

*(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, October 15, 2020 via Zoom webinar.

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

The meeting was called to order at 7:10 P.M. by the Chair.

Present: Councilmember Kenneth J. Hopkins  
Councilmember Lammis J. Vargas  
Councilmember Aniece Germain  
Councilmember Christopher G. Paplauskas, Vice-Chair  
Council Vice-President Michael W. Favicchio, Chair

Absent: Councilmember Edward J. Brady

Also Present: Councilmember Steven A. Stycos  
Councilmember John P. Donegan  
Daniel Parrillo, Director of Administration  
John Verdecchia, Assistant City Solicitor  
David Dimeo, City Council Budget Analyst  
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:**

On motion by Councilmember Paplauskas, seconded by Councilmember Vargas, it was voted to take proposed Ordinance 7-20-04 out of order. 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 CONTINUED TO DECEMBER 10, 2020***

**Chair** stated that the Planning Commission has continued this Ordinance to their December 1<sup>st</sup> meeting and the request from the applicant is to continue this to the December 10<sup>th</sup> Ordinance Committee meeting.

On motion by Councilmember Hopkins, seconded by Councilmember Germain, it was voted to continue this Ordinance to the December 10<sup>th</sup> Ordinance Committee meeting. Motion passed unanimously.

**7-20-01 Ordinance in amendment of Chapter 10.32 of Title 10 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (New Hampshire St. and Southern St. 4 Way Stop). Sponsored by Councilmember Paplauskas. *Continued from 8/13/2020 at the request of the sponsor.***

On motion by Councilmember Hopkins, seconded by Councilmember Germain, it was voted to recommend approval of this Ordinance subject to traffic report.

Under Discussion:

**Councilmember Paplauskas** stated that this was continued from the August meeting due to an issue with the zoom link.

Roll call was taken on motion to recommend approval of this Ordinance subject to traffic report and 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. CONT. FROM 9/17/2020.**

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

Under Discussion:

**Councilmember Donegan** stated that an issue where we have people doing work on their properties taking place after business hours of the City and Inspections is unable to go out to inspect the property while the work is in progress and unable to physically view it themselves so they are unable to cite them if permit has not been pulled. He recommended an amendment to delete the last sentence in line #27 to tighten up that language and ad: “Complaints will be investigated by the appropriate department and if believed to be in violation, a notice of violation may be issued by the City department without viewing the actual work”.

**Councilmember Stycos** asked Director Parrillo if it is inappropriate not or not legitimate for someone in the Inspections Department to say that they can't issue a violation if they do not see it. Director Parrillo stated that he thinks it is appropriate. Councilmember Stycos asked what some examples are of when it would be appropriate. Director Parrillo stated that to issue a fine or a violation, you need evidence to support that. The City's position is we want compliance not go to Court go to Court.

**Solicitor** stated that he thinks that the last sentence should end with "said department" and delete the request. He does not think you need all that other language as stated by Councilmember Donegan.

**Councilmember Donegan** stated that he is fine with the Solicitor's suggestion.

On motion by Councilmember Vargas, seconded by Councilmember Hopkins, it was voted to amend this Ordinance as follows: line #27, end sentence at "by said department". Motion passed unanimously.

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

Under Discussion:

**Councilmember Stycos** asked that for next month's meeting, the Administration report on the status of the Inspections Department as far as whether they are able to handle the workload.

**Director Parrillo** stated that the Inspectors are doing the best they can with the personnel they have.

**Councilmember Stycos** stated that if revenues are up, maybe we need to hire another person.

**Paula McFarland**, 100 Pomham St., appeared to speak and thanked her Council Member and the City Council who support this Ordinance. People are doing work nights and weekends and she is worried that if they are doing work without a permit, people's safety is at risk. Maybe this is a zoning issue.

Roll call was taken on motion to recommend approval of this Ordinance as amended and 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. CONT. FROM 9/17/2020.**

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

Under Discussion:

**Councilmember Stycos** stated that when trying to file a complaint online, you are asked to provide your social security number. He thinks this discourages people from filing a complaint or a report.

**Director Parrillo** stated that he spoke to the Colonel and a social security number is not required in order to file a report or a complaint. We have contacted the third party vendor and that template cannot be changed because it is a national template. If we start to dictate what the police can and cannot ask for, we are going down a slippery slope.

**Councilmember Stycos** stated that he would like this Ordinance continued and have the Administration look into it further.

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

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

**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 CONTINUED TO DECEMBER 10, 2020***

Discussed earlier in the meeting.

**Councilmember Donegan** stated that given the length of the agenda, he would like proposed Ordinance 9-20-05 be taken out of order since there are a large amount of people from the public who would like to speak.

**9-20-05 Ordinance in amendment of Title 6 of the Code of the City of Cranston, 2005. Entitled “Health and Safety” (Fair Housing Practices) Sponsored by Councilmembers Donegan, Germain, Stycos and Vargas.**

**Chair** stated that he thinks that before the Committee can start debating some of these things, we need Solicitor’s opinion, Director of Administration to be involved in the process before it goes in, the departments that are impacted by these Ordinances to have weighed in and we need a fiscal note. We are lacking all of those in a few of these Ordinances and we are putting the cart before the horse. He asked Solicitor if the Committee can entertain a motion and then ask questions to appropriate agencies of the City.

**Solicitor** stated that the question is not really a legal one, it is more of a policy making decision. If the Committee thinks it needs more time, that is completely in the Committee’s discretion. Someone can make a motion and a second, discuss and vote on it. It then can be continued or not.

**Councilmember Donegan** stated that with all due respect, the matters are before us tonight and people are present to speak. He also stated that Council Rules state that people can speak on items on the docket. The public was made aware of these being on the docket at same time the Administration was.

On motion by Councilmember Vargas, seconded by Councilmember Germain, it was voted to take out of order proposed Ordinance 9-20-05. Motion passed on a vote of 3-1. The following being recorded as voting “aye”: Councilmembers Vargas, Germain and Paplauskas -3. The following being recorded as voting “nay”: Council Vice-President Favicchio -1. Councilmember Hopkins was not present for roll call vote.

Councilmember Paplauskas motioned to continue this Ordinance. Chair seconded the motion for discussion.

Under Discussion:

**Councilmember Paplauskas** stated that the reason for motion to continue is he received a lot of correspondence today, especially from Councilmember Donegan, and has not had the time to review it all.

**Councilmember Donegan** stated that if people need more time after hearing from the public and hearing from the members of the City Council, he is not opposed to a continuance.

**Councilmember Vargas** echoed Councilmember Donegan’s remarks and stated that people took time out to really submit their information to the Clerk, which was disseminated to the Committee and we should hear from the public this evening.

**Chair** stated that he does not believe, under Roberts Rules, we can do that. He asked for Solicitor’s opinion. He also stated that we do not even have the proper information that we need and this is being rushed prematurely.

**Councilmember Germain** stated that we need to respect to all the people who took the time to attend this meeting and we need to hear them speak.

**Chair** stated that if a matter is continued, we usually do not hear the public speak and asked for Solicitor’s opinion. Solicitor stated that the Committee needs to make a simple decision. If you continue this and if you want to continue it, there will be no public comment, if not, that is fine, then whatever you do afterwards you do, but you can’t do both. You can’t have a motion to continue and assuming it passes and then allow the public to speak. It is one or the other.

**Chair** asked if Councilmember Paplauskas is willing to withdraw his motion and hear the public. Councilmember Paplauskas stated, sure. He will withdraw his motion and hear from the public. Chair withdrew his second.

**Public Speakers:**

**Annette Bourne**, 51 Community Dr., thanked the Committee for allowing her to speak and address her support for proposed Ordinances 9-20-05 & 9-20-06. She stated that she is also speaking this evening as an active resident.

**Paula McFarland**, 100 Pomham St., appeared to speak and stated that she forwarded her support for proposed Ordinance 9-20-05 to the Committee. She stated that she supports this because it would give the people the opportunity to live in the City they call home or the City that they want to call home.

**Alex West** of Southcoast Fair Housing, appeared to speak and strongly supports proposed Ordinance 9-20-05. He stated that their mission is to promote fair housing practices and to ensure equal housing opportunities for everyone.

**David Veliz**, Director of the Rhode Island Interfaith Coalition to Reduce Poverty, appeared to speak in favor of proposed Ordinance 9-20-05.

**Stephanie Geller**, Deputy Director of Rhode Island Kids Count and also a resident of 85 Sefton Drive, appeared to speak in favor of proposed Ordinance 9-20-05.

**Mike Stephens**, 25 Pine Ridge Dr., appeared to speak in favor of proposed Ordinance 9-20-05. passing this Ordinance is an essential step in promoting housing equity in Cranston.

**Brandon Potter**, 62 Grove Ave., appeared to speak in favor of proposed Ordinance 9-20-05 and stated that he is speaking as someone who was born and raised in the City and as someone who has a personal connection to the implication of this Ordinance.

**Amy Rainone**, 67 Valley St., appeared to speak in favor of proposed Ordinance 9-20-05. She strongly urged the Committee to review the report done by Southcoast Fair Housing and hopes the Committee seriously considers this Ordinance.

**Patrick Smock**, 39 Jackson Rd., member of the American Civil Liberties Union of RI, appeared to speak in favor of proposed Ordinance 9-20-05. He stated that if enacted, the proposed amendment would provide prospective tenants greater access to housing. He also stated that before approving this Ordinance, he has some proposals of some drafting issues that should be addressed. The Ordinance should include all individuals as listed in 8.20.00 and that is right to equal housing opportunities. Also, Section 8.52.070(a), that proposal does not specify who should refer the allegations of housing discrimination to the RI Housing Commission, and therefore, they believe this should be identified. He urged the Committee to review these sections. He also spoke in favor of proposed Ordinance 9-20-06.

**Megan Smith**, Outreach Case Manager for House of Hope, appeared to speak in favor of proposed Ordinance 9-20-05 and encouraged Cranston to take the lead on this.

**Larry Warner**, 75 Independence Way, appeared to speak regarding proposed Ordinances 9-20-05 and 9-20-06. He stated that as to the State Statute, it lacks language on source of income discrimination, which is the point of concern of many who have testified this evening.

**Kristina Contreras Fox**, Senior Policy Analyst for the RI Coalition for the Homeless, appeared to speak in favor of proposed Ordinance 9-20-05 and stated that this is impacting many many Rhode Islanders. This is a huge problem in our State, in Cranston, in particular.

**Marcia Fowler**, 35 Milton Ave., appeared to speak in favor of proposed Ordinance 9-20-05 and stated that she is a landlord who benefited from Section 8 housing.

**Robert Coupe**, Director of Cranston Housing Authority, appeared to speak and stated that he is happy to say that the experience Ms. Fowler described is very common for Cranston Housing. He also stated that after speaking to the board, they authorized him to speak this evening. He stated that Cranston Housing has over 250 vouchers that they are able to issue and at any given time, our utilization is approximately 90-95% of those vouchers. They understand the purpose behind this proposal. This may be necessary in some places, but they do not feel it is necessary in Cranston.

**Chair** stated that it seems like source of income issue is really what this is all about.

**Councilmember Donegan** thanked everyone who submitted testimony and spoke this evening on this issue. Most of this is already existing State Law under Chapter 34.37. The crux of this proposal which is not already covered under State Law is prohibiting housing discrimination based on lawful loss of source of income. There is precedent to do this at the local level in the State of Rhode Island. Tonight we have the opportunity to move towards source of income discrimination in the City of Cranston. If people need more time to review all the voluminous information he provided today, he understands.

On motion by Councilmember Paplauskas, seconded by Council Vice-President Favicchio, it was voted to continue this Ordinance.

Under Discussion:

**Councilmember Vargas** echoed what Councilmember Donegan just mentioned. She stated that this is a huge issue in our country and a huge issue in our State and in our City. There is definitely discrimination we, as we elected officials need to address this. She addressed the people who have spoken this evening and stated that if this is continued, please call in next month because your voice matters. To the ACLU member on this call this evening, she would love for him to notify the Committee with their recommended amendments.

**Councilmember Germain** thanked the Chair for allowing the members of the public to speak.

**Chair** asked Solicitor's Office to look at this thoroughly and Director Coupe and Director Parrillo take another look at.

Roll call was taken on motion to continue this Ordinance and motion passed unanimously.

**9-20-01 Ordinance in amendment of Title 10.32 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles and Traffic" (Removal of No Parking on Invernia Rd.). Sponsored by Mayor Fung.**

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

Under Discussion:

**Director Parrillo** stated that new tenant, who is a salon, has requested this to help her business and no traffic study is available at this time.

No one appeared to speak in favor or to oppose.

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

**9-20-02 Ordinance in amendment of Chapter 10.32 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Grace Street at Pond Street Stop). Sponsored by Councilmember Stycos.**

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

Under Discussion:

**Councilmember Stycos** stated that he had a meeting with the neighbors and spoke about different options to reduce speeding and Director Parrillo and Director Mason came up with this option.

No one appeared to speak in favor or to oppose.

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

**9-20-03 Ordinance in amendment of Chapter 10.32 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Browne and Dunedin) Sponsored by Councilmember Donegan.**

No one appeared to speak in favor or to oppose.

On motion by Councilmember Paplauskas, seconded by Councilmember Germain, it was voted to recommend approval of this Ordinance. Motion passed unanimously.

**9-20-05 Ordinance in amendment of Title 6 of the Code of the City of Cranston, 2005. Entitled “Health and Safety” (Fair Housing Practices) Sponsored by Councilmembers Donegan, Germain, Stycos and Vargas.**

Discussed and voted on earlier in the meeting.

**9-20-06 Ordinance in amendment of Title 2 of the Code of the City of Cranston, 2005, entitled “Committees, Commissions and Councils” (Affordable Housing Commission). Sponsored by Councilmember Donegan. Co-sponsored by Councilmembers Germain and Vargas.**

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

Under Discussion:

**Councilmember Donegan** stated that he and Annette Bourne have been working on this for over a year. He also stated that everyone recognizes that housing is an issue in the City.

**Director Coupe** stated that the Vice-Chair of the Cranston Housing Authority is already looking to be a member of the Commission and she will represent the Housing Authority and he will provide any support she needs to do that.

**Chair** asked if the Administration has looked at this. Director Parrillo stated that they have. The only issue is line #131 needs to be tweaked. He asked Jason Pezzullo, City Planner, to address this.

**Director Pezzullo** stated that this is a very good effort to revive this board. The only thing is this board or commission does not have a budget and has not been allocated for the studies that they are going to need to do. This board or commission also does not have a staff that is responsible for administering this board. Those are his concerns. He would like to hear from the sponsor on how this would work.

**Chair** stated that he would like to hear from Director Strom about the budget. He suggested tabling this Ordinance.

**Councilmember Donegan** stated that that is fine.

On motion by Councilmember Germain, seconded by Councilmember Vargas, it was voted to continue this Ordinance. Motion passed unanimously.

**9-20-09 Ordinance in amendment of Chapter 10.32 of Title 10 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Fountain and Puritan). Sponsored by Councilmember Donegan.**

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

***Councilmember Stycos:***

- **Yardworks Update**

**Solicitor** stated that right now, unfortunately, we are in COVID-19 protocol still in Superior Court. None of the Judges are doing contested or evidentiary hearings. From a procedural standpoint, unfortunately, we are sort of stuck in neutral until the Courts are opened up. Unfortunately, there is nothing happening and nothing can happen.

- **Northeast Tree Update**

**Director Parrillo** stated that we are going to try to hit this on two separate fronts. We are going to hit it on them operating in a zone not allowed in their original zoning certificate and also in rezoning those lots that are not really residential, but more commercial. We have done that. We have changed five lots from residential to commercial. That is going to start January 1<sup>st</sup>, which will increase their contribution to the City for a higher tax. Secondly, because of the citation, they have agreed to remove mulch from two or three parcels that we identified that aren't on the zoning certificate.

**Councilmember Stycos** asked if the change in tax classification change be retroactive. Director Parrillo stated, no, just going forward. He urged that the City look at aerial photos because there is evidence that they have been using those lots commercially. Director Parrillo stated that he will speak to the Tax Assessor regarding this.

- **Beausoleil/Station Street construction debris grinding operation**

**Director Parrillo** stated that they have been given a summons and have hired an attorney. The attorney has indicated to us that they want to cooperate with the City and they will be going before the Zoning Board of Review to see if they can get some sort of variance for what they are doing. They have been told that they cannot process with the machines on the property. It does not appear to be. He has not received any complaints. Councilmember Stycos stated that he has not received any complaints either. Director Parrillo stated that we are hoping that they are going to comply and be a good neighbor.

**Councilmember Stycos** asked that the above three items be removed from the agenda and if needed, he will request they be placed back on.

The meeting adjourned at 10:09 P.M.

Respectfully submitted,

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