

*(The following is not a verbatim transcript of comments or discussion that occurred during the meeting, but rather a summarization intended for general informational purposes. All motions and votes are the official records).*

## **ORDINANCE COMMITTEE**

Regular meeting of the Ordinance Committee was held on Thursday, July 16, 2020 via Zoom.

### **CALL MEETING TO ORDER:**

The meeting was called to order at 7:00 P.M. by the Chair.

Present: Councilmember Kenneth J. Hopkins  
Councilmember Lammis J. Vargas  
Councilmember Steven A. Stycos  
Councilmember Edward J. Brady  
Councilmember Christopher G. Paplauskas, Vice-Chair  
Council Vice-President Michael W. Favicchio, Chair

Also Present: Councilmember John P. Donegan  
Daniel Parrillo, Director of Administration  
John Psilopoulos, Deputy Director of Administration  
Christopher Rawson, City Solicitor  
Evan Kirshenbaum, City Council Legal Counsel  
Leanne Zarrella, City Clerk  
Rosalba Zanni, Assistant City Clerk/Clerk of Committees  
Heather Finger, Stenographer

**Chair** referred to an e-mail from Council President Farina appointing Councilmember Stycos to fill former Councilmember McAuley's position on the Ordinance Committee and appointing Councilmembers Donegan and Vargas to the Rules Committee to fill former Councilmember McAuley's position until a replacement is appointed.

### **MINUTES OF THE LAST MEETING:**

On motion by Councilmember Paplauskas, seconded by Councilmember Brady, it was voted to dispense with the reading of the last meeting and they stand approved as recorded. Motion passed unanimously.

### **CORRESPONDENCE/COMMUNICATIONS**

### **OLD BUSINESS:**

## **PUBLIC HEARINGS/NEW BUSINESS:**

### **5-20-04 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Special Use Permit). Sponsored by Mayor Fung.**

On motion by Councilmember Hopkins, seconded by Councilmember Brady, it was voted to recommend approval of this Ordinance.

#### Under Discussion:

**Robert Murray, Esq.**, appeared to speak and stated that this Ordinance cleans up a very narrow issue dealing with the Zoning Board. He stated that he surveyed all 39 cities and towns and 30 of them have a comparable Ordinance on their books and he asked for approval of this Ordinance.

**Councilmember Stycos** stated that he is concerned that if this is approved, something happens that we do not know about.

**Chair** stated that this Ordinance would get us in compliance with State Law.

**Attorney Murray** referred to enabling Statute RIGL 45-24-42 and it states you may or may not amend this Ordinance. This Ordinance would allow someone to apply for a Dimensional Variance and also for Special Use Permit.

**Jason Pezzullo**, City Planner, appeared to speak and stated that this was identified by the Planning Department approximately a year ago when we went through our Zoning Code and Staff is in support of it and the Planning Commission gave a positive recommendation on this.

**Councilmember Stycos** asked Attorney Murray if he is representing anyone evening. Attorney Murray stated that he is representing the Cranston Country Club.

**Councilmember Stycos** stated that the City Council needs more information on this. This might allow projects that the neighbors do not want.

**Councilmember Hopkins** stated that he is familiar with the Cranston Country Club area and he does not think there will be any impact on the neighborhood in this particular site.

**Councilmember Stycos** asked if the Planning Commission was aware of the Cranston Country Club plan and were they aware of the second proposed project. Director Pezzullo stated, yes, the Planning Commission was made aware that there was going to be a minor accessory application from the Cranston Country Club and the second project has not submitted and until that time, he cannot discuss that project.

Roll call was taken on motion to recommend approval of this Ordinance and motion passed on a vote of 5-1. The following being recorded as voting “aye”: Councilmembers Hopkins, Vargas, Brady, Paplauskas and Council Vice-President Favicchio -5. The following being recorded as voting “nay”: Councilmember Stycos -.1

**Resolution Proposing Amendment to Sec. 8.01 of the Cranston Home Rule Charter and Directing the Secretary of State to Place on the Ballot the Following as a Referendum Question (City Solicitor Residency). *Referred from Special Ordinance Committee 6/18/2020.***

Councilmember Hopkins motioned to recommend approval of this Resolution. Councilmember Brady seconded the motion for discussion.

Under Discussion:

**Councilmember Paplauskas** stated that he will be voting against this Resolution. He thinks the Solicitor should be invested in the City.

**Councilmember Brady** stated that he will be voting against this Resolution. We have a lot of great attorneys in Cranston and should support Cranston attorneys.

**Councilmember Vargas** stated that we should be invested in our City and we have a lot of great attorneys in Cranston.

**Steve Frias**, Chair of Charter Review Commission, appeared to speak and clarified that this Resolution should be placed on the 2022 ballot and not the 2020.

**Councilmember Stycos** stated that he believes that under State Law, you can't have a residency requirement. Mr. Frias stated that there is a State Law, which was passed approximately 15 years ago, stating that you can't imply residency requirement on municipal employees. The question is whether the Solicitor is considered a municipal employee.

**Solicitor** stated that the Solicitors are considered a vendors and not City employee. They should not be part of that State Statute as of now.

**Nicholas Lima**, City Registrar, appeared to speak and stated that the date on the Resolution should be corrected to November 8, 2022.

Roll call was taken on motion to recommend approval of this Resolution and motion failed on a vote of 1-5. The following being recorded as voting "aye": Councilmember Stycos -1. The following being recorded as voting "nay": Councilmembers Vargas, Brady, Paplauskas, Hopkins and Council Vice-President Favicchio -5.

**6-20-02 Ordinance in amendment of Chapter 8.08 of the Code of the City of Cranston, 2005, entitled "Fire Prevention Code" (Permits for Hazardous Substances). Sponsored by Councilmember Stycos.**

Councilmember Stycos motioned to recommend approval of this Ordinance. Councilmember Brady seconded the motion for discussion.

Under Discussion:

**Councilmember Stycos** stated that this is from the budget discussions.

Roll call was taken on motion to recommend approval of this Ordinance and motion passed unanimously.

**6-20-05 Ordinance in amendment of Title 12 of the Code of the City of Cranston, 2005, entitled “Streets, Sidewalks and Public Places” (Synthetic Herbicide Use). Sponsored by Councilmembers Donegan, Stycos and Paplauskas.**

On motion by Councilmember Paplauskas, seconded by Councilmember Brady, it was voted to recommend approval of this Ordinance.

Under Discussion:

**Councilmember Paplauskas** stated that, basically, what this Ordinance does is prohibit synthetic herbicide from being used on the bike path. He forwarded pictures to the Clerk, who in turn forwarded them to the Council, showing what happens when the herbicide is used.

**Councilmember Donegan** stated that he and his wife enjoy riding on the bike path and they enjoy seeing the vegetation. By using the herbicide, it kills all the vegetation and is a health hazard to the people who use the bike path.

**Robert Ferri**, 2426 Cranston St., appeared to speak and stated that his backyard abuts the bike path. All the vegetation six feet to the right and six feet to the left of the bike path is dead. He complained to the Mayor’s Office for five straight years. Because of COVID-19 this year, the bike path is being heavily used and the spraying of Roundup is a health problem. The real reason is sprayed is because the City does not want to cut it back. It is proven that Roundup causes health problems.

**Lou Petrucci**, 121 Eastview, appeared to speak and stated that he has brought this issue up a number of times. He agrees that this is a health safety issue and we should not have an Ordinance to stop this. A lot of people are using the bike path and he walks his dog on it. When it rains, the runoff is getting into the water and that is dangerous environmentally.

**Director Parrillo** asked if there has been a conversation with Parks and Recreation Director Liberatore if in fact he does use Roundup. Mr. Ferri stated that at one of the previous meetings, Councilmember Paplauskas asked Director Liberatore if they were going to be doing any spraying and he did say they were going to spray in late June.

**Councilmember Stycos** stated that he does not know if Roundup is what is being used, but that is the most common herbicide.

**Councilmember Paplauskas** stated that they should not be spraying anything. They should just let the vegetation grow.

**Councilmembers Brady and Hopkins** asked to be added as co-sponsors of this Ordinance.

**Councilmember Donegan** stated that approximately one month ago, he had at least one conversation with Director Liberatore about this and he did mention that when they do use sprays in fields and near schools, they give a heads-up to the schools 48 hours in advance.

Roll call was taken on motion to recommend approval of this Ordinance and motion passed unanimously.

**6-20-06 Ordinance in amendment of Title 5 of the Code of the City of Cranston, 2005, entitled “Business Licenses and Regulations” (Third Party Delivery Services). Sponsored by Councilmember Donegan.**

Councilmember Stycos motioned to recommend approval of this Ordinance. Councilmember Vargas seconded the motion for discussion.

Under Discussion:

**Councilmember Donegan** stated that this Ordinance basically mirrors a Bill Representative Craven introduced at the State and the language regarding enforcement has been added. He believes Attorney Kirshenbaum may need more time to look into and research this further.

**Attorney Kirshenbaum** stated that he thinks the Bill has been substantially worked and a lot of his concerns have been taken out of the Bill. He is fine with moving it forward to the full City Council.

**Chair** stated that to him, this belongs at the State level on a legal basis. He does not see why we have to regulate these types of business relationship. He feels more research is needed because he does not think the State would allow us to do this.

**Councilmember Hopkins** agreed with the Chair of the constitutionality of it and it may drive businesses from coming to Cranston.

**Solicitor** stated that he thinks it would be interference with contract. He does not think we should get into this especially since there is a Bill at the State level.

**Councilmember Donegan** stated that the intent of this Ordinance is to protect Cranston businesses. To require the third party service to obtain consent to list a Cranston business on their site, he does not think is an overreach of our power.

**Councilmember Stycos** stated that as to this interfering in a business relationship, there is no relationship. This is what this Ordinance is trying to do.

Motion and second to recommend approval were withdrawn.

On motion by Councilmember Stycos, seconded by Councilmember Brady, it was voted to refer this Ordinance to the full City Council pending legal opinion from Attorney Kirshenbaum.

Under Discussion:

**Councilmember Vargas** asked that we obtain an opinion from the RI Hospitality Association as to what their stand is on this Ordinance. Councilmember Donegan stated that they did give us a letter of support for the first version of this Ordinance, but he will contact them again.

Roll call was taken on motion to recommend approval of this Ordinance and motion failed on a tie vote. The following being recorded as voting “aye”: Councilmembers Stycos, Vargas and Brady -3. The following being recorded as voting “nay”: Councilmembers Hopkins, Paplauskas and Council Vice-President Favicchio -3.

**6-20-08 Ordinance in Amendment of Chapter 10.32 of Title 10 of the Code of the City of Cranston, 2005, Entitled “Motor Vehicles and Traffic” (Harrison Avenue at Vinton Avenue Stop). Sponsored by Councilmember Brady and Council President Farina.**

On motion by Councilmember Brady, seconded by Councilmember Hopkins, it was voted to recommend approval of this Ordinance.

Under Discussion:

**Councilmember Brady** stated that this request was made because of continued speeding problems. He drove by and witnessed it himself.

**Chair** asked if there is a traffic report. Director Parrillo stated that he does not see one, but he will speak to the Traffic Engineer.

On motion by Councilmember Brady, seconded by Councilmember Hopkins, it was voted to recommend approval of this Ordinance subject to receipt of traffic report. Motion passed unanimously.

The meeting adjourned at 8:35 P.M.

Respectfully submitted,

/s/ Rosalba Zanni  
Assistant City Clerk/Clerk of Committees