

**C I T Y O F P R O V I D E N C E
R H O D E I S L A N D**



C I T Y C O U N C I L

JOURNAL OF PROCEEDINGS

No. 64 City Council Regular Meeting, Thursday, June 18, 1981 8:00 P.M. (E.D.T.)

IN CITY COUNCIL

JUL 2 1981

APPROVED:

PRESIDING

Rose M. Henderson CLERK

COUNCIL PRESIDENT

RALPH FARGNOLI

ROLL CALL

Present: Council President Fagnoli and Councilmen Almagno, Boyle, Councilwoman Brassil, Councilmen Cirelli, Dillon, Easton, Farmer, Flynn, Glavin, Griffin, Johnson, Lynch, Mansolillo, Moise, O'Connor, Paolino, Pearlman, Pennine, Petrosinelli, Salvatore, Snowden and Xavier—23.

Absent: Councilmen Cola and Stravato—2.

INVOCATION

The Invocation is given by COUNCILMAN ANTHONY P. PENNINE.

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

COUNCILWOMAN CAROLYN F. BRASSIL 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 RECORD

The Journal of Proceedings No. 63 of the Regular Meeting of the City Council held June 4, 1981 and posted June 15, 1981 on that Bulletin Board located on the Ground Floor Level of City Hall, is Approved as Printed, on motion of COUNCILMAN JOHNSON, seconded by COUNCILMAN DILLON.

SCHEDULE OF BILLS

FROM CITY CONTROLLER:

Street Lighting Bill for May, 1981, in the Amount of One Hundred Two Thousand, One Hundred Eight Dollars and Seven Cents (\$102,108.07).

Approved, on motion of COUNCILMAN JOHNSON, seconded by COUNCILMAN DILLON, by the following Roll Call Vote:

Ayes: Council President Fargnoli and Councilmen Almagno, Boyle, Council-

woman Brassil, Councilmen Dillon, Easton, Farmer, Johnson, Mansolillo, Moise, O'Connor, Paolino, Pearlman, Pennine, Petrosinelli, Salvatore, Snowden and Xavier—18.

Absent: Councilmen Cirelli, Cola, Flynn, Glavin, Griffin, Lynch and Stravato—7.

The motion to Approve is Sustained.

ORDINANCE SECOND READING

The following Ordinances were in City Council June 4, 1981, Read and Passed, the First Time and Are Returned for Passage the Second Time:

| | | |
|--|---|---------|
| An Ordinance in Amendment of Section 15-2 (a) of the Code of Ordinances of the City of Providence, entitled: Penalties for Traffic Violations. | Parking during emergency | \$50.00 |
| | Parking so as to obstruct the flow of traffic | \$50.00 |
| COUNCILMAN FARMER moves that the Ordinance be Amended as Follows: | Other no parking violations | \$15.00 |
| "DELETE: Overtime Parking \$10.00 | AMEND: Parking in a tow zone during emergency to read: | \$50.00 |
| | Parking in a tow zone | \$50.00 |
| ADD: Overtime Parking from 1 o'clock A.M. to 7 o'clock A.M. \$ 5.00 | AMEND: Last two paragraphs of Section 1 to read as follows: | |
| Overtime Parking from 7 o'clock A.M. to 1 o'clock A.M. \$10.00 | In the event any of the foregoing stated fines | |

are not paid prior to the 14th day after date of violation, said fines shall be doubled.

In the event any of the foregoing stated fines are not paid prior to the 28th day after date of violation, said fines shall be tripled.

AMEND: Section 2 to read as follows:

This Ordinance shall take effect upon the first to occur of (i) the first date of availability of parking tags reflecting the foregoing fine schedule and (ii) 120 days after date of passage."

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

COUNCIL PRESIDENT FARGNOLI desires to be recorded as voting "No."

The motion to Amend is Sustained.

COUNCILMAN FARMER moves that the Ordinance be Read and Passed the First Time, as Amended, and Referred Back to Committee on Finance.

This motion being seconded by COUNCILMAN EASTON is Put to Vote and Passed, by the following Roll Call Vote:

Ayes: Councilmen Almagno, Boyle, Councilwoman Brassil, Councilmen Dillon, Easton, Farmer, Griffin, Johnson, Lynch, Mansolillo, O'Connor, Paolino, Pearlman, Pennine, Petrosinelli, Salvatore and Snowden—17.

Noes: Council President Fagnoli and Councilmen Cirelli, Flynn, Moise and Xavier—5.

Not Voting: Councilman Glavin—1.

Absent: Councilmen Cola, and Stravato—2.

The motion for Passage the First Time, as Amended and Referral Back to the Committee on Finance is Sustained.

An Ordinance Amending the Appropriation Ordinance Chapter 1981-9 Approved March 13, 1981, by Transferring the Sum of Seven Hundred Forty-Eight Thousand, Nine Hundred Two Dollars and Eighty-Two Cents (\$748,902.82) from Appropriation Expended for School Crossing Guards, from the Police Department to the School Department.

Be It Ordained by the City of Providence:

Section 1. Chapter 1981-9 of the Ordinances of the City of Providence, approved march 13, 1981, entitled: "An Ordinance making an appropriation of One Hundred Thirty-Nine Million, Three Hundred Sixty-Four Thousand Eight Hundred Seventy-Six Dollars (\$139,364,876.00) for the Fiscal Year Ending June 30, 1981," as amended, is hereby further amended by transferring the following sums of money:

| From | Amount | To School Department Codes |
|------------------------------|--------------|----------------------------|
| Police Department Salaries | | |
| Item 1-03-02-001 | \$482,253.24 | 2-1-004-001 |
| F.I.C.A. Taxes | | |
| Item 1-03-02-001 | 31,129.24 | 1-13-02-398 |
| Pensions | | |
| 1-11-01-341 | 85,503.50 | 2-1-004-387 |
| Drug & Prescription Benefits | | |
| 1-11-07-358 | 2,481.60 | 2-1-004-358 |
| Blue Cross & R.I.G.H.A. | | |
| 1-13-03-350 | 82,191.24 | 2-1-004-350 |

| From | Amount | To School Department Codes |
|--|---------------------|----------------------------------|
| Laborers International Legal Fund 1-11-06-338 | 8,272.00 | 2-1-004-303 |
| Pensions —Laborers International Fund 1-11-05-382 | 55,272.00 | 2-1-004-382 |
| Replacement Cost for Crossing Guard Uniforms 1-03-02-204 | <u>1,800.00</u> | 2-1-004-204 |
| TOTAL | \$748,902.82 | |

Section 2. This Ordinance shall take effect upon its passage.

An Ordinance in Amendment of Chapter 17 of Article III of the Code of Ordinances of the City of Providence by Adding Section 17-27, entitled: "Providing for Ratification of Collective Bargaining Agreements."

Be It Ordained by the City of Providence:

Section 1. Chapter 17 of Article III of the Code of Ordinances of the City of Providence is hereby amended by adding Section 17-27, which will read as follows:

"Section 17-27. Providing for Ratification of Collective bargaining Agreements. No collective bargaining agreement between the City of Providence and any labor organization shall become effective unless and until ratified by the Providence City Council.

Each contract, before submission to the City Council, shall contain a fiscal note.

At least one Public Hearing shall be held prior to City Council Ratification of any contract."

Section 2. This Ordinance shall take effect upon its Passage.

An Ordinance Amending the Appropriation Ordinance Chapter 1981-9 Approved March 13, 1981, by Transferring the Sum of \$4,000.00 from Department of Planning and Urban Development, Item 121 to the Providence Review Commission.

Be It Ordained by the City of Providence:

Section 1. Chapter 1981-9 of the Ordinances of the City of Providence, approved March 13, 1981, entitled: "An Ordinance making an appropriation of One Hundred Thirty-Nine Million, Three Hundred Sixty-Four Thousand Eight Hundred Seventy-Six Dollars (\$139,364,876.00) for Fiscal Year Ending June 30, 1981," as amended, is hereby further amended by transferring the sum of Four Thousand Dollars (\$4,000.00) from Department of Planning and Urban Development, Item 121, to the Providence Review Commission.

Section 2. This Ordinance shall take effect upon its passage.

Severally Read and Collectively Passed, the Second Time, on motion of COUNCILMAN JOHNSON, seconded by Councilman Dillon, by the following Roll Call Vote:

Ayes: Council President Fargnoli and Councilmen Almagno, Boyle, Councilwoman Brassil, Councilmen Cirelli, Dillon, Easton, Farmer, Flynn, Glavin, Griffin, Johnson, Lynch, Mansolillo, Moise, O'Connor, Paolino, Pearlman, Pennine, Petrosinelli, Salvatore, Snowden and Xavier—23.

Absent: Councilmen Cola, and Stravato—2.

COUNCILMAN ALMAGNO, COUNCILMAN MANSOLILLO, and COUNCILMAN

Authority to exempt the existing bus shelter at the northwest corner of Elmgrove Avenue and Angell Street from containing illuminated or other commercial advertising on said structure as set forth in petition from residents.

Resolved, That Public Transit Shelter, Inc. and/or Rhode Island Public Transit Authority is hereby requested to exempt the existing bus shelter at the northwest corner of Elmgrove Avenue and Angell Street in Providence from containing illuminated or other commercial advertising on said structure as set forth in the petition from residents of said area attached hereto.

COUNCILMAN JOHNSON, COUNCIL PRESIDENT FARGNOLI, COUNCILMAN ALMAGNO, COUNCILMAN BOYLE, COUNCILWOMAN BRASSIL, COUNCILMAN CIRELLI, COUNCILMAN COLA, COUNCILMAN DILLON, COUNCILMAN EASTON, COUNCILMAN FARMER, COUNCILMAN FLYNN, COUNCILMAN GLAVIN, COUNCILMAN GRIFFIN, COUNCILMAN LYNCH, COUNCILMAN MANSOLILLO, COUNCILMAN MOISE, COUNCILMAN O'CONNOR, COUNCILMAN PAOLINO, COUNCILMAN PEARLMAN, COUNCILMAN PENNINE, COUNCILMAN PETROSINELLI, COUNCILMAN SALVATORE, COUNCILMAN SNOWDEN, COUNCILMAN STRAVATO and COUNCILMAN XAVIER.

Resolution Extending Congratulations to the Superintendent of the Park Department, his Staff and the Board of Park Commissioners on their fine job and Recognition received from the Humane Society of the United States for the Roger Williams Park Zoo.

Whereas, A tour undertaken of Roger Williams

Park Zoo by national zoo experts resulted in high acclaim to the City of Providence, and

Whereas, Representatives of the Humane Society of the United States referred to the Zoo as "the finest in New England", and

Whereas, The Roger Williams Park Zoo to all who tour it, is both educational and cultural,

Now, Therefore, Be It Resolved, That congratulations is hereby extended to the Superintendent of the Park Department, his Staff and the Board of Park Commissioners, for their fine job in rendering the Roger Williams Park Zoo a site to be proud of and for the recognition received from the Humane Society of the United States.

Severally Read and Collectively Passed, on motion of COUNCILMAN JOHNSON, seconded by COUNCILMAN FLYNN.

The motion for Passage is Sustained.

COUNCILMAN MANSOLILLO (By Request):

Resolution Requesting the Traffic Engineer to cause the Installation of "Four Way" Stop Signs at the Intersections of Princeton Avenue and Updike Street.

Referred to Committee on Public Works, on motion of COUNCILMAN JOHNSON, seconded by COUNCILMAN O'CONNOR.

The motion to Refer is Sustained.

COUNCILMAN MOISE (By Request):

Resolution Requesting the Director of Public

Works to cause that Depression in the Road along Oxford Street and Poe Street to be removed.

Resolved, That the Director of Public Works is requested to cause that depression in the road along Oxford Street and Poe Street to be removed.

COUNCILMAN MOISE and COUNCILMAN GRIFFIN (By Request):

Resolution Requesting the City Forester to Cause those Dead Trees to be Removed along St. Michael's Church and to Replace the Recently Planted Trees that have been damaged.

Resolved, That the City Forester is requested to cause those Dead Trees to be removed along St. Michael's Church and to replace the recently planted trees that have been damaged.

Resolution Requesting the Director of Public Works and the Superintendent of the Providence School Department to cause all Graffiti to be Removed from City Owned Buildings.

Resolved, That the Director of Public Works and the Superintendent of the Providence School Department are requested to cause all graffiti to be removed from City Owned Buildings.

COUNCILMAN PAOLINO (By Request):

Resolution Requesting the Director of Public Works to Cause All Potholes at the rear entrance of Parenti Villa, at the junction of Grove and Ridge Streets to be Repaired.

Resolved, That the Director of Public Works is

requested to cause All Potholes at the rear entrance of Parenti Villa, at the junction of Grove and Ridge Streets, to be Repaired.

Resolution Requesting the Owner of that Vacant Lot located along Sutton Street and Federal Street, to be cleaned and maintained.

Resolved, That the owner of that vacant lot located along Sutton Street and Federal Street, is requested to clean and maintain that area.

Resolution Requesting the Director of the Department of Building Inspection to cause that vacant building located along 62 Battey Street, to be Razed.

Resolved, That the Director of the Department of Building Inspection is requested to cause that vacant building located along 62 Battey Street to be Razed, and

Be It Further Resolved, That this request be complied with prior to July 4, 1981, as the building is a fire hazard.

Resolution requesting the Traffic Engineer to cause those Missing "No Parking Either Side, Tow Away Zone" signs along Groton Street, between Dexter Street and Harrison Street, to be Replaced.

Resolved, That the Traffic Engineer is requested to cause those missing "No Parking Either Side, Tow Away Zone" Signs along Groton Street, between Dexter Street and Harrison Street, to be Replaced.

Resolution Requesting the Chief of the Providence Police Department to order a Patrol along Dexter Field, near the boccia court and baseball field, to apprehend the violators who are parking and driving their automobiles along said field.

Resolved, That the Chief of the Providence Police Department is hereby requested to order a patrol along Dexter Field, near the Boccia Court and Baseball Field and to apprehend the violators who are parking and driving their automobiles along said field.

**COUNCILMAN PETROSINELLI and
COUNCILMAN SALVATORE (By Request):**

Resolution Requesting the Director of Public Works to Correct that Depression located along 467 Charles Street, at Loreto Street.

Resolved, That the Director of Public Works is requested to correct that Depression located along 467 Charles Street, at Loreto Street.

COUNCILMAN SNOWDEN (By Request):

Resolution Requesting the Acting Public Service Engineer to Order the Installation of a High

Pressure Sodium Vapor Light on Pole No. 12, located along 115 Lauriston Street.

Resolved, That the Acting Public Service Engineer is requested to cause the installation of a high pressure sodium vapor light on Pole No. 12, located along 115 Lauriston Street.

**Severally Read and Collectively Passed,
on motion of COUNCILMAN JOHNSON,
seconded by COUNCILMAN FLYNN.**

The motion for Passage is Sustained.

COUNCILMAN XAVIER and COUNCILMAN FLYNN (By Request):

Resolution authorizing the City Treasurer, acting under the direction of the Committee on Finance, to borrow, not exceeding Seven Hundred Thousand Dollars (\$700,000.00), to be used exclusively for carrying out the purposes of financing the Official Redevelopment Plan for the Downtown Providence Renewal Project.

**Referred to Committee on Finance, on
motion of COUNCILMAN JOHNSON, sec-
onded by COUNCILMAN FLYNN.**

The motion to Refer is Sustained.

REPORTS FROM COMMITTEES

COUNCILWOMAN CAROLYN F. BRASSIL, Chairwoman COMMITTEE ON FINANCE

Transmits the following with Recommendation the Same be Severally Adopted:

The following Ordinance was in City Council June 4, 1981, Read and Passed the First Time and Referred back to Committee on Finance and is Returned with Recommendation of Passage the Second Time:

An Ordinance Amending the Appropriation Ordinance Chapter 1981-9 Approved March 13, 1981, by Transferring the Sum of One Hundred Thousand Dollars (\$100,000.00), from Pensioner's Laborers International Fund (1-11-05-382) to Public Property, Administration and Maintenance (1-07-03-791).

Be It Ordained by the City of Providence:

Section 1. Chapter 1981-9 of the Ordinances of the City of Providence, approved March 13, 1981, entitled: "An Ordinance making an appropriation of One Hundred Thirty-Nine Million, Three Hundred Sixty-Four Thousand Eight Hundred Seventy-Six Dollars (\$139,364,876.00) for the Fiscal Year Ending June 30, 1981," is hereby amended by transferring the sum of One Hundred Thousand Dollars (\$100,000.00) from Pensioner's Laborers International Fund (1-11-05-382) to Public Property, Administration and Maintenance (1-07-03-791).

Section 2. This Ordinance shall take effect upon its passage.

Read and Passed, the Second Time, on motion of COUNCILMAN JOHNSON, seconded by COUNCILMAN FLYNN, by the following Roll Call Vote:

Ayes: Council President Fagnoli and Councilmen Almagno, Councilwoman Brassil, Councilmen Cirelli, Dillon, Farmer, Flynn, Glavin, Griffin, Johnson, Lynch, Mansolillo, Paolino, Pearlman, Pennine, Petrosinelli, Salvatore and Snowden—18.

Noes: Councilmen Easton and Xavier—2.

Not Voting: Councilmen Moise and O'Connor.

Absent: Councilmen Boyle, Cola, and Stravato—3.

The motion for Passage the Second Time, is Sustained.

COUNCILMAN VINCENT J. CIRELLI, Chairman COMMITTEE ON ORDINANCES

The following Ordinance was in City Council April 15, 1981, Read and Passed the First Time and Referred back to Committee on Ordinances, and is Returned with Recommendation of Passage the Second Time, as Amended.

An Ordinance Creating a Design Controlled, Smith Hill Commercial District, as Amended.

Section I. Purpose: This Ordinance creates a Design Controlled Smith Hill Commercial District in order to create, promote and mandate design and rehabilitation standards for the Smith Hill Commercial District, to establish deadlines for compliance with said standards, and to provide for the enforcement of said design and rehabilitation standards for the economic, cultural, aesthetic and general welfare and safety of the public through the regulation of commercial and mixed use structures, signs, vacant lots, and parking areas within the Smith Hill Commercial District; to preserve and enhance the environmental quality of the Smith Hill Commercial District; to strengthen the city's economic base by stimulation and stabilization of business; to provide employment opportunities by preserving and creating jobs; to establish and improve property values and conditions; to foster economic development and to encourage growth.

Section II. Compliance With Regulations:

All existing or future commercial, mixed-use, or non-residential structures, whether occupied or vacant, located within the Smith Hill Commercial Area shall be in compliance with the regulations as set forth in this Ordinance before July 4, 1983. Owners of subject property within the designated area shall make no exterior renovation, rehabilitation or the like to any such property unless such renovation or rehabilitation plans and specifications have been submitted and approved by the Design Review Committee established herein. The Building Inspector shall

issue no building permits for property located within the designated area until plans and specifications for renovation, rehabilitation or the like have been approved by the Design Review Committee.

Section III. Area Governed: The Smith Hill Commercial District shall consist of and be defined as the following Assessor's Lots and Plats located in the City of Providence and said lots and Plats shall be governed and regulated by the provisions of this Ordinance as follows:

42, 230, 231, 232, 233, 234, 235, 236, 237, 260, 261, 262, 229, 263, 264, 380, 479, 602, 642, 645, 536, 537, 538, 539, 540, 541, of Plat 69. Lots 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 18, 24, 131, 132, 148, 313, 358, 417, 459, 551, 597, 621, 622, 623, 626, 629, 767, 768, of Plat 68. Lots 14, 15, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 41, 44, 46, 47, 48, 49, 50, 61, 62, 63, 64, 65, 66, 67, 69, 71, 72, 73, 87, 91, 94, 96, 97, 98, 103, 104, 105, 106, 107, 113, 255, 259, 512, of Plat 67 as set forth in the 1980 Assessor's Plat Book.

Section IV. Definitions: As used in this Ordinance: "AWNING" — shall be defined as a sheltering screen with approved covering, often of fabric, on a rigid or hinged support, or of a retractable system.

"Awning Sign" — shall be defined as painted or inlaid lettering on awnings identifying the business and/or address of the building on which it is located.

"Billboard" — shall be defined as a sign advertising products or activities not made, sold, used, served or conducted on the premises displaying such sign, or a sign having a height greater than twelve (12) feet or a width greater than eighteen (18) feet including supports.

"Certificate of Compliance" — shall be defined as a certificate issued by the building inspector which certifies that a building, structure, or property complies with the design standards of this Ordinance.

"Facade" — shall be defined as the exterior front surface of the building.

"Ground Sign" — shall be defined as a sign supported by uprights or braces in or upon the ground surface.

"Non-Conforming Signs" — shall be defined as any sign, located within the design controlled Smith Hill Commercial District, which does not comply with the design standards set forth in this Ordinance.

"Projecting Sign" — shall be defined as a sign which is attached to and projects more than twelve (12) inches from the face of a wall of a building.

"Secondary Sign" — shall be defined as a sign which is of smaller size and of less impact than the major sign identifying a business or which identifies a business located on the premises other than the primary establishment.

"Show Window" — shall be defined as any window on the first floor or below of a building used for display of merchandise.

"Sidewalk Displays" — shall be defined as any merchandise placed on the outside of a building, intended to attract the attention of the general public.

"Sign" — shall be defined as any display, whether flat, projecting or sculptured, used for any advertising or informational purposes, which is visible from a public right-of-way.

"Store Front" — shall be defined as any front, exterior first floor wall of a commercial building

"Variance" — shall be defined as an exception

granted by the Design Review Committee from any of the design standards set forth in this Ordinance.

"Wall Sign" — shall be defined as any sign attached to, and erected parallel to the face of, or painted on the outside wall of the building and supported throughout its length by such wall or building, and not extending more than twelve (12) inches from the building wall.

Section V. Design Review Committee — There shall be created the Smith Hill Design Review Committee (the Committee) which shall consist of five (5) members who shall serve without compensation, and each of whom shall serve a term of one (1) year. The membership of the Committee shall be appointed in the following manner:

Three (3) shall be elected by the principals of the business entities in the design controlled district:

Two (2) of these persons shall have full knowledge of the Smith Street design efforts and shall be capable of representing the business community's interests.

One (1) of these persons shall be a registered Rhode Island architect familiar with the Smith Street Revitalization Project and competent in the areas of design control and neighborhood revitalization.

Two (2) shall be appointed by the Mayor of the City of Providence:

One (1) of these persons shall have a degree in architectural design and shall have experience in storefront design.

One (1) of these persons shall be experienced in the field of construction and familiar with all structural and mechanical components of a building. This member shall also be familiar with the legal aspects of complying with the Rhode Island Building Code, the Providence Zoning

Ordinance, and the Smith Street Design Standards.

The building Inspector or his designee shall serve on the Committee as an ex-officio, non-voting member. Vacancies shall be filled for the unexpired term of a Committee member according to the above standards.

Section VI. Rules and Meetings. The Committee shall adopt rules of procedure not in conflict with any State Act or City Ordinance. Meetings of the Committee shall be held at the call of the Chairman and at such other times as the Committee may determine. All official meetings of the Committee shall be open to the public and notice of any meeting shall be posted at least five (5) days prior to its commencement. The Committee shall keep minutes of its proceedings, showing the vote, and shall keep records of its official actions, all of which shall be public record.

Section VII. Enforcement of this Ordinance:

In the event of any violation of the standards set forth herein, the Design Review Committee shall, no fewer than ten (10) days prior to its next regularly scheduled meeting, notify the property owner of the violation (s) and summon said property owner to appear at that next regularly scheduled meeting. The property owner shall there have the opportunity to demonstrate why he or she is in compliance with the standards set forth herein or to show good cause for the non-compliance. Upon a showing of good cause the Committee shall grant the property owner one (1) thirty (30) day extension of time in which to comply with these standards. Under no circumstances shall more than one (1) such extension of time be granted.

Upon the failure of the property owner to demonstrate compliance, or to show good cause, or to comply with these standards within the thirty (30) day extension of time, the Committee shall make a finding of "Non-Compliance." Upon a finding the Committee shall notify the Department of Building Inspection who shall

forthwith request the City Solicitor to institute the proper proceedings for a violation of this Ordinance in the Municipal or Police Court of the City of Providence.

Section VIII. Smith Street Design Standards: The following standards shall be applied to all existing or future commercial, mixed-use, or non-residential structures, whether occupied or vacant, located within the Smith Hill Design Controlled Commercial District.

Each building shall be designed as an integral part of the commercial area's overall design theme, as determined by the Design Review Committee.

I. Building Fronts and Sides Abutting Streets or Public Areas: All structural and decorative elements of building fronts and sides abutting streets and public areas shall be repaired or replaced in a workmanlike manner in accordance with the following design standards.

A. Storefronts: Each storefront shall fit into the total building facade as an integral element and shall harmonize with the remaining part of the building.

1. Storefronts deemed to be damaged or in disrepair shall be repaired or replaced.

2. Solid or permanently enclosed or covered storefronts shall not be permitted unless treated as an integral part of the building as determined by the Design Review Committee.

3. Protective grills, when utilized, shall be designed as an integral part of the storefront and be as inconspicuous as possible.

B. Show Windows: A show window as a part of the building facade shall be defined to include: the building face, the entrance area leading to the door, the door, sidelights and transoms, and all display platforms and devices including lighting and signage designed to be viewed from the public right-of-way and/or the area visible to the

public prior to entering the interior of the structure.

1. Show windows shall be designed as an integral element of the storefront and reflect the character and theme of the streetscape.

2. Show windows shall not be painted for advertising purposes but may be painted for authorized identification of the place of business (name of store, logo, or other store identification) provided such identification complies with "secondary sign" standards.

3. Decals of a maximum of one foot square in area may be affixed to show windows or entrance door windows when supplied by national and local credit card companies and carry no text or message other than the identification of such companies.

4. Decals informing the existence of a security alarm system may be affixed to show windows or entrance door windows in accordance with state law.

C. Awnings:

1. Only soft, flame resistant awnings are permitted on the building facade.

2. Awnings shall not project more than seven (7) feet from the building front, nor extend more than two (2) feet within the curb line, whichever is less. They shall be no less than seven (7) feet above grade except that the bottom of the valance of awnings may extend to six (6) feet nine (9) inches above grade. Awnings shall terminate against the building at a height not to exceed thirteen (13) feet above the pavement nor one inch below the second floor window sill, whichever is lower.

3. Awning colors and patterns shall be compatible with the building facade.

D. Building Color:

1. In every case the building colors shall be harmonious with the streetscape and neighborhood building facades, as determined by the Design Review Committee.

2. Colors shall be used to tie all buildings elements into a visually pleasing facade.

E. Rear and Side Walls:

1. Rear and side walls shall be repaired and painted as necessary.

2. All miscellaneous patched and filled areas shall be covered evenly.

F. Windows:

1. All broken and missing windows shall be replaced with new glass.

2. Window openings in upper floors of the front of the building shall not be filled or boarded up. Window panes shall not be painted.

3. Windows not in the front of the building shall be kept properly repaired or may be removed or infilled in a manner acceptable to the Design Review Committee and in compliance with local codes and ordinances.

G. Roof:

1. Roofs shall be kept free of trash, debris, or any other element which is not a permanent part of the building or a functioning element of its mechanical or electrical system.

2. Any mechanical equipment placed on the roof shall be so located as to be hidden from view and as inconspicuous as possible. Where screening is infeasible, equipment shall be painted in such a manner as to minimize its visibility.

H. Mechanical Equipment and Hardware:

1. Gutters and downspouts shall be repaired

or replaced as necessary and shall be neatly securely installed. Their color shall be considered as part of the building's overall color scheme.

2. Existing miscellaneous elements on the building fronts, such as empty electrical or other conduits, old signs, unused sign brackets, etc. shall be eliminated.

3. All electrical elements such as wires, conduits, junction boxes, transformers, ballast switches, and panel boxes shall be concealed from view to as great a degree as possible.

4. Any mechanical equipment located on the exterior of a building, functioning as an integral element of the business located within shall be maintained in neat and orderly fashion.

III. Signs: No signs other than those indentifying the property where they are installed or identifying the use conducted within shall be permitted, such signs shall not include advertising by material or product manufacturers and suppliers.

A. Wall Signs:

1. Wall signs shall be placed parallel to the building face and shall not project more than twelve (12) inches from the surface of the building.

2. The total area of wall signs shall not exceed in area three (3) times the width in feet of the building frontage. In the case of corner properties each facade shall be calculated separately. No sign shall be more than three (3) feet in height.

3. Wall signs shall be placed no higher than the bottom of the second floor windows, where windows exist, or below the cornice line of a one-story structure of thirteen (13) feet above grade, whichever is lower.

4. There shall be no more than one (1) wall sign for each establishment.

B. Projecting Signs:

1. Projecting signs shall not extend more than four (4) feet beyond the building surface nor two (2) feet inside the curb line, whichever is less.

2. A projecting sign shall not extend higher than thirteen (13) feet above grade or below ten (10) feet above grade level.

3. There shall be no more than one (1) projecting sign for each establishment, and it shall be perpendicular to the building face.

4. No projecting sign shall exceed six (6) square feet in area.

C. Awning Signs:

Painted or inlaid lettering, indentifying the business and/or street number on cloth awnings is permitted.

D. Roof Top Signs: Roof top signs, billboards, or outdoor advertising signs shall not be permitted.

E. Rear Signs: Signs indentifying the occupant shall be permitted at the rear entrance doors but shall not exceed six (6) square feet in area.

F. Secondary Signs:

1. No portable sign, or signs on wheels or trailers, shall be permitted.

2. Second floor businesses shall be limited to one sign each not to exceed six (6) square feet.

3. Window painting shall be permitted for identification of businesses only and may include store name, logo, or other store identification, provided no more than 20% of the window surface is covered.

Each character shall be a maximum of eight (8) inches in height.

4. Temporary show window signs (such as sales) shall be permitted as long as they do not occupy over 20% of the window area. This includes signs placed within three (3) feet of the window and visible from the outside.

G. Ground Signs:

1. Ground signs shall be permitted on all properties which are set back at least ten (10) feet from the property line.

2. Ground signs shall not obstruct the free flow of traffic or pedestrian movement.

3. Ground signs shall be located within ten (10) feet of the property line but shall not be located less than six (6) feet from the property line.

4. Ground signs shall not be greater than four (4) feet in height and shall have a maximum surface of twenty (20) square feet. Ground signs shall not be attached to grade by any means which exceed twelve (12) feet in height. Ground signs, together with above means of attachment shall not exceed (12) feet in height.

5. A maximum of one (1) ground sign per building shall be allowed.

6. Signage of service stations and gas stations shall not be subject to the immediate aforementioned standards but shall be subject to the authority of the Design Review Committee which shall utilize these standards for guidance in ensuring compatibility with overall design theme.

H. Signage Color: Signage color shall be compatible with the overall building facade and streetscape.

I. Illuminated Signs:

1. Flashing or moving signs other than barber poles shall not be permitted.

2. The light from any illuminated sign shall be so shaded, shielded, or directed that the light intensity or brightness shall not be objectionable to surrounding areas.

J. Permitted Signs Not Requiring Review:

1. For sale, exchange, or lease signs shall be limited to one per listing agent, per property.

2. Such signs shall be located on the property for sale, exchange or lease only and shall be limited to six (6) square feet in area. Signs shall be removed within two (2) weeks upon agreement concerning sale, lease, or exchange of property.

3. Architects and contractors may each display one sign during construction. Signs are limited to no more than six (6) square feet in area and shall be removed within two (2) weeks after construction is completed.

4. Signs limited to no more than six (6) square feet in area may be erected temporarily, provided they advertise an event of a civic, community or political character. These signs shall be removed within two (2) days after the event advertised. There shall be a limit of one sign per event.

K. Non-Conforming Signs: All signs not conforming to the above standards shall be removed before July 4, 1983. Billboards shall be removed before July 4, 1983, or upon the termination of any existing lease, whichever is sooner. No lease for such billboards shall be renewed, after enactment of this Ordinance.

IV. Sidewalk Displays:

A. Sidewalk displays shall be permitted provided they comply with local codes and permits.

B. Sidewalk displays shall not obstruct the view of a building, show windows, store entrances, signs, or interfere with pedestrian movement and safety.

V. Parking Areas:

A. An unenclosed yard may be used as a parking or loading area provided it is properly paved, illuminated, and maintained in accordance with applicable law.

B. A sign not exceeding six (6) square feet may be used to identify and control parking and loading.

C. The property owner or tenant shall be responsible for maintaining the parking areas in a neat and clean manner.

D. No storage of trash containers shall be allowed in this area except when property screened from the public's view by landscaping or fencing.

E. All parking areas which border a residential zone shall have appropriate buffers provided which shall consist of fencing or appropriate landscaping approved by the Design Review Committee.

VI. Open Areas:

A. Storage Lots — Lots used for storage or repair shall be screened from view by use of a fence or evergreen planting approved by the Design Review Committee. Screening shall be at least six (6) feet high, and lots shall be closed and secured after working hours.

B. Rear and Side Yards:

1. Rear and side yards shall be maintained in a clean and orderly fashion.

2. Landscaping and/or screening shall be provided for all open property located along the main business artery.

C. Vacant Lots — Vacant lots shall be maintained in the same manner as rear and side yards.

VII. New Construction:

A. Each building unit, whether existing or proposed, shall be an integral element of the overall design theme.

B. Building facades shall compliment adjacent building in terms of amenity and appearance.

C. Off-street parking areas shall be designed with careful regard to orderly arrangement, landscaping, and ease of access and egress as an integral part of the overall area design.

D. All new construction plans shall be reviewed by the Design Review Committee prior to construction to insure compliance with all design specifications stated herein.

VIII. Minimum Maintenance Requirements: Each property shall be reviewed for compliance with all above standards on a continuing basis by the Design Review Committee.

Section IX. Variances and Extensions: The Design Review Committee shall have the authority to grant a variance from any or all of the standards set forth in the Ordinance or an extension of time, provided that such variations and extensions are passed at two consecutive committee meetings by a unanimous vote of Committee members present at each meeting. Variations shall not be in violation of local codes and ordinances. At the earliest practicable date, the Design Review Committee shall determine and promulgate rules and regulations governing the granting or rejection of petitions for variances or extensions of time.

Section X Appeals: Any appeal from a decision of the Design Review Committee shall be filed within thirty (30) days from the date of said decision to the Council of the City of Providence, which shall entertain said Petition at its next regularly scheduled meeting. The decision of the Design Review Committee shall be overturned

only upon the majority vote of Council Members then present.

Section XI. Prior Acts: Nothing herein shall be interpreted to be less restrictive than existing codes and ordinances.

Section XII. Inconsistent Prior Acts: Any prior act inconsistent herewith is hereby repealed.

Section XIII. Captions: Captions included in this Ordinance are done so only as an aid to reference and not to be construed or interpreted as having any effect upon the intent of this Ordinance.

Section XIV. Liberality of Construction: This Ordinance shall be construed liberally in order to effectuate its purpose.

Section XV. Severability: If any provision of this Ordinance on the application thereto to any provision or circumstances, is held invalid by a court of competent jurisdiction, such invalidity shall not effect other provisions or applications of this Ordinance which can be given effect without the valid provision or application, and to this end

the provisions of this Ordinance are declared to be severable.

Section XVI. Effective Date: This act shall take effect upon passage.

Read and Passed, the Second Time, on motion of COUNCILMAN JOHNSON, seconded by COUNCILMAN FLYNN, by the following Roll Call Vote:

Ayes: Council President Fagnoli and Councilmen Almagno, Boyle, Councilwoman Brassil, Councilmen Cirelli, Dillon, Easton, Farmer, Flynn, Glavin, Griffin, Johnson, Lynch, Mansolillo, O'Connor, Paolino, Pearlman, Pennine, Petrosinelli, Salvatore, Snowden and Xavier—22.

Not Voting: Councilman Moise—1.

Absent: Councilmen Cola, and Stravato—2.

The motion for Passage the Second Time, is Sustained.

REPORTS

FROM THE PROVIDENCE REDEVELOPMENT AGENCY:

Report dated May 29, 1981, Informing the Honorable City Council of Its Proposed Sale of Real Property within the Charles Street renewal Project:

The Agency proposes the sale of Parcel 2 consisting of 5,330 sq. ft. of land, more or less, as

delineated on the attached map for the disposition price of \$10,000.00 to Carmine J. Balzano, Jr. and Anita D. Balzano of 59 Lewis Street, Warwick, Rhode Island. The parcel will be developed as commercial property and parking area in accordance with plans approved by the Agency.

Referred to Committee on Urban Redevelopment, Renewal and Planning, on mo-

tion of COUNCILMAN JOHNSON, seconded by COUNCILMAN FLYNN.

The motion to Refer is Sustained.

FROM THE NORTH BURIAL GROUND:

Annual Report, Ground for the Calendar Year 1980.

Received.

PETITION

COUNCIL PRESIDENT FARGNOLI (By Request):

Petition of Alfred A. Gemma to Change from an R-4 Multiple Dwelling Zone to an M-1 General Industrial Zone, Lots 504 and 505, as Set Out and Delineated on City Assessor's Plat 32, located along 336 Carpenter Street, and 166-170 Courtland Street.

Referred to Committee on Ordinances, on motion of COUNCILMAN JOHNSON, seconded by COUNCILMAN FLYNN and COUNCILMAN ALMAGNO.

The motion to Refer is Sustained.

FROM THE CLERK'S DESK

Petition of Joseph DiBattista and Joseph Mollicone, Jr., Owners of J & J Realty Company, 371 Pine Street, Providence, to Abandon as a Public Highway, a Portion of Seekell Street, in its entire width between the northerly line of Pine Street and the common lot line between Lots 192 and 193.

Referred to Committee on Public Works, on motion of COUNCILMAN JOHNSON, seconded by COUNCILMAN FLYNN and COUNCILMAN ALMAGNO.

The motion to Refer is Sustained.

Petition of Mario A. Corse, Jr. and Dale Corse to Change from an R-1 One family Zone to an R-4 Multiple Dwelling Zone, Lot 185 as Set Out and Delineated on City Assessor's Plat 112, located along 309 Lowell Avenue.

Referred to Committee on Ordinances, on

motion of COUNCILMAN JOHNSON, seconded by COUNCILMAN FLYNN and COUNCILMAN ALMAGNO.

The motion to Refer is Sustained.

Petitions for Compensation for Injuries and Damages, viz:

Anna Allen

Esther Bailey

Gloria Benoit

Bartholomew Brady

Albert R. Cantara, Sr.

Betzaida Calero

Elizabeth Calero

Elupina Calero

Jeovany Calero

Irene Cellucci

Joseph M. Cummings

Aisha Daniels p.p.a. Beatrice Daniels

Jack A. Dolan

Joseph C. Fagan

Government Employees' Inc. So. as Sub. of
Merlyn P. O'Keefe

Agnes Hereth

Margaret Lalor

Lucy Marcelli

Tammy R. Martin

Keith McKinnon

George A. Malloy

Anthony Motta

New England Telephone

Merlyn O'Keefe

Richard, Mary, William. John and
Richard, Jr., Parker

Ann Perkins

Ernest F. Rossi

James N. Salem

Gloria Snell, et al

John E. Spreier

Philip L. Tanan

Barbara G. Wallis

Greg Welz

Severally Referred to Committee on Claims and Pending Suits, on motion of COUNCILMAN JOHNSON, seconded by COUNCILMAN FLYNN.

The motion to Refer is Sustained.

PRESENTATION OF RESOLUTIONS

"In Congratulations"

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

Resolution Extending Congratulations to the
following:

Mr. and Mrs. Thomas Prior. In Recognition of
the Occasion of their Fiftieth Wedding Anniversary.

Robert Ricci, in Recognition of His Appointment as Acting Superintendent of Schools.

**Severally Read and Collectively Passed,
on motion of COUNCILMAN JOHNSON,
seconded by COUNCILMAN FLYNN.**

The motion for Passage is Sustained.

PRESENTATION OF RESOLUTIONS

"In Memoriam"

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

Resolutions extending Sympathy of the Members
of the City Council to the Families of Various
Decedents:

Resolved, That the Sympathy of the members
of the City Council is hereby expressed to the
families of the following:

Joseph L. Breen

Linda A. Raymond

Andrea M. Lomba

Ida Torregrossa

Patrick D. Carroll

Lillian M. Gaskins

Grace M. Stuckey

Josephine Barbaro

Joao Candidio Alves

Olive A. Munroe

Herbert Dowding, Jr.

Stephen Flaherty

Joseph P. Moretti

Peter G. Dunn

Henry Z. Nawrocki

Bernadine Iannitti

Severally Read and Collectively Passed,
by a Unanimous Rising Vote, on motion of
COUNCILMAN JOHNSON, seconded by
COUNCILMAN FLYNN.

The motion for Passage is Sustained.

RECESS

COUNCIL PRESIDENT FARGNOLI declares
the Council Stand at Ease at 9:40 o'clock P.M.
(E.D.T.) until the Call of the Chair.

RECONVENTION

COUNCIL PRESIDENT FARGNOLI Reconvenes the Council at 9:50 o'clock P.M. (E.D.T.) and Directs the Clerk to Call the Roll to Ascertain if there is a Quorum Present:

Present: Council President Fargnoli and Councilmen Almagno, Boyle, Councilwoman Brassil, Councilmen Cirelli, Dillon,

Easton, Farmer, Flynn, Glavin, Griffin, Johnson, Lynch, Mansolillo, O'Connor, Paolino, Pearlman, Pennine, Petrosinelli, Salvatore, Snowden and Xavier—22.

Absent: Councilmen Cola, Moise and Stravato—3.

MATTER NOT APPEARING ON THE PRINTED DOCKET

On motion of COUNCILMAN JOHNSON, seconded by COUNCILMAN DILLON, it is voted to Suspend Rule 16 of the Rules of the City Council in Order to Allow the Introduction of the following Matter Not Appearing on the Printed Docket.

RETENTION OF ADEQUATE COUNSEL TO REPRESENT THE MEMBERS OF THE CITY COUNCIL, THE FINANCE DIRECTOR AND THE CITY TREASURER IN THEIR OFFICIAL CAPACITY IN THE PRESENT LAW SUIT ENTITLED, "MENDILLO v. CIANCI, ET AL."

COUNCILMAN GLAVIN moves that the following counsel be retained:

Edward J. Grogan, Esquire — City Council

John Cosentino — Finance Director

William Y. Chaika — City Treasurer

This motion is seconded by COUNCILMAN FLYNN.

On motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN FLYNN, the Second Deputy City Clerk is directed to Cast One Ballot for the Above.

The Second Deputy City Clerk casts One Ballot as Directed.

ADJOURNMENT

There being no further business, on motion of COUNCILMAN JOHNSON, seconded by COUNCILMAN DILLON, the City Council adjourns at 10:00 o'clock P.M. (E.D.T.) to meet again on THURSDAY, JULY 2, 1981 at 8:00 o'clock P.M. (E.D.T.)

Rose M. Mandonea

City Clerk