

(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, June 17, 2021 via Zoom webinar.

CALL MEETING TO ORDER:

The meeting was called to order at 6:33 p.m. by the Chair.

Present: Councilman Robert J. Ferri
Councilwoman Aniece Germain
Council Vice-President Edward J. Brady
Councilwoman Nicole Renzulli, Vice-Chair
Councilman Matthew R. Reilly, Chair
Council President Christopher G. Paplauskas

Absent: Councilwoman Lammis J. Vargas

Also Present: Councilman John P. Donegan
Councilwoman Jessica M. Marino
Anthony Moretti, Director of Administration
John Verdecchia, Asst. City Solicitor
Stephen Angell, City Council Legal Counsel
Kenneth Mason, Director of Public Works
Rosalba Zanni, Assistant City Clerk/Clerk of Committees
Heather Finger, Stenographer

MINUTES OF THE LAST MEETING:

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

I. COMMITTEE BUSINESS MATTERS CARRIED OVER

3-21-04 *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 Councilman Donegan. (Cont. from 4/15/2021 & 5/13/2021).*

On motion by Councilwoman Germain, seconded by Councilman Ferri, it was voted to recommend approval of this Ordinance.

Under Discussion:

Councilman Donegan stated that the purpose of this Ordinance is to protect the merchant. He has some substantive amendments, but he noticed that the docket this evening for this item it links to the initial proposal. In June, there was an updated version that was disbursed to the Council that was meant to be a substitute Ordinance. To make it a cleaner Ordinance, he will rework all those amendments and send it to the Clerk to be dispersed and to be advertised as the substituted proposal for the next Ordinance Committee meeting.

Motion and second were withdrawn.

On motion by Councilwoman Germain, seconded by Councilman Ferri, it was voted to continue this Ordinance to the next Ordinance Committee meeting. Motion passed unanimously.

Resolution of the City Council “In Support of Legislation to End Prison-based Gerrymandering” Sponsored by Councilman Donegan, Councilwomen Germain, Vargas and Marino. (Cont. from 5/13/2021).

On motion by Councilwoman Germain, seconded by Councilman Ferri, it was voted to recommend approval of this Resolution.

Under Discussion:

Steve Frias, 107 Garden Hills Dr., appeared to speak and stated that he does not believe you should be treating the prisoners at the ACI differently from the residents. There are other people in the City of Cranston who are transient and do not vote, but are counted. He does not believe there is a prison situation as an example of gerrymandering. This is not an aspect of racial gerrymandering because if it was, the First Circuit Court would have struck it down. By doing this legislation, what you will be doing is asking the General Assembly to reduce the population that Cranston has for redistricting purposes for State Reps and Senators. We would be losing approximately 3,000 people and right now we have approximately three Senators and five Reps who are residents of Cranston. You would be making it more difficult for us to retain three Senators and five Reps from poor residents of the City of Cranston because you are reducing our population. You would be moving the Districts around and making it more likely for us to lose a Rep. In regards to the legislation itself, he believes there are serious problems with it. One of the problems is you are asking the Secretary of State to basically rework where the prison population goes to be reallocated, but at the same time, this legislation does not give the Secretary of State the actual names of the inmates at the prison so there is a danger of double counting. Also, this does not apply to this prison. This applies to federal facilities like the Wyatt Detention Center. This legislation indicates that no impact shall be made for the distribution of State or Federal aid. Well, State Law cannot decide what the federal government is going to do with its aid. He had a conversation with someone at the Secretary of State’s Office and he asked them what the Secretary of State’s position is on this legislation and they said the Secretary of State has no position on this legislation, therefore, he does not understand why the City of Cranston is taking a position in favor of a legislation that would be detrimental in reducing its representation of General Assembly and, therefore, the Secretary of State has not even taken a position on it. For all those reasons, you should not vote for this.

Councilwoman Renzulli asked Councilman Donegan, the Resolution being asked to be put forward to the Legislature, is it your understanding that the people that we remove from Ward 6 will essentially be counted somewhere, because she has a real problem with people not being counted anywhere. She just does not think that is fair. Councilman Donegan stated that incarcerated or not, people deserve representation and it is his understanding that should this pass, then they would be counted for redistricting purposes in the place that they were most recently domiciled prior to their State of incarceration.

Council President Paplauskas stated that he sees both sides of this issue, but right now, we have to do it by the Census and the Census counts everybody. He thinks losing some representation from the State House for our City is a detriment to the City and he is going to vote against this Resolution this evening.

Chair asked Councilman Donegan what the actual percentage was that the ACLU presented in their documentation. The difference between the five Wards and Ward 6. Councilman Donegan stated that he does not have that information in front of him, but he thinks each Ward was approximately 13,500 people and he believes at the time of the ACLU challenge, the ACI population was approximately 3,000 to 3,500 or 25% of the Ward 6 population.

Chair stated that he spent a lot of time on this and like Council President Paplauskas stated, he sees both sides of this. Doing research on this, he researched what prison gerrymandering is and what the actual definition is. It is very different than what we are using it for for this specific issue here in Cranston. Prison gerrymandering was first started, to his understanding, in more rural areas where you had large landowners next to large cities so in order to grow their democratic power, they would build prisons for this specific reason. That is the definition of gerrymandering. Here, we have a prison and the prison was there. There was never an intent politically to sway one way or another. So, because there was no maliciousness at the very beginning, when those decisionmakers were sitting at the table, he would have to defer to them because they could have went either way. There was some reason that they did count them and not just here, but in the State and in the country. If the State did this, we came very close to losing one of our Congress members. You do this and take away all the prison population in the State, we may only have one. For those reasons, he is going to vote against this this evening as well as any other possible form this could come back up in, whether it is an Ordinance or a Resolution.

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": Councilwoman Germain -1. The following being recorded as voting "nay": Councilman Ferri, Council Vice-President Brady, Councilwoman Renzulli, Councilman Reilly and Council President Paplauskas -5.

II. PUBLIC HEARINGS* and/ or NEW MATTERS BEFORE THE COMMITTEE

Fire Chief James Warren appeared to speak regarding proposed Ordinance 5-21-06 and stated that the Fire Department is opposed to this and they feel that it would increase their response times doing the bypass on Pontiac Ave.

Franklin Paulino, Economic Development Director, appeared to speak regarding proposed Ordinance 5-21-06 and stated that he spoke to a lot of business owners there and they are opposed to this. By doing a one-way street, they would be losing visibility from the business.

Police Major Todd Patalano appeared to speak regarding proposed Ordinance 5-21-06 and stated that the Police Department is highly opposed to this change in traffic. It would greatly impede the response times and would affect public safety.

A. NEW MATTERS BEFORE THE COMMITTEE

5-21-06 *Ordinance in amendment of Chapter 10.12.260 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles and Traffic – One Way Streets-Enumerated". Sponsored by Councilwoman Germain.*

Councilman Ferri motioned to recommend approval of this Ordinance. Council President Paplauskas seconded the motion for discussion.

Under Discussion:

Councilwoman Germain stated that this Ordinance is about making sure that our elders and children can no longer be afraid of driving or taking a walk to Rolfe Square. It is about easing the traffic for a more friendly and safe Rolfe Square. She indicated that she spoke with many business owners and they are in favor of this and some of them lost business because they are afraid. You cannot park on Rolfe Square with speeding cars.

Director Moretti stated that the Administration feels there has been improvement in safety. There is much more visibility by the removal of large trees and replaced with smaller profile trees. There is beautiful highlighted crosswalks and lighting on every pole has been added.

Councilman Ferri stated that he has received three calls from three businesses on Rolfe St. today in reference to this and all three businesses were opposed to making Rolfe St. a one-way. He also stated that he does not think that making it a one-way is going to stop the speeding problem and not enough research has been done to take a vote on something like this at this time.

Council President Paplauskas stated that he disagrees with this change to a one-way. He agrees with Councilman Ferri's comments. For concerns of public safety, he will not be voting in favor of this this evening.

Councilwoman Renzulli stated that she received a call from Joshua Avazian, owner of the jewelry store on the corner of Rolfe St., who is opposed to this. She also stated that she does not understand how we can vote on this without any input from the Traffic Engineer.

Director Mason stated that, by Charter, any traffic change is required to have 60-day period for the Traffic Engineer to do a report.

Councilwoman Renzulli stated that she does not feel comfortable voting on this without that report.

y **Angell** stated that in addition to what Director Mason stated, he thinks that the City Council should consider having a fiscal note from Finance on the cost to restripe that area and place signage on Pontiac Ave.

Council Vice-President Brady commended Councilwoman Germain for this discussion, but we also have to listen to the constituents and business owners on how they feel about this.

Chair stated that this is a major artery in the City. He does think it is an innovative idea, but he does not understand the why behind it.

Motion to recommend approval of this Ordinance and second were withdrawn.

Councilwoman Germain asked that this Ordinance be continued and requested a traffic study.

On motion by Council President Paplauskas, seconded by Councilman Ferri, it was voted to continue this Ordinance for 90 days. Motion passed on a vote of 5-1. The following being recorded as voting “aye”: Councilman Ferri, Councilwoman Germain, Council Vice-President Brady, Councilwoman Renzulli and Council President Paplauskas -5. The following being recorded as voting “nay”: Councilman Reilly -1.

5-21-07 *Ordinance in amendment of Chapter 10.08.030 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic – Pedestrian Control Signals”. Sponsored by Councilwoman Germain.*

On motion by Councilman Ferri, seconded by Council President Paplauskas, it was voted to recommend approval of this Ordinance.

Under Discussion:

Director Mason stated that rapid flash signals that are beacons that are items of this, these are warning signs, they are not regulatory signs. He does not think it applies to this Chapter. We have a lot of these signs already on Cranston St. and other areas of the City and they are not done by Ordinance. He referred to Attorney Angell.

Attorney Angell stated that Councilwoman wanted an Ordinance and he drafted it.

Chair asked Attorney Angell if in his legal opinion, this is proper in this specific section. Attorney Angell stated that it could be in .030 or in .040. It is really up to what the City Council wants to do. Policy wise, he does not disagree with Director Mason.

Council President Paplauskas stated that the rapid flash signals are great and they are needed, but he is concerned about setting a precedent of putting them in the Code especially without a fiscal note. He is worried about setting a precedent. He would like to continue this until we get a fiscal note.

Motion to recommend approval of this Ordinance and second were withdrawn.

On motion by Council President Paplauskas, seconded by Councilman Ferri, it was voted to continue this Ordinance to the August Ordinance Committee meeting and have fiscal note by then. Motion passed unanimously.

On motion by Council President Paplauskas, seconded by Councilman Ferri, it was voted to hear the remainder of the Ordinances on the agenda as a block. Motion passed unanimously.

5-21-08 *Ordinance in amendment of Chapter 10.12.210 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic – Through Trucking Prohibited On Certain Streets”. Sponsored by Councilwoman Germain.*

5-21-09 *Ordinance in amendment of Chapter 10.32.100 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic – No Parking-Between Signs”. Sponsored by Council President Paplauskas.*

On motion by Council President Paplauskas, seconded by Councilwoman Germain, it was voted to continue the above two Ordinances to the August Ordinance Committee meeting for Traffic Engineer reports. Motion passed unanimously.

- **Adjournment**

The meeting adjourned at 7:59 p.m.

Respectfully submitted,

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