providence agrees to accept the Stabilized Tax Payments in lieu of such real property and personal property taxes on the Project (it being understood that the proposed Phases II and III require a written request to the tax assessor, City of Providence, for a determination of the tax stabilization available to such phase and/or phases).

(b) Stabilized Tax Payments due the City of Providence, pursuant to the terms of this agreement, may be made in either a lump sum during the first quarter of the applicable tax year or in equal quarterly installments. If quarterly payments are to be made, they shall be due on the same dates that quarterly taxes are due for all other taxpayers in the City of Providence and similarly subject to

interest and late fee penalties if not timely made.

(c) It is understood by the parties that Stabilized Tax Payments made hereunder are tax payments; and, the Project Owner shall be entitled to all the rights, privileges and obligations of a taxpayer in the City of Providence.

(d) The liability for the Stabilized Tax Payments due and owing under this agreement shall constitute an obligation of the Project Owner, and the City of Providence shall be granted by the Project Owner a lien on the Project Taxable Properties, which lien shall be of the same priority and entitle the City of Providence to the same foreclosure remedy as the lien and foreclosure remedy provided under applicable laws and ordinances with respect to real and personal property taxes, not subject to a tax treaty or this Agreement.

(e) Notwithstanding anything to the contrary contained herein, if the Project Owner does not commence construction on either Phase II or Phase III on or before December 31, 2006, Project Owner shall make a tax payment, in addition to those payments required under Exhibit B, in the sum of \$100,000 on or before January 1, 2007.

Section 7. Satisfaction of Obligations. The City of Providence agrees that so long as the Stabilized Tax Payments are made by the Project Owner in accordance with the terms of this ordinance, the City of Providence shall, during the term of this agreement, accept said payments in full satisfaction of the obligations of the Project Owner as to the payment of any and all taxes and property assessments to the City of Providence which would otherwise be levied upon or with

respect to the Project Taxable Properties, including future customary repairs and customary renovations of the Real Property Improvements and the Personal Property which may now exist or which may hereafter be placed or erected thereon or located thereat or used therein, but excluding material renovations or improvements beyond that contemplated in the Project.

Section 8. Minority and Local Contractors / Vendors. It shall be the goal and the Project Owner shall use its best efforts to hire contractors and subcontractors and to purchase construction materials from entities which/who are situated in and/or are residents of the City of Providence. Further, the Project Owner shall use its best efforts to award 25% of the total dollar value of construction to Minority Business Enterprises ("MBEs") and Women Business Enterprises ("WBEs"), as defined in and pursuant to Section 21-52 of the Code of City Ordinances, City of Providence, as certified by state agency or the Director of the Department of Planning and Development, City of Providence. The total fee and non-biddable "General Conditions" of the prime contractor will be deducted from this calculation. The Project Owner will use its best efforts to work with the prime contractor to reduce the size of bid packages where possible so as to maximize accessibility of contract work to small contractors from the community.

It is the intent of the parties that the participation of each element of minority and women business enterprise not fall below twelve and a half (12.5%) percent.

Section 9. Employment. Project Owner will include in all subcontracts an affirmative action and community hiring program in

which the employer commits to notify Project Owner of any job openings at the Project Site and to a willingness to interview candidates identified through said program. Project Owner has set a target minimum of ten (10%) percent of total hires as community hires over the course of the Project construction period. In addition, Project Owner agrees to provide training and/or apprenticeships for City of Providence residents hired on the Project. Such training and/or apprenticeship program shall be submitted in writing to the Director of the Department of Planning and Development, City of Providence, for his or her written approval, as a condition precedent to any tax stabilization as envisioned under this ordinance, which may include an apprenticeship created under Section 28-45-1, et seq., of the General Laws of Rhode Island, as amended.

Section 10. Support for Affordable Housing. (a) Project Owner and all successors and assigns shall make a \$392,000.00 contribution to the Providence Redevelopment Authority with respect to Phase I to support affordable housing and community services as follows:

(i) \$50,000.00 to be contributed on or before June 30, 2005; and,

(ii) \$18,000.00 to be contributed on or before June 30 of each of the nineteen (19) years thereafter.

The contributions to be made in connection with Phases II and III shall be determined at the time of application for tax stabilization using the same formula used to determine the Phase I contribution, except that the payments shall be made within the time frame then existing under the term of the agreement. The contributions made by

Section 11. Purpose. The City of Providence has entered into this tax treaty to provide residential, retail and commercial units in the City of Providence and to increase its tax base as a result of such construction. This treaty shall be in effect during its term as long as the property is utilized primarily for the Project and failure to use the Project Site primarily for such purposes renders the treaty null and void. This ordinance does not extend to any building or buildings used as a "dormitory" or an "apartment dormitory." The use of any building or portion of a building for "dormitory" or "apartment dormitory" purposes would render the treaty null and void. The treaty being rendered null and void for any reason would require the Project Owner to pay all taxes and fees as due and owing as if no treaty had been entered.

Section 12. Basis of Calculation. The schedule listed in Exhibit B is based, in part, upon information provided to the tax assessor of the City of Providence by Project Owner including, but not limited to, estimated construction costs. In the event that any of this information is inaccurate or proves to be materially erroneous, this treaty shall be modified to reflect the accurate information. This tax treaty is conditioned upon commencement of construction by June 30, 2005. Failure to begin construction by June 30, 2005 renders the treaty null and void and shall subject the Project Owner liable for the real estate and tangibles that would have been assessed against such property as if no treaty had been entered.

Section 13. Back Taxes. This treaty is conditioned upon Project Owner at all times owing no back taxes to the City of Providence and remaining current on all payments due under this tax treaty. Failure to make timely payments may render this treaty null and void.

Section 14. Reporting and Monitoring. Project Owner shall, not less than sixty (60) days after the end of each fiscal year of the Project Owner, submit to the Director, Department of Planning and Development of the City of Providence, a report that will provide evidence of compliance with Sections 8, 9 and 10 hereof on forms provided by said director for said purpose. The director may require additional information to demonstrate compliance.

Section 15. Notices. All notices, certificates, requests, demands, consents, approvals, and other communications which may or are required to be served or given hereunder (for the purposes of this section, collectively called "Notices") shall be in writing and shall be sent by registered or certified mail, postage pre-paid, return receipt requested and received overnight delivery by a recognized public or private carrier, or by facsimile, in either case as evidenced by a receipt or other evidence of delivery showing the date, time and, for facsimile, telephone number or receipt and addressed to the party to receive such Notice as identified below:

If to: City of Providence City Hall
25 Dorrance Street
Providence, RI 02903
Attn: Mayor, City of Providence

Copies to: City Solicitor
City of Providence
275 Westminister Street, 2nd Fl.
Providence, RI 02903

Director, Department of
Planning and Development
400 Westminister Street
Providence, RI 02903

Director, Department of
Planning and Development
400 Westminster Street
Providence, RI 02903

If to: Capitol Cove, LLC
120 Seavor Street
Brookline, MA 02445

Copy to: Tillinghast, Licht, Perkins,
Smith and Cohen, LLP
10 Weybosset Street
Providence, RI 02903
Attn. Richard Licht, Esq.

Section 16. Penalties and Petition for Relief. In the event that Project Owner does not substantially comply in all material respects with any and/or all of the material provisions of this ordinance, the Director of the Department of Planning and Development, City of Providence, may provide written notice, mailed, postage-prepaid, to Project Owner at its/his/her last known address, setting forth the nature of such non-compliance and the date upon which the tax stabilization agreement shall be rendered null and void because of such non-compliance, unless said non-compliance is cured prior to said date ("Early Termination Date"). The full tax which would otherwise have been due and payable, if there had been no tax agreement, plus interest and penalties as provided by law ("Full Tax"), will become immediately due and payable on the Early Termination Date, with the calculation thereof being contained in the notice. However, the Early Termination Date shall be at least one hundred and twenty (120) days from the mailing of written notice. Project Owner may petition the City Council of the City of Providence, for a hearing with respect to the issue of non-compliance. The

hearing shall be held within sixty (60) days of the receipt of the petition by the City Clerk, City of Providence. At the hearing Project Owner shall have an opportunity to present evidence of compliance and/or request relief. In the event that the City Council of the City of Providence, does not act after a hearing of Project Owner prior to the Early Termination Date, the determination of the Director, Department of Planning and Development, City of Providence, shall be conclusive and Project Owner shall immediately make payment of the Full Tax to the City of Providence.

Section 17. Expiration Dates. That in accordance with the laws of the State of Rhode Island and the Code of Ordinances of the City of Providence, the City Council of the City of Providence hereby approves the Project Owner's application for tax stabilization as set forth as Exhibit A and authorizes said tax stabilization as provided in this ordinance in accordance with it and with the schedule of payments set forth in Exhibits.

Section 18. Applicable Law. This agreement shall be construed under the laws of the State of Rhode Island.

Section 19. Effective Date. This ordinance shall take effect upon its 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 LOMBARDI, COUNCILMEN APONTE,

BUTLER, DeLUCA, COUNCILWOMAN DiRUZZO, COUNCILMEN HASSETT, IGLIOZZI, JACKSON, LUNA, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL and COUNCILWOMAN WILLIAMS - 12.

NAYES: COUNCILMAN DeLUCA request to be recorded as voting "NO" on "An Ordinance Establishing and Granting a Tax Stabilization Plan for Capitol Cove, LLC with respect to Assessor's

Plat 4, Lot 247 of the City of Providence. (Parcel 6)"

ABSENT: COUNCILMEN ALLEN, MANCINI and COUNCILWOMAN YOUNG - 3.

The Motion for Passage the Second Time is Sustained.

PRESENTATION OF RESOLUTIONS

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 Extending Sincere Best Wishes to Rhode Island First Lady Suzanne Carcieri for a complete and speedy recovery from her recent surgery.

Resolved, That the Members of the Providence City Council, hereby Extend Sincere Best Wishes to Rhode Island First Lady Suzanne Carcieri for a complete and speedy recovery from her recent surgery.

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 Extending Sincere Best Wishes to Richard Jackson for a complete and speedy recovery from his recent surgery.

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

COUNCIL PRESIDENT LOMBARDI, COUNCILMEN ALLEN, APONTE, BUTLER, DeLUCA, COUNCILWOMAN DiRUZZO, COUNCILMEN HASSETT, IGLIOZZI, JACKSON, MANCINI, COUNCILWOMAN ROMANO, COUN-

**CILMAN SEGAL, COUNCILWOMEN
WILLIAMS and YOUNG:**

Resolution Extending Sincere Best Wishes for a Happy Birthday to Councilman Miguel C. Luna on March 2, 2005.

Resolved, That the Members of the Providence City Council, hereby Extend Sincere Best Wishes for a Happy Birthday to Councilman Miguel C. Luna on March 2, 2005.

COUNCIL PRESIDENT LOMBARDI:

Resolution Supporting Legislation Requiring Utilities to pay for Relocation of Infrastructure.

Whereas, When municipalities undertake road/sidewalk work, they encounter problems with the location of utility poles and the wires, cables, etc. that are on these poles. Many times the poles, located within the Towns' rights of way, are situated such that ADA compliance cannot be achieved without relocating the apparatus; and

Whereas, The cost (charges) to relocate these facilities is astronomical and the process is very time consuming and cumbersome, and the municipalities are expected to bear this excessive cost, even when ADA laws require relocation of these facilities; and

Whereas, It is unclear how those additional charges (costs) are derived by the utility companies; and

Whereas, Fees and charges should be based on reasonable, verifiable estimates of the actual cost for the service provided. It

might be prudent to investigate how these charges are determined and who guards against potential abuses.

Now, therefore, be it resolved, That we, the City Council of Providence, respectfully request that the State Legislature and the Governor's Office support legislation to require utility and other companies who maintain infrastructure within municipal rights of way to pay for all costs to relocate their infrastructure when public works projects are constructed within those rights of way. Specifically, when utilities have to be relocated to meet Federal and State mandates, including but not limited to the "Americans with Disabilities Act", the utility or other company will bear all costs, to relocate their infrastructure; and

Be it further resolved, That the City Clerk is hereby instructed to submit a copy of this resolution to various City and Town Councils of the State of Rhode Island seeking their consideration and support of this proposal.

Resolution Congratulating Richard Weinberg, Webmaster for the City of Providence in conjunction with the Secretary of State's Office on the implementation of all City Notices being posted on-line enabling data sharing on two levels; government to citizen and government to government and being one of the first states in the Country offering this service to it's citizens.

Resolved, That the Members of the Providence City Council hereby Congratulate Richard Weinberg, Webmaster for the City of Providence in conjunction with the Secretary of State's Office on the implementation of all City Notices being posted on-line enabling

data sharing on two levels; government to citizen and government to government and being one of the first states in the Country offering this service to it's citizens.

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.

COUNCILMAN APONTE (By Request):

Resolution Requesting to cancel or abate in whole, the taxes assessed upon Assessor's Plat 53, Lot 27 (940 Broad Street), in accordance with Rhode Island General Law 44-7-23, in the amount of Five Thousand Sixty Two Dollars and Twenty Three (\$5,062.23) Cents, or any taxes accrued plus any interest, as requested by SCGL Realty LLC.

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

COUNCILMAN MANCINI (By Request):

Resolution Requesting the Traffic Engineer to cause the installation of speed bumps along General Street.

Resolved, That the Traffic Engineer is requested to cause the installation of speed bumps along General Street.

Resolution Requesting the Traffic Division of the Police Department to implement the use of radar units along General Street.

Resolved, That the Traffic Division of the Police Department is requested to implement the use of radar units along General Street.

COUNCILWOMAN WILLIAMS (By Request):

Resolution Requesting the Traffic Engineer to cause the placement of a "No Parking - Tow Zone" Sign on Pole No. 2 and Pole No. 1^{1/2} on Miles Avenue on the West Side of the street.

Resolved, That the Traffic Engineer is requested to cause the placement of a "No Parking - Tow Zone" Sign on Pole No. 2 and Pole No. 1^{1/2} on Miles Avenue on the West Side of the 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 is Sustained.

REPORTS FROM COMMITTEE

COMMITTEE ON FINANCE

COUNCILMAN KEVIN JACKSON, Chairman

**Transmits the Following with
Recommendation the Same be Severally
Adopted:**

An Ordinance in Amendment of Chapter 2004-48, Approved December 7, 2004, Establishing a Compensation Plan for the City of Providence, As Amended.

An Ordinance in Amendment of Chapter 2004-49, Approved December 7, 2004, Establishing the Classes of Positions, the Maximum Number of Employees and the Number of Employees in Certain Classes in the City Departments, As Amended.

An Ordinance Establishing and Granting a Tax Stabilization Plan for Wildcat Equities, Inc. on behalf of Tax Assessor's Lots 44 and 370 of Plat 52, being designated the 669 Elmwood Avenue Mill Project, so-called.

An Ordinance in Amendment of Chapter 2004-3, No. 3 Dated January 16, 2004, Establishing and Granting a Tax Stabilization Plan for Capitol Hill Properties, LLC, with Respect to Assessor's Plat 19, Lot 102 of the City of Providence, and Hereby Establishing and Granting a Revised Tax Stabilization Plan for Intercontinental Fund IV Waterplace, LLC, Successor in interest to

Capitol Hill Properties, LLC with Respect to the same Parcel.

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

AYES: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN APONTE, BUTLER, DeLUCA, COUNCILWOMAN DiRUZZO, COUNCILMEN HASSETT, IGLIOZZI, JACKSON, LUNA, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL and COUNCILWOMAN WILLIAMS - 12.

NAYES: COUNCILMAN DeLUCA request to be recorded as voting "NO" on "An Ordinance Establishing and Granting a Tax Stabilization Plan for Wildcat Equities, Inc. on behalf of Tax Assessor's Lots 44 and 370 of Plat 52, being designated the 669 Elmwood Avenue Mill Project, so-called" and "An Ordinance in Amendment of Chapter 2004-3, No. 3 Dated January 16, 2004,

Establishing and Granting a Tax Stabilization Plan for Capitol Hill Properties, LLC, with Respect to Assessor's Plat 19, Lot 102 of the City of Providence, and Hereby Establishing and Granting a Revised Tax Stabilization Plan for Intercontinental Fund IV Waterplace, LLC, Successor in interest to

Capitol Hill Properties, LLC with Respect to the same Parcel."

ABSENT: COUNCILMEN ALLEN, MANCINI and COUNCILWOMAN YOUNG - 3.

The Motion for Passage the First Time is Sustained.

Transmits the Following with Recommendation the Same be Severally Approved:

Resolution Authorizing the Mayor to enter into amendments to the Lease Agreement dated as of November 1, 1999, relating to the Public Safety Building and a Lease Agreement dated as of November 1, 1999, relating to the Fogarty Building, and the Mayor is authorized to take any and all action and to execute, file, and deliver such amendments to the Leases and any and all agreements, notes, discharges, and other documents and amendments thereto in such form as he may deem necessary or desirable to implement the Providence Redevelopment Agency's refinancing of the Project.

Whereas, the Providence Redevelopment Agency has issued its \$68,000,000 (Public Safety and Municipal Building Projects) Revenue Bonds, 1999 Series (the "Prior Obligations") in order to provide for the acquisition, construction and equipping of a Public Safety Building and the acquisition, restoration, refurbishing and equipping of the Fogarty Building located at 111 Fountain Street, for use as an interim public safety facility or for use by various municipal

departments, agencies and non-profit agencies (the "Project"); and

Whereas, interest rates are at such levels that refunding some or all of the Prior Obligations would result in financial benefits for the Providence Redevelopment Agency and the City of Providence (the "City"); and

Whereas, in connection with the Prior Obligations the City Council authorized the Mayor to enter into a Lease Agreement dated as of November 1, 1999 relating to the Public Safety Building and a Lease Agreement dated as of November 1, 1999 relating to the Fogarty Building (collectively, the "Leases"); and

Whereas, in connection with the refunding of the Prior Obligations the Leases must be amended.

Now, therefore, be it resolved, that:

1. The City Council hereby authorizes the Mayor to enter into amendments to the Leases, and the Mayor is authorized to take any and all action and to execute, file, and

deliver such amendments to the Leases and any and all agreements, notes, discharges, and other documents and amendments thereto in such form as he may deem necessary or desirable to implement the Providence Redevelopment Agency's refinancing of the Project.

2. The City Council, pursuant to Section 45-32-5(3) of the General Laws of Rhode Island, authorizes the Providence Redevelopment Agency to retain title to the Project for twenty-five (25) years or until any obligations issued by or on behalf of the Providence Redevelopment Agency to refinance the Project (the "Refunding Obligations") have been paid in full.

3. The City's Director of Finance is authorized to execute and deliver a continuing disclosure certificate in connection with the Refunding Obligations issued by or on behalf of the Providence Redevelopment Agency, in such form as shall be deemed advisable by the City's Director of Finance. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the continuing disclosure certificate, as it may be amended from time to time. Notwithstanding any other provision of this Resolution or the Refunding Obligations, failure of the City to comply with the continuing disclosure certificate shall not be considered an event of default; however, any certificate holder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Resolution and under the continuing disclosure certificate.

4. This Resolution shall take effect on passage.

Resolution Requesting to cancel or abate in whole the taxes assessed upon Assessor's Plat 53, Lot 477 (28 Rodman Street) to the Providence Redevelopment Agency, along with any associated interest, penalties and intervening taxes, are hereby abated in whole, in accordance with Rhode Island General Law 44-7-23 and that the property is declared exempt in accordance with Rhode Island General Law 45-32-40 while under Providence Redevelopment ownership.

Whereas, in an effort to convert vacant lots into productive reuse, the Providence Redevelopment Agency is working with a neighborhood Community Development Corporation to develop affordable housing 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 53, Lot 477 (28 Rodman Street) to the Providence Redevelopment Agency, along with any associated interest, penalties and intervening taxes, are hereby abated in whole in accordance with Rhode Island General Law 44-7-23 and that the property is declared exempt in accordance with Rhode Island General Law 45-32-40 while under Providence Redevelopment ownership.

Resolution Requesting to cancel or abate in whole the taxes assessed upon Assessor's

Plat 53, Lot 480 (38 Rodman Street) to the Providence Redevelopment Agency, along with any associated interest, penalties and intervening taxes, are hereby abated in whole, in accordance with Rhode Island General Law 44-7-23 and that the property is declared exempt in accordance with Rhode Island General Law 45-32-40 while under Providence Redevelopment ownership.

Whereas, in an effort to convert vacant lots into productive reuse, the Providence Redevelopment Agency is working with a neighborhood Community Development Corporation to develop affordable housing 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 53, Lot 480 (38 Rodman Street) to the Providence Redevelopment Agency, along with any associated interest, penalties and intervening taxes, are hereby abated in whole in accordance with Rhode Island General Law 44-7-23 and that the property is declared exempt in accordance with Rhode Island General Law 45-32-40 while under Providence Redevelopment ownership.

Resolution Requesting to cancel or abate, in whole the taxes assessed upon Assessor's Plat 87, Lot 115 (208 Indiana Avenue), in accordance with Rhode Island General Law Section 44-7-23, in the amount of Ten Thousand Eight Hundred Six Dollars and Twenty Seven (\$10,806.27) Cents for the years 2001, 2002, 2003 & 2004, or any taxes accrued, plus any interest accrued, as requested by the Washington Park Foundation.

Resolved, That the taxes assessed upon Assessor's Plat 87, Lot 115 (208 Indiana

Avenue), are hereby cancelled or abated, in whole, in accordance with Rhode Island General Law Section 44-7-23, in the amount of Ten Thousand Eight Hundred Six Dollars and Twenty Seven (\$10,806.27) Cents for the years 2001, 2002, 2003 & 2004, or any taxes accrued, plus any interest accrued, as requested by the Washington Park Foundation.

Resolution Requesting to cancel or abate, in whole the taxes assessed upon Assessor's Plat 87, Lot 116 (204 Indiana Avenue), in accordance with Rhode Island General Law Section 44-7-23, in the amount of Three Thousand One Hundred Ninety Four Dollars and Seventy One (\$3,194.71) Cents, for the years 2001, 2002, 2003 & 2004, or any taxes accrued, plus any interest accrued, as requested by the Washington Park Foundation.

Resolved, That the taxes assessed upon Assessor's Plat 87, Lot 116 (204 Indiana Avenue), are hereby cancelled or abated, in whole, in accordance with Rhode Island General Law Section 44-7-23, in the amount of Three Thousand One Hundred Ninety Four Dollars and Seventy One (\$3,194.71) Cents, for the years 2001, 2002, 2003 & 2004, or any taxes accrued, plus any interest accrued, as requested by the Washington Park Foundation.

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

AYES: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN APONTE,

**BUTLER, DeLUCA, COUNCILWOMAN
DiRUZZO, COUNCILMEN HASSETT,
IGLIOZZI, JACKSON, LUNA, COUNCIL-
WOMAN ROMANO, COUNCILMAN
SEGAL and COUNCILWOMAN
WILLIAMS - 12.**

NAYES: NONE.

**ABSENT: COUNCILMEN ALLEN,
MANCINI and COUNCILWOMAN
YOUNG - 3.**

**The Motion for Passage of the Several
Resolutions is Sustained.**

COMMUNICATIONS AND REPORT

Communication from Mayor David N. Cicilline, dated February 15, 2005, Informing Michael R. Clement, City Clerk that he is this day appointing Christopher Bizzacco as the Deputy Commissioner of Public Safety pursuant to Section 1001, Article X, Providence Home Rule Charter, solely for the purpose of representing the Department of Public Safety at meetings of the Board of Contract and Supply, pursuant to Section 1007 of said Charter, with regard to all matters that properly come before such board.

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

Communication from Mayor David N. Cicilline, dated February 24, 2005, submitting the 2005-2006 Community Development Block Grant Budget.

**COUNCIL PRESIDENT LOMBARDI
Refers the Resolution to the Committee
on Urban Redevelopment, Renewal and
Planning.**

FROM THE CLERK'S DESK

Report from Alex Prignano, Director of Finance, dated February 18, 2005, submitting the Audited Federal Financial and Compliance Report (A-133) & Management Comments (Single Audit).

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

Petition from Rodney R. Varfley, 139 Chad Brown Street, Floor 3, Providence, Rhode Island, requesting to purchase the parcel of real property, regarded as a "paper street", located adjacent, if facing the property from the road, to the right-hand side of 137-139 Chad Brown Street.

**COUNCIL PRESIDENT LOMBARDI
Refers the Petition to the Committee on
City Property.**

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

Maria F. Pereira

Ashley Tantaio

Gerald J. Cassidy III

Rick Jace

Henry DelMonico

Marie B. Albanese

Carmella Farrell
(Brian J. Farrell, Esquire)

Walter Mirzoyan

Iris V. Jimenez

Renee Vogel

Rachel Paliotti

Sarah Hocking

Katherine L. DeFusco
(Robert J. Cosentino, Esquire)

Doug Asermely

Brenda Borden

Benjamin Heed

James D. Thibodeau

Vertie L. Bickham

Emily C. Scursso

PJ. Prokop

GEICO
a/s/o Richard Dehaan

John Kelley

Juan Rios
(Christopher E. Fay, Esquire)

Susan Quattrocchi

Christopher Gordon Thanos, PhD

Henry J. Cochrane III

Lawrence G. Doonan

Judith Durham

Amaury Matias
(Christopher E. Fay, Esquire)

Robert S. McLeod

Stanislav Maryanov

Jeffrey J. Colton

Risca Abbruzzese

Susan S. Raesner

Jake Mollica
(John J. Bevilacqua, Esquire)

Joyce P. Krabach

Leonard Baxendale

Sarah H. Forrester

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

PRESENTATION OF RESOLUTIONS

"In Congratulations"

**COUNCIL PRESIDENT LOMBARDI and
the MEMBERS OF THE CITY COUNCIL:**

Resolution Extending Congratulations.

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

Lieutenant Steven A. Casbarro, in recognition of his retirement from the City of Providence Police Department, after twenty years of dedicated service, from May 5, 1985 through February 21, 2005.

Kathleen G. Monteiro, in recognition of youth achievement and excellence in pursuit of Boys and Girls Club values, leadership, character and outstanding service to the

community and Boys and Girls Clubs of Providence.

Sean Adu-Gyamfi, in recognition of youth achievement and excellence in pursuit of Boys and Girls Club values, leadership, character and outstanding service to the community and Boys and Girls Clubs of Providence.

Ashley E. Beauvais, in recognition of youth achievement and excellence in pursuit of Boys and Girls Club values, leadership, character and outstanding service to the community and Boys and Girls Clubs of Providence.

William L. Thomas, Jr., in recognition of youth achievement and excellence in pursuit

of Boys and Girls Club values, leadership, character and outstanding service to the community and Boys and Girls Clubs of Providence.

Noelia I. Perez, in recognition of youth achievement and excellence in pursuit of Boys and Girls Club values, leadership, character and outstanding service to the community and Boys and Girls Clubs of Providence.

Rocco Baldelli, Tampa Bay Devil Rays, in recognition of being inducted into the Rhode Island Italian American Hall of Fame.

Armand E. Sabitoni, General Secretary/Treasurer of the Laborers International Union of North America, in recognition of being the recipient of the Lifetime Achievement Award from the Rhode Island Italian American Hall of Fame.

Larry Lucchino, Boston Red Sox CEO and President, in recognition of being the recipient of the Man of the Year Award from the Rhode Island Italian American Hall of Fame.

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
DIRUZZO IN THE CHAIR**

PERSONAL EXPRESSION

COUNCIL PRESIDENT LOMBARDI
Request the privilege of the floor to speak on a Point of Personal Expression and states:

Thank you Councilwoman and my esteemed colleagues. Apparently two weeks ago there was a little confusion as to what was actually happening in these halls in this wonderful paper and somehow it got misconstrued that I walked out of here angry and that I was upset with the Administration and that's

certainly not what was happening, I was concerned with what was happening in the oracle of truth. I refer you to last Saturday's paper and I just want to make sure it's clear it's about the oracle of truth not the Administration so I hope that's clear to everybody in this room. You know, you talk about the fiduciary duty and the duty to the taxpayers and the duty to the State of Rhode Island and to the City. Now I don't know if you read last Saturday's headlines but that's what it said. It

states corruption royal jury pool. Statements released yesterday show that many perspective Lincoln Park jurors believe wrath to be ramped in Rhode Island and then when you read the article it talks about bribery is standard procedure in Rhode Island business and politics. This is what one potential juror said. I think everyone is paid off in politics. Pay offs are people getting greased, it happens all the time said another perspective juror and then lastly saying that information might take the jury well gee, I mean I have to tell you and I'm sorry but I have to keep hopping on this because I've always been very, very proud to serve on this body and maybe people forget that all the investigations that went on and everything that was said about the City of Providence not one council member was subpoenaed before a Grand Jury. Not one council member was subpoenaed to testify at a trial. Not one employee connected with the City Council was called other than the Clerk on a subpoenaed piece of paper. So I'm very, very proud and I look around this room at everybody whose on the Council. I see attorney's, I see investigators, I see social workers, I see teachers, I see professionals. This is the wrong message. Of course the jury pool is poisoned. Why wouldn't it be? Now let's look at the alternative. How are we ever going to get a fair trial? I hope that's clear that it's not about the administration, I hope that's very clear. And again, we have to talk about this

fiduciary duty. In that same paper, in the editorial that day and you probably didn't see it shoveling those walks, did you read that? Did everybody read that? Here we go. We appreciate that some people are too frail or otherwise unable to lift snow. However, they have several other options. Why not hire someone to do the job. Maybe they're on a fixed income, maybe they can't afford to do it. Young people can make good money traveling the neighborhood with a snow shovel. When is the last time you saw young people doing that in your neighborhood. I haven't seen them in my neighborhood and by the way if you have any in your neighborhood if they want to make some extra money send them over to my neighborhood they can start at my house. Or the frail homeowner might prevail upon the people next door to help. Neighbors may already be out shoveling and quite willing to add a few feet to their project which reminds us a snow storm is one of the best times for citizens to activate their good Samaritan instincts. Maybe that works in another world but I don't think it works in our world. I know we have duties to do what we can do but the editorial section in the paper really needs to get with the program as to what's happening in our neighborhoods because they're totally not getting it.

COUNCIL PRESIDENT LOMBARDI
RETURNS TO THE CHAIR

PRESENTATION OF RESOLUTIONS

**COUNCIL PRESIDENT LOMBARDI and
the 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.

Steven Abenante

Louise A. Anania

Louis A. Mascia, Esq.

James Conway

Lydia M. Rivera

Angeline Isabella

Patricia H. Howe

Arthur F. Duffy

Gail Ann Frenze

Albert Mace

Anna M. D'Abate

Vincent J. Britto

Brianna Titcomb

David A. Puerini

Robert W. "Buck" Henry

Jennie B. Maratto

Mary T. Cassidy

Mary E. Montecalvo

**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.

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.

COMMUNICATIONS

Communication from Melody A. Johnson, Ph.D., Superintendent, School Department, dated March 3, 2005, submitting the Contract for the Clerical Employees Local 1339 Affiliate of AFSCME AFL-CIO Effective September 1, 2004 to August 31, 2007.

Communication from Melody A. Johnson, Ph.D., Superintendent, School Department, dated March 3, 2005, submitting the Contract for the Laborer's International Union of North America Local 1033 Crossing Guards

AFL-CIO Effective July 1, 2004 to June 30, 2007.

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

COUNCIL PRESIDENT LOMBARDI Refers the Several Communications 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 7:55 o'clock P.M. (E.S.T.), to meet again on THURSDAY, MARCH 17, 2005 at 7:30 o'clock P.M. (E.S.T).

Michael R. Clement

MICHAEL R. CLEMENT
CITY CLERK







CITY OF PROVIDENCE RHODE ISLAND



CITY COUNCIL JOURNAL OF PROCEEDINGS

No. 6 City Council Regular Meeting, Thursday, March 17, 2005, 7:30 o'clock P.M. (E.S.T.)

PRESIDING

COUNCIL PRESIDENT
JOHN J. LOMBARDI

ROLL CALL

Present: COUNCIL PRESIDENT LOMBARDI,
COUNCILMEN APONTE, DeLUCA, COUNCIL-
WOMAN DIRUZZO, COUNCILMEN JACKSON,
LUNA, MANCINI AND COUNCILWOMAN
WILLIAMS - 8.

Absent: COUNCILMEN ALLEN, BUTLER,
HASSETT, IGLIOZZI, COUNCILWOMAN ROMANO,
COUNCILMAN SEGAL and COUNCILWOMAN
YOUNG-7.

(SUBSEQUENTLY COUNCILWOMAN YOUNG
and COUNCILMAN SEGAL JOIN THE MEETING)

Also Present: Raymond Dettore, Assistant
City Solicitor, Michael R. Clement, City Clerk,
Claire E. Bestwick, First Deputy City Clerk,
Sheri A. Petronio, Assistant Clerk and Vincent J.
Berarducci, City Sergeant.

2006 SEP 21 A 9: 10
DEPT. OF CITY CLERK
PROVIDENCE, R.I.

FILED

IN CITY COUNCIL
OCT 5 2006
APPROVED
Ann M. Steen CLERK

INVOCATION

The Invocation is given by COUNCILMAN
JOSEPH DeLUCA. COUNCILWOMAN
YOUNG joins the meeting.

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

COUNCILWOMAN RITA M. WILLIAMS
Leads the Members of the City Council
and the Assemblage in the Pledge of
Allegiance to the Flag of the United
States of America.

ORDINANCES SECOND READING

The Following Ordinances were in City
Council March 3, 2005, Read and Passed
the First Time and are Severally
Returned for Passage the Second Time:

An Ordinance in Amendment of Chapter
2004-48, Approved December 7, 2004,
Establishing a Compensation Plan for the
City of Providence, As Amended.

ADD	Director of Neighbor-	
	hood Park Services	Grade A-19
ADD	Confidential Secretary - PERA	\$35,525
ADD	Investigator - PERA	A-12
DELETE	Confidential Secretary - PERA	A-12

Be it ordained by the City of Providence:

DELETE Investigator - PERA \$35,525

An Ordinance in Amendment of Chapter 2004-49, Approved December 7, 2004, Establishing the Classes of Positions, the Maximum Number of Employees and the Number of Employees in Certain Classes in the City Departments, As Amended.

Be it ordained by the City of Providence:

Section 44

ADD (1) Director of Neighborhood Park Services
Total Allowed 23

An Ordinance Establishing and Granting a Tax Stabilization Plan for Wildcat Equities, Inc. on behalf of Tax Assessor's Lots 44 and 370 of Plat 52, being designated the 669 Elmwood Avenue Mill Project, so-called.

Whereas, the City Council of the City of Providence, pursuant to the Laws of the State of Rhode Island, as amended from time to time, and Sections 21-160 through 21 - 170.1 of the Code of Ordinances of the City of Providence, has the authority to exempt real and personal property used for manufacturing, commercial and/or residential purposes from the payment of property taxes, or to stabilize said taxes, if the granting of the exemption or stabilization plan inures to the benefit of the City of Providence by reason of physical improvements within the City of Providence which will result in long-term economic benefit, and/or by reason of the willingness of a commercial enterprise to construct new buildings or to replace, reconstruct, renovate, convert, expand, retain or remodel existing buildings; and

Whereas, the City Council of the City of Providence enacted Section 21-170.1 of the Code of Ordinances of the City of Providence whereby eligible properties, defined as properties designated on the landmark list as part of the mill restoration program and the arts and entertainment district in the City of Providence as 'approved by the City Council and certified by the building inspector of the City of Providence as in need of substantial rehabilitation, may be provided tax considerations, upon application, for a period up to and including the December 31, 2011 assessment date, so that the annual taxes on the eligible and approved land and buildings for this period shall equal the taxes based on the assessment date of December 31, 2000 for the tax year 2001, or as otherwise permitted under Section 21-170.1 (e), regardless of any increase in value attributable to the substantial rehabilitation undertaken, provided such rehabilitation commences prior to December 31, 2005, with any business or businesses located in such eligible and approved property or moving to such property from outside the City of Providence being considered, by application, for a tax program taxing their tangible personal property at the rate of \$33.44 per thousand dollars of assessed value for the same period as discussed above (Section 21-170.1 property); and,

Whereas, there is underdeveloped land and improvements in need of renovation located at 669 Elmwood Avenue, Providence, Rhode Island, more specifically described as Tax Assessor's Plat 52, Lots 44 and 370 (Section 21-170.1 property); and

Whereas, Wildcat Equities, Inc. (defined below, as the "Project Owner"), as the property owner of said Lots 44 and 370 of Plat 52 has made application under Section

21-170.1 of the Code of Ordinances of the City of Providence for tax stabilization and has satisfied each condition of Section 21-170.1 of the Code of Ordinances of the City of Providence in relation to its "669 Elmwood Avenue Mill Project," more particularly described in its application to the City Council of the City of Providence for consideration of its request for tax stabilization as attached hereto and incorporated herein as Exhibit A; and

Whereas, the Project Owner has evidenced a willingness to renovate the existing improvements on the Project Site, as hereinafter defined, to create twelve (12) residential units in the existing manufacturing/warehouse space; and

Whereas, it is in the public interest to provide and attract new residential units as envisioned in the 669 Elmwood Avenue Mill Project; and

Whereas, the 669 Elmwood Avenue Mill Project shall incorporate the existing building which has been vacant for multiple years to undergo substantial rehabilitation, as certified by the building inspector of the City of Providence, for residential, with related parking, uses as located on Lots 44 and 370 of Tax Assessor's Plat 52; and

Whereas, the City Council of the City of Providence has determined that the 669 Elmwood Avenue Mill Project will assist the City of Providence in its mill restoration program by renovating buildings designated on its landmark list, thereby increasing the tax base of the City of Providence, expenditures by guests and residents of the City of Providence and employment opportunities in the City of Providence; and

Whereas, the City Council of the City of Providence has determined it is in the interest of the residents of the City of Providence to grant such tax stabilization to the 669 Elmwood Avenue Mill Project so as to induce the renovation of mill buildings in the City of Providence, and such tax stabilization will inure to the long-term benefit of the City of Providence:

Be it ordained by the City of Providence:

Section 1. That the findings set forth in the preceding recitals are hereby made and confirmed in their entirety.

Section 2. Definitions. The following terms shall have the meanings set forth herein:

(a) "Commencement Date" means the date of passage of this ordinance.

(b) "Personal Property" means any and all tangible personal property, including, but not limited to, all fixtures, equipment, furnishings and other personal property, now or hereafter located at the Project Site, as hereinafter defined.

(c) "Project" means the Project Site, as hereinafter defined, the Real Property, as hereinafter defined and Personal Property.

(d) "Project Owner" means Wildcat Equities, Inc., both being Rhode Island limited liabilities companies, or any successor and/or assign permitted hereunder.

(e) "Project Site" means the land, as well as improvements found thereon, designated as Lots 44 and 370 of Assessor's Plat 52 located at 669 Elmwood Avenue, Providence, Rhode Island, more particularly

described in the application made by Project Owner to the City Council of the City of Providence for consideration for tax stabilization as attached hereto and incorporated herein by reference as Exhibit A.

(f) "Project Taxable Properties" means, collectively, the Project Site, as proposed, the Real Property Improvements, as hereinafter defined, and the Personal Property, together constituting the Project.

(g) "Real Property Improvements" means all structures, buildings, renovations and improvements currently proposed to be located at the Project Site as identified in Exhibit A as attached hereto; provided, that it is understood that any material additional improvements, excluding customary repairs and renovations, shall require an amendment of this tax stabilization ordinance.

(h) "Stabilized Tax Payment(s)" means, with respect to the Project Taxable Properties, the amounts listed on the attached schedule found on Exhibit B, as prepared by the tax assessor of the City of Providence, valued as of December 31, 1998 under Section 21-170.1 (e), and attached hereto and incorporated herein by reference.

(i) "Termination Date" means June 30 of the year in which Stabilized Tax Payment(s) based on the December 31, 2011 assessment date are to be paid in full.

Section 3. Tax Stabilization. That the City of Providence grants to the Project Owner for the Project Site the stabilized assessment at the stabilized tax rate in accordance with Exhibit B, as attached hereto, for the period commencing as of the December 31, 2003 assessment date through the December 31, 2011 assessment date.

Section 4. Term. The term of the tax stabilization hereby granted shall be for a period commencing on the Commencement Date and terminating on the Termination Date, all as more particularly described on Exhibit B, as attached hereto, unless earlier terminated as provided herein.

Section 5. Transfer. As long as Project Owner owns or operates the Project Site, it will continue to make the Stabilized Tax Payment(s) as set forth in Exhibit B as attached hereto, during the term of this tax stabilization agreement. Project Owner, and any transferee, if permitted hereunder, agrees that this Project Site will be subject to taxation, without regard to any tax stabilization, as of the Termination Date and thereafter. Project Owner agrees not to transfer the Project Site, or any portion thereof, to any tax-exempt entity or to allow any transfer by any subsequent transferee, if permitted as provided herein, to any tax-exempt entity during the term of this agreement to stabilize taxes. Project Owner is required as a condition precedent to this tax treaty to record notice in the Land Evidence Records of the City of Providence of the requirement that the subject property covered by this ordinance be transferred, upon consent provided pursuant hereto, only to a tax paying entity as long as this agreement is in effect, in the event that the subject property covered by this ordinance is transferred to a tax-exempt entity, despite the prohibition against such transfer, whether by Project Owner or any subsequent transferee, if consent is granted pursuant hereto, of such property, Project Owner will be responsible to make payments in lieu of taxes to the City of Providence equal to the amount of taxes as set forth in Exhibit B, as attached hereto, which would have been paid to the City of Providence if such prohibition

against transfer to a tax-exempt entity had not been violated. In the event that Project Owner shall divide the Project Site or any portion thereof into condominiums, which division may be contemplated hereunder, and upon declaration, said condominiums shall no longer be covered under this ordinance and shall be subject to taxation without regard to any tax stabilization agreement (the remaining portion of the Project shall be prorated accordingly). Notwithstanding anything to the contrary herein, the provisions of this Section 5 shall continue to be given full force and effect until such time as the same shall be amended or terminated by majority vote of the City Council of City of Providence.

Section 6. Payment of Taxes. The following shall pertain to the payment of taxes set forth herein:

(a) Project Owner shall make Stabilized Tax Payment(s) as prescribed in the attached schedule set forth in Exhibit B to the City of Providence in lieu of all other taxes on the Project Taxable Properties; and, the City of Providence agrees to accept the Stabilized Tax Payments in lieu of all other taxes on the Project Taxable Properties.

(b) The Stabilized Tax Payment(s) due to the City of Providence, pursuant to the terms of this agreement, may be made in either a lump sum during the first quarter of the applicable tax year or in equal quarterly installments. If quarterly payments are to be made, they shall be due on the same dates that quarterly taxes are due for all other taxpayers in the City of Providence for property taxes and similarly subject to interest and late fee penalties if not timely made.

(c) It is understood by the parties that the Stabilized Tax Payment(s) made hereunder are tax payments; and, the Project Owner shall be entitled to all the rights, privileges, and obligations of a taxpayer in the City of Providence.

(d) The liability for the Stabilized Tax Payment(s) due and owing under this agreement shall constitute an obligation of Project Owner, and the City of Providence shall be granted by the Project Owner a lien on the Project Taxable Properties, which lien shall be of the same priority and entitle the City of Providence to the same foreclosure remedy as the lien and foreclosure remedy provided under applicable laws and ordinances with respect to real and personal property taxes, not subject to a tax treaty.

Section 7. Satisfaction of Obligations. The City of Providence agrees that so long as the Stabilized Tax Payment(s) are made by the Project Owner in accordance with the terms of this agreement, the City of Providence shall, during the term of this agreement, accept said payments in full satisfaction of the obligations of the Project Owner as to the payment of any and all taxes and property assessments to the City of Providence which would otherwise be levied upon or with respect to the Project Taxable Properties, including future customary repairs and customary renovations of the Real Property Improvements and the Personal Property which may now exist or which may hereafter be placed or erected thereon or located thereat or used therein, but excluding material renovations or improvements beyond that contemplated in the Project.

Section 8. Minority and Local Contractors/Vendors. It shall be the goal and the Project

Owner shall use its best efforts to hire contractors and subcontractors and to purchase construction materials from entities which/who are situated in and/or are residents of the City of Providence. Further, the Project Owner shall use its best efforts to award 25% of the total dollar value of construction to Minority Business Enterprises ("MBEs") and Women Business Enterprises ("WBEs"), as defined and pursuant to Section 21-52 of the Code of City Ordinances, City of Providence, as certified by state agency or the Director of the Department of Planning and Development, City of Providence. The total fee and non-biddable "General Conditions" of the prime contractor will be deducted from this calculation. The Project Owner will use its best efforts to work with the prime contractor to reduce the size of bid packages where possible so as to maximize accessibility of contract work to small contractors from the community.

It is the intent of the parties that the participation of each element of minority and women business enterprise not fall below twelve and a half (12.5%) percent.

Section 9. Employment. Project Owner will create an affirmative action hiring plan for its hiring of employees and include in all contracts a community hiring program in which the employer commits to notify Project Owner of any job openings at 669 Elmwood Avenue Mill Project and to require a willingness to interview candidates provided by Project Owner's community hiring staff. Project Owner has set a target minimum of fifteen (15) community hires over the course of Project construction. In addition, Project Owner agrees to provide training and/or apprenticeships for City of Providence residents hired on the Project. Such training and/or apprenticeship program shall be

submitted in writing to the Director of the Department of Planning and Development, City of Providence, for his or her written approval, as a condition precedent to any tax stabilization as envisioned under this ordinance, which may include an apprenticeship created under Rhode Island General Laws Section 28--45-1, et seq., as amended from time to time.

Section 10. Support for Affordable Housing. [reserved]

Section 11. Purpose. The City of Providence has entered into this tax treaty to renovate mill buildings and to provide residential, retail and commercial units in the City of Providence and to increase its tax base as a result of such renovation. This treaty shall be in effect during its term as long as the property is utilized primarily for the Project and failure to use the Project Site primarily for such purposes renders the treaty null and void. This ordinance does not extend to any building or buildings used as a "dormitory" or "apartment dormitory". The use of any building or portion of a building for "dormitory" or "apartment dormitory" purposes renders the treaty null and void. The treaty being rendered null and void for any reason would require the Project Owner to pay all taxes and fees as due and owing as if no treaty had been entered.

Section 12. Basis of Calculation for Tax Payment(s). The schedule listed in Exhibit B, as attached hereto, is based, in part, upon information provided to the tax assessor of the City of Providence by Project Owner including, but not limited to, estimated construction costs. In the event any of this information is inaccurate or proves to be materially erroneous, this treaty shall be modified to reflect the accurate information.

This tax treaty is conditioned upon commencement of construction by December 31, 2005. Failure to begin construction by December 31, 2005 renders the treaty null and void and shall subject the Project Owner liable for the difference of the taxes due under Exhibit B and the taxes that would have been payable but for the tax treaty as if no treaty had been entered, all in accordance with Section 170.1 of the Code of Ordinances of the City of Providence.

Section 13. Back Taxes. This treaty is conditioned upon Project Owner at all times owing no back taxes to the City of Providence and remaining current on all payments due under this tax treaty. Failure to make timely payments renders this treaty null and void.

Section 14. Assignment. Notwithstanding anything to the contrary contained herein, this tax treaty is not assignable by Project Owner without the express written consent of the Director, Department of Planning and Development, City of Providence, which consent will be not be unreasonably withheld.

Section 15. Reporting and Monitoring. Project Owner shall, not less than sixty (60) days after the end of each fiscal year of the Project Owner, submit to the Director, Department of Planning and Development of the City of Providence, a report that will provide evidence of compliance with Sections 8, 9 and 10 hereof on forms provided by said director for said purpose. The director may require additional information to demonstrate compliance.

Section 16. Penalties and Petition for Relief. In the event that Project Owner does not comply with any and/or all of the provisions of this ordinance, the Director of the Department of Planning and Development,

City of Providence, or the City Council of the City of Providence by resolution, may provide written notice, mailed, postage-prepaid, to Project Owner at its/his/her last known address, setting forth the nature of the non-compliance and the date upon which the tax stabilization agreement shall be rendered null and void because of the non-compliance, unless said non-compliance is cured prior to said date ("Early Termination Date"). The full tax which would otherwise have been due and payable, if there had been no tax agreement, plus interest and penalties as provided by law ("Full Tax"), will become immediately due and payable on the Early Termination Date, with the calculation thereof being contained in the notice. However, the Early Termination Date shall be at least one hundred and twenty (120) days from the mailing of written notice. Project Owner may petition the City Council, City of Providence, for a hearing with respect to the issue of non-compliance. The hearing shall be held within sixty (60) days of the receipt of the petition by the City Clerk, City of Providence. At the hearing Project Owner shall have an opportunity to present evidence of compliance and/or request relief. In the event that the City Council, City of Providence, does not act after a hearing of Project Owner prior to the Early Termination Date, the determination of the Director, Department of Planning and Development, City of Providence, shall be conclusive and Project Owner shall immediately make payment of the Full Tax to the City of Providence.

Section 17. Expiration Dates. That in accordance with the laws of the State of Rhode Island and the Code of Ordinances of the City of Providence, the City Council hereby approves the Project Owner's application for tax stabilization as set forth as Exhibit A and authorizes said tax

stabilization as provided in this ordinance in accordance with it and with the schedule of payments set forth in Exhibit B as attached hereto.

Section 18. Applicable Law. This agreement shall be construed under the laws of the State of Rhode Island.

Section 19. Effective Date. This ordinance shall take effect upon its passage.

An Ordinance in Amendment of Chapter 2004-3, No. 3 Dated January 16, 2004, Establishing and Granting a Tax Stabilization Plan for Capitol Hill Properties, LLC, with Respect to Assessor's Plat 19, Lot 102 of the City of Providence, and Hereby Establishing and Granting a Revised Tax Stabilization Plan for Intercontinental Fund IV Waterplace, LLC, Successor in interest to Capitol Hill Properties, LLC with Respect to the same Parcel.

Whereas, the City Council, pursuant to Section 44-3-9 of the Rhode Island General Laws, as amended, and Sections 21-160 through 21-170.1 of the Code of Ordinances of the City of Providence, has the authority to exempt real and personal property used for manufacturing, commercial, and/or residential purposes from the payment of property taxes, or to stabilize said taxes, if the granting of the exemption or stabilization plan inures to the benefit of the City of Providence by reason of physical improvements within the City which will result in long-term economic benefit, and/or by reason of the willingness of a commercial enterprise to construct new buildings or to replace, reconstruct, convert, expand, retain or remodel existing buildings; and

Whereas, the City Council, pursuant to R.I. Gen. Laws Sec. 44-3-9, as amended, has the authority to exempt and/or stabilize said taxes for a term not to exceed twenty (20) years; and

Whereas, Capitol Hill Properties, LLC ("Former Applicant") previously made application for a tax stabilization plan and in response thereto the City Council enacted a tax stabilization agreement to the benefit of the Former Applicant with respect to the Project Site (as hereinafter defined), designated as Chapter 2004-3, No. 3 An Ordinance Establishing And Granting A Tax Stabilization Plan For Capitol Hill Properties, LLC, With Respect To Assessor's Plat 19, Lot 102 Of The City Of Providence; and

Whereas, Intercontinental Fund IV Waterplace, LLC, a Massachusetts limited liability company (defined below as the "Project Owner") the long term ground lessee from Capital Properties, Inc., of the Project Site (as hereinafter defined) and successor in interest to the Former Applicant, has made application for amendment and restatement of the tax stabilization granted to the Former Applicant under said Rhode Island General Laws and applicable ordinances of the City of Providence, as set forth in Exhibit A attached hereto and incorporated by reference, and has satisfied each condition of same; and

Whereas, there is underdeveloped land located at 18 Park Row West, formerly known as 18 American Express Plaza, to be changed to 100 Exchange Street, 200 Exchange Street and 400 Exchange Street, and more specifically described as Assessor's Plat 19, Lot 102, also being Parcel 2 in The Capital Center Special Development District, so-called; and

Whereas, the Project Owner has evidenced a willingness to construct:

- a multi-level four hundred and seventy (470) car parking space structure ("Parking Garage");
- a seventeen (17) story residential apartment building of approximately one hundred fifty thousand (150,000) square feet of gross building area containing one hundred five (105) apartment units along with ten thousand five hundred eighty (10,580) square feet of retail space on the ground floor ("Park Side");
- a nineteen (19) story residential apartment building of approximately one hundred sixty thousand (160,000) square feet of gross building area containing one hundred six (106) apartment units along with five thousand twenty-five (5,025) square feet of retail space on the ground floor ("River Tower");
- a fifteen (15) story, one hundred and sixty-two (162) room hotel of approximately one hundred twenty-five thousand (125,000) square feet of gross building area ("Hotel"); and
- a twelve (12) story residential apartment building of approximately one hundred and ten thousand (110,000) square feet of gross building area containing ninety (90) apartment units ("Park Row West");

Whereas, the Project (as hereinafter defined) will cause an increase in the tax base of the City of Providence, an increase in

expenditures by hotel guests and residents in the City of Providence and will increase employment opportunities in the City of Providence; and

Whereas, the City Council has determined it is in the best interest of the residents of the City of Providence to grant such tax stabilization pursuant to the below stated plan (hereinafter called the "Agreement") to induce the development of The Capital Center Special Development District, and such tax stabilization will inure to the long-term benefit of the City of Providence,

Now, therefore, be it resolved,

Section 1. That the findings set forth in the preceding recitals are hereby made and confirmed.

Section 2. Definitions. The following terms shall have the meanings set forth herein:

(a) "Commencement Date" shall be upon passage of this ordinance.

(b) "Personal Property" means any and all tangible personal property, including, but not limited to, all fixtures, equipment, furnishings, and other personal property, now or hereafter located at the Project Site (as hereinafter defined).

(c) "Phase I" of the Project means and shall consist of the Parking Garage, Park Side and River Tower.

(d) "Phase II" of the Project means and shall consist of the Hotel and Park Row West, and/or may include an office building in addition to and/or in lieu of these or other uses.

(e) "Project" means the Project Site (as hereinafter defined), the Real Property Improvements (as hereinafter defined), and Personal Property.

(f) "Project Owner" means Intercontinental Fund IV Waterplace, LLC, a Massachusetts limited liability company, its successors and assigns, which is (i) either the lessee or sublessee under a ground lease with Capital Properties, Inc. of the Project Site (as hereinafter defined), and/or (ii) which holds legal title to the Real Property Improvements (as hereinafter defined) or Personal Property.

(g) "Project Site" means the property located at and having a Providence address of 18 Park Row West, formerly known as 18 American Express Plaza, to be changed to 100 Exchange Street, 200 Exchange Street and 400 Exchange Street, and more specifically described as Assessor's Plat 19, Lot 102, in the Land Evidence Records for the City of Providence, also being Parcel 2 of The Capital Center Special Development District.

(h) "Project Taxable Properties" means, collectively, the Project Site as proposed, the Real Property Improvements (as hereinafter defined), and the Personal Property, together constituting the Project.

(i) "Real Property Improvements" means all structures, buildings and material improvements, including an appropriate proration of the land value, currently proposed to be located at the Project Site. Any material additional improvements involving the construction of any additional buildings, building additions or units in any improvement, shall require an amendment to this ordinance, except as provided herein.

(j) "Stabilized Assessment" means:

(1) The Project Site together with any and all existing infrastructure improvements thereon shall be the City of Providence tax assessment value as of December 31, 2004, as shown on Exhibit B attached hereto and incorporated by reference.

(2) The Real Property Improvements shall be assessed as follows:

Phase I

- Parking Garage: \$4,700,000.00 as shown on Exhibit B hereof, with each additional parking space over the contemplated four hundred seventy (470) being assessed at a value of \$10,000.00, it being agreed that if the aggregate number of parking spaces constructed is more or less than the contemplated four hundred seventy (470), the assessed value shall be increased or reduced by \$10,000 for each such parking space contract or not constructed.
- Park Side (Apartments): \$14,175,000.00 as shown on Exhibit B hereof, with each additional apartment unit over the contemplated one hundred five (105) being assessed at a value of \$135,000.00, it being agreed that if the aggregate number of apartment units constructed is less than the contemplated one hundred five (105), the assessed value shall be reduced by \$135,000.00 for each such apartment not constructed, with any retail space, initially determined to be ten thousand five hundred eighty (10,580) square feet, being assessed at \$84.95 per square

in addition to the apartment valuation.

- River Tower (Apartments): \$14,310,000.00 as shown on Exhibit B hereof, with each additional apartment unit over the contemplated one hundred six (106) being assessed at a value of \$135,000.00, it being agreed that if the aggregate number of apartment units constructed is more or less than the contemplated one hundred six (106), the assessed value shall be increased or reduced by \$135,000.00 for each such apartment unit constructed or not constructed, with any retail space, initially determined to be five thousand twenty-five (5,025) square feet, being assessed at \$84.95 per square feet in addition to the apartment valuation.

Phase II

- Hotel: \$13,770,000.00 as shown on Exhibit B hereof, with each additional hotel room over the contemplated one hundred sixty-two (162) being assessed at a value of \$85,000.00, it being agreed that if the aggregate number of hotel rooms constructed is more or less than the contemplated one hundred sixty-two (162), the assessed value shall be increased or reduced by \$85,000.00 for each such hotel room constructed or not constructed.
- Park Row West (Apartments): \$12,150,000.00 as shown on Exhibit B hereof, with each additional apartment unit over the contemplated ninety (90) being assessed at a value

of \$135,000.00, it being agreed that if the aggregate number of apartment units constructed is more or less than the contemplated ninety (90), the assessed value shall be increased or reduced by \$135,000.00 for each such apartment unit not constructed or constructed.

- Office building square footage, if any, shall be valued at \$ 140.00 per square foot on a gross square footage basis.
- Personal Property: \$880,000.00 as estimated and illustratively shown on Exhibit B hereof, with each dollar of Personal Property being assessed at fair market value.

(k) "Stabilized Tax Payment" means, with respect to the Project Taxable Properties, the amounts listed in the schedule attached hereto as Exhibit B.

(l) "Stabilized Tax Rate" shall mean \$38.82 per \$1,000.00 of assessed valuation for Real Property Improvements and \$49.68 per \$1,000.00 of assessed valuation for Personal Property

(m) "Termination Date" means June 30th of the year in which Stabilized Tax Payments based on the December 31, 2023 assessment date are to be paid in full.

Section 3. Tax Stabilization. The City of Providence hereby grants to the Project Owner for the Project Site the Stabilized Assessment at the Stabilized Tax Rate in accordance with Exhibit B as attached hereto for the period commencing with the December 31, 2004 assessment date through the December 31, 2023 assessment date.

Section 4. Term. The term of the tax stabilization shall be for a period commencing on the Commencement Date and terminating on the Termination Date, as more particularly described on Exhibit B hereof, unless earlier terminated as provided herein.

Section 5. Stabilized Tax Payments. As long as Project Owner owns or operates the Project Site, it will continue to make the Stabilized Tax Payment(s) as set forth in Exhibit B during the term of this tax stabilization agreement with regard to Phase I and, to the extent that Phase II, in whole or in part, is commenced by Project Owner during the term hereof, Exhibit B shall be modified whereby the schedule will indicate no tax payments due during the first tax year after the issuance of a permit for Phase II with payments for subsequent tax years being determined at the same percentage valuation as applied to Phase I for the duration of the term hereof. Project Owner, its successors and assigns, agrees that this Project Site will be subject to taxation, without regard to tax stabilization, as of the Termination Date and thereafter. Project Owner also agrees not to transfer the Project Site, or any portion thereof, to any tax-exempt entity which does not waive in writing its exemption and right to assert any exemption from any real and/or personal property taxes assessed by the City of Providence ("Waiver") or to allow any transfer by any subsequent transferee to any tax-exempt entity which does not also provide such Waiver during the term of this Agreement to stabilize taxes. Project Owner is also required as a condition precedent to this tax treaty to record notice in the Land Evidence Records of the City of Providence of the requirement that the subject property covered by this ordinance be transferred only to a tax-paying entity or to a tax exempt

entity which provides such Waiver as long as this agreement is in effect. In the event that the subject property covered by this ordinance is transferred to a tax-exempt entity without such Waiver, despite the prohibition against such transfer, whether by the Project Owner or any subsequent transferee of such property, the Project Owner will be responsible to make payments in lieu of taxes to the City of Providence equal to the amount of taxes as set forth in Exhibit B which would henceforth have to be paid to the City of Providence if such prohibition against transfer to a tax-exempt entity without a Waiver had not been violated. In the event that Project Owner shall divide the Project Site or convert all or any portion thereof into residential and/or commercial condominiums, such residential and/or commercial condominium unit so converted and sold as a condominium unit shall, upon recording of the deed for transfer of such condominium unit by the Project Owner to a third party purchaser, no longer be covered under this ordinance and shall be subject to taxation without regard to any tax stabilization agreement (the remaining portion of the Project to be prorated accordingly and the Tax Stabilized Payments scheduled hereunder will thereby be reduced accordingly, to be calculated by \$135,000.00 per unit based on the reduction in the number of units sold as a condominium), provided that Project Owner provides written notice of any such sale to the tax assessor of the City of Providence indicating the name(s) of the purchaser, the date of purchase and the purchase price of the unit sold, otherwise said unit shall remain as a part of the tax payments due from Project Owner; it being acknowledged, subject to the above stated provision for proration, that the Project Owner is permitted to create condominiums with respect to each of the building pads as

envisioned in the Project, in whole or in part, it being further acknowledged that one of the building pods constituting Phase II of the Project may be converted, in whole or in part, to an office building, and thereafter subject to a tax stabilization schedule, consistent with this plan and approved by the City of Providence.

Section 6. Payment of Taxes. The following shall pertain to the payment of taxes set forth herein:

(a) The Project Owner shall make Stabilized Tax Payments to the City of Providence as prescribed in the schedule attached in Exhibit B to the City, in lieu of all other real property and personal property taxes and assessments of every kind and nature which would now or hereafter otherwise be levied upon the Project and the City of Providence agrees to accept the Stabilized Tax Payments in lieu of all such other real property and personal property taxes.

(b) Stabilized Tax Payments due the City of Providence, pursuant to the terms of this Agreement, may be made in either a lump sum during the first quarter of the applicable tax year or in equal quarterly installments. If quarterly payments are to be made, they shall be due on the same dates that quarterly taxes are due for all other taxpayers in the City of Providence and similarly subject to interest and late fee penalties if not timely made.

(c) It is understood by the parties that Stabilized Tax Payments made hereunder are tax payments; and, the Project Owner shall be entitled to all the rights, privileges and obligations of a taxpayer in the City of Providence.

(d) The liability for the Stabilized Tax payments due and owing under this Agreement shall constitute an obligation of the Project Owner, and the City of Providence shall be granted by the Project Owner a lien on the Project Taxable Properties, which lien shall be of the same priority and entitle the City of Providence to the same foreclosure remedy as the lien and foreclosure remedy provided under applicable laws and ordinances with respect to real and personal property taxes, not subject to a tax treaty or this Agreement.

Section 7. Satisfaction of Obligations. The City of Providence agrees that so long as the Stabilized Tax Payments are made by the Project Owner in accordance with the terms of this ordinance, the City of Providence shall, during the term of this Agreement, accept said payments in full satisfaction of the obligations of the Project Owner as to the payment of any and all taxes and property assessments to the City of Providence which would otherwise be levied upon or with respect to the Project Taxable Properties, including future repairs and renovations of the Real Property Improvements and the Personal Property which may now exist or which may hereafter be placed or erected thereon or located thereat or used therein, but excluding material additional improvements beyond that contemplated in the Project.

Section 8. Minority and Local Contractors/Vendors. It shall be the goal and the Project Owner shall use its best efforts to hire contractors and subcontractors and to purchase construction materials from entities which/who are situated in and/or are residents of the City of Providence. Further, the Project Owner shall use its best efforts to award 25% of the total dollar value of

construction to Minority Business Enterprises ("MBEs") and Women Business Enterprises ("WBEs"). These are enterprises with at least 51 % of business ownership by a minority (Black, Hispanic, American Indian, or of a group found to be economically or socially disadvantaged by the Small Business Administration) or a woman, as certified by state agency or by the Director of the Department of Planning and Development, City of Providence. The total fee and non-biddable "General Conditions" of the prime contractor will be deducted from the calculation. The Project Owner will use its best efforts to work with the prime contractor to reduce the size of bid packages where possible so as to maximize accessibility of contract work to small contractors from the community.

It is the intent of the parties that the participation of each element of business enterprise not fall below twelve and a half (12.5%) percent.

Section 9. Employment. Project Owner will include in all subcontracts an affirmative action and community hiring program in which the employer commits to notify Project Owner of any job openings at the Project Site and to a willingness to interview candidates identified through said program. Project Owner has set a target minimum of thirty (30) community hires over the course of the Project construction period. In addition, Project Owner agrees to provide training and/or apprenticeships for City of Providence residents hired on the Project. Such training and/or apprenticeship program shall be submitted in writing to the Director of the Department of Planning and Development, City of Providence, for his or her written approval, as a condition precedent to any tax stabilization as envisioned under this

ordinance, which may include an apprenticeship created under Section 28-45-1, et seq., of the General Laws of Rhode Island, as amended.

Section 10. Support for Affordable Housing.

(a) Project Owner and all successors and assigns shall make a \$784,000.00 contribution to the Providence Redevelopment Authority to support affordable housing and community services as follows:

(i) \$100,000.00 to be contributed upon passage hereof; and, (ii) \$36,000.00 to be contributed on each of June 30, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 and 2023. The contributions made by Project Owner shall be directed to a housing trust for the development of affordable housing and/or community services with a preference for affordable housing and community services in the Smith Hill section, so-called, of the City of Providence.

Section 11. Purpose. The City of Providence has entered into this tax treaty to provide residential, retail, office, hotel and other commercial units in the City of Providence and to increase its tax base as a result of such construction. This treaty shall be in effect during its term as long as the property is utilized primarily for the Project and failure to use the Project Site primarily for such purposes renders the treaty null and void. This ordinance does not extend to any building or buildings used as a "dormitory" or an "apartment dormitory." The use of any building or a portion of a building for "dormitory" or "apartment dormitory" purposes would render the treaty null and void. The treaty being rendered null and void for any reason would require the Project

Owner to pay all taxes and fees as due and owing as if no treaty had been entered.

Section 12. Basis of Calculation. The schedule listed in Exhibit B is based, in part, upon information provided to the tax assessor of the City of Providence by Project Owner. This tax treaty is conditioned upon commencement of construction by December 31, 2005. Failure to begin construction by December 31, 2005 renders the treaty null and void and shall subject the Project Owner liable for the real estate and tangibles that would have been assessed against such property as if no treaty had been entered.

Section 13. Back Taxes. This treaty is conditioned upon Project Owner at all times owing no back taxes to the City of Providence and remaining current on all payments due under this tax treaty. Failure to make timely payments may render this treaty null and void.

Section 14. Reporting and Monitoring. Project Owner shall, not less than sixty (60) days after the end of each fiscal year of the Project Owner, submit to the Director, Department of Planning and Development of the City of Providence, a report that will provide evidence of compliance with Sections 8, 9 and 10 hereof on forms provided by said director for said purpose. The director may require additional information to demonstrate compliance.

Section 15. Notices. All notices, certificates, requests, demands, consents, approvals, and other communications which may or are required to be served or given hereunder (for the purposes of this section, collectively called "Notices") shall be in writing and shall be sent by registered or certified mail, postage pre-paid, return receipt requested and

received overnight delivery by a recognized public or private carrier, or by facsimile, in either case as evidenced by a receipt or other evidence of delivery showing the date, time and, for facsimile, telephone number or receipt and addressed to the party to receive such Notice as identified below:

If to: City of Providence City Hall
25 Dorrance Street
Providence, RI 02903
Attn: Mayor, City of Providence

Copies to: City Solicitor
City of Providence
275 Westminster Street, 2nd Fl.
Providence, RI 02903

Director, Department of Planning
and Development
400 Westminster Street
Providence, RI 02903

If to: Intercontinental Fund IV
Waterplace, LLC
c/o Intercontinental Developers, Inc.
270 Soldiers Field Road
Boston, MA 02135

Attn: Nicholas Iselin, Director

Copy to: Tillinghast, Licht, Perkins, Smith
and Cohen, LLP
10 Weybosset Street
Providence, RI 02903
Attn. Patrick Guida, Esq.

Section 16. Penalties and Petition for Relief. In the event that Project Owner does not substantially comply in all material respects with any and/or all of material provisions of this ordinance, the Director of the Department of Planning and Development, City of Providence, may

provide written notice, mailed by certified mail, postage-prepaid, return receipt requested, to Project Owner at its/his/her last known address, setting forth the nature of such non-compliance and the date upon which the tax stabilization agreement shall be rendered null and void because of such non-compliance, unless said non-compliance is cured prior to said date ("Early Termination Date"). The full tax which would otherwise have been due and payable, if there had been no tax stabilization agreement, plus interest and penalties as provided by law ("Full Tax"), will become immediately due and payable on the Early Termination Date, with the calculation thereof being contained in the notice. However, the Early Termination Date shall be at least one hundred and twenty (120) days from the mailing of the written notice Project Owner may petition the City Council, City of Providence, for a hearing with respect to the issue of non-compliance. The hearing shall be held within sixty (60) days of the receipt of the petition by the City Clerk, City of Providence. At the hearing Project Owner shall have an opportunity to present evidence of compliance and/or request relief. In the event that the City Council, City of Providence, does not act after a hearing of the Project Owner prior to the early Termination Date, the determination of the Director, Department of Planning and Development, City of Providence, shall be conclusive and Project Owner shall immediately make payment of the Full Tax to the City of Providence.

Section 17. Expiration Dates. That in accordance with the laws of the State of Rhode Island and the Code of Ordinances of the City of Providence, the City Council hereby approves the Project Owner's application for tax stabilization as set forth as Exhibit A and authorizes said tax

stabilization as provided in this ordinance in accordance with it and with the schedule of payments set forth in Exhibit B.

Section 18. Applicable Law. This Agreement shall be construed under the laws of the State of Rhode Island.

Section 19. Effective Date. This ordinance shall take effect upon its 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 LOMBARDI, COUNCILMEN APONTE, DeLUCA, COUNCILWOMAN DiRUZZO, COUNCILMEN JACKSON, LUNA, MANCINI, COUNCILWOMEN WILLIAMS and YOUNG - 9.

NAYES: COUNCILMAN DeLUCA requests to be recorded as voting "NO" on "An Ordinance Establishing and Granting a Tax Stabilization Plan for Wildcat Equities, Inc. on behalf of Tax Assessor's Lots 44 and 370 of Plat 52, being designated the 669 Elmwood Avenue Mill Project, so-called" and "An Ordinance in Amendment of Chapter 2004-3, No. 3 Dated January 16, 2004, Establishing and Granting a Tax Stabilization Plan for Capitol Hill Properties, LLC, with Respect to Assessor's Plat 19, Lot 102 of the City of Providence, and Hereby Establishing and Granting a Revised Tax Stabilization Plan for Intercontinental Fund IV Waterplace, LLC, Successor in

interest to Capitol Hill Properties, LLC with Respect to the same Parcel."

CILWOMAN ROMANO and COUNCILMAN SEGAL - 6.

ABSENT: COUNCILMEN ALLEN, BUTLER, HASSETT, IGLIOZZI, COUN-

The Motion for Passage the Second Time is Sustained.

PRESENTATION OF ORDINANCES

COUNCILMAN APONTE (By Request):

An Ordinance Relating to Art. IV, Chapter 17, Section 17-189(5) of the Code of Ordinances. (Police Detective Kerion O'Mara)

An Ordinance Relating to Art. IV, Chapter 17, Section 17-189(5) of the Code of Ordinances. (Roberta L. Lambert)

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

COUNCIL PRESIDENT LOMBARDI Refers the Several Ordinances to the Committee on Finance.

COUNCILMAN LUNA and COUNCILMAN SEGAL:

An Ordinance Establishing a First Source List, As Amended.

COUNCILWOMAN WILLIAMS (By Request):

An Ordinance Amending Section 10-21 of the Code of Ordinances Entitled: "Definitions".

An Ordinance Amending Section 10-22 of the Code of Ordinances Entitled: "Classification of Restaurants".

An Ordinance Amending Section 10-24 of the Code of Ordinances Entitled: "Same - Issuance, Fee, Posting".

An Ordinance Amending Section 10-76 of the Code of Ordinances Entitled: "Same-fees designated; proration of fees".

An Ordinance Amending Section 14-1 of the Code of Ordinances Entitled: "Closing Hours; License Fees, Regulations for Commercial Establishments"

An Ordinance Amending Section 14-8 of the Code of Ordinances Entitled: "Petroleum products; permit fees for bulk storage".

An Ordinance Amending Section 14-14 of the Code of Ordinances Entitled: "Registration of persons working as doorkeepers, bouncers, so-called, and crowd controllers".

An Ordinance Amending Section 14-64 of the Code of Ordinances Entitled: "License Required".

An Ordinance Amending Section 14-197 of the Code of Ordinances Entitled: "Fees for designated licenses; additional charges and costs".

An Ordinance Amending Section 14-202.1 of the Code of Ordinances Entitled: "Amusement centers and mechanical amusement devices-Definitions".

An Ordinance Amending Section 14-206 of the Code of Ordinances Entitled: "License fees for mechanical amusement devices ~~bagatelle, billiard, pool or sippio tables and amusement centers~~".

An Ordinance Amending Section 14-262 of the Code of Ordinances Entitled: "License application; fee".

An Ordinance Amending Section 24-2 of the Code of Ordinances Entitled: "Authority to issue licenses for operators and drivers".

An Ordinance Amending Section 24-6 of the Code of Ordinances Entitled: "Issuance of licenses, collection of fees therefore".

An Ordinance Amending Section 24-7 of the Code of Ordinances Entitled: "License Fees".

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

COUNCIL PRESIDENT LOMBARDI Refers the Several Ordinances to the Committee on Ordinances.

PRESENTATION OF RESOLUTIONS

COUNCIL PRESIDENT LOMBARDI (By Request):

Resolution In Support of Senate Bill 2005-S-0064, an Act Relating to Education.

COUNCIL PRESIDENT LOMBARDI Refers the Resolution to the Committee on State Legislation.

COUNCILMAN SEGAL joins the meeting.

COUNCIL PRESIDENT LOMBARDI RELINQUISHES THE CHAIR

ACTING COUNCIL PRESIDENT PRO TEMPORE YOUNG IN THE CHAIR

COUNCIL PRESIDENT LOMBARDI:

Resolution Requesting that the General Assembly Enact Legislation Relating to Licensing of Rental Dwellings in the City of Providence.

Resolution Requesting that the Providence Police Department Establish a Policy for "Party Houses".

Resolution Urging the Rhode Island Congressional Delegation to Oppose the proposed "Bankruptcy Reform Bill," S.256 and H.R.

685, which would amend title 11 of the United States Code.

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

COUNCILMAN APONTE Withdraws his Motion for Passage of the Several Resolutions and COUNCILWOMAN WILLIAMS Withdraws her second of the Motion.

COUNCIL PRESIDENT LOMBARDI:

Resolution Requesting that the General Assembly Enact Legislation Relating to Licensing of Rental Dwellings in the City of Providence.

Whereas, In order to protect the quality of life in the city's neighborhoods, the City of Providence has the need for policies or regulations that would incorporate the basic intent of proposed Senate Bill 2967, introduced in 2000, and House Bill 5327 introduced in 2005; and

Whereas, Renter-occupied units account for 65% of all housing units in the City of Providence, according to the 2000 Census; and

Whereas, Absentee landlords, especially those living out-of-state, are not always held accountable for disturbance and nuisance issues at their rental properties, making it

difficult to enforce local ordinances and state laws; and

Whereas, The City of Providence, to properly address ongoing public safety concerns in residential neighborhoods, should have greater recourse against negligent property owners; and

Whereas, Appropriate legislation or regulations would enable the City of Providence to license rental property and rental property owners to help ensure owners are responsible and do not permit their tenants to engage in illegal and improper activity or create public nuisances on the licensed property; and

Whereas, Responsible property owners who wish to take action against tenants who do not comply with their rental agreement, including disturbing the peace and engaging in illegal activity, or for noncompliance of section 13-18-24 of the Rhode Island General Laws, should have greater ability to do so.

Now, therefore, be it resolved, That the members of the Providence City Council do hereby request that the City Solicitor research similar legislation in other states and cities and draft an ordinance in accordance with all applicable city, state and federal laws, relating to the licensing of rental dwellings or relating to eviction of tenants for noncompliance with rental agreement; and

Be it further resolved, That the City Clerk shall forward a copy of the previously proposed Senate Bill 2967 and House Bill 5327 to the City Solicitor for reference and review.

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

COUNCILMAN DeLUCA - No.

COUNCILMAN SEGAL - No.

COUNCILMAN LUNA - Abstain

The Motion for Passage is Sustained.

Resolution Requesting that the Providence Police Department Establish a Policy for "Party Houses".

Whereas, Certain residences create an ongoing nuisance in city neighborhoods due to loud music and parties; and

Whereas, These residences create such nuisance on a consistent and regular basis; and

Whereas, The renters and/or owners of such residences are responsible for disturbing the quality of life for nearby residents; and

Whereas, The Narragansett Police Department has developed a successful policy to address so-called "party houses" by establishing a "Party House List"; and

Whereas, The policy was implemented to help reduce the number of complaints received about party houses; and

Whereas, Disruptive and over-crowded parties in Providence create a public nuisance as well as serious fire, health and public safety concerns.

Now, therefore, be it resolved, That the members of the Providence City Council do hereby request that the Providence Police Chief review the policy of the Narragansett Police Department regarding party houses, and adopt a similar plan for the City of Providence; and

Be it further resolved, That the members of the Providence City Council do hereby request that a copy of the Narragansett Police Department policy, the same which is attached to this resolution, be forwarded to the Providence Police Chief.

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

The Motion for Passage is Sustained.

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 Urging the Rhode Island Congressional Delegation to Oppose the proposed "Bankruptcy Reform Bill," S.256 and H.R. 685, which would amend title 11 of the United States Code.

Resolved, That the Members of the Providence City Council hereby urges the Rhode Island Congressional Delegation to Oppose the proposed "Bankruptcy Reform Bill," S.256 and H.R. 685, which would amend title 11 of the United States Code.

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

The Motion for Passage is Sustained.

COUNCIL PRESIDENT LOMBARDI RETURNS TO THE CHAIR

COUNCIL PRESIDENT LOMBARDI, COUNCILMEN APONTE, LUNA, SEGAL and COUNCILWOMAN DiRUZZO:

Resolution Extending Sincere Best Wishes to Dr. Pablo Rodriguez for a complete and speedy recovery.

Resolved, That the Members of the Providence City Council hereby Extend Sincere Best Wishes to Dr. Pablo Rodriguez for a complete and speedy recovery.

Resolution Extending Sincere Best Wishes to Raphael Rodriguez for a complete and speedy recovery.

Resolved, That the Members of the Providence City Council hereby Extend Sincere Best Wishes to Raphael Rodriguez for a complete and speedy recovery.

Resolution Extending Sincere Best Wishes to Dawn Titcomb for a complete and speedy recovery.

Resolved, That the Members of the Providence City Council hereby Extend

Sincere Best Wishes to Dawn Titcomb for a complete and speedy recovery.

Resolved, That the Members of the Providence City Council cause the installation of various street name signs in the 1st ward.

Resolution Extending Sincere Best Wishes to John Titcomb for a complete and speedy recovery.

Resolved, That the Members of the Providence City Council hereby Extend Sincere Best Wishes to John Titcomb for a complete and speedy recovery.

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.

COUNCILMAN HASSETT and COUNCILWOMAN DIRUZZO:

Resolution Requesting the Traffic Engineer to cause the installation of a "No Thru Trucks" Sign along Newark Street.

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

COUNCILMAN SEGAL:

Resolution Requesting the Traffic Engineer to cause the installation of various street name signs in the 1st Ward.

Sign Needed
Williams
Williams
Williams
Williams
Brown
Brook
Brook
Governor
Governor
Thayer
Thayer
Thayer
East Street
Benefit
Benefit
Benefit
Benefit
Benefit
Benefit
George
George
College
Power
Power
Power
Charlesfield
Young Orchard
Benevolent
Benevolent
Benevolent

Intersection
Thayer
East Street
Governor
Brook
Power
George
Charlesfield
Young Orchard/Preston
Williams
Charlesfield
Power
Williams
Williams
Angell/Thomas
College
George
Charlesfield
Power
John
Benefit
Brook
Benefit
Benefit
Brown
Thayer
Brown
Cook
Benefit
Magee
Cooke

REPORTS FROM COMMITTEE

COMMITTEE ON PUBLIC WORKS

COUNCILMAN TERRENCE M. HASSETT, Chairman

**Transmits the Following with
Recommendation the Same be Approved,
As Amended:**

Resolution Requesting the Traffic Engineer to cause a "Time Restriction-No Parking" Sign located at the corner of 11 Lucille Street.

Resolved, That the Traffic Engineer is requested to cause a "Time Restriction-No Parking" Sign located at the corner of 11 Lucille Street.

**Transmits the Following with
Recommendation the Same be
Severally Approved:**

Resolution Permitting Providence Black Repertory, 276 Westminster Street, to cause the installation of two-complete sets of removable ballards at the two side exits located on Clemence Street, to be removed after each performance.

Signs at the corner of Sharon Street and Moorland Avenue.

Resolved, That the Traffic Engineer is requested to cause the installation of "Four-Way Stop" Signs at the corner of Sharon Street and Moorland Avenue.

Resolved, That the Providence Black Repertory, 276 Westminster Street, is permitted to cause the installation of two-complete sets of removable ballards at the two side exits located on Clemence Street, to be removed after each performance.

Resolution Requesting the Traffic Engineer to cause the installation of a sign that reads "No Parking Between Signs" on Thayer Street, in front of Brown's Watson Institute. Only one such sign stands there now so that the end of the "No Parking" Zone is not clear.

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

Resolved, That the Traffic Engineer is requested to cause the installation of a sign that reads "No Parking Between Signs" on Thayer Street, in front of Brown's Watson Institute. Only one such sign stands there now so that the end of the "No Parking" Zone is not clear.

Resolution Requesting the Traffic Engineer to cause the installation of "No Littering" Signs within the 14th Ward.

Resolved, That the Traffic Engineer is requested to cause the installation of "No Littering" Signs within the 14th Ward.

Resolution Requesting the Traffic Engineer to cause the installation of two "Slow Children" Signs on Cumberland Street.

Resolved, That the Traffic Engineer is requested to cause the installation of two "Slow Children" Signs on Cumberland Street.

Resolution Requesting the Traffic Engineer to cause the installation of "Slow Children" Signs along Clarence Street from Laurel Hill Avenue through to Whitehall Street.

Resolved, That the Traffic Engineer is requested to cause the installation of "Slow Children" Signs along Clarence Street from Laurel Hill Avenue through to Whitehall Street.

Resolution Requesting the Traffic Engineer to cause the installation of "Stop" Signs on both sides of Merino Street between Laban Street and Plainfield Street.

Resolved, That the Traffic Engineer is requested to cause the installation of "Stop" Signs on both sides of Merino Street between Laban Street and Plainfield Street.

Resolution Requesting the Traffic Engineer to cause the installation of "No Parking" Signs on both sides of East River Drive from the Henderson Bridge to the Richmond Square parking lot.

Resolved, That the Traffic Engineer is requested to cause the installation of "No Parking" Signs on both sides of East River Drive from the Henderson Bridge to the Richmond Square parking lot.

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 the Traffic Engineer to cause the removal of the "No Parking" Signs on Brown Street between Power Street and George Street.

Resolved, That the Traffic Engineer is requested to cause the installation of the "No Parking" Signs on Brown Street between Power Street and George Street.

COUNCILWOMAN WILLIAMS Moves to Amend the foregoing Resolution to read "Resolved that the Traffic Engineer is requested to place "No Parking" Signs on Brown Street between Power Street and George

Street", seconded by COUNCILMAN APONTE.

COUNCILMAN APONTE Moves Passage of the Resolution, As Amended, seconded by COUNCILWOMAN WILLIAMS.

The Motion for Passage, As Amended, is Sustained.

Resolution Requesting the Traffic Engineer to cause the installation of "Loading Zone" Signs at 230-232 Atwells Avenue.

Resolved, That the Traffic Engineer is requested to cause the removal of "Loading Zone" Signs at 230-232 Atwells Avenue.

Resolution Requesting the Traffic Engineer to cause the installation of "No Parking to Corner" Signs at Manton Avenue and Ortoleva Drive.

Resolved, That the Traffic Engineer is requested to cause the installation of "No Parking to Corner" Signs at Manton Avenue and Ortoleva Drive.

Resolution Requesting the Traffic Engineer to cause the installation of "No Parking" Signs on the odd numbered side of Greenwood Street.

Resolved, That the Traffic Engineer is requested to cause the installation of "No Parking" Signs on the odd numbered side of Greenwood Street.

Resolution Requesting the Traffic Engineer to cause the installation of a "Four-Way Stop" Sign at the intersection of Angell Street and Paterson Street.

Resolved, That the Traffic Engineer is requested to cause the installation of a "Four-Way Stop" Sign at the intersection of Angell Street and Paterson Street.

Resolution Requesting the Traffic Engineer to cause the installation of a "Yield" Sign on Mink Road at the intersection of Academy Avenue.

Resolved, That the Traffic Engineer is requested to cause the installation of a "Yield" Sign on Mink Road at the intersection of Academy Avenue.

Resolution Requesting the Traffic Engineer to cause the installation of a "No-Thru Trucking" Sign along Comstock Avenue.

Resolved, That the Traffic Engineer is requested to cause the installation of a "No-Thru Trucking" Sign along Comstock Avenue.

Resolution Requesting the Traffic Engineer to cause the installation of Handicap Parking Spaces, one additional space in front of 77 Dorrance Street; a second space in front of 127 Weybosset Street; and possibly two additional spaces at the curbside of 84 Dorrance Street at the request of the Office of Child Support Enforcement.

Whereas, The Office of Child Support Enforcement serves nearly 100,000 clients many of whom are Providence residents; and

Whereas, Currently there is one handicapped space available which creates a hardship for those who are disabled and handicapped; and

Whereas, After carefully reviewing the area the following assessment was made; one additional space could be added directly in front of 77 Dorrance Street, a second space could be assigned in front of 127 Weybosset Street, and possibly two additional spaces could be designated at the curbside of 84 Dorrance Street.

Now, therefore, be it resolved, That the Traffic Engineer is requested to increase the total number of spaces available at the Office of Child Support Enforcement thereby allowing the disadvantaged greater accessibility.

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

Resolved, That the Traffic Engineer is requested to cause the installation of "Four-Way Stop" Signs at the intersection of Tell Street and Courtland Street.

Resolution Requesting the Traffic Engineer to cause the installation a "Loading Zone" Sign for 15 Montrose Street on the Ridgeland Street side from the driveway to Montrose Street.

Resolved, That the Traffic Engineer is requested to cause the installation of a "Loading Zone" Sign for 15 Montrose Street on the Ridgeland Street side from the driveway to Montrose Street.

Resolution Requesting the Traffic Engineer to cause the installation of a "Handicap" Sign in front of 190 Veazie Street.

Resolved, That the Traffic Engineer is requested to cause the installation of a "Handicap" Sign in front of 190 Veazie Street.

Resolution Requesting the Traffic Engineer to cause the installation of a "Stop" Sign on Beaufort Street and Pemberton Street.

Resolved, That the Traffic Engineer is requested to cause the installation of a "Stop" Sign on Beaufort Street and Pemberton Street.

Resolution Requesting the Traffic Engineer to cause the installation of a "Reserved for Handicapped" Sign in front of 50 Malbone Street.

Resolved, That the Traffic Engineer is requested to cause the installation of a "Reserved for Handicapped" Sign in front of 50 Malbone Street.

Resolution Requesting the Traffic Engineer to cause the installation of "No Parking Anytime" Signs between 507 and 497 Chalkstone Avenue.

Resolved, That the Traffic Engineer is requested to cause the installation of "No Parking Anytime" Signs between 507 and 497 Chalkstone Avenue.

Resolution Requesting the Traffic Engineer to cause the installation of a "Four-Way Stop" Sign on Washington Street and Winter Street.

Resolved, That the Traffic Engineer is requested to cause the installation of a "Four-Way Stop" Sign on Washington Street and Winter Street.

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

Resolved, That the Traffic Engineer is requested to cause the installation of a "Four-Way Stop" Sign at Dora Street and the Intersection of Cumerford Street.

Resolution Requesting the Traffic Engineer to cause the installation of a "Quiet Please-Sick Person" Sign in front of the "Pocasset Manor" high rise on Kelly Street.

Resolved, That the Traffic Engineer is requested to cause the installation of a "Quiet Please-Sick Person" Sign in front of the "Pocasset Manor" high rise on Kelly Street.

Resolution Requesting the Traffic Engineer to cause the installation of "Twenty Minute Parking Only" Signs sufficient for four (4) parking spaces to accommodate short-term

parking at 160 Francis Street, the location of Rhode Island Credit Union.

Resolved, That the Traffic Engineer is requested to cause the installation of "Twenty Minute Parking Only" Signs sufficient for four (4) parking spaces to accommodate short-term parking at 160 Francis Street, the location of Rhode Island Credit Union.

Resolution Requesting the Traffic Engineer to cause the installation of a "Four-Way Stop" Sign at the intersection of George Street and Hope Street.

Resolved, That the Traffic Engineer is requested to cause the installation of a "Four-Way Stop" Sign at the intersection of George Street and Hope Street.

Resolution Requesting the Traffic Engineer to cause the installation of a "Handicapped Parking" Sign on Hope Street at the corner of Langham Road.

Resolved, That the Traffic Engineer is requested to cause the installation of a "Handicapped Parking" Sign on Hope Street at the corner of Langham Road.

Resolution Requesting the Traffic Engineer to cause the installation of a "No Parking to Corner" Sign in front of 1 Vandewater Street.

Resolved, That the Traffic Engineer is requested to cause the installation of a "No Parking to Corner" Sign in front of 1 Vandewater Street.

Resolution Requesting the Traffic Engineer to cause the installation of a "Four-Way Stop" Sign at Ives Street and Power Street.

Resolved, That the Traffic Engineer is requested to cause the installation of a "Four-Way Stop" Sign at Ives Street and Power Street.

Resolution Requesting the Traffic Engineer to cause the installation of a "No Right Turn" Sign at that point along Candace Street wherein traffic from the rear parking area of the Russell J. Boyle Funeral Home located at 331 Smith Street shall be directed consistent with One Way restrictions along Candace Street.

Resolved, That the Traffic Engineer is requested to cause the installation of a "No Right Turn" Sign at that point along Candace Street wherein traffic from the rear parking area of the Russell J. Boyle Funeral Home located at 331 Smith Street shall be directed consistent with One Way restrictions along Candace Street.

Resolution Requesting the Traffic Engineer to revert Kelly Street back to a Two-Way Street from Bancroft Street through to Magnolia Street.

Resolved, That the Traffic Engineer is requested to cause the installation of a Two-

Way Street from Bancroft Street through to Magnolia Street.

Resolution Requesting the Traffic Engineer to cause the motor vehicle traffic to become Two-Way along Fern Street.

Resolved, That the Traffic Engineer is requested to cause the motor vehicle to become Two-Way along Fern Street.

Resolution Requesting the Chief Electrical Inspector to cause the installation of street lighting along that unnamed gangway that runs from 435-443 Hope Street to 192-196 and 198 Morris Avenue and between Montague Street and Doyle Avenue.

Resolved, That the Traffic Engineer is requested to cause the installation of street lighting along that unnamed gangway that runs from 435-443 Hope Street to 192-196 and 198 Morris Avenue and between Montague Street and Doyle Avenue.

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.

REPORT

Report from Andrew J. Annaldo, Chairman & Secretary, Board of Licenses of all monies received for licenses, etc., issued during the quarter ending December 31,2004.

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

FROM THE CLERK'S DESK

Petition from Thomas E. Deller, Executive Director, Department of Planning & Development, requesting to abandon a portion of Fountain Street.

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

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

Rose A. Antonelli

Arthur Wlodarski

Nicholas Toti

The CCS Companies

a/s/o Travelers Insurance/John J. Rogers

Progressive

a/s/o David Gaboriault

James A. Branch

Edwin F. Kane

Louis Squillante

Brian O'Connell

Randi Belhumeur

Linda S. Manni

Marie B. Albanese

(Kimberly D. Bittner, Esquire)

Kathleen M. Cowen

Lawrence J. Labadie

Ashley McMahan

(Christopher E. Fay, Esquire)

Jennifer E. Hamel

Aiesha Boisvert

Raymond F. Morris

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

PRESENTATION OF RESOLUTIONS

"In Congratulations"

**COUNCIL PRESIDENT LOMBARDI and
the MEMBERS OF THE CITY
COUNCIL:**

Resolution Extending Congratulations.

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

Anne Carnevale, in recognition of the celebration of her ninetieth birthday. May she enjoy many more happy, healthy years.

Vincent J. Berarducci, in recognition of the celebration of his sixty-fifth birthday, even though he is only sixty-four. May this birthday be better than the last, but not as good as the next.

Dr. Milton Levin, in recognition of the celebration of his eighty-fifth birthday, born April 15, 1920.

Lisa Churchville, in recognition of receiving the 2005 Woman of Excellence Business Award from the Women's Center of Rhode Island.

Mary Sylvia Harrison, in recognition of receiving the 2005 Woman of Excellence Education and Social Services Award from the Women's Center of Rhode Island.

Rose Weaver, in recognition of receiving the 2005 Woman of Excellence Arts and Humanities Award from the Women's Center of Rhode Island.

Foundling Baroque Orchestra and Women's Advocacy Project in recognition of receiving the

2005 Woman of Excellence Group Award from the Women's Center of Rhode Island.

Reverend E. Naomi Craig, in recognition of receiving the 2005 Woman of Excellence Religious Community Award from the Women's Center of Rhode Island.

Maria Foronda, in recognition of receiving the 2005 Woman of Excellence Domestic Violence Survivor Award from the Women's Center of Rhode Island.

Janice (Babin) Corona, in recognition of the happy occasion of her fiftieth birthday, born March 4, 1955.

Trooper David P. Tikoian, in recognition of his promotion to the rank of Corporal in the Rhode Island State Police.

Wayne J. Montague, in recognition of his appointment as Principal of Hope High School.

Mary Kate Carbone, in recognition of her appointment as Vice Principal of Hope High School.

Arthur P. Petrosinelli, in recognition of his appointment as Vice Principal Of Hope High School.

**Severally Read and Collectively
Passed, on Motion of COUNCILMAN
APONTE, seconded by COUNCIL-
WOMAN WILLIAMS.**

The Motion for Passage is Sustained.

PRESENTATION OF RESOLUTIONS

"In Memoriam"

**COUNCIL PRESIDENT LOMBARDI and
the MEMBERS OF THE CITY
COUNCIL:**

Albert A. Berarducci, Sr.

Ambrose G. "Andy" Izzo

Resolution Extending Sympathy.

Alfred Mollicone

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

Antonio D. DeSantis

Italia Liguori

Salvatore R. LoBianco

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

Emilio Chiodo

Maria Alba

The Motion for Passage is Sustained.

Donald E. Almonte

Everett Bianco, Sr.

Frances C. Skinkle

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

**COUNCILMEN APONTE, LUNA and
SEGAL:**

An Ordinance Relative to Displaced Workers
Notification.

COUNCIL PRESIDENT LOMBARDI
Refers the foregoing Ordinance to the
Committee on Ordinances.

ADJOURNMENT

There being no further business, on
Motion of COUNCILMAN APONTE,
seconded by COUNCILWOMAN WILLIAMS,
it is voted to adjourn the meeting at 8:05
o'clock P.M. (E.S.T.), to meet again on
THURSDAY, APRIL 7, 2005 at 7:30 o'clock
P.M. (E.S.T).

Michael R. Clement

MICHAEL R. CLEMENT
CITY CLERK





