

**CITY OF PROVIDENCE
RHODE ISLAND**



**CITY COUNCIL
JOURNAL OF PROCEEDINGS**

No. 14. City Council Special Meeting, Monday, June 18, 1979, 6:00 o'clock P.M. (E.D.T.)

IN CITY COUNCIL
'AUG' 2 '1979

APPROVED:

PRESIDING *Rose M. Mendonca* CLERK

COUNCIL PRESIDENT

RALPH FARGNOLI

ROLL CALL

Present: Council President Fargnoli and Councilmen Addison, Almagno, Boyle, Councilwoman Brassil, Councilmen Cirelli, Cola, Dillon, Easton, Farmer, Flynn, Glavin, Griffin, Lynch, Mansolillo, Moise, O'Connor, Paolino, Pearlman, Penine, Petrosinelli, Salvatore, Snowden and Xavier—24.

Absent: Councilmen Johnson and Stravato—2.

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INVOCATION

The Invocation is given by COUNCILMAN
MALCOLM FARMER, III.

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

COUNCILMAN ROBERT F. LYNCH, leads the
Members of the City Council and the Assemblage
in the Pledge of Allegiance to the Flag of the
United States of America.

COMMUNICATION FROM THE PRESIDENT OF THE CITY COUNCIL

Communication, dated June 12, 1979, Ordering
the City Clerk to Call a Meeting of the City
Council for Monday, June 18, 1979, at 6:00
o'clock P.M. (E.D.T.).

June 12, 1979

Mrs. Rose M. Mendonca
City Clerk
City Hall
Providence, Rhode Island 02903

Dear Mrs. Mendonca:

The City Council having Adjourned on Thurs-

day, July 6, 1978, to Meet again at the Call of
the Chair. Accordingly, I hereby Order the Call
of a Meeting of the City Council to be held on
Monday, June 18, 1979 at 6:00 o'clock P.M.
(E.D.T.).

Respectfully,

RALPH FARGNOLI
Council President

Received.

REPORTS FROM COMMITTEE

COUNCILWOMAN CAROLYN F. BRASSIL, Chairwoman COMMITTEE ON FINANCE

Transmits the following with Recommendation
the Same be Severally Adopted as Amended:

An Ordinance Providing for the Assessment and Collection of 1979 Taxes in a Sum Not Less than Seventy-Three Million, Four Hundred Thousand Dollars (\$73,400,000.00) and Not More than Seventy-Four Million, Five Hundred Thousand Dollars (\$74,500,000.00) Being Based on One Hundred Percent (100%) of the 1979-1980 Fiscal Year Tax Collection, as Amended.

Read and Passed the First Time, as Amended, on motion of COUNCILMAN ADDISON, seconded by COUNCILMAN GLAVIN, by the following Roll Call Vote:

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

Absent: Councilmen Johnson, Moise, O'Connor and Stravato—4.

The motion for Passage the First Time as Amended, is Sustained.

An Ordinance Making Appropriation of One Hundred Seventeen Million, Nine Hundred Seventy-Eight Thousand, Seven Hundred Thirty-Nine Dollars and Forty-Four Cents (\$117,978,739.44) for the Support of the City Government for the Fiscal Year Ending June 30, 1980 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 1978-19, Approved July 28, 1978, as Amended.

An Ordinance Establishing a Compensation Plan for the City of Providence and Repealing Chapter 1978-20, Approved July 28, 1978, is Further Amended.

COUNCILMAN ADDISON, moves the Ordinances be Severally Read and Collectively Passed, the First Time, as Amended.

This motion being seconded by COUNCILMAN GLAVIN, is Put to Vote and Not Passed by the following Roll Call Vote:

Ayes: Councilmen Addison, Boyle, Councilwoman Brassil, Councilmen Dillon, Easton, Farmer, Flynn and Lynch—8.

Noes: Council President Fagnoli and Councilmen Almagno, Cirelli, Cola, Glavin, Griffin, Mansolillo, Paolino, Pearlman, Pennine, Petrosinelli, Salvatore, Snowden and Xavier—14.

Absent: Councilmen Johnson, Moise, O'Connor and Stravato—4.

COUNCILWOMAN BRASSIL and COUNCILMAN FLYNN desire to be Recorded as Voting "No" relative to "An Ordinance Making Appropriation of One Hundred Seventeen Million, Nine

Hundred Seventy-Eight Thousand, Seven Hundred Thirty-Nine Dollars, Forty-Four Cents (\$117,978,739.44) being based on One Hundred Percent (100%) of the 1979-1980 Fiscal Year Tax Collection, as Amended" and "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 1978-18, Approved July 28, 1978, as Amended."

Ayes: 6.

Noes: 16.

Absent: 4.

The motion for Passage, the First Time, as Amended, is Not Sustained.

Recapitulation of Vote:

ORDINANCES SECOND READING

The following Ordinances were in City Council June 7, 1979, Read and Passed the First Time and Are Returned for Passage the Second Time:

An Ordinance Amending the Appropriation Ordinance Chapter 1978-18, Approved July 28, 1978, by Appropriating a Sum Not to Exceed Seven Thousand Dollars (\$7,000.00) to City Council Item 1-01-02-199.

Be it ordained by the City of Providence:

Section 1. Chapter 1978-18 of the Ordinances of the City of Providence as approved July 28, 1978, Entitled: "An Ordinance Making an Appropriation of One Hundred Fourteen Million, Nine Hundred Ninety-Eight Thousand, Eight Hundred Fifty Dollars and Ninety-Two Cents (\$114,998,850.92) for the Support of the Government for the Fiscal Year Ending June 30, 1979," is hereby amended by appropriating the sum of Seven Thousand Dollars (\$7,000.00) to City Council, Item 1-01-02-199.

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

An Ordinance Approving and Adopting the Official Redevelopment Plan for the West End Project.

Be it ordained by the City of Providence:

Whereas, The Providence Redevelopment Agency (hereinafter sometimes called "Local Public Agency") pursuant to the provisions of Title 45, Chapters 31-33 (inclusive) of the General Laws of Rhode Island, 1956, as amended, entitled "Redevelopment Act of 1956," has formulated and submitted to the City Council on May 3, 1979 for its consideration, an Urban Renewal Plan approved by the Local Public Agency, for an Urban Renewal Area, which said Urban Renewal Plan is entitled, "West End" and comprises a report consisting of 27 pages of text, 1 exhibit and 4 maps; and

Whereas, A general plan has been prepared by the City Plan Commission and is recognized and

used as a guide for the general development of the City of Providence as a whole; and

Whereas, The said Urban Renewal Plan concerns itself with areas which have been designated Redevelopment Areas by the City Council of the City of Providence by Chapter 103 of the Ordinances of the City of Providence, approved July 6, 1948, as amended by Chapter 69-44 of the Ordinances of the City of Providence, approved November 28, 1969, in conformity with the provisions of Section 22 of Chapter 1802 of the Public Laws of Rhode Island 1946, as amended, and Title 45, Chapter 32, Section 4 of the General Laws of Rhode Island, 1956, as amended,

Whereas, A copy of said Urban Renewal Plan was transmitted to the City Plan Commission on

Whereas, The City Plan Commission, which is the duly designated and acting official planning body for the City, has submitted to the City Council its report and recommendations respecting the Urban Renewal Plan for West End and has certified that said Urban Renewal Plan conforms to the said general plan for the City as a whole, and the City Council has duly considered said report, recommendation and certification of the planning body; and

Whereas, The plan as submitted contains a finding that the area included in the proposed Urban Renewal Plan qualified as a deteriorated blighted area within the meaning of the "Redevelopment Act of 1956" as amended to date, because there exist in the area buildings or improvements, used or intended to be used for living, commercial, industrial or other purposes, which by reason of (1) dilapidation, deterioration, age or obsolescence, (2) inadequate provisions for ventilation, light, sanitation, open spaces and recreation facilities, (3) defective design or unsanitary or unsafe character of condition or physical construction, (4) defective or inadequate street and lot layout, (5) mixed character, deterioration or shifting of uses to which they are put, or any combination of such factors and characteristics are conducive to the further deterioration and de-

cline of the area and injuriously affect the entire area;

Whereas, A structural quality survey was conducted by the City of Providence, Department of Planning and Urban Development and the results of that survey as set forth in the Urban Renewal Plan indicated that

883 of the structures have deficiencies that included serious deterioration; serious overcrowding; lack of sanitary facilities; and serious inadequacies in lighting and ventilation.

The West End Area is not restricted to, nor does it consist entirely of lands, buildings, or improvements which of themselves are detrimental, but is an area in which such conditions exist, and injuriously affect the entire area;

Whereas, There has also been presented to the City Council information and data respecting Urban Renewal Plans for the Urban Renewal Areas in the City of Providence including the following: Capital Improvement Programs for 1950-1956, 1951-1957, 1952-1958, 1953-1959, 1954-1960, 1955-1961, 1956-1962, 1957-1963, 1958-1964, 1959-1965, 1960-1966, and 1961-1967, 1962-1968, 1963-1969, 1964-1970, 1965-1971, 1966-1972, 1967-1973, 1968-1974, and the Annual Reports of the Providence Redevelopment Agency for 1948 through 1977 (inclusive); and

Whereas, At a public hearing held on Wednesday, May 30, 1979, following notice of the date, time, place and purpose of such hearing, the City Council Committee on Urban Redevelopment, Renewal and Planning duly considered the Urban Renewal Plan; and all evidence and testimony for and against the adoption of such Plan, in accordance with the provisions of the "Redevelopment Act of 1956," and

Whereas, Said Urban Renewal Plan for the Project Area prescribes certain land uses for the West End Area and will require, among other things, but not by way of limitation, property acquisition, clearance and demolition, rehabilitation, and reconstruction of certain streets, curb-

ings and sidewalks, grading and other public facilities and other public actions; and

Now, Therefore, be it ordained by the City of Providence:

1. The Project is hereby designated as "West End."

2. It is hereby found and determined that for the purpose of the Urban Renewal Plan, the West End comprises that certain tract of land situated in the City of Providence and State of Rhode Island, which is bounded as described in Exhibit A, which is attached hereto and made a part hereof as if more fully set forth herein.

3. It be and hereby is found and determined in relation to the West End on the basis of the facts set forth in the reports and documents mentioned in the Preamble of this Ordinance and upon the basis of evidence and testimony presented at the public hearing on said Plan:

(a) That within the West End Area 806 of the structures are substandard or seriously deficient or unsafe in that these structures contain serious deterioration, and

(b) Within the West End Area there exists the following environmental deficiencies:

- a. Defective or Inadequate Street and/or Lot Layout.
- b. Incompatible or Shifting Uses.
- c. Obsolete or Aged Buildings, Not Suitable for Improvement or Conversion.
- d. Inadequate Provision for Ventilation, Light Sanitation, Open Space and Recreation Facilities.
- e. Defective Design or Unsanitary or Unsafe Character or Condition of Physical Construction.

4. It be and hereby is found and determined

that because of a predominance of conditions of dilapidation, deterioration, obsolescence, inadequate provision for light and sanitation, unsanitary and unsafe character and condition of physical construction, mixed character of uses which injuriously affect the entire Area and constitute a menace to the public health, safety and welfare of the inhabitants of the Area and of the community generally, said Urban Renewal Area is a deteriorated and blighted area within the meaning of Sections 2-8 inclusive of Chapter 31 of the "Redevelopment Act of 1956," as amended, and that said West End is hereby determined to be a deteriorated blighted area.

5. It be and hereby is found that the West End Area requires clearance, replanning, redevelopment, and improvement and rehabilitation under the provisions of the "Redevelopment Act of 1956."

6. It be and hereby is declared to be the purpose and intent of this Body to eliminate the deteriorated and substandard conditions existing in the West End Area and the replacement of such conditions by a well-planned area in accordance with and by the means provided in the "Redevelopment Act of 1956."

7. It is hereby found, declared and determined that:

(a) The Urban Renewal Plan for the West End Area will redevelop said Urban Renewal Area in conformity with the provisions of the "Redevelopment Act of 1956;" will effectuate the purposes and policy of said Act; and will promote the public health, safety, morals and welfare of the City of Providence.

(b) The Urban Renewal Plan for said Urban Renewal Area conforms to the general or master plan for the City of Providence as a whole.

(c) The acquisition of the real property in accordance with the said Plan for the West End Area is in the public interest.

(d) Adequate provision for payment for prop-

erty which may be acquired by the exercise of eminent domain has been made in the Urban Renewal Plan.

(e) The Urban Renewal Plan contains adequate safeguards to assure the carrying out of the work of redevelopment in accordance with the Urban Renewal Plan.

(f) The Urban Renewal Plan provides for the retention of controls and the establishment of restrictions and covenants which may run with the land.

8. The Providence Redevelopment Agency shall sell, lease or dispose of land in the Project Area only in accordance with the terms of the Redevelopment Plan and subject to the restrictions, covenants and conditions set forth herein and which are hereby found and declared to be necessary to effectuate the purposes of the "Redevelopment Act of 1956."

9. In enacting this Ordinance, the City Council intends to comply with the provisions of the "Redevelopment Act of 1956" which relate to adoption of an Urban Renewal Plan for an approved Urban Renewal Area so that the blighted and substandard conditions in this Urban Renewal Area can be eliminated and the Urban Renewal Area can be redeveloped in accordance with the Urban Renewal Plan to attain the public purposes and policy of the "Redevelopment Act of 1956" and thereby to protect and promote and be in the interest of the public health, safety, morals and general welfare of the people in the State as a whole and particularly the people of this City.

10. The Urban Renewal Plan for the West End, consisting of a booklet containing a table of contents, 27 pages of text, 1 exhibit and 4 maps, is hereby approved, adopted and designated as the Official Redevelopment Plan for the West End and is herein incorporated by reference, made a part hereof and designated as "Exhibit B."

11. The Providence Redevelopment Agency is

hereby fully authorized to carry out this Official Redevelopment Plan, provided, however, that the Agency shall not enter into any contracts for disposition of property in the Urban Renewal Area until at least ten days after the City Council of the City of Providence has received at a regular or special meeting a report from the Providence Redevelopment Agency concerning the proposed sale or lease.

12. In order to implement and facilitate the effectuation of the Urban Renewal Plan hereby approved, it is found and determined that certain official action must be taken by this Body.

(a) Pledges its cooperation in helping to carry out said Official Urban Renewal Plan;

(b) Requests the various officials, departments, boards and agencies of the City of Providence having administrative responsibilities in the premises likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with said Urban Renewal Plan;

(c) Declares that it will provide the cost of the redevelopment of the Urban Renewal Area, and hereby allocates a cash contribution of \$1,000,000.00 representing the estimated amount of the Project Cost;

(d) That the City Treasurer, acting under the direction of the Committee on Finance, be and hereby is authorized and directed to borrow from time to time, in such sums as may be necessary, not exceeding One Million Dollars (\$1,000,000.00) in accordance with the provisions of Title 45, Chapter 32, Section 42, and Title 45, Chapter 33, Sections 1, 2, 4 and 17 of the General Laws of Rhode Island 1956, entitled "Redevelopment Act of 1956," and to issue the City's notes therefor, signed by him and countersigned by the Mayor and the Chairman of the Committee on Finance and to renew any such notes from time to time as the same become due. The money thus obtained shall be used exclusively for carrying out the Official Redevelopment Plan for West End Urban Renewal Project.

(e) Stands ready to consider and take appropriate action upon any other proposals and measures designed to effectuate said Urban Renewal Plan.

13. This Ordinance shall take effect on its passage and shall be filed with the City Clerk who is hereby authorized and directed to forward a certified copy of this Ordinance to the Providence Redevelopment Agency.

An Ordinance in Amendment of Chapter 544 of 1951, as Heretofore Amended, by Changing from an R-3 General Residence Zone to a C-2 General Commercial Zone, Lots 550, 597, 604 and 606 as Set Out and Delineated on City Assessor's Plat 70, Said Lot Situated along 327-333 and 337-341 Douglas Avenue.

Be it ordained by the City of Providence:

Section 1. The Zoning Map, accompanying and made part of Chapter 544 of the Ordinances of the City of Providence approved September 21, 1951, entitled: "An Ordinance Zoning the City of Providence and Establishing Use, Height and Area Regulations, as heretofore amended, is hereby further amended by changing from an R-3 General Residence Zone to a C-2 General Commercial Zone, Lots 550, 597, 604 and 606 as set out and delineated on City Assessor's Plat 70, said lot being situated along 327-333 and 337-341 Douglas Avenue bounded and described as follows:

Beginning at the southeasterly intersection of Douglas Avenue and Pumgansett Street thence in a generally easterly direction along the southerly line of Pumgansett Street to the northeasterly corner of lot 604 on City of Providence Assessor's Plat 70 thence generally southwesterly along the easterly lines of lots 604, 550 and 606 to the southeasterly corner of lot 606, thence in a generally westerly direction along the southerly line of lot 606 to the easterly line of Douglas Avenue, thence in a generally northeasterly direction along the easterly line of Douglas Avenue to the southeasterly intersection of Douglas Avenue and Pumgansett Street, said point being the point and place of beginning.

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

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

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

Absent: Councilmen Johnson, Moise and Stravato—3.

The motion for Passage, the Second Time, is Sustained.

MATTERS NOT APPEARING ON THE PRINTED DOCKET

On motion of COUNCILMAN MANSOLILLO, seconded by COUNCILMAN ALMAGNO, it is Voted to Suspend Rule 16 of the Rules of the City Council in Order to Allow the Introduction of the following Matters Not Appearing on the Printed Docket.

PRESENTATION OF ORDINANCES

An Ordinance Making Appropriation of One Hundred Seventeen Million, Nine Hundred Seventy-Eight Thousand, Seven Hundred Thirty-Nine Dollars, Forty-Four Cents (\$117,978,739.44) for the Support of the City Government for the Fiscal Year Ending June 30, 1980, as Amended.

Read and Passed the First Time, on motion of COUNCILMAN MANSOLILLO, seconded by COUNCILMAN ALMAGNO, by the following Roll Call Vote:

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

Noes: Councilmen Addison, Boyle, Dillon, Easton and O'Connor—5.

Absent: Councilmen Johnson, Moise and Stravato—3.

The motion for Passage the First Time, 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 1978-19, Approved July 28, 1978, as Amended.

Read and Passed the First Time, on motion of COUNCILMAN MANSOLILLO, seconded by COUNCILMAN ALMAGNO, by the following Roll Call Vote:

Ayes: Council President Fagnoli and Councilman Almagno, Councilwoman Brassil, Councilmen Cirelli, Cola, Farmer, Flynn, Glavin, Griffin, Mansolillo, Paolino, Pearlman, Pennine, Petrosinelli, Salvatore, Snowden and Xavier—17.

Noes: Councilmen Addison, Boyle, Dillon, Easton, Lynch and O'Connor—6.

Absent: Councilmen Johnson, Moise and Stravato—3.

The motion for Passage the First Time, is Sustained.

An Ordinance Establishing a Compensation Plan for the City of Providence and Repealing Chapter 1978-20, Approved July 28, 1978, as Amended.

Read and Passed the First Time, as Amended, on motion of COUNCILMAN MANSOLILLO, seconded by COUNCILMAN ALMAGNO, by the following Roll Call Vote:

Ayes: Council President Fargnoli and Councilman Almagno, Councilwoman Brassil, Council-

men Cirelli, Cola, Farmer, Flynn, Glavin, Griffin, Mansolillo, Paolino, Pearlman, Pennine, Petrosinelli, Salvatore, Snowden and Xavier—17.

Noes: Councilmen Addison, Boyle, Dillon, Easton, Lynch and O'Connor—6.

Absent: Councilmen Johnson, Moise and Stravato—3.

The motion for Passage the First Time, as Amended, is Sustained.

PRESENTATION OF RESOLUTION

COUNCILMAN XAVIER:

Resolution that the School Department to Comply with Section 15, Chapter 203, Public Laws of 1968 and Restrict Their Purchases to the Board of Contract and Supply or the Purchasing Agent of the City of Providence.

Whereas, The City of Providence wishes to maintain a continuity in the purchasing policy for materials, equipment, and services required by the respective departments of City Government; and

Whereas, The Public Laws, 1968, Chapter 203, Section 15, entitled "An Act in Amendment of the Public Laws of 1925, entitled 'An Act Relating to the Management and Support of the Public Schools of the City of Providence,' as Amended, and Providing a Referendum on the Manner of Selecting the School Committee of said City," states:

"All purchases or contracts for supplies, materials, and equipment and services required by the School Department, other than salaries for teaching and administration, shall be made

by the Board of Contract and Supply or the Purchasing Agent of the City, in the same manner as required by law for any other City department."

Whereas, The Public Laws of 1969, Chapter 86, Section 2, entitled "An Act Relating to the Management and Support of the Public Schools of the City of Providence and Ratifying Chapter 203 of the Public Laws of 1968," reenacts the above.

Whereas, The School Department has employed a system inconsistent with the above-stated law for the purposes of purchasing supplies, materials, equipment and services required by the School Department;

Now, Therefore, be it Resolved, That the School Department shall, from this day forward, comply with the above-stated sections of the Public Laws and restrict their purchases to the Board of Contract and Supply or the Purchasing Agent of the City of Providence.

COUNCILMAN XAVIER moves the Resolution be Passed.

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This motion is seconded by COUNCILMEN FLYNN and GLAVIN.

COUNCILMEN EASTON, LYNCH, O'CONNOR and SNOWDEN desire to be recorded as Voting "No."

COUNCILMAN SNOWDEN moves the Resolution be Laid on the Table.

The motion for Passage is Sustained.

This motion is seconded by COUNCILMAN O'CONNOR and having precedence over the Main Motion, is Put to Vote and Not Passed.

ADJOURNMENT

There being no further business, on motion of COUNCILMAN ADDISON, seconded by COUNCILMAN GLAVIN, the City Council adjourns at 7:15 o'clock P.M. (E.D.T.) to meet again on THURSDAY, JUNE 21, 1979, at 8:00 o'clock P.M. (E.D.T.).

Rose M. Mandonea
City Clerk