

*(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, September 17, 2020 via Zoom webinar.

### **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 Aniece Germain  
Councilmember Edward J. Brady  
Councilmember Christopher G. Paplauskas, Vice-Chair  
Council Vice-President Michael W. Favicchio, Chair

Also Present: Councilmember Steven A. Stycos  
Councilmember John P. Donegan  
Daniel Parrillo, Director of Administration  
Christopher Rawson, City Solicitor  
Leanne Zarrella, City Clerk  
Rosalba Zanni, Assistant City Clerk/Clerk of Committees  
Heather Finger, Stenographer

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

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

### **CORRESPONDENCE/COMMUNICATIONS**

None.

### **OLD BUSINESS:**

- **Resolution Proposing Amendment to Sec. 13.07 of the Cranston Home Rule Charter and Directing the Secretary of State to Place on the Ballot the Following as a Referendum Question (Citizens Guide to the Land Development Process). Sponsored by Councilmember Paplauskas. Referred from Special Ordinance Committee 6/18/2020.**

**Councilmember Paplauskas** stated that listed on this agenda is an Ordinance which addresses this issue and he stated that this Resolution can be removed from the agenda.

**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. Referred from City Council 7/27/2020.**

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

Under Discussion:

**Jason Pezzullo**, City Planner, appeared to speak and stated that this is the third time this issue is being discussed. At the July Council meeting, this was forwarded back to this Committee due to a request for additional information on how this would impact the City and how this Ordinance would be used. Planning did not author this Ordinance, it is in support of it. He asked Doug McLean, Principal Planner, to address this further.

**Mr. McLean** stated that they did provide supplemental information, which was a background of the variances that they receive. He stated that there are three projects: ground mounted solar project at the Cranston Country Club, cell tower relocation just off Route 295 to the quarry and medical marijuana dispensary site in the Industrial Zone. He stated that the majority of the 39 Cities and Towns have this type of Ordinance.

**Councilmember Stycos** stated that his understanding was the law states that you can’t ask for a Dimensional Variance in addition to Special use Permits. Director Pezzullo stated that you can apply both, it triggers a Use Variance. The Ordinance is unfair and we are looking for a fix.

**Council Vice-President Favicchio** stated that to him, this creates a fairness to applicants.

**Councilmember Brady** stated that he definitely wants to be known as a business friendly City.

Roll call was taken on motion to recommend approval of this Ordinance and motion passed on a vote of 5-9 with 1 abstention. The following being recorded as voting “aye”: Councilmembers Hopkins, Vargas, Brady, Paplauskas and Council Vice-President Favicchio -5. Councilmember Germain abstained.

**PUBLIC HEARINGS/NEW BUSINESS:**

**7-20-03 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Citizens Guide to Land Development Process). Sponsored by Councilmembers Hopkins and Paplauskas**

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

Under Discussion:

**Councilmember Hopkins** stated that he thinks that this gives transparency with people moving into the City or moving within the City on how our government operates.

**Director Pezzullo** stated that Planning is in support of this effort. One thing he would like to make clear is we are not going to have flow charts. The goal is to have this done by December. This will be version one and maybe next year we can do version two to update it and refine it and will continue to revolve as we go on.

**Matthew Reilly**, 27 Dellwood Rd., appeared to speak and stated that he started this initiative at the Charter Review Commission, which he was a member of. He thanked Director Pezzullo for working on this. This is another step forward in transparency with the citizens.

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

**7-20-04 Ordinance in amendment of Ch.17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Change of Zone – New London Ave.). Petition filed by Coastal Partners LLC, Mulligan’s Island LLC, and State of Rhode Island. *TO BE CONT. TO 10/15/2020.***

**Chair** stated that he received notice from the Planning Department that necessary documents have not been completed and would not make it in time for the October Planning Commission meeting and he asked that this Ordinance be continued to the November 12<sup>th</sup> meeting.

On motion by Councilmember Brady, seconded by Councilmember Germain, it was voted to continue this Ordinance to the November 12<sup>th</sup> meeting. Motion passed unanimously.

**8-20- 03 Ordinance in amendment of Chapter 15-04.120 of the Code of the City of Cranston, 2005, entitled “Buildings and Construction” (Complaints) Sponsored by Councilmember Donegan.**

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

Under Discussion:

**Councilmember Donegan** stated that this is essentially to close a loophole that exists in the Code. He indicated to Paula McFarland’s testimony which she emailed to the City Council today and thanked her for this.

**Chair** asked Councilmember Donegan if he spoke to the Inspections Department regarding this. Councilmember Donegan stated that he did, before he introduced this Ordinance, and he sent it to the Administration and Public Works Director Kenneth Mason.

**Council Vice-President Favicchio** stated that this could get to be a nightmare by allowing photos being submitted by a neighbor.

**Councilmember Stycos** stated that the way he reads the Ordinance is a photo would trigger an investigation.

**Director Parrillo** stated that he is not sure what the basis of this is. He also indicated that the Inspector is not allowed to fine.

**Councilmember Donegan** stated that he received a complaint from a constituent whose neighbor is doing work without obtaining any permits and the neighbor intentionally does that work after 4 or 5 pm when the Inspectors cannot go out and witness that in person.

**Director Parrillo** stated that flex hours or giving overtime could be given to the Inspectors to make sure people are not abusing the system.

**Chair** suggested deleting line #26 from “such complaints” to the end of the sentence.

**Paula McFarland**, 100 Pomham St., appeared to speak and referred to her correspondence that she forwarded to the City Council and stated that mainly due to COVID, there are numerous people who are doing work without a permit and not just homeowners, but also banks who flip houses. She has been told by the Inspections Department that if they don’t view the work, they are not siting them. She stated that something needs to be done because it is only getting worse. She would appreciate whatever the City Council can do to either improve this Ordinance or pass it as is.

**Drake Patten**, 684 Natick Ave., appeared to speak and stated that we really need to look at our own department and strengthen it. Pitting neighbors against each other is not good.

**Chair** stated that maybe we can get some information on the website for the public so they may understand the permitting process clearer and easily.

**Councilmember Donegan** stated that this evening he is hearing conflicting things as to what the practice is that Inspections is following.

**Councilmember Brady** suggested tabling this Ordinance, rework it and hopefully have his support at that time.

**Director Parrillo** stated that we have two compliance officers in the City and due to COVID, there is only so much they can do. He is open to changing the language in the Ordinance, but it is a time and personnel issue.

**Councilmember Donegan** stated that he does not have a problem continuing this Ordinance to next month or he can amend it this evening.

**Councilmember Hopkins** agreed that there is a lot of work going on in the City without a permit, but we need to clean this Ordinance up a little and he is in favor of continuing this Ordinance to next month.

**Councilmember Stycos** stated that his concern is the Inspectors telling people that they have to see the work in progress in order to issue a violation.

On motion by Councilmember Brady, seconded by Councilmember Germain, it was voted to continue this Ordinance to next month’s meeting. Motion passed unanimously.

**8-20-04 Ordinance in amendment of Title 9, of the Code of the City of Cranston, 2005, entitled “Public Peace, Morals and Welfare” (Social Security No. Police Complaint.). Sponsored by Councilmember Stycos.**

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

Under Discussion:

**Councilmember Stycos** stated that he had a lawn sign stolen and he reported it to the Police and that is where this proposal comes from. He was told he could file the report online. When he tried to file online, it asked for your social security number. He does not want his social security number floating around. The site would not let him go to the next page without adding a social security number. There is no need for Police Department to have social security number. There are also a lot of undocumented people who do not have social security numbers and that discourages them from filing a complaint. The Police Chief offered a solution of adding all zeroes as social security number. If a person is undocumented, ICE would get involved. That is not a solution. It is a privacy issue and an issue of improving our Policing.

**Director Parrillo** stated that the online reporting system is not the City’s and there is no way to bypass that requirement in the system. The software is a standard software for online reporting.

**Councilmember Paplauskas** asked Director Parrillo if the City can speak to the software company to see if that requirement can be taken out. Director Parrillo stated that he will speak to the Police Colonel.

On motion by Councilmember Hopkins, seconded by Councilmember Vargas, it was voted to continue this Ordinance.

Under Discussion:

**Ms. McFarland** stated that while the Committee was discussing this Ordinance, she tried to file a complaint and the system asked her for her date of birth, but no social security number, so maybe this was already addressed. She also stated that the software should be modified depending on the complaint.

Roll call was taken on motion to continue this Ordinance to next month’s meeting and motion passed on a vote of 5-0. The following being recorded as voting “aye”: Councilmembers Hopkins, Vargas, Germain, Paplauskas and Council Vice-President Favicchio -5. Councilmember Brady was not present for roll call vote.

The meeting adjourned at 8:55 P.M.

Respectfully submitted,

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