

CITY OF PROVIDENCE  
RHODE ISLAND



CITY COUNCIL  
JOURNAL OF PROCEEDINGS

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No. 2 City Council Regular Meeting, Thursday, January 19, 2006, 7:30 o'clock P.M. (E.S.T)

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PRESIDING

COUNCIL PRESIDENT

JOHN J. LOMBARDI

ROLL CALL

**Present:** COUNCIL PRESIDENT LOMBARDI, COUNCILMEN APONTE, BUTLER, DeLUCA, HASSETT, IGLIOZZI, JACKSON, LUNA, MANCINI, COUNCILWOMAN ROMANO and COUNCILWOMAN YOUNG - 11.

**Absent:** COUNCILMAN ALLEN, COUNCILWOMAN DiRUZZO COUNCILMAN SEGAL and COUNCILWOMAN WILLIAMS - 4.

(COUNCILWOMAN DiRUZZO and COUNCILMAN SEGAL JOIN THE MEETING)

**Also Present:** Raymond Dettore, Assistant City Solicitor, Claire E. Bestwick, First Deputy City Clerk, Anna M. Stetson, Second Deputy City Clerk, Sheri A. Petronio, Assistant Clerk and Vincent J. Berarducci, City Sergeant.

IN CITY COUNCIL  
JUN 15 2006

READ  
WHEREUPON IT IS ORDERED THAT  
THE SAME BE RECEIVED  
*Anna M. Stetson* CLERK

## **INVOCATION**

The Invocation is given by **THE HONORABLE FRANCIS J. DARIGAN, JR.**

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

**COUNCILWOMAN BALBINA A. YOUNG** Leads  
the Members of the City Council and the Assemblage in  
the Pledge of Allegiance to the Flag of the United States  
of America.

**COUNCILWOMAN DIRUZZO JOINS THE MEETING.**

## **APPROVAL OF RECORDS**

**Journal of Proceedings No. 29 of the Regular Meeting of the City Council held December 4, 2003, No. 30 of the Special Meeting of the City Council held December 15, 2003, No. 31 of the Regular Meeting of the City Council held December 18, 2003 and No. 32 of the Special Meeting of the City Council held December 18, 2003 and Posted on January 13, 2006 on that Bulletin Board located on the Ground Level of City Hall, are approved, as printed, on Motion of COUNCILMAN APONTE, seconded by COUNCILMAN DeLUCA.**

## APPOINTMENT BY HIS HONOR THE MAYOR

Communication dated December 28, 2005, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1009 of the Providence Home Rule Charter of 1980, as amended, he is this day appointing Mr. Kas DeCarvalho of 154 Miller Avenue, Providence, Rhode Island 02905, as Chairman of the Zoning Board of Review for a term to expire in January 2011, and

respectfully submits the same for your approval. (Mr. DeCarvalho will replace Ms. Sandra Carlson, whose term has expired.)

**COUNCIL PRESIDENT LOMBARDI  
Receives and Refers the Communication  
to the Committee on Finance.**

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## APPOINTMENT BY THE PRESIDENT OF THE CITY COUNCIL

Communication from Council President John J. Lombardi, dated January 6, 2006, Informing the Honorable Members of the City Council that he is this day appointing Councilman John J. Iglizoi, Councilman Terrence M. Hassett and Councilman Miguel C. Luna to serve on the Sub-Committee Relative to Tax Interest Amnesty Week and Tax Policy Reform for a

term to expire sixty (60) days after its first meeting and to report back to the Finance Committee with its recommendation.

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

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## ORDINANCES SECOND READING

**The Following Ordinances were in City Council January 5, 2006, Read and Passed the First Time and are Severally Returned for Passage the Second Time:**

An Ordinance Granting to the Thayer Street Management District Authorization to Operate as a "Business Improvement District", as Amended.

*Be it ordained by the City of Providence:*

*Whereas*, The Providence City Council, pursuant to R.I.G.L. Title 45, Chapter 59, has the authority to establish Business Improvement Districts; and

*Whereas*, The Providence City Council has amended Chapter 21 of the Code of Ordinances of the City of Providence by adding Article XIII, to provide for the creations and functions of Business Improvement Districts; and

*Whereas*, Petitions bearing the signatures of the owners of more than sixty percent (60%) (by assessed valuation) of the real property within a proposed Thayer Street Management District have been submitted to the Providence City Clerk; and

*Whereas*, The Thayer Street Management District Authority seeks to insure the continued vitality of the business district on Thayer Street and adjoining side streets in the City of Providence, and to retain and attract new businesses and investment; and

*Whereas*, Neither the state law nor this Ordinance contemplate any erosion of the City's powers and authority; and

*Whereas*, The petitioners agree that the City's jurisdiction to issue permits and approvals is retained, and that none of the purposes or powers included within the grant of authority contained herein shall be exercised to limit the City's jurisdiction; and

*Whereas*, The Providence City Council desire to set forth its expectations regarding the relationship between the Thayer Street District Management Authority and the Council; and

*Whereas*, The petitioners have expressed a desire to cooperate in the implementation of the Thayer Street Management District, so as to guarantee that the City will be held harmless and will be made whole for any claims, suits, or uncollectible accounts arising from actions of the Thayer Street Management District Authority; and

*Whereas*, The Providence City Council finds that it is in the interest of the residents of the City of Providence to grant the petition to establish the Thayer Street Management District and to authorize the Thayer Street District Management Authority to oversee the operations of the Thayer Street Management District;

*Now, therefore, it is enacted as follows:*

The Providence City Council finds that:

1. The petition, constituting in the aggregate sixty percent (60%) of the aggregate assessed valuation of all real property not exempt from taxation by law within the proposed district, seeks to establish as the Thayer Street Management District all commercial and retail property within the boundaries extending north from Waterman Street to Bowen Street. See Exhibit A and B, attached.

2. The Thayer Street Management District incorporates a primary retail area on the East Side of Providence and incorporates portions of Wards 1 and 2. A majority of the area of the land located within the proposed district is devoted to commercial and retail uses. The area is of approximately seventeen (17) blocks.

3. The Thayer Street District Management Authority is a body corporate and politic and an instrumentality and agency of the City of Providence, but has a legal existence distinct from the City. In exercising the powers granted to it, the Thayer Street District Management Authority will exercise public and essential governmental functions. No part of the net earnings of the Thayer Street District Management Authority will be distributable to, or inure to the benefit of, any private person.

4. The role of the Thayer Street Management District is to insure the vitality of the business and retail districts on Thayer Street and those streets adjoining Thayer Street, and to stabilize and increase the property values in the Thayer Street area while retaining businesses and attracting new business investment. The Thayer Street District Management Authority will have the following purposes within the Thayer Street Management District, all in addition to, and

not as a replacement for, the level of these services provided by the City at the time of the passing of this ordinance:

- (a) To provide for the cleaning of the public streets and sidewalks and the removal of snow;
- (b) To provide for security; however, nothing contained in this section shall bestow or authorize any police powers on any security force with the district;
- (c) To install, repair and maintain public streets and sidewalks and lighting for public streets and sidewalks;
- (d) To install, repair and maintain street signs;
- (e) To provide for landscaping and the repair and maintenance of public spaces;
- (f) To provide for refuse collection and removal;
- (g) To provide for motor vehicle parking;
- (h) To sponsor and promote recreational, cultural and retail activities;
- (i) To promote the development of the management district including collecting and disseminating information;
- (j) To construct public facilities; and
- (k) To provide such other services and facilities within the management district as may be beneficial to the management district and the property owners, tenants and other occupants in the district.

All City departments and agencies which currently provide services to all or part of the

District must provide to the governing board of the Thayer Street District Management Authority, within thirty (30) days of a written request by said board, a letter outlining in detail the type, level, and frequency of services such department or agency provides to all of part of the District.

5. The Thayer Street District Management Authority shall have all of the powers and purposes as defined in R.I.G.L. §45-59-10, with the following four limitations:

- (a) The Maximum assessment rate that may be set by the Thayer Street District Management Authority is five percent (5%) of the total of the real property taxes levied on the ratable real property within the management district.
- (b) The Thayer Street District Management Authority shall terminate concurrently with the termination of the Thayer Street Management District. If a Thayer Street Management District is reestablished, the Thayer Street District Management Authority must be reestablished.
- (c) In accordance with R.I.G.L. §45-59-20, the services provided by the Thayer Street District Management Authority will be supplemental to the service otherwise provided by the City of Providence within the Thayer Street Management District.
- (d) The City Collector may assign by mutual consent any and all of the Collection process to the Thayer Street District Management Authority. Said assignment shall be defined by an agreement between the City and the Thayer Street District Management Authority.

6. Except in accordance with limitations on the Thayer Street District Management Authority cited in Paragraph 5 above, the Thayer Street District Management Authority shall have the power:

- (a) To sue and be sued, complain and defend, in its corporate name.
- (b) To have a corporate seal which may be altered at pleasure, and to use the seal by causing it, or a facsimile of the seal, to be impressed or affixed or in any other manner reproduced;
- (c) To purchase, take, receive, lease, take by gift, devise or bequest, or otherwise acquire, own, hold, improve, use and otherwise deal in and with real or personal property or any interest in property, wherever situated, and without restriction as to amount;
- (d) To sell, convey, mortgage, pledge, lease, exchange, transfer and otherwise dispose of all or any part of its property and assets;
- (e) To purchase, take, receive, subscribe for, or otherwise acquire, own, hold, vote, use, employ, sell, mortgage, lend, pledge, or otherwise dispose of, and otherwise use and deal in and with, shares or other interests in, or obligations of domestic or foreign corporations, whether for profit or not for profit, limited liability companies, associations, partnerships or individuals, or direct or indirect obligations of the United States, or of any other government, state, territory, governmental district or municipality or of any instrumentality thereof;

- (f) To make contracts and guarantees and incur liabilities, borrow money, for periods of three (3) years or less, at such rates of interest as the Thayer Street District Management Authority may determine, issue its notes and other obligations, guarantee debts and secure any of its obligations by mortgage or pledge of all or any of its property, assets and income;
- (g) To lend money for its purposes, invest and reinvest its funds, and to take and hold real and personal property as security for the payments of funds so loaned or invested;
- (h) To elect or appoint officers and agents of the Thayer Street District Management Authority and to define their duties;
- (i) To make and alter bylaws, not inconsistent with the petition for the Thayer Street Management District or with the laws of the state, for the administration and regulation of the affairs of the Thayer Street District Management Authority;
- (j) To accept grants or funds from the state and from nonprofit corporations;
- (k) To have and exercise all other powers necessary or convenient to effect any or all of the purposed for which the Thayer Street District Management Authority is created.
7. The Thayer Street District Management Authority activities will be managed by a board of directors which will consist of nine (9) members.
- (a) A minimum of five (5) members will at all time be property owners within the Thayer Street Management District.
- (b) Seven of the nine members will be appointed by the Thayer Street Improvement Collaborative as a representative of the business community as defined by R.I.G.L. §45-59-12.
- (c) Four of the members appointed by the Thayer Street Improvement Collaborative must be property owners within the Thayer Street Management District.
- (d) Two of the nine members will be appointed by the Mayor as follows: one will be the Mayor or his or her designee; and the other will be an owner of real property (Not exempt from taxation by law) located within the Thayer Street Management District.
- (e) Terms for the directors will be a follows:
- (1) The Mayor will assign to the Board Members initially appointed by him or her terms of one (1) and two (2) years so that the terms of the directors so appointed will expire on the last days of the first and second fiscal years respectively.
  - (2) The Thayer Street Improvement Collaborative will assign to the Seven (7) Board Members initially appointed by it, terms of one (1) year (as to two (2) of them), two (2) years (as to two (2) of them), and three (3) years (as to three (3) of them) so that the terms of the directors so appointed will

expire on the last days of the first; second and third fiscal years respectively.

- (f) All officers and agents of the Thayer Street District Management Authority will "have such authority and perform such duties in the management of the Thayer Street District Management Authority as may be provided in the bylaws, or as may be determined by resolution or vote of the board of directors, subject to any limitations on such authority contained in the bylaws.

8. The Thayer Street District Management Authority board of directors will prepare an annual operating budget not later than sixty (60) days prior to the beginning of each fiscal year, containing:

- (a) An estimate of surplus from its current fiscal year available for expenditure in the ensuing fiscal year;
- (b) An estimate of receipts for the ensuing fiscal year from the special tax assessment for in Paragraph 10 below;
- (c) An estimate of receipts for the ensuing fiscal year from all other sources; and
- (d) An estimate of expenditures for the ensuing fiscal year for the carrying on of the Thayer Street District Management Authority's activities including debt service, if any.
- (e) Prior to the adoption of the budget, the Thayer Street District Management Authority will hold a public hearing thereon at which all interested persons

may be heard. Notice of the public hearing will be given by publication in the Providence Journal at least once a Week for three (3) successive weeks prior to the date of the hearing.

9. The Thayer Street District Management Authority will have the power to apportion the annual operating expenses of the Thayer Street District Management Authority by a special tax assessment amongst the owners of ratable real property, not otherwise exempt by law, located within the Thayer Street Management District. The special tax assessments made by the Thayer Street District Management Authority are not considered to be a tax of the City for purposes of determining the maximum levy under R.I.G.L. §44-5-2.

10. The total of the special tax assessments levied on the ratable real property within the Management District will not exceed five percent (5%) of the total of the real property taxes levied on the ratable real property within the Thayer Street Management District, not exempt from taxation by law, for the fiscal year of the municipality that ends within or with the fiscal year of the Thayer Street District Management Authority.

11. Properties with tax stabilized development agreements will pay Thayer Street District Management Authority assessments based upon the full assessed value of those properties as determined by the Assessor's Office for the City.

12. Any note or other obligations issued by the Thayer Street District Management

Authority, their transfer and the income from the notes or obligations (including any profits made on the sale of the notes or obligations), will at all times be free from taxation by the state or any political subdivision or other instrumentality of the state.

13. Notes and other obligations of a Thayer Street District Management Authority will not be deemed to constitute the debt or a pledge of the faith and credit of the City of Providence.

An Ordinance in Amendment of Chapter 27 of the Code of Ordinances of the City of Providence Entitled "The City of Providence Zoning Ordinance" Approved June 27, 1994, as Amended. (Live Work Space)

*Be it ordained by the city of Providence:*

Section 1: Chapter 27 of the Ordinances of the City of Providence, entitled "The City of Providence Zoning Ordinance" approved June 27, 1994, as amended, is hereby amended as follows (the text to be removed is crossed out; the new text is underlined):

(a) Amend Article III, Section 303, Table 1.0 as follows:

Use Code	Use	B-1	B-2	F-1	F-2	F-3	F-4	C-1	C-2	C-3	D-1	D-2	D-3	D-4	D-5	D-6	D-7	D-8	D-9	D-10	D-11	D-12	D-13	D-14	D-15	D-16	D-17	D-18	D-19	D-20	
14.2	Work Space - Low Intensity	N	N	N	N	N	N	S	S	S	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
14.3	Live-Work Space - High Intensity	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

~~7. The owner(s) of a building seeking a conditional use for artist's studio/dwellings must sign and record a covenant and equitable servitude, on a form acceptable to the director, that acknowledges that the owner(s) and occupants of the building accept the~~

~~industrial character of the neighborhood and agree that existing or permitted industrial uses do not constitute a nuisance or other inappropriate or unlawful use of land. Such covenant and equitable servitude must state that it is binding on the owner(s)' successors, heirs, and assigns; including any lessees of the artist's studio/dwelling. See Section 426 for specific regulations.~~

~~8. Artist's studio/dwellings shall not be located where they may restrict or disrupt industrial activity.~~

(b) Amend Article IV by adding the following section:

Section 426 - Regulations for Live Work Space:

A) *Minimum Dwelling Size* -Live Work Space shall consist of a single, enclosed, private space of 750 square feet or more where no more than 33% of the volume of the total space is devoted to living purposes, with the remainder dedicated to work space.

B) *Maximum Number of Occupants*-The maximum allowable number of related and/or non-related persons living in a unit shall be as follows:

Live-Work Space-Low Intensity (Use Code 14.2) - maximum of 3 (three) related and/or non-related persons living in a unit.

Live-Work Space - High Intensity (Use Code 14.3) -maximum of 6 (six) related and/or non-related persons living in a unit.

To calculate the maximum number of occupants allowed in each unit for zoning purposes, use the following formula. All numbers shall be rounded down to the nearest whole number and in no case shall the number derived by the formula exceed the maximum number of occupants identified above.

Maximum Number of Occupants =  
(Total Unit Size\*0.33)/150

C) *Restrictive Covenant - M-1 and M-2 Districts* - Dwellings shall not be located where they may restrict or disrupt industrial activity. As such, the owner(s) of a building seeking such a Live-Work Space use in an M-1 or M-2 District must sign and record a covenant and equitable servitude, on a form acceptable to the director, that acknowledges that the owner(s) and occupants of the building accept the industrial character of the neighborhood and agree that existing or permitted industrial uses do not constitute a nuisance or other inappropriate or unlawful use of land. Such covenant and equitable servitude must state that it is binding on the owner(s) successors, heirs, and assigns, including any lessees of the Live-Work space.

D) *Parking*- A minimum of 1.5 parking spaces shall be provided for each dwelling unit up to 1,500 square feet; 1 additional parking space shall be provided for each additional 1,000 square feet per dwelling unit.

E) *Other Codes* - The regulations con-

tained in this section in no way exempt live-work space from complying with the requirements of any other applicable codes, including but not limited to Building, Fire, and Housing Codes.

(c) Amend Article X as follows:

1000.83 - Household: One or more persons living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit. The term "household unit" shall be synonymous with the term "dwelling unit" for determining the number of such units allowed within any structure on any lot in a zoning district. An individual household shall consist of any one of the following:

- (a) A family, which may also include servants and employees living with the family; or
- (b) A person or group of not more than three (3) unrelated persons living together; or
- (c) A person or group of persons living together in a Live-Work Space.

1000.93 - Live-Work Space: a structure or portion of a structure combining a dwelling unit or rooming unit with an integrated work space principally used by one or more of the residents. ~~Buildings or spaces within buildings that are used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work.~~  
{Ord. 2001-24}

1000.94 - Loft, Commercial Artist:

~~A dwelling unit established in an existing non-residential building used or designed to be used by artists or craftspeople to create works of art or crafts and which may also be used by such artists or craftspeople to reside in. Such residency shall be limited to one household per dwelling unit. Works of art or craft shall mean items that are created primarily for purposes of aesthetic enjoyment, and not solely for practical purpose, including but not necessarily limited to paintings, drawings, lithographs, and other similar media; sculpture, using a variety of two dimensional representations; photographs, film, video, prints and other visual and electronic media; textiles and costumes; jewelry; pottery; art objects made of glass, precious and some precious metals, stones and the like; lighting used for artistic purposes; performance arts including dance, music and theater including lessons, practice, rehearsal and actual performances whether for live audiences, taped or filmed Reserved.~~

(d) Amend Appendix A as follows:

~~142-143 Loft, Commercial Artist Live Work Space~~  
Commercial artist left space used, or designed to be used by artists or craftspeople to create works of art or crafts, and which may also be used by artists to reside in. Such residency shall be limited to one household per dwelling unit. See Article X - Definitions.

Section 4: If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance.

Section 5: This Ordinance shall take effect upon passage.

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An Ordinance in Amendment of Chapter 27 of the Code of Ordinances of the City of Providence Entitled "The City of Providence Zoning Ordinance" Approved June 27, 1994, as Amended. (1387 Broad Street)

*Be it ordained by the City of Providence:*

Section 1: Chapter 27 of the Code of Ordinances of the City of Providence, entitled "The City of Providence Zoning Ordinance" approved June 27, 1994, as amended, is further amended by changing the zoning district designation of Lots 887 and 888 on Zoning District Map 59 of the Official Zoning Maps from R-1 to C-1.

Section 2: The following limitations on the use and development of Lots 887 and 888 Zoning District Map 59 shall be noted on the face of the Official Zoning Map and recorded in the property records.

- a. Use of the property shall be limited to one and two-family dwellings. The site shall be developed in accordance with the R-2 dimensional regulations.

- b. The new dwellings shall be consistent in scale, massing and site design with the surrounding structures.
- c. The new dwellings shall be constructed with doors and windows facing the street.
- d. Parking shall be located to the side or rear of the homes.
- e. Site plans and building elevations shall be submitted to the Planning Division for review prior to the issuance of a building permit to ensure the above conditions are met.
- f. The above listed conditions shall be recorded in the official property records and noted on the face of the Official Zoning Map.

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

**AYES: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN APONTE, BUTLER, DeLUCA, COUNCILWOMAN DiRUZZO, COUNCILMEN HASSETT, IGLIOZZI, JACKSON, LUNA, MANCINI, COUNCILWOMEN ROMANO and YOUNG-12.**

**NAYES: NONE.**

**ABSENT: COUNCILMEN ALLEN, SEGAL and COUNCILWOMAN WILLIAMS - 3.**

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

Section 3: This Ordinance shall take effect upon passage.

## PRESENTATION OF ORDINANCES

**COUNCILMAN IGLIOZZI and COUNCILMAN HASSETT:**

An Ordinance in Amendment of Chapter 1998-22, No. 308, Approved May 28, 1998, Entitled: "An Ordinance in Amendment of Certain Sections of Chapter 17, Article IV of the Code of Ordinances, Entitled: "Retirement System", As Amended.

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

**COUNCILMAN SEGAL JOINS THE MEETING.**

**COUNCILMAN SEGAL (By Request):**

An Ordinance Relative to Socially Responsible Investing.

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

## PRESENTATION OF RESOLUTIONS

**COUNCIL PRESIDENT LOMBARDI,  
COUNCILMEN ALLEN, APONTE,  
BUTLER, DeLUCA, COUNCILWOMAN  
DIRUZZO, COUNCILMEN HASSETT,  
IGLIOZZI, JACKSON, LUNA, MANCINI,  
COUNCILWOMAN ROMANO, COUN-  
CILMAN SEGAL, COUNCILWOMEN  
WILLIAMS and YOUNG:**

Resolution Extending Sincere Best Wishes to Michael R. Clement, City Clerk upon his retirement after 33 years of dedicated service to the City of Providence.

On Motion of COUNCILMAN APONTE, seconded by COUNCILMAN DeLUCA, it is voted to Suspend Rule 14 of the City Council Rules in order to take the following matter out of order.

**COUNCIL PRESIDENT LOMBARDI,  
COUNCILMEN ALLEN, APONTE,  
BUTLER, COUNCILWOMAN DIRUZZO,  
COUNCILMEN HASSETT, IGLIOZZI,  
JACKSON, LUNA, MANCINI, COUN-  
CILWOMAN ROMANO, COUNCILMAN  
SEGAL, COUNCILWOMEN WILLIAMS  
and YOUNG:**

Resolution Extending Sincere Best Wishes for a Happy Birthday to Councilman Joseph DeLuca on January 20, 2006.

*Resolved,* That the Members of the Providence City Council hereby Extend Sincere Best Wishes for a Happy Birthday to Councilman Joseph DeLuca on January 20, 2006.

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

Resolution Extending Sincere Best Wishes for a Happy Birthday to Councilman Patrick K. Butler on January 26, 2006.

*Resolved,* That the Members of the Providence City Council hereby Extend Sincere Best Wishes for a Happy Birthday to Councilman Patrick K. Butler on January 26, 2006.

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

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

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**COUNCILWOMAN WILLIAMS (By Request):**

Resolution Requesting the Chief Electrical Inspector to have National Grid move Pole

No. 6 located at 33 Stimson Avenue to accommodate the driveway.

*Resolved,* That the Chief Electrical Inspector is requested to have National Grid move Pole No. 6 located at 33 Stimson Avenue to accommodate the driveway.

**Read and Passed, on Motion of COUNCILMAN APONTE, seconded by COUNCILMAN BUTLER.**

**The Motion for Passage is Sustained.**

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## PERSONAL EXPRESSION

COUNCILWOMAN DiRUZZO Requests the privilege of the floor to speak on a Point of Personal Expression and states: Unfortunately, I was not able to attend last evenings Finance Committee on the discussion of the neighborhood libraries and I understand the meeting has been continued to Monday evening and Monday morning I am having surgery so I will not be able to attend that meeting. I want to be sure that my name is added to the list of wanting to know exactly what's going on with regard to our neighborhood libraries. That is a very soft spot with me and they're lucky I wasn't present at the meeting last night as I'm sure you are all aware of. This Olneyville branch of the Providence Public Library is a treasure in the neighborhood and they're going to have to kill me before they close it because the people take care of that as well. We need these libraries. I can't understand this. We have been so good to the Providence Public Library with regard to financial help over the years and every time a problem arises the neighborhood libraries are threatened. We can't allow this to happen. That's the last thing they should address or think of, or consider and that is closing the libraries. We have very little to offer our people as it is within the neighborhoods. We don't want to loose them. It took me eight years to get the library open in Olneyville and it was push and shove all the way and I dear say they better not try to close it. Now, perhaps that isn't a threat, perhaps I'm getting ahead of myself but let me back track. A couple of weeks ago I was watching the news and I watched the news with regard to the Washington Park library. I couldn't believe what I was

watching. I said so the ceiling is leaking, I know that plus it's a health hazard. However, I'm sure if the Councilman knew about it or was made aware of it or was included or talked to, he would have made arrangements to have that repaired. I know he would have. So my first impression was oh my God what's happening, why isn't anyone handling this, why isn't anyone talking about it. Well, needless to say when I picked up the paper this morning I understand that is was discussed last night and I understand there is an air quality problem and there is one in Olneyville that I'm not aware of. I get calls all the time for help for the library. I get calls all the time to attend meetings and I'm not able to attend all of them but I try to accommodate but I never got a call with regard to any problem in Olneyville about air quality in the building because now that I know about it of course we will be addressing it. There are many ways for us to address issues like that so it will be a well kept secret. I wanted to make sure that I go on the record of expressing myself any my interest in whatever happens to all of our neighborhood libraries. Not only mine or what I consider mine but all of our neighborhood libraries. We have to fight to keep them open. Not only the children benefit from the library, everyone benefits from the library. The senior citizens, all patrons. So it's important to me and because I won't be able to attend I know that Councilman Mancini is going to express my interest in it and I'm sure he did last night and I thank you for that.

# REPORTS FROM COMMITTEES

## COMMITTEE ON FINANCE

### COUNCILMAN KEVIN JACKSON, CHAIRMAN

Transmit the following with Recommendation  
the Same be Severally Adopted:

An Ordinance in Amendment of Ordinance Chapter 2005-33 No. 341, An Ordinance to Authorize the Issuance of Special Obligation Tax Increment Refunding Bonds of the City of Providence to refund the outstanding portion of its \$13,260,000 Special Obligation Tax Increment Bonds, Series A dated February 15, 1995, \$10,435,000 Special Obligation Tax Increment Bonds, Series B (Taxable) dated March 8, 1995, \$2,805,000 Special Obligation Tax Increment Bonds, Series C (AMT) dated March 8, 1995 and \$11,000,000 Special Obligation Tax Increment Bonds, Series D dated April 1, 1996.

An Ordinance making an Appropriation of Five Million Eight Hundred Ten Thousand and Fifty Seven Dollars (\$5,810,057) for the Water Supply Board Water Quality Protection Fund for the Fiscal Year Ending June 30, 2006.

An Ordinance making an Appropriation of Twenty Two Million Eight Hundred Sixty Four Thousand Two Hundred Sixty Two Dollars (\$22,864,262) for the Water Supply Board Infrastructure Replacement

Program Fund for the Fiscal Year Ending June 30, 2006.

An Ordinance making an Appropriation of Five Million Two Hundred Twenty Six Thousand Four Hundred Thirty Three Dollars (\$5,226,433) for the Water Supply Board Capital Fund for the Fiscal Year Ending June 30, 2006.

An Ordinance making an Appropriation of Two Million Thirty Five Thousand Seven Hundred Seventy Three Dollars (\$2,035,773) for the Water Supply Board Insurance Fund for the Fiscal Year Ending June 30, 2006.

An Ordinance making an Appropriation of One Million Twenty Eight Thousand One Hundred Forty Two Dollars (\$1,028,142) for the Water Supply Board Meter Replacement Fund for the Fiscal Year Ending June 30, 2006.

An Ordinance making an Appropriation of Four Hundred Forty Seven Thousand Two Hundred Ninety Two Dollars (\$447,292) for the Water Supply Board Alternative Supply

Fund for the Fiscal Year Ending June 30, 2006.

An Ordinance making an Appropriation of One Million Three Hundred Fourteen Thousand Nine Hundred Ninety Eight Dollars (\$1,314,998) for the Water Supply Board Equipment Replacement Fund for the Fiscal Year Ending June 30, 2006.

An Ordinance making an Appropriation of One Million One Hundred Fifty Seven Thousand Eight Hundred Sixty Seven Dollars (\$1,157,867) for the Water Supply Board 102" Butterfly Valve Fund for the Fiscal Year Ending June 30, 2006.

An Ordinance making an Appropriation of Two Million Three Hundred Ninety Six Thousand Four Hundred Twelve Dollars (\$2,396,412) for the Water Supply Board Chemical and Sludge Fund for the Fiscal Year Ending June 30, 2006.

An Ordinance making an Appropriation of One Million Four Hundred Seventy Four

Thousand One Hundred Seventy Four Dollars (\$1,474,174) for the Water Supply Board Western Cranston Fund for the Fiscal Year Ending June 30, 2006.

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

**AYES: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN APONTE, BUTLER, DeLUCA, COUNCILWOMAN DiRUZZO, COUNCILMEN HASSETT, IGLIOZZI, JACKSON, LUNA, MANCINI, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL and COUNCILWOMAN YOUNG -13.**

**NAYES: NONE.**

**ABSENT: COUNCILMAN ALLEN and COUNCILWOMAN WILLIAMS-2.**

**The Motion for Passage the First Time, is Sustained.**

**Transmits the following with recommendation the Same be Severally Approved:**

Resolution, Together with accompanying copy of the Employment Agreement between the Providence Water Supply Board and Pamela M. Marchand, P.E., as Chief Engineer of the Water Supply Board of the City of Providence effective January 30, 2006 to January 29, 2010.

*Resolved*, That the Following Resolution, Together with accompanying copy of the Employment Agreement between the Providence Water Supply Board and Patricia M. Marchand, P.E., as Chief Engineer of the Water Supply Board of the City of Providence effective January 30, 2006 to January 29, 2010.

**Read and Passed, on Motion of COUNCILMAN APONTE, seconded by COUNCILMAN DeLUCA, by the Following Roll Call Vote:**

**AYES: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN APONTE, BUTLER, DeLUCA, COUNCILWOMAN DIRUZZO, COUNCILMEN HASSETT, IGLIOZZI, JACKSON, LUNA, MANCINI, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL and COUNCILWOMAN YOUNG -13.**

**NAYES: NONE.**

**ABSENT: COUNCILMAN ALLEN and COUNCILWOMAN WILLIAMS-2.**

**The Motion for Passage is Sustained.**

Communication from His Honor the Mayor dated December 8, 2005, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1011 of the Providence Home Rule Charter of 1980, as amended, he is this day re-appointing Mr. Bruce D. Bartel, P.E. of 114 Jastram Street, Providence, Rhode Island 02908, as a member of the Building Board of Review for a term to expire in January 2008, and respectfully submits the same for your approval.

**COUNCILMAN APONTE Moves to Approve the Communication, seconded by COUNCILMAN BUTLER.**

**The Motion for Passage is Sustained.**

Communication from His Honor the Mayor dated December 8, 2005, Informing the Honorable Members of the City Council

that pursuant to Sections 302(b) and 814 of the Providence Home Rule Charter of 1980, as amended, he is this day re-appointing Mr. James Hackett of 70 Elmgrove Avenue, Providence, Rhode Island 02906, as a member of the Board of Tax Assessment Review for a term to expire in January 2008, and respectfully submits the same for your approval.

**COUNCILMAN APONTE Moves to Approve the Communication, seconded by COUNCILMAN DeLUCA.**

**The Motion for Passage is Sustained.**

Communication from His Honor the Mayor dated December 28, 2005, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1102 of the Providence Home Rule Charter of 1980, as amended; he is this day appointing Gordon D. Fox, of 11 Gorton Street, Providence, Rhode Island 02906, as a member of the Board of Licenses for a term to expire in January, 2009 and respectfully submits the same for your approval. (Mr. Fox will replace Ms. Arline Feldman, whose term has expired)

**COUNCIL PRESIDENT LOMBARDI  
RELINQUISHES THE CHAIR**

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

**COUNCIL PRESIDENT LOMBARDI  
RETURNS TO THE CHAIR**

**COUNCILMAN APONTE Moves to Approve the Communication, seconded by COUNCILMAN DeLUCA.**

**COUNCIL PRESIDENT LOMBARDI IS RECORDED AS VOTING "NO"**

**The Motion for Passage is Sustained.**

Communication from His Honor the Mayor dated December 28, 2005, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1102 of the Providence Home Rule Charter of 1980, as amended, he is this day appointing Allene R. Maynard of 41 Moore Street, Providence, Rhode Island 02907, as a member of the Board of Licenses for a term to expire in

January 2009, and respectfully submits the same for

your approval. (Ms. Maynard will replace Ms. Joan Badway, whose term has expired)

**COUNCILMAN APONTE Moves to Approve the Communication, seconded by COUNCILMAN DeLUCA.**

**The Motion for Passage is Sustained.**

**COMMITTEE ON ORDINANCES**

**COUNCILWOMAN RITA M. WILLIAMS, Chairwoman**

**Transmit the following with Recommendation the Same be Adopted, As Amended:**

An Ordinance Amending the City of Providence Zoning Ordinance Chapter 1994-24 No. 365, Approved June 27, 1994, As Amended, and the Comprehensive Plan, Approved December 1994, As Amended. (Angell/Butler)

**Read and Passed the First Time, on Motion of COUNCILMAN APONTE, seconded by COUNCILMAN DeLUCA, by the Following Roll Call Vote:**

**AYES: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN APONTE, BUTLER, DeLUCA, COUNCILWOMAN DiRUZZO, COUNCILMEN HASSETT, IGLIOZZI, JACKSON, LUNA,**

**MANCINI, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL and COUNCILWOMAN YOUNG-13.**

**NAYES: NONE.**

**ABSENT: COUNCILMAN ALLEN and COUNCILWOMAN WILLIAMS-2.**

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

## COMMUNICATIONS AND REPORT

Communication from Michael R. Clement, City Clerk, Informing the Honorable Members of the City Council of his retirement effective Sunday, January 15, 2006.

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

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Communication from Alex D. Prignano, Director of Finance, dated January 3, 2006, submitting the City Audited Financial Statements & Federal Financial and Compliance Audit.

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

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Report from Claire E. Bestwick, First Deputy City Clerk, dated January 3, 2006, of all moneys received, transmitted to and credited by the City Collector for fiscal quarter of July 1, 2005 to and including September 30, 2005.

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

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## FROM THE CLERK'S DESK

Petition from John Kelly, President, Meeting Street School 667 Waterman Avenue, East Providence, RI 02914, requesting to abandon a portion of Reeder Street.

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

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

David Frost  
(Leslie N. Tuchapsky, Esquire)

Arthur F. and Patricia M. Mills

Raymond Baptista

Joseph A. Suffoletto

Carol M. Leonard

Estofania Cordeiro and Kevin Broccoli

Esther Solondz

Susan Shurtleff

Ryan M. Harvey

Robert Allen

Carolyn J. Malluck

Paula M. Smith  
(Richard C. Tallo, Esquire)

Margarida Santos

Dorothy M. Welsh

D. Quinn

Margaret Balch-Gonzalez

Fatima Pastor

Crystal M. Guibeau

Progressive Insurance Company  
a/s/o Giovanni Simeone

Adam Anthony Timpani

Larry Harris

Matthew Weissman

Barbara Feldman  
(Bennett R. Gallo, Esquire)

Progressive Northern Insurance Company  
a/s/o Ben Freitas  
(Mark T. Romano, Esquire)

Scott Curly and Lucinda Hubbard  
(Robert V. Russo, Esquire)

A. Donald Mercier

Michael Hart, John Silva and Deanna Smith  
(John S. Coughlin, Esquire)

Joseph Tatulli

Jonathan Deshaies

William J. Vigliotti, Jr.

Leonard R. Minkin

Kent Pederson

Shalimar Albanese

Wanda Rossi  
(Richard P. Brederson, Esquire)

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

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# 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:

Mr. and Mrs, Michael Edward Alves, in recognition of the celebration of the happy occasion of their wedding, January 14, 2006.

Richard and Diane Scivola, in recognition of the celebration of the occasion of their twenty-fifth wedding anniversary.

Thomas M. Glavin, in recognition of his appointment as Chief of Staff of the Providence City Council.

Margaret M. Burns, Senior Legal Clerk-Criminal Narcotics, in recognition of her retirement from the Providence Police Department after thirty-eight years of dedicated service, January 1, 1968 through January 6, 2006.

Luis DaSilva, in recognition of being the first recipient of the Martin Luther King, Jr. Day Award-2006.

Juana Sanchez, in recognition of her great job on behalf of the Dominican community.

Josefina Garcia, in recognition of her great job on behalf of the Dominican community.

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

**The Motion for Passage is Sustained.**

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**AT EASE**

## RECONVENTION

**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 Michael R. Clement, City Clerk upon his retirement after 33 years of dedicated service to the City of Providence.

*Whereas*, Michael R. Clement began his career in the Department of City Clerk on May 7, 1973 as the Second Deputy City Clerk; and

*Whereas*, During Michael's years of service in the Department of City Clerk, he rose through the ranks and was appointed First Deputy City Clerk on January 11, 1979 and

was then appointed City Clerk on September 19, 1991; and

*Whereas*, Michael has not only worked for a number of City Council people, but served under five Mayors, Mayor Joseph A. Doorley, Jr., Mayor Vincent A. Cianci, Jr., Mayor Joseph R. Paolino, Jr., Mayor Vincent A. Cianci, Jr. and Mayor David N. Cicilline and Michael also worked under two City Clerk's, Vincent Vespia and Rose M. Mendonca.

*Now, therefore, be it Resolved*, That the Members of the Providence City Council do hereby congratulate Michael R. Clement upon his retirement from the Department of City Clerk after 33 years of dedicated service to the City of Providence and wish him well in his future endeavors.

**On Motion of COUNCILMAN APONTE, seconded by COUNCILMAN BUTLER, it is voted to Suspend Rule 8 of the City Council Rules which would allow members not of this body to come up and speak.**

**Read and Passed on Motion of COUNCILMAN APONTE, seconded by COUNCILMAN DeLUCA.**

**The motion for Passage is Sustained.**

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**COUNCIL PRESIDENT LOMBARDI  
RELINQUISHES THE CHAIR**

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

**COUNCIL PRESIDENT LOMBARDI  
RETURNS TO THE CHAIR**

## PRESENTATION OF RESOLUTIONS

*"In Memoriam"*

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

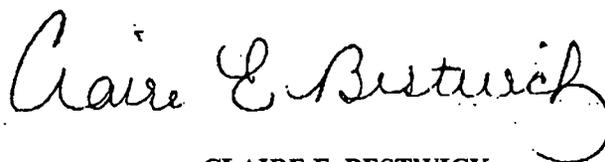
**NO ACTION TAKEN**

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Resolution Extending Sympathy.

## ADJOURNMENT

There being no further business, on Motion of **COUNCILMAN APONTE**, seconded by **COUNCILMAN DELUCA**, it is voted to adjourn in honor of Michael R. Clement City Clerk after 33 years of dedicated service to the City of Providence at 9:05 o'clock P.M. (E.S.T.), to meet again on **THURSDAY, FEBRUARY 2, 2006** at 7:30 o'clock P.M. (E.S.T.).



**CLAIRE E. BESTWICK**  
**FIRST DEPUTY CITY CLERK**

