

CITY OF PROVIDENCE  
RHODE ISLAND



CITY COUNCIL  
JOURNAL OF PROCEEDINGS

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No. 20 City Council Special Meeting, Thursday, July 21, 2005, 7:00 o'clock P.M. (E.D.T.)

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PRESIDING  
COUNCIL PRESIDENT  
JOHN J. LOMBARDI

ROLL CALL

Present: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN ALLEN, APONTE, BUTLER, DeLUCA, COUNCILWOMAN DiRUZZO, COUNCILMEN HASSETT, JACKSON, LUNA, MANCINI, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL and COUNCILWOMEN WILLIAMS and YOUNG - 14.

Absent: COUNCILMAN IGLIOZZI - 1.

(SUBSEQUENTLY COUNCILMAN IGLIOZZI JOINS THE MEETING)

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

FILED  
2007 JAN 17 A 10:59  
DEPT. OF CITY CLERK  
PROVIDENCE, R.I.

IN CITY COUNCIL  
JAN 25 2007  
APPROVED: *Anna M. Stetson* CLERK

## INVOCATION

The invocation is given by COUNCIL-  
WOMAN RITA M. WILLIAMS.

COUNCILMAN IGLIOZZI JOINS  
THE MEETING.

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

COUNCILWOMAN CAROL A. ROMANO  
Leads the Members of the City Council  
and the Assemblage in the Pledge of  
Allegiance to the Flag of the United  
States of America.

## CALL FOR SPECIAL MEETING

IN COUNCIL

6-11-05

**COMMUNICATION FROM**  
**COUNCIL PRESIDENT JOHN J. LOMBARDI**

Request, filed with the Acting City Clerk, July 19, 2005, Requesting a Special Meeting of the City Council to be Called on the 21<sup>st</sup> day of July, 2005 at 7:00 o'clock P.M., in the City Council Chamber, Third Floor, City Hall.

July 19, 2005

Claire E. Bestwick  
Acting City Clerk  
City Hall  
Providence, RI 02903

Dear Mrs. Bestwick:

In accordance with the Provisions of Section 406 of the Providence Home Rule Charter of 1980, I am, this day, calling a Special Meeting of the City Council to be held on Thursday, the 21<sup>st</sup> day of July 2005 at 7:00 o'clock P.M., in the City Council Chamber, Third Floor, City Hall for the purpose of acting upon the following:

An Ordinance in Amendment of Ordinance No. 85, Chapter 1997-18 Entitled: "An Ordinance to Adopt the ProvPort, Inc. Tax Exemption Agreement, As Amended.

An Ordinance Establishing and Granting a Tax Stabilization Plan for 65 Pavilion, LLC, with respect to Assessor's Plat 54, Lot 155 of the City of Providence.

An Ordinance Establishing and Granting a Tax Stabilization Plan for Sampalis Realty, LLC with respect to Assessor's Plat 20, Lot 176 of the City of Providence.

An Ordinance in Amendment of Chapter 2004-41, Ordinance Number 544, Entitled: "An Ordinance in Amendment of Chapter 27 of the Ordinances of the City of Providence Entitled: "The City of Providence Zoning Ordinance", Approved June 27, 1994, As Amended.

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.

An Ordinance In Amendment of Chapter 2004-33, No. 340, Approved July 30, 2004, of the Ordinances of the City of Providence, making an Appropriation of Five Hundred Eighty Four Million, Two Hundred Eight Thousand, Two Hundred Eighty Four Dollars (\$584,208,284), for the Fiscal Year Ending June 30, 2006, As Amended.

An Ordinance Establishing a Compensation Plan for the City of Providence and Repealing Ordinance Chapter 2004-48, No. 583, Approved December 7, 2004, As Amended.

An Ordinance Establishing the Classes of Positions, the Maximum Number of Employees and the Number of Employees in Certain Classes in the City Departments and Repealing Ordinance Chapter 2004-49, No 584, Approved December 7, 2004, As Amended.

An Ordinance in Amendment of Ordinance Chapter 2005-3 No. 44, 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 and \$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 Providing for the Assessment and Collection of 2005 taxes in a sum not less than Two Hundred Forty Five Million Dollars (\$245,000,000), and not more than Two Hundred Sixty Five Million (\$265,000,000), being based on a One Hundred Percent (100%) of the 2005-2006 Fiscal Year Tax Collections, Amending Section 21-182 of the Code of Ordinances to reflect the new Tax Classification Plan approved by the Rhode Island General Assembly, Amending Section 21-126 of the Code of Ordinances to raise the Personal Exemptions, and setting the Homestead Rates for Fiscal Year 2006.

An Ordinance Relating to Clean Renewable Energy Resources.

Resolution Authorizing the hiring of an attorney, under the provisions of the Providence Home Rule Charter of 1980, As Amended, Section 410(d), relative to the review of the proposed amendments to the City of Providence Zoning Ordinance, in a total amount not to exceed \$75,000.00.

Resolution Authorizing the hiring of a Planning Consultant for the review of the proposed amendments to the City of

Providence Zoning Ordinance, in a total amount not to exceed \$75,000.00.

Resolution Retaining R. Kelly Sheridan, under the provisions of the Providence Home Rule Charter of 1980, As Amended, Section 410(d), relative to the removal of the Ten Commandments Monument, in a total amount not to exceed \$20,000.00.

Resolution Authorizing His Honor the Mayor to execute a Settlement Agreement with the United States Department of Justice making certain commitments about compliance with the Americans with Disabilities Act over the next three years.

Resolution Requesting to cancel or abate, in whole the taxes assessed upon Assessor's Plat 23, Lot 462, (117 Providence Street), in accordance with Rhode Island General Law 44-7-23, in the amount of Eight Hundred Twenty Seven Dollars and Twenty Four Cents \$827.24) for the years 2003 and 2004, or any taxes accrued, plus any interest accrued, as requested by the Southside Community Land Trust.

Resolution Opposing Social Security Privatization.

Communication from his Honor the Mayor dated June 13, 2005, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1017 of the Providence Home Rule Charter of 1980, as amended, he is this day appointing Edward B. Leby of 60 Fairview Street, Apt. #3, Providence, RI 02908, as the Director of the Department of Traffic Engineering, and respectfully submits the same for approval.

Communication from his Honor the Mayor dated June 28, 2005, Informing the

Honorable Members of the City Council that pursuant to Sections 302(b) and 1103 of the Providence Home Rule Charter of 1980, as amended, he is this day appointing Pich Chhouen of 285 Althea Street, Providence, RI 02909, as a member of the Human Relations Commission for a term to expire in January 2008, and respectfully submits the same for approval. (Mr. Chhouen will be replacing Howard Phengsomphone.)

Communication from his Honor the Mayor dated June 28, 2005, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1103 of the Providence Home Rule Charter of 1980, as amended, he is this day appointing Maryelyn Cepeda-Sanchez of 44 Alvin Street, Providence, RI 02907, as a member of the Human Relations Commission for a term to expire in January 2009, and respectfully submits the same for approval. (Ms. Cepeda-Sanchez will be replacing Laura Rodriguez.)

Communication from his Honor the Mayor dated June 28, 2005, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1103 of the Providence Home Rule Charter of 1980, as amended, he is this day appointing Wendy Decker of 211 Howell Street, Providence, RI 02906, as a member of the Human Relations Commission for a term to expire in January 2007, and respectfully submits the same for approval. (Ms. Decker will be replacing Fitzgerald Himmelsbach.)

Communication from his Honor the Mayor dated June 28, 2005, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1103 of the Providence Home Rule Charter of 1980, as

amended, he is this day appointing Dana Denton of 226 Gallatin Street, Providence, RI 02907, as a member of the Human Relations Commission for a term to expire in January 2009, and respectfully submits the same for approval. (Ms. Denton will be replacing Keith Oliviera.)

Communication from Councilman Peter S. Mancini, dated July 11, 2005, Informing the Honorable John J. Lombardi, Council President that he is this day re-appointing Mr. Philip McKendall, to the Providence External Review Authority (PERA).

Communication from Alix Ogden, Superintendent, Department of Public Parks, dated July 18, 2005, submitting the 2005 Lease and Operating Agreement between the City of Providence and the Rhode Island Zoological Society (RIZS).

Petition from MARA General Contractors Inc., requesting to abandon Eureka Street.

Petition from Patricia A. Forte, President, Westside Investments, Inc., 2380 Cranston Street, Cranston, RI 02920, requesting to abandon a paper street which abuts 23 Penelope Place.

Respectfully,



Council President  
John J. Lombardi

**Received.**

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## WARRANT FOR SPECIAL MEETING

Warrant of the Acting City Clerk to Vincent J. Berarducci, City Sergeant with Return Certification that he has notified each Member of the City Council of the Special Meeting Called for the 21<sup>st</sup> day of July, 2005 at 7:00 o'clock P.M., in the City Council Chamber, Third Floor, City Hall.

DEPARTMENT OF CITY CLERK  
CITY HALL

July 19, 2005

TO VINCENT J. BERARDUCCI, CITY  
SERGEANT:

*Whereas*, Council President John J. Lombardi has, pursuant to Section 406 of the Providence Home Rule Charter of 1980, requested the Acting City Clerk, in writing, to Call a Special Meeting of the City Council to be held on the 21<sup>st</sup> day of July, 2005, A.D. at 7:00 o'clock P.M., in the Chamber of the City Council, Third Floor, City Hall for the purpose of Enacting the following:

An Ordinance in Amendment of Ordinance No. 85, Chapter 1997-18 Entitled: "An Ordinance to Adopt the ProvPort, Inc. Tax Exemption Agreement, As Amended.

An Ordinance Establishing and Granting a Tax Stabilization Plan for 65 Pavilion, LLC, with respect to Assessor's Plat 54, Lot 155 of the City of Providence.

An Ordinance Establishing and Granting a Tax Stabilization Plan for Sampalis Realty, LLC with respect to Assessor's

Plat 20, Lot 176 of the City of Providence.

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An Ordinance Relating to Clean Renewable Energy Resources.

Resolution Authorizing the hiring of an attorney, under the provisions of the Providence Home Rule Charter of 1980, As Amended, Section 410(d), relative to the review of the proposed amendments to the City of Providence Zoning

Ordinance, in a total amount not to exceed \$75,000.00.

Resolution Authorizing the hiring of a Planning Consultant for the review of the proposed amendments to the City of Providence Zoning Ordinance, in a total amount not to exceed \$75,000.00.

Resolution Retaining R. Kelly Sheridan, under the provisions of the Providence Home Rule Charter of 1980, As Amended, Section 410(d), relative to the removal of the Ten Commandments Monument, in a total amount not to exceed \$20,000.00.

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Charter of 1980, as amended, he is this day appointing Edward B. Leppy of 60 Fairview Street, Apt. #3, Providence, RI 02908, as the Director of the Department of Traffic Engineering, and respectfully submits the same for approval.

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Communication from his Honor the Mayor dated June 28, 2005, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1 103 of the Providence Home Rule Charter of 1980, as amended, he is this day appointing Wendy Becker of 211 Howell Street, Providence, RI 02906, as a

member of the Human Relations Commission for a term to expire in January 2007, and respectfully submits the same for approval. (Ms. Becker will be replacing Fitzgerald Himmelsbach.)

Communication from his Honor the Mayor dated June 28, 2005, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1103 of the Providence Home Rule Charter of 1980, as amended, he is this day appointing Dana Benton of 226 Gallatin Street, Providence, RI 02907, as a member of the Human Relations Commission for a term to expire in January 2009, and respectfully submits the same for approval. (Ms. Benton will be replacing Keith Oliviera.)

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Communication from Alix Ogden, Superintendent, Department of Public Parks, dated July 18, 2005, submitting the 2005 Lease and Operating Agreement between the City of Providence and the Rhode Island Zoological Society (RIZS).

Petition from MARA General Contractors Inc., requesting to abandon Eureka Street.

Petition from Patricia A. Forte, President, Westside Investments, Inc., 2380 Cranston Street, Cranston, RI 02920, requesting to abandon a paper street which abuts 23 Penelope Place.

You are therefore, hereby commanded and required to summon each Member of the City Council to that Special Meeting, as Called.

*Hereof*, Fail Not, and make a true return of this Warrant, with your doings thereon.

Given Under my Hand and the Official Seal of the City of Providence, State of Rhode Island and Providence Plantations this 19<sup>th</sup> day of July, 2005, A.D.



Claire E. Bestwick  
Acting City Clerk

STATE OF RHODE ISLAND AND  
PROVIDENCE PLANTATIONS THE CITY  
OF PROVIDENCE, Sc.

JULY 19, 2005

I, Vincent J. Berarducci, City Sergeant do hereby certify that I have notified each Member of the City Council of the Special Meeting scheduled to be held on Thursday, July 21, 2005 at 7:00 o'clock P.M., in the Chamber of the City Council, City Hall, Providence, in accordance with the subject warrant by delivering t each member a copy thereof.



7-18-05  
Date

Received.

## ORDINANCES SECOND READING

**The Following Ordinances were in City Council July 7, 2005, Read and Passed The First Time and are Severally Returned for Passage the Second Time:**

An Ordinance in Amendment of Ordinance No. 85, Chapter 1997-18 Entitled: "An Ordinance to Adopt the ProvPort, Inc. Tax Exemption Agreement, As Amended.

*Whereas*, The City Council, pursuant to the General Laws of the State of Rhode

Island, as amended, has the authority to exempt property used for commercial purposes from the payment of property tax if the granting of the exemption meets certain conditions set forth in said sections of the General Laws of the State of Rhode Island

and the Code of Ordinances of the City of Providence ("City"); and

*Whereas*, On July 7, 1994, this Council approved a resolution authorizing the sale of various lots on Assessor's Map 56, commonly referred to as the Port of Providence ("Port") to an entity then called Public Asset Management, Inc., which ultimately formed ProvPort, Inc. ("ProvPort"), a non-profit corporation organized under the laws of the State of Rhode Island; and

*Whereas*, The sale of the Port was conducted under an advertised Request for Proposal process initiated by the City in May 1994, which Request for Proposal contemplated direct assistance by the City in the financing of port improvements in the amount of \$3,000,000; and

*Whereas*, The purchase proposal of Public Asset Management (subsequently known as ProvPort) allowed for the payment to the City of \$16,555,000.00 for all of the land and improvements advertised in the Request for Proposal for the sale of the Port; and

*Whereas*, An integral part of the purchase proposal, included as the Plan of Finance, was the adoption of a tax exemption agreement from the City for a thirty year period; and

*Whereas*, The purchase proposal also included a pledge of profit-sharing in the form of an in lieu tax payment following the completion of certain capital investments totaling \$3,400,000.00, and increased for rising construction costs over time; and

*Whereas*, ProvPort will have completed capital improvements by September 1, 2004 which will be excess of \$3,400,000.00; and

*Whereas*, On September 28, 1994, ProvPort closed the purchase transaction for the Port and paid to the City \$16,555,000.00; and

*Whereas*, Subsequent to the closing, on February 26, 1997, the City granted an ten year exemption on the real and personal property and the improvements owned or leased by ProvPort, in keeping with the conditions of the acceptance of the original bid amount and to assist in the financing of certain capital improvements, as well as the payment of debt service; and

*Whereas*, pursuant to R.I.G.L. § 44-3-9, the City finds that granting an extension of the exemption of taxes to ProvPort for a second ten (10) year period will inure to the benefit of the City by reason of the willingness of ProvPort to (i) invest in the expansion of the operations at the Port, thereby directly and indirectly creating jobs within the City, and maintaining the economic stability of the Rhode Island economy; (ii) attract new tenants to the Port, and for those existing and future tenants to make capital improvements, purchase equipment, and hire additional employees; (iii) generate other general tax revenues for the City from the investment of private capital for improvements and equipment; and (iv) generate additional revenue for the City by sharing a portion of its profits with the City as payments in lieu of taxes.

*Now, Therefore, Be It Ordained By The City Of Providence:*

Section 1. The City Council of the City of Providence hereby adopts the ProvPort, Inc. 2004 Tax Exemption Agreement based upon the finding that such an exemption is necessary to fulfill the original conditions of the sale, to provide funds for continued

improvements at the Port, to retain existing tenants and attract new tenants, and to expand the labor force employed by ProvPort and private corporations utilizing the Port.

Section 2. As of the date of Ordinance, as a condition of the Tax Exemption Agreement, in making employment decisions, ProvPort shall give preferential consideration to qualified employees/applicants who reside or are willing to reside in Providence.

Section 3. As a further condition of the Tax Exemption Agreement, ProvPort shall provide a report to the City Council, within thirty (30) days of the closing of each quarter of the fiscal year. This report shall include, but not be limited to, a financial review of operations, adopted versus actual budget, descriptions of capital improvements that have been completed, and other relative information regarding the Port. In addition, ProvPort agrees to file with the City Council a copy of its budget transmittal to the Providence Redevelopment Agency.

Section 4. This Tax Exemption Agreement is for the time period from September 24, 2004 through September 23, 2014.

Section 5. Nothing in this Tax Exemption Agreement prohibits the further extension of the agreement, upon approval by the Providence City Council and the Providence Redevelopment Agency, through September 23, 2036.

Section 6. This ordinance shall be effective as of \_\_\_\_\_, 2004.

An Ordinance Establishing and Granting a Tax Stabilization Plan for 65 Pavilion, LLC,

with respect to Assessor's Plat 54, Lot 155 of the City of Providence.

*Be it ordained by the City of Providence:*

*Whereas*, the City Council of the City of Providence, pursuant to Sections 44-3-9 and 44-3-31.2 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*, the City Council of the City of Providence, pursuant to R.I. Gen. Laws Sec. 44-3-32.2 has the authority to exempt and/or stabilize said taxes for a term not exceeding assessments made on and/or after December 31, 2010; and

*Whereas*, the City Council 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 City of Providence building inspector as in need of substantial rehabilitation, may be provided tax considerations, upon application, for a period beginning with the assessments of December 31, 2000 up to and including December 2011, so that the annual taxes on the eligible and approved land and buildings for this period shall equal taxes based on the assessment date of December 31, 2000 for the tax year 2001, regardless of any increase in value attributable to the substantial 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; and

*Whereas*, 65 Pavilion, LLC, a Rhode Island limited liability company (defined below as the "Project Owner") has made application for tax stabilization under said Rhode Island General Law 44-3-31.2 and applicable ordinance of the City of Providence (Ordinance 21-170.1, "Mill buildings," so-called), as set forth in Exhibit A attached hereto and incorporated by reference, and has satisfied each condition of same; and

*Whereas*, there is under utilized property located at 65 Pavilion Street, more specifically described as Assessor's Plat 54, Lot 155, which is found on the landmark list, so-called; and

*Whereas*, the Project Owner has evidenced a willingness to renovate and expand the

existing structure creating professional office suites; 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 restoration of mill buildings, 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 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 Improvements (as hereinafter defined), and Personal Property.

- (d) "Project Owner" means 65 Pavilion, LLC, which holds legal title to the Real Property Improvements (as hereinafter defined) or Personal Property, or any successor permitted hereunder.
- (e) "Project Site" means the property located at 65 Pavilion Street and more specifically described as Assessor's Plat 54, Lot 155, in the Land Evidence Records for the City of Providence, which is found on the landmark list.
- (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. Any material additional improvements, excluding customary repairs and renovations, shall require an amendment to this ordinance, except as provided herein.
- (h) "Stabilized Assessment" means: 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, 2000 applied to each assessment date commencing December 31, 2003 and continuing through and including December 31, 2010, as shown on Exhibit B attached hereto and incorporated by reference.
- (i) "Stabilized Tax Payment" means, with respect to the Project Taxable Properties, the amounts listed in the schedule attached hereto as Exhibit B.
- (j) "Stabilized Tax Rate" shall mean \$34.07 per \$1,000.00 of assessed valuation for Real Property Improvements and \$33.44 per \$1,000.00 of assessed valuation for Personal Property.
- (k) "Termination Date" means June 30<sup>th</sup> of the year in which Stabilized Tax Payments based on the December 31, 2010 assessment date are to be paid in full.

Section 3. Tax Stabilization. That the City of Providence grunts 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, 2003 assessment date through the December 31, 2010 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. 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 65 Pavilion, LLC, or any subsequent transferee of such property, 65 Pavilion, 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 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 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 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.
- (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.

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"). 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 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. Purpose. The City of Providence has entered into this tax treaty to provide

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 11. 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 December 31, 2005 as certified to by the project Owner. Failure to have begun construction by December 31, 2005 as certified 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 12. 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 13. 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 14. 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, 2<sup>nd</sup> Fl.  
Providence, RI 02903

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

If to: 65 Pavilion, LLC  
66 Pavilion Street  
Providence, RI 02905  
Attn. David Luca Piccoli

Copy to:

Attn.

Section 15. 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, 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 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 16. 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 17. Applicable Law. This agreement shall be construed under the laws of the State of Rhode Island.

Section 18. Effective Date. This ordinance shall take effect upon its passage.

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An Ordinance Establishing and Granting a Tax Stabilization Plan for Sampalis Realty, LLC with respect to Assessor's Plat 20, Lot 176 of the City of Providence,

*Be it ordained by the City of Providence:*

*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*, Sampalis Realty, LLC, a Rhode Island limited liability company (defined below as the "Project Owner") has made application for a tax stabilization plan under said Rhode Island General Law 44-3-9 and applicable ordinance of the City of Providence (Ordinance 21-169), 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 203 Weybosset Street, and more specifically described as Assessor's Plat 20, Lot 176; and

*Whereas*, the Project Owner has evidenced a willingness to renovate and expand an existing structure located in the historically significant "Benjamin Dyer Block" in two phases:

- o initially, a complete exterior/exterior renovation (with new interior elevator service) in conformance with DownCity District and historic preservation requirements; and, full service, Mediterranean style restaurant (2,400'+/-), with related storage mezzanine (600'+/-) and retail space (1,100'+/-) on the first

floor, with fifteen (15) residential apartments (650'+/- each) on the second, third and fourth floors (defined herein as "Phase I" - May 2005/September 2006); and

- o construction of two (2) residential apartments (1,000'+/- each) on the new fifth floor (defined herein as "Phase II" - September 2007/May 2008);

*Whereas*, the Project (as hereinafter defined) will cause 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 has determined it is in the best interests 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 DownCity Arts 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 complete exterior/exterior renovation (with new interior elevator service) in conformance with DownCity District and historic preservation requirements; and, full service, Mediterranean style restaurant (2,400'+/-), with related storage mezzanine (600'+/-) (1,100<sup>x</sup>+/-) on the first floor, with fifteen (15) residential apartments (650' +/- each) on the second, third and fourth floors (May 2005/September 2006)
- (d) "Phase II" of the Project means and shall consist of the construction of two (2) residential apartments (1,000' +/- each) on the fifth floor (September 2007/May 2008)
- (e) "Project" means the Project Site (as hereinafter defined), the Real Property Improvements (as hereinafter defined), and Personal Property.
- (f) "Project Owner" means Sampalis Realty, LLC, a Rhode Island limited liability company, its successors and assigns, 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 203 Weybosset Street, and more specifically described as Assessor's Plat 20, Lot 176, in the Land Evidence Records for the City of Providence, also being located in the "Benjamin Dyer Block" of the DownCity Arts 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

- o Restaurant (2,400' +/-), Retail (1,100' +/-), First Floor: \$ , .00 (assessed at \$ . per square foot) Mezzanine Storage (600' +/-): \$ , .00 (assessed at \$ . per square foot)

Residential Apartments on 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Floors (650' +/-): \$ , . (each of the fifteen (15) units being assessed at \$ , .)

#### Phase II

- o Residential Apartments on 5th Floor (1,000' +/-): \$ , . (each of the two (2) units being assessed at \$ , .)
- o Personal Property: \$137,000.00 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 30<sup>th</sup> 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 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 n, 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 I 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 \$ , . per unit for the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> floors and by \$ , . per unit for the 5<sup>th</sup> floor 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.

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 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. 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 11. 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 12. 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 13. 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 14. 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, 2<sup>nd</sup> Fl.

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

If to: Sampalis Realty, LLC  
Sampalis Realty, LLC  
203 Weybosset Street  
Providence, Rhode Island 02903

Copy to: Stephen M. Litwin, Esq.  
One Ship Street  
Providence, RI 02903  
Tel: 401.273.5155

Section 15. 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 foil 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 16. 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 17. Applicable Law. This Agreement shall be construed under the laws of the State of Rhode Island.

Section 18. Effective Date. This ordinance shall take effect upon its passage.

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An Ordinance in Amendment of Chapter 2004-41, Ordinance Number 544, Entitled: "An Ordinance in Amendment of Chapter 27 of the Ordinances of the City of Providence Entitled: "The City of Providence Zoning Ordinance", Approved June 27, 1994, As Amended.

*Be it ordained by the City of Providence:*

Section 1. Chapter 2004-41, Ordinance Number 544, Entitled: "An Ordinance in Amendment of 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 by changing Section 6 to read "this Ordinance shall expire on December 31, 2005."

Section 2. 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.

*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 593, 594 and 595 on Zoning District Map 115 of the Official Zoning Maps from R-1 to C-4, as shown on the accompanying map.

Section 2: The following limitations on the use and development of Lots 593, 594 and 595, Zoning District Map 115 shall be noted on the face of the Official Zoning Map and recorded in the property records:

- a. The C-4 zoning designation of the properties shall be limited to one and two-family dwellings or, if the subject lots are merged with Lots 568, 64,

546, 547 and 548 on Assessor's Plat 115, a pharmacy with a retail component and drive-thru.

- b. The construction of a pharmacy on the site shall be reviewed as a Major Land Development Project through which additional conditions may apply.
- c. If the developer chooses to build duplexes on the lots in place of the pharmacy, the pharmacy use of the site shall become null and void.
- d. For residential uses, the properties shall be subject to the landscaping requirements of Section 425 of the Zoning Ordinance for the R Zone.
- e. For residential uses, the new dwellings shall be constructed with doors and windows facing the street.
- f. For residential uses, the properties shall be developed in accordance with the R-2 dimensional regulations.
- g. The above listed conditions shall be recorded in the official property records and noted on the face of the Official Zoning Map.

Section 3: This Ordinance shall take effect upon passage.

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

**AYES: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN ALLEN, APONTE, BUTLER, COUNCILWOMAN DiRUZZO, COUNCILMEN HASSETT, IGLIOZZI, JACKSON, LUNA, MANCINI, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL and COUNCILWOMEN WILLIAMS and YOUNG - 14.**

**NAYES: COUNCILMAN DeLUCA - 1.**

**ABSENT: NONE.**

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

## **PRESENTATION OF RESOLUTIONS**

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

Resolution Authorizing the hiring of an attorney, under the provisions of the Providence Home Rule Charter of 1980, As Amended, Section 410(d), relative to the review of the proposed amendments to the City of Providence Zoning Ordinance, in a total amount not to exceed \$75,000.00.

*Resolved,* That the Members of the Providence City Council hereby authorizes the hiring of an attorney, under the provisions of the Providence Home Rule Charter of 1980, As Amended, Section 410(d), relative to the review of the proposed amendments to the City of Providence Zoning Ordinance, in a total amount not to exceed \$75,000.00.

Resolution Authorizing the hiring of a Planning Consultant for the review of the proposed amendments to the City of Providence Zoning Ordinance, in a total amount not to exceed \$75,000.00.

*Resolved,* That the Members of the Providence City Council hereby authorizes the hiring of a Planning Consultant for the review of the proposed amendments to the City of Providence Zoning Ordinance, in a total amount not to exceed \$75,000.00.

**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, MANCINI, COUNCILWOMAN ROMANO, COUNCIL-**

**MAN SEGAL and COUNCILWOMEN WILLIAMS and YOUNG - 14.**

**NAYES: COUNCILMAN ALLEN - 1.**

**ABSENT: NONE.**

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

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**COUNCIL PRESIDENT LOMBARDI, COUNCILMEN APONTE, BUTLER, DeLUCA, COUNCILWOMAN DiRUZZO, COUNCILMEN HASSETT, IGLIOZZI,**

**COUNCILWOMAN ROMANO and COUNCILWOMAN YOUNG:**

Resolution Retaining R. Kelly Sheridan, under the provisions of the Providence Home Rule Charter of 1980, As Amended, Section 410(d), relative to the removal of the Ten Commandments Monument, in a total amount not to exceed \$20,000.00.

**COUNCILMAN APONTE Moves to Lay the Resolution on the Clerk's Desk until August 4, 2005, seconded by COUNCILWOMAN WILLIAMS.**

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## REPORTS FROM COMMITTEES

### COMMITTEE ON FINANCE

**COUNCILMAN KEVIN JACKSON, Chairman**

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

An Ordinance In Amendment of Chapter 2004-33, No. 340, Approved July 30, 2004. of the Ordinances of the City of Providence, making an Appropriation of Five Hundred Eighty Three Million, Nine Thousand, Ninety Two Dollars (\$583,009,092), for the Fiscal Year Ending June 30, 2006, As Amended.

**COUNCILMAN APONTE Moves to Amend the Ordinance, page 16 Appropriation Ordinance, Department of**

**Human Services adding \$20,000.00 to the line item other, amending the total from \$350,561.00 to \$370,561.00 also amend page 21 Breakage & Union Concessions from \$1,419,591.00 to \$1,439,591.00, seconded by COUNCILWOMAN WILLIAMS.**

**COUNCILMAN APONTE Moves Passage of the Ordinance, As Amended, seconded by COUNCILWOMAN WILLIAMS, by the Following Roll Call Vote:**

**AYES: COUNCILMEN ALLEN, APONTE, BUTLER, COUNCILWOMAN DIRUZZO, COUNCILMEN HASSETT, IGLIOZZI, JACKSON, MANCINI, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL and COUNCILWOMAN WILLIAMS - 11.**

**NAYES: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN DeLUCA, LUNA and COUNCILWOMAN YOUNG - 4.**

**ABSENT: NONE.**

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

An Ordinance Establishing a Compensation Plan for the City of Providence and Repealing Ordinance Chapter 2004-48, No. 583, Approved December 7, 2004, As Amended.

**COUNCILMAN APONTE Moves to Amend item number 15, Compensation Ordinance by adjusting the individual pay grades as follows, seconded by COUNCILWOMAN WILLIAMS:**

**CORRECTION**

<b>Administrative Asst.</b>		
<b>Finance Director</b>	<b>884.37 - 990.38</b>	<b>Grade 30</b>
<b>Assistant Athletic</b>		
<b>Coordinator</b>	<b>605.50 per week</b>	<b>Grade 12</b>
<b>Athletic</b>		
<b>Coordinator</b>	<b>682.12 per week</b>	<b>Grade 18</b>
<b>Environmental</b>		
<b>Court Liaison</b>	<b>791.11 per week</b>	<b>Grade 24</b>
<b>Tree Resource</b>		
<b>Manager</b>	<b>874.40 per week</b>	<b>20.88 per hour</b>

**COUNCILMAN APONTE Moves Passage of the Ordinance, As Amended, seconded by COUNCILWOMAN WILLIAMS, by the Following Roll Call Vote:**

**AYES: COUNCILMEN ALLEN, APONTE, BUTLER, COUNCILWOMAN DIRUZZO, COUNCILMEN HASSETT, IGLIOZZI, JACKSON, MANCINI, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL and COUNCILWOMAN WILLIAMS - 11.**

**NAYES: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN DeLUCA, LUNA and COUNCILWOMAN YOUNG - 4.**

**ABSENT: NONE.**

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

An Ordinance Establishing the Classes of Positions, the Maximum Number of Employees and the Number of Employees in Certain Classes in the City Departments and Repealing Ordinance Chapter 2004-49, No 584, Approved December 7, 2004, As Amended.

An Ordinance in Amendment of Ordinance Chapter 2005-3 No. 44, 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 and \$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.

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

An Ordinance Providing for the Assessment and Collection of 2005 taxes in a sum not less than Two Hundred Forty Five Million Dollars (\$245,000,000), and not more than Two Hundred Sixty Five Million Dollars (\$265,000,000), being based on a One Hundred Percent (100%) of the 2005-2006 Fiscal Year Tax Collections, Amending Section 21-182 of the Code of Ordinances to reflect the new Tax Classification Plan approved by the Rhode Island General Assembly, Amending Section 21-126 of the Code of Ordinances to raise the Personal Exemptions, and setting the Homestead Rates for Fiscal Year 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 COUNCILWOMAN**

**WILLIAMS, by the Following Roll Call Vote:**

**AYES: COUNCILMEN ALLEN, APONTE, BUTLER, COUNCILWOMAN DiRUZZO, COUNCILMEN HASSETT, IGLIOZZI, JACKSON, MANCINI, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL and COUNCILWOMAN WILLIAMS - 11.**

**NAYES: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN DeLUCA, LUNA and COUNCILWOMAN YOUNG - 4.**

**ABSENT: NONE.**

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

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

Resolution Authorizing His Honor the Mayor to execute a Settlement Agreement with the United States Department of Justice making certain commitments about compliance with the Americans with Disabilities Act over the next three years.

*Resolved*, That His Honor the Mayor, is hereby authorized to execute a Settlement Agreement with the United States Department of Justice making certain commitments about compliance with the Americans with Disabilities Act over the next three years.

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

**The Motion for Passage is Sustained.**

Resolution Requesting to cancel or abate, in whole the taxes assessed upon Assessor's Plat 23, Lot 462, (117 Providence Street), in accordance with Rhode Island General Law 44-7-23, in the amount of Eight Hundred Twenty Seven Dollars and Twenty Four Cents (\$827.24), for the years 2003 and 2004, or any taxes accrued, plus any interest accrued, as requested by the Southside Community Land Trust.

*Resolved*, that the taxes assessed upon Assessor's Plat 23, Lot 462, (117 Providence Street), are hereby cancelled or abated, in whole, in accordance with Rhode Island General Law 44-7-23, in the amount of Eight Hundred Twenty Seven Dollars and Twenty Four Cents (\$827.24), for the years 2003 and 2004, or any taxes accrued, plus any interest accrued, as requested by the Southside Community Land Trust.

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

**AYES: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN ALLEN, APONTE, BUTLER, DeLUCA, COUNCILWOMAN DiRUZZO, COUNCILMEN HASSETT, IGLIOZZI, JACKSON, LUNA, MANCINI, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL and COUNCILWOMEN WILLIAMS and YOUNG - 15.**

**NAYES: NONE.**

**ABSENT: NONE. The Motion for Passage is Sustained.**

Resolution Opposing Social Security Privatization.

*Resolved*, The Social Security program was enacted seventy years ago and is considered the most successful program in our nation's history, saving millions of elders from living in poverty; and

*Whereas*, In enacting Social Security the country made a promise to working Americans and retirees regarding their future retirement security; and

*Whereas*, 47 million retirees, surviving spouses and dependent and persons with disabilities, including 193,000 Rhode Islanders, rely on Social Security with its guarantee of lifetime, inflation adjusted benefits for a large part of their income; and

*Whereas*, Today less than half of the nation's retirees have pension plans and more employers are switching from defined benefit plans to defined contribution plans leaving fewer people with pensions and most individual retirement accounts subject to the risk, volatility and fluctuations of the market; and

*Whereas*, Social Security trustees report that the system can pay all scheduled benefits until 2041, but may need some changes in order to pay full benefits for all generations of Americans - today and tomorrow; and

*Whereas*, The guarantee of economic security provided by Social Security must be strengthened, not replaced; and

*Whereas*, Some recommendations call for the creation of private accounts using Social Security contributions; and

*Whereas*, If some workers divert some of their Social Security payroll contributions to private accounts the government would be forced to cover the difference at an estimated cost of \$1 trillion to \$2 trillion over ten years which could leave the system worse off and lead to significant budget deficits; and

*Whereas*, This is a matter of importance to the welfare of the citizens of the City of Providence as well as the entire State of Rhode Island.

*Now, Therefore, Be It Resolved*, That the Providence City Council hereby urges the United States Congress to oppose any efforts to create "carve outs" or any system of privatization of Social Security; and

*Be It Further Resolved*, That the City Clerk is hereby directed to forward a copy of this Resolution, upon approval to members of the Rhode Island Congressional Delegation: Senator Jack Reed, Senator Lincoln D. Chafee, Congressman James R. Langevin, and to Congressman Patrick J. Kennedy.

This Resolution shall take effect upon passage.

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

**The Motion for Passage is Sustained.**

Communication from His Honor the Mayor dated June 13, 2005, Informing the Honorable Members of the City Council that

pursuant to Sections 302(b) and 1017 of the Providence Home Rule Charter or 1980, as amended, he is this day appointing Edward B. Leby of 60 Fairview Street, Apt. #3, Providence, RI 02908, as the Director of the Department of Traffic Engineering, and respectfully submits the same for approval.

Communication from His Honor the Mayor dated June 28, 2005, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1103 of the Providence Home Rule Charter of 1980, as amended, he is this day appointing Pich Chhouen of 285 Althea Street, Providence, RI 02909, as a member of the Human Relations Commission for a term to expire in January 2008, and respectfully submits the same for approval. (Mr. Chhouen will be replacing Howard Phengsomphone.)

Communication from His Honor the Mayor dated June 28, 2005, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1103 of the Providence Home Rule Charter of 1980, as amended, he is this day appointing Maryelyn Cepeda-Sanchez of 44 Alvin Street, Providence, RI 02907, as a member of the Human Relations Commission for a term to expire in January 2009, and respectfully submits the same for approval. (Ms. Cepeda-Sanchez will be replacing Laura Rodriguez.)

Communication from His Honor the Mayor dated June 28, 2005, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1103 of the Providence Home Rule Charter of 1980, as amended, he is this day appointing Wendy Becker of 211 Howell Street, Providence, RI

02906, as a member of the Human Relations Commission for a term to expire in January 2007, and respectfully submits the same for approval. (Ms. Becker will be replacing Fitzgerald Himmelsbach.)

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Communication from His Honor the Mayor dated June 28, 2005, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1103 of the Providence Home Rule Charter of 1980, as amended, he is this day appointing Dana Benton of 226 Gallatin Street, Providence, RI 02907, as a member of the Human Relations Commission for a term to expire in

January 2009, and respectfully submits the same for approval. (Ms. Benton will be replacing Keith Oliviera.)

**COUNCILMAN APONTE Moves to Dispense with the Reading of the foregoing matters and Moves to Receive and Approve the Several Communications, seconded by COUNCILWOMAN WILLIAMS.**

**COUNCIL PRESIDENT LOMBARDI Receives and Approves the Several Communications.**

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## COMMITTEE ON ORDINANCES

**COUNCILWOMAN RITA M. WILLIAMS, Chairwoman**

**Transmits the Following with Recommendation the Same Be Adopted, As Amended:**

An Ordinance Relating to Clean Renewable Energy Resources.

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

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

**MANCINI, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL and COUNCILWOMEN WILLIAMS and YOUNG - 15.**

**NAYES: NONE.**

**ABSENT: NONE.**

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

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## COMMUNICATIONS

Communication from Councilman Peter S. Mancini, dated July 11, 2005, Informing the Honorable John J. Lombardi, Council President that he is this day re-appointing Mr. Philip McKendall, to the Providence External Review Authority (PERA).

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

Communication from Alix Ogden, Superintendent, Department of Public Parks,

dated July 18, 2005, submitting the 2005 Lease and Operating Agreement between the City of Providence and the Rhode Island Zoological Society (RJZS).

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

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## FROM THE CLERK'S DESK

Petition from MARA General Contractors Inc., requesting to abandon Eureka Street.

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Petition from Patricia A. Forte, President, Westside Investments, Inc., 2380 Cranston Street, Cranston, RI 02920, requesting to abandon a paper street which abuts 23 Penelope Place.

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

**COUNCIL PRESIDENT LOMBARDI  
Refers the Several Petitions to the  
Committee Public Works.**

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## ADJOURNMENT

There be no further business, on Motion of COUNCILMAN APONTE, seconded by COUNCIL WOMAN WILLIAMS, it is voted to adjourn at 7:20 o'clock P.M. (E.D.T.), to meet again on MONDAY, JULY 25, 2005 at 7:00 o'clock P.M. (E.D.T)

*Claire E. Bestwick*

CLAIRE E. BESTWICK  
ACTING DEPUTY CITY CLERK







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# CITY OF PROVIDENCE RHODE ISLAND



## CITY COUNCIL JOURNAL OF PROCEEDINGS

No. 24 City Council Regular Meeting, Thursday, October 5, 2006, 7:30 o'clock P.M. (E.D.T.)

PRESIDING  
COUNCIL PRESIDENT  
JOHN J. LOMBARDI

### ROLL CALL

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

**Absent:** COUNCILMAN ALLEN, LUNA and COUNCILWOMAN YOUNG - 3.

(SUBSEQUENTLY COUNCILMAN LUNA JOINS THE MEETING)

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

FILED  
2007 JAN 17 A 10:59  
DEPT. OF CITY CLERK  
PROVIDENCE, R.I.

IN CITY COUNCIL  
JAN 25 2007  
APPROVED: *Anna M. Stetson* CLERK

## INVOCATION

The Invocation is given by COUNCILWOMAN RITA M. WILLIAMS.

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

COUNCILMAN JOSEPH DeLUCA Leads the Members of the City Council and the Assemblage in the Pledge of Allegiance to the Flag of the United States of America.

## APPROVAL OF RECORDS

Journal of Proceedings No. 5 of the Regular Meeting of the City Council held March 3, 2005; Journal of Proceedings No. 6 of the Regular Meeting of the City Council held March 17, 2005; Journal of Proceedings No. 7 of the Regular Meeting of the City Council held April 7, 2005; Journal of Proceedings No. 8 of the Regular Meeting of the City Council held April 25, 2005; Journal of Proceedings No. 9 of the Special Meeting of the City Council held April 25, 2005; Journal of Proceedings No. 10 of the Special Meeting of the City Council held May 2, 2005 and Journal of Proceedings No. 17 of the Special Meeting of the City Council held

Monday, July 10, 2006 and Posted on September 21, 2006 on that Bulletin Board located on the Ground Level of City Hall, are approved, as printed, on Motion of COUNCILMAN APONTE, seconded by COUNCILWOMAN WILLIAMS.

COUNCIL PRESIDENT LOMBARDI  
RELINQUISHES THE CHAIR

ACTING COUNCIL PRESIDENT  
DIRUZZO IN THE CHAIR

COUNCILMAN LUNA JOINS THE  
MEETING.

## ORDINANCE SECOND READING

The Following Ordinance was in City Council September 21, 2006, Read and Passed the First Time and is Returned for Passage the Second Time:

An Ordinance Relative to Affordable Housing Trust Funds.

*Be it ordained by the City of Providence:*

**Allocation system for the affordable housing trust fund.**

(a) As used in this section, "affordable housing" means housing that costs no more than thirty (30) percent of a household's monthly income, including monthly rent, mortgage payments and utilities, ~~monthly mortgage payments, and any and all other housing expenses.~~

(b) Monies designated for or allocated by the Providence Housing Trust ~~With the exclusion of funds under contract upon the date of passage of this ordinance, monies designated for or allocated by the affordable housing trust fund~~ shall be used solely for the purpose of funding the construction, and development or financing mechanisms of affordable housing for families earning less than one hundred twenty (120) percent of the median income, for the City of Providence, as determined actually or periodically estimated by the official Federal Census or the United States Department of Housing and Urban Development, ~~within their federal census tract for rental or home ownership,~~ with the exclusion of funds under contract upon the date of passage of this ordinance.

(c) All payments made to the Providence Redevelopment Agency for payment to the Providence affordable Housing Trust fund under tax stabilization agreements shall be deposited in the Providence affordable Housing Trust fund without exception. These payments shall be used in strict conformance with the Rules and Regulations of the Providence Housing Trust.

(d) Affordable housing projects financed, in part or in whole, by the Providence Housing Trust affordable housing trust fund must result in units which remain affordable, as defined in subsection (a), for at least thirty (30) years. ~~the maximum time allowed by law.~~

(e) The Director of the Department of Planning Department, or assignee, shall make submit a quarterly report regarding on the activities and status of the Providence Housing Trust fund to the City Council.

**COUNCILMAN SEGAL States that on Point 1: We were clarifying what affordable housing means, what constitutes the cost of housing and shrinking the language up with what's found in other regulations state and federal.**

Part (b): We were bargaining it to include the language development of affordable housing or financing mechanisms would now be allowed by use of affordable house trust fund dollars and we just identified our source for data by which income levels would be determined and levels of affordability for each of those income levels.

On amendment (c), it was just clarifying the fund in to which these dollars are being designated, the fund that we've always known as the Providence Affordable Housing Trust Fund is called formally the Providence Housing Trust and tax treaty is another relevant document so we're just shrinking that language up with precedent. Same for section (d) and we defined the acquired length of affordability as at least 30 years which had been left ambiguous before, and part (c) just specified that the director or his designee shall be responsible for making quarterly reports to the Council relative to the status of the trust fund. So nothing changes the ordinance in substance. It just clarifies a few points.

COUNCILMAN APONTE Moves to Amend the foregoing Ordinance, seconded by COUNCILWOMAN WILLIAMS.

COUNCILMAN IGLIOZZI: I would just like to have something clarified. On (b) where it says, "affordable housing for families earning less than one hundred twenty (120) percent of the median income". What does that mean?

COUNCILMAN SEGAL: The median income in Providence is around \$32,000.00 for a typical family. So 120% of that is a little bit less than \$40,000.00, \$38,000.00, \$39,000.00 a year for a family.

COUNCILMAN IGLIOZZI: Do you have to earn 120% less or can it be \$30,000.00 less?

COUNCILMAN SEGAL: Affordable Housing would be housing that is affordable so that people can pay that amount or less.

COUNCILMAN IGLIOZZI: I just want to make sure it's people that the median income is below. Is that what we're trying to do?

COUNCILMAN SEGAL: Yes.

COUNCILMAN IGLIOZZI: I just want to make sure that that says it.

COUNCILMAN SEGAL: Development or financing mechanisms.

COUNCILMAN IGLIOZZI: It's affordable housing for families earning less than (120) percent of the median income. My concern is that specific language may ex out people making \$30,000.00.

COUNCILMAN SEGAL: \$30,000.00 is less than 120%.

COUNCILMAN IGLIOZZI: Okay, so \$30,000.00 is less than.

**COUNCILMAN SEGAL:** Yes, \$32,000.00 is 100%. So 120% is around \$38,000.00, \$39,000.00.

**COUNCILMAN IGLIOZZI:** The median income is \$32,000.00.

**COUNCILMAN SEGAL:** The median is \$32,000.00 so 120% of that.

**COUNCILMAN IGLIOZZI:** Our intention is do we want to let people who make the median income be able to utilize this or not use that.

**COUNCILMAN SEGAL:** I think per the conversations with the Planning Department and colleagues and such, I think it's an appropriate level. I think it's appropriate for our affordable housing dollars to be used for great houses that are affordable for people making around \$38,000.00 a year.

**COUNCILMAN IGLIOZZI:** That's not my question. My question is do we want people who do make a median income have access to this.

**COUNCILMAN SEGAL:** The answer is yes and this includes them. 100% of a median income is a median income.

**COUNCILMAN IGLIOZZI:** I know but the way it's written says.....

**COUNCILMAN SEGAL:** Families earning less than one hundred twenty (120) percent.

**COUNCILMAN IGLIOZZI:** Families earning less than (120) percent of the median. The question is does that

excise the people who are making the median.

**COUNCILMAN SEGAL:** It includes them because 100% of median income is less than 120% of the median income.

**COUNCILMAN IGLIOZZI:** I just want to make sure that everybody is covered that's all. Alright, that's fine. If it is then good. Then this way if anyone has a question the record reflects that. The second thing I ask is in (c), you talk about, it says, "all payments made to the Providence Redevelopment Agency for payment to the Providence Housing Trust under tax stabilization agreements shall be deposited in the Providence Housing Trust without exception". There are some tax stabilizations where some of these entities will give money to different entities like a different housing corporation or like a neighborhood recreation center or something. They will still be able to do that is that correct?

**COUNCILMAN SEGAL:** They can still do that. This covers specifically those funds that are deposited with the City.

**COUNCILMAN IGLIOZZI:** So this is what's in place when we have a tax stabilization and the contractual relationship is that the entity that's receiving the tax stabilization is going to give so much money to the housing fund and it goes to this, right?

**COUNCILMAN SEGAL:** Right.

**COUNCILMAN IGLIOZZI:** Now you say without exception. Is that because is something happening now. By the way I'm glad about this but I'm asking, is something going on now that we should be aware of. Are they taking money out of that trust fund that we're getting from tax stabilizations?

**COUNCILMAN SEGAL:** There was concern that that money would be taken out of the trust fund to fill the budget hole. As of now my understanding is that there aren't any plans to do that.

**COUNCILMAN IGLIOZZI:** So this will protect that just in case.

**COUNCILMAN SEGAL:** This will protect those funds.

**COUNCILMAN IGLIOZZI:** Then the last one (e), and I'm glad that you're requesting that the Director of the Planning Department make a quarterly report. The question is what if they don't? As we all know when they don't do it then what do we do. Should there be something where I don't know there is some mechanism that they have to do something. I don't know, I'm must throwing something out here.

**COUNCILMAN SEGAL:** If they don't do that what do they have to do?

**COUNCILMAN IGLIOZZI:** Yes. That's all. Thank you for clarification.

**COUNCILMAN APONTE Moves Passage of the Amendment, seconded by COUNCILWOMAN WILLIAMS.**

**COUNCILMAN APONTE Moves Passage of the Ordinance the Second Time, As Amended, seconded by COUNCILWOMAN WILLIAMS, by the Following Roll Call Vote:**

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

**NAYES: NONE.**

**ABSENT: COUNCIL PRESIDENT LOMBARDI, COUNCILMAN ALLEN and COUNCILWOMAN YOUNG - 3.**

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

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## PRESENTATION OF RESOLUTIONS

### COUNCIL PRESIDENT LOMBARDI (By Request):

Resolution Requesting the Traffic Engineer to cause the replacement of the existing "No Parking Handicap" Sign in front of 53 Kenyon Street with a "No Parking Anytime" Sign.

*Resolved*, That the Traffic Engineer is requested to cause the replacement of the existing "No Parking Handicap" Sign in front of 53 Kenyon Street with a "No Parking Anytime" Sign.

### COUNCIL PRESIDENT LOMBARDI:

Resolution Supporting the Town of South Kingstown's resolution relative to insurance companies non-renewal and cancellation policies based on geographic location of property.

*Whereas*, The State of Rhode Island has long had statutes prohibiting the cancellation or non-renewal of insurance based solely on the geographic location of property; and

*Whereas*, RIGL 27-29-4(7)(iii) specifies "Making or permitting any unfair discrimination between individuals or risks of the same class and of essentially the same hazards by refusing to issue, refusing to renew, canceling, or limiting the amount of insurance coverage on a property or casualty risk because of the geographic location of the risk, unless: (A) The refusal, cancellation or limitation is for a business

purpose that is not a pretext for unfair discrimination, or (B) The refusal, cancellation or limitation is required by law or regulation"; and

*Whereas*, RIGL 27-29-4.1 specifies "Cancellation of insurance prohibited. No insurance company authorized to do business in this state shall cancel or refuse to issue any type of insurance coverage for an owner occupied dwelling or personal property of every nature and description solely because of the area in which the property is situated"; and

*Whereas*, Citizens have received notices from insurance companies with regard to the declinations of coastal properties for reasons other than the location of the property. Examples of such practices are declinations due to the value of the property in light of the reinsurance obtainable by the insurance company and the selective geographies spread of risk; and

*Whereas*, It appears that these declinations are actions taken by insurance companies ranging from non-renewals, increased rates, increased deductibles and other mitigation requirements passed on to the insured (such as storm shutters, roof tie downs, reinforced trusses etc.); and

*Whereas*, It appears that these declinations exceed the criteria set by accepted actuarial practices, a multivariable approach referred to by the insurance industry as Average Annual Loss (AAL) analysis. An apparent direct result appears

to be underwriting guidelines causing non-renewal of higher valued properties; and

*Whereas*, Requirements for insurance and renewable insurance have been extended from distances from the coast to as far as ten miles with deductibles increasing in some instances as high as 5%. The result of this is to require a deductible on dwelling values at \$400,000.00 to carry a deductible for loss in the amount of \$20,000.00.

*Now, Therefore, Be It Resolved*, That the Providence City Council would strongly encourage the Governor and General Assembly to form an appropriate committee and conduct hearings to determine the scope of this issue along with formulate solutions for coastal and near coastal property owners within the State of Rhode Island.

*Be It Further Resolved*, That copies of this resolution be conveyed to all cities and towns throughout the State of Rhode Island, the General Assembly and the Attorney General.

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

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

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**COUNCILMAN APONTE (By Request):**

Resolution Requesting to cancel or abate, in whole, the taxes assessed upon Assessor's Plat 54, Lot 221 (994 Eddy Street), as

requested by MSC Realty, Inc., (Meeting Street Center).

**ACTING COUNCIL PRESIDENT DiRUZZO Refers the Resolution to the Committee on Finance.**

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Resolution Authorizing the City Council of the City of Providence, Rhode Island to request that the following United States Bureau of the Census Tracts be nominated by the City of Providence to Enterprise Zone Council for re-designation as Enterprise Zone Port of Providence: Census Tracts 1, 2, 5, 6, and 15. Should said tracts be designated, the City will use its best efforts to ensure Federal and Municipal resources are targeted and allocated to the Enterprise Zone.

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

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**COUNCILMAN HASSETT:**

Resolution Requesting the Chief Electrical Inspector to cause the upgrade of street lighting to 27,500 lumen along Health Avenue, Wealth Avenue and Wisdom Avenue.

*Resolved*, That the Chief Electrical Inspector is requested to cause the upgrade of street lighting to 27,500 lumen along Health Avenue, Wealth Avenue and Wisdom Avenue.

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

**The Motion for Passage is Sustained.**

**COUNCILMAN IGLIOZZI (By Request):**

Resolution Requesting the Traffic Engineer to cause the replacement of the missing street signs on Melissa Street for "Barden Street" and "Dresser Street".

*Resolved, That the Traffic Engineer is requested to cause the replacement of the missing street signs on Melissa Street for "Barden Street" and "Dresser Street".*

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

**The Motion for Passage is Sustained.**

## PERSONAL EXPRESSION

**COUNCILMAN JACKSON Requests the privilege of the floor to speak on a Point of Personal Expression and states:**

"Anyone who knows me they know that I'm very much involved in sports in the State of Rhode Island as a coach. I think anyone who read the sports section earlier in the week saw a very disturbing article where the soccer team from Central Falls was searched twice because of accusations that they had stolen something from a Coventry locker room which proved to be totally untrue. What this means to me, and I think all our colleagues know, is that this is what our students, our children face on a daily basis. If you look different, if you talk different, if you dress different, people look upon you differently when you leave the City of

Providence and they look upon you as there is something wrong with you because of that. That's extremely disturbing to me as an elected official, as a coach and as a social worker in that in the year 2006 our children who live in the City of Providence and are very proud to live in the City of Providence on a daily basis if they leave the City of Providence are thought of less than any other children in the State of Rhode Island. I saw what Former Principal Mezzanotte said with the Interscholastic League. I urge the Rhode Island Interscholastic League to make sure that all coaches in the State of Rhode Island have diversity training and that also all schools put into their curriculum for the future, diversity training and I hope my colleagues support me on that. Thank you".

**COUNCILMAN LUNA:**

Resolution Supporting Question Number 1 and the establishment of a resort casino in West Warwick to be privately owned and operated by a Rhode Island business entity established by the Narragansett Indian Tribe and its chosen partner.

**ACTING COUNCIL PRESIDENT DIRUZZO Refers the Resolution to the Committee on State Legislation.**

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Resolution Supporting Question Number 2 and the approval of the amendment to the Rhode Island Constitution that will provide that no person who is incarcerated in a correctional facility upon a felony conviction shall be permitted to vote until such person is discharged from the facility, at which that point that person's right to vote shall be restored.

*Resolved,* That the Members of the Providence City Council hereby Support Question Number 2 and the approval of the amendment to the Rhode Island Constitution that will provide that no person who is incarcerated in a correctional facility upon a felony conviction shall be permitted to vote until such person is discharged from the facility, at which that point that person's right to vote shall be restored.

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

**The Motion for Passage is Sustained.**

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Resolution Supporting Question Number 4 and the issuing of General Obligation Bonds, Refunding Bonds, and Temporary Notes in an amount not to exceed \$65,000,000.00 for the construction of a new college of pharmacy building at the University of Rhode Island and \$7,790,000.00 for renovations to the former Department of Children, Youth and Families facilities at Rhode Island College.

*Resolved,* That the Members of the Providence City Council hereby Support Question Number 4 and the issuing of General Obligation Bonds, Refunding Bonds, and Temporary Notes in an amount not to exceed \$65,000,000.00 for the construction of a new college of pharmacy building at the University of Rhode Island and \$7,790,000.00 for renovations to the former Department of Children, Youth and Families facilities at Rhode Island College.

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

**The Motion for Passage is Sustained.**

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Resolution Supporting Question Number 6 to allow for the State of Rhode Island to issue General Obligation Bonds, Refunding Bonds, and Temporary Notes in an amount not to exceed \$11,000,000.00 for improvements to the Roger Williams Park Zoo in Providence.

*Resolved,* That the Members of the Providence City Council hereby Support Question Number 6 to allow for the State of Rhode Island to issue General Obligation Bonds, Refunding Bonds, and Temporary

Notes in an amount not to exceed \$11,000,000.00 for improvements to the Roger Williams Park Zoo in Providence.

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

**The Motion for Passage is Sustained.**

Resolution Supporting Question Number 9, which would allow the State of Rhode Island to issue General Obligation Bonds, Refunding Bonds, and Temporary Notes in an amount not to exceed \$50,000,000.00 for affordable housing.

*Resolved,* That the Members of the Providence City Council hereby Support Question Number 9, which would allow the State of Rhode Island to issue General Obligation Bonds, Refunding Bonds, and Temporary Notes in an amount not to exceed \$50,000,000.00 for affordable housing.

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

**The Motion for Passage is Sustained.**

**COUNCILMAN SEGAL, 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 Brown University to negotiate a fair contract, including a provision of full health care benefits, with its Dining Service Workers.

*Whereas,* The City of Providence recognizes the importance of Brown University culturally and economically to this city, being the seventh largest private employer in the State of Rhode Island; and

*Whereas,* The City of Providence recognizes that both Providence and Brown University are prosperous and growing; and

*Whereas,* The City of Providence recognizes that the hard-working people of Rhode Island are the foundation upon which this prosperity is built; and

*Whereas,* The City of Providence recognizes that among these hard working people are the Dining Service employees at Brown University who feed thousands of students every day; and

*Whereas,* The City of Providence affirms that this prosperity should be shared with the workers who make it possible; and

*Whereas,* The City of Providence affirms that hard work should be rewarded through good jobs, and that all hard-working people and their families should have access to affordable, quality health care; and

*Whereas,* The City of Providence recognizes that the health of the citizens of this city is not only of moral importance but is economically valuable because it results in a more productive workforce and reduces the cost of medical care that the whole community must bear; and

*Whereas*, Currently over one third of Brown University Dining Service workers do not have access to affordable health care; and

*Whereas*, Brown University has had a history of commitment to good jobs, with a report commissioned by Brown University, published by Appleseed Inc. of New York City in 2005 finding that, "Brown University has been an active partner in efforts to create high-quality jobs in Rhode Island; and

*Whereas*, Brown University has demonstrated a commitment to public health in the State of Rhode Island, with the same report by Appleseed Inc. finding that, "Brown Medical School, the Program in Public Health, and the University's affiliated hospitals together offer a wide range of programs that aim to improve the

health of people in Providence and throughout the state".

*Now, Therefore, Be It Resolved*, That the City Council of the City of Providence encourages Brown University to agree to a contract with the Brown Dining Service workers that rewards the hard work with wages that are reflective of the prosperity of the University and with affordable quality health care for all workers, so that they and their families are able go to the doctor when sick and healthy.

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

**The Motion for Passage is Sustained.**

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## REPORT FROM COMMITTEE

### COMMITTEE ON CLAIMS AND PENDING SUITS

#### COUNCILMAN PETER S. MANCINI, Chairman

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

Certificates from the City Assessor (Nos. 7K and 8K), recommending the same be severally cancelled pursuant to the

provisions of Sections 14 and 15 of Title 44, Chapter 7 of the General Laws of Rhode Island, As Amended.

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

**AYES:** ACTING COUNCIL PRESIDENT DiRUZZO, COUNCILMEN APONTE, BUTLER, DeLUCA, HASSETT, IGLIOZZI, JACKSON, LUNA, MANCINI, SEGAL and COUNCILWOMAN WILLIAMS-11.

**NAYES:** NONE.

**ABSENT:** COUNCIL PRESIDENT LOMBARDI, COUNCILMAN ALLEN, COUNCILWOMEN ROMANO and YOUNG - 4.

The Motion for Passage is Sustained.

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## COMMUNICATIONS AND REPORTS

Communication from Laurence K. Flynn, Executive Director, Board of Canvassers, submitting the official results of the Primary Election held on September 12, 2006 in the City of Providence.

**ACTING COUNCIL PRESIDENT DiRUZZO** Receives the foregoing Communication.

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## FROM THE CLERK'S DESK

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

Liberty Mutual  
a/s/o Joseph Oloja

American Commerce Insurance  
a/s/o Brittney Ross

Carmen Rohena  
p.p.a. Josue Espinal  
(Richard P. Brederson, Esquire)

John Levesque

Richard Marchetti  
(Marianne E. Santoro, Esquire)

William Provencal  
(Marianne E. Santoro, Esquire)

Liberty Mutual  
a/s/o Joseph and Annette Campopiano

Danielle Nickerson  
(Robert V. Russo, Esquire)

Richard and Jane Russo

H. Pope

Russell R. Johnson

Steven Lavong Prak

American Commerce Insurance  
a/s/o Ronald Mara

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

## PRESENTATION OF RESOLUTIONS

### "In Congratulations"

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

Resolution Extending Congratulations.

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

Gloria Lopez (Executive Director), in recognition of her hard work and dedication to the center serving the Cuban and Puerto Rican Dispora in the State of Rhode Island for the Lukumi of the Orishas Center.

Roberto Cepeda (President RI), in recognition of his hard work and dedication to the center-serving the Cuban and Puerto Rican Dispora in the State of Rhode Island for the Lukumi of the Orishas Center.

Lazaro Companioni (Founder & Senior Executive Director), in recognition of his hard work and dedication to the center serving the Cuban and Puerto Rican Dispora in the State of Rhode Island for the Lukumi of the Orishas Center.

Linda Focarelli, in recognition of the celebration of her fiftieth birthday, born September 28, 1956.

Tina Bingham, in recognition of being appointed Gaspee President for 2007. Also for her loyalty and unselfish dedication to the Gaspee Committee and events.

Detective Louis D. Stravato, in recognition of receiving the "September 2006 Officer of the Month" award for his outstanding efforts, continued dedication and diligence as an undercover detective

with the Narcotics and Organized Crime Bureau.

Alex D. Prignano, in recognition of his retirement after thirty years of dedicated service to the City of Providence and its citizens.

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

**The Motion for Passage is Sustained.**

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## PRESENTATION OF RESOLUTIONS

### "In Memoriam"

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

Resolution Extending Sympathy.

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

Edward W. Iovinelli

Anthony J. Conti (Jay)

Anna M. Kelly

Austin J. Nagle

Mary C. Ross

Susan Tessaglia

Anna "Anne" Carnevale

Gerald S. "Jerry" Connors

Eileen Curria

Philip "Jeke" Forti

Marino Casalino

Emelia "Emma" Marianetti

Enrico Lanzi

Adeline Acciaioli

John Joseph "J.J." Bolvin

Frederick R. DeCesaris

Vincent Calitri

Antonetta Podell

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

**The Motion for Passage is Sustained.**

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## 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 RESOLUTION

**COUNCILMAN LUNA:**

Resolution Requesting to Rescind the lease  
between the Providence Redevelopment  
Agency and Project Basic, a non-profit  
organization.

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

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

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## ADJOURNMENT

There being no further business, on Motion of COUNCILMAN APONTE, seconded by COUNCILWOMAN WILLIAMS, it is voted to adjourn at 8:05 o'clock P.M. (E.D.T.), to meet again on THURSDAY, OCTOBER 19, 2006 at 7:30 o'clock P.M. (E.D.T.)



ANNA M. STETSON  
CITY CLERK







