

(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 13, 2022 in the Council Chambers, City Hall, Cranston, Rhode Island.

CALL MEETING TO ORDER:

The meeting was called to order at 6:30 p.m. by the Chair.

Present: Councilwoman Aniece Germain
Councilman Richard D. Campopiano
Councilwoman Nicole Renzulli, Vice-Chair
Councilman Matthew R. Reilly, Chair
Council President Christopher G. Paplauskas

Absent: Councilwoman Lammis J. Vargas
Council Vice-President Robert J. Ferri

Also Present: Councilwoman Jessica M. Marino
Councilman John P. Donegan
Anthony Moretti, Chief of Staff
John Verdecchia, Assistant City Solicitor
Stephen Angell, City Council Legal Counsel
Colonel Michael Winqvist, Police Department
Chief James Warren, Fire Department
Rosalba Zanni, Acting City Clerk
Heather Finger, Stenographer

MINUTES OF THE LAST MEETING:

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

I. COMMITTEE BUSINESS MATTERS CARRIED OVER

8-22-01 *Ordinance creating Chapter 46 of Title 8 of the Code of the City of Cranston, 2005, entitled “Consumption of Marijuana in Public Places, etc”. Sponsored by Councilman Reilly and Councilwoman Renzulli. (Cont. 9/15/2022).*

Attorney Angell stated that at the request of the Chair, he looked at the Ordinance for constitutional reasons as it is written. Constitutionally, it meets constitutional muster. He recommended a couple of changes to the verbiage in Paragraph A(1), the word ‘actual’ before ‘residences’, he would recommend be stricken and replaced with ‘private residences’. This is not a substantive change so it does not need to go back and be re-advertised. He realizes that this is a new area of regulation for governmental sub-divisions, but you should keep in mind that the regulation itself is not a lot different than how consumption of alcohol is governed. We have recreational of marijuana use in our State that has been approved and we have medicinal marijuana use that has been approved in our State. Keep in mind that private employers have the right to restrict how medicinal marijuana is consumed in the workplace. Keep also in mind that your public safety officials have the right to consume alcoholic beverages recreationally, but you do not have the right to drive drunk. We regulate as a society, Cranston included, open containers of alcohol in public places and we regulate whether you can have an open alcoholic beverage container in an automobile. Similarly, we do not allow for the consumption of alcoholic beverages as part of the lunchtime menu in our School Departments so there are workplaces restrictions with respect to approved recreational activities that can go too far. This Ordinance in and of itself is not a restriction of one’s private right to consume recreational or medicinal marijuana in any form that they so chose within a certain limit or to excess within their private property within their private residence. That is not what this does. This Ordinance speaks only to the public spaces as the Ordinance suggests or actually makes rather explicit and you do have the right to regulate what goes on in public spaces.

Director Moretti stated that this Ordinance, along with the next one, the Mayor has invited the Colonel and the Fire Chief to the Office to talk about public safety. They took this very seriously and the Mayor will support everything the colonel is going to say and asked the Colonel to share his thoughts because it was the Colonel that first came to the Administration and the City Council about sponsoring an Ordinance. He thinks he cares deeply about it and thinks he can provide many many answers to some of the questions. He is a wealth of information so he suggests the Council take advantage of the Colonel’s knowledge.

Colonel Winquist stated that as Police Chief and part of the Rhode Island Police Chiefs Association, he will be the first to admit that they oppose the legalization of recreational marijuana. He was one of the persons that opposed it and that was based on public safety specifically driving while under the influence of marijuana. The law has passed and it specifically states that gives the authority to on the cities and towns to decide to pass their own Ordinances to restrict the public use of marijuana. In his opinion, it should not have been addressed in the State Law, but what we have now is a bunch of cities and towns trying to figure it out on their own. Bristol, Warren, a lot of his colleagues in the other cities and towns are passing identical Ordinances more or less to what you have in front of you.

He did do research and in Colorado for example, it is illegal to carry marijuana unless it is in a sealed container similar to alcohol where you can't open a bottle of beer and drive down the roadway so it is constitutional there and Colorado has been dealing with this issue of impaired driving a lot longer than we are going to deal with here. Here in Cranston, now we have not come across a lot of people in violation of any types of laws of marijuana since it was passed when these commercial shops open, he thinks that is when you are going to see a lot more use publicly and that is why we wanted to get ahead of this and he thanked the City Council for taking the time to consider this Ordinance. He really thought the driving portion was important. Edibles are really difficult to determine.

Councilman Donegan questioned why handle it similar to alcohol rather than something like tobacco for public consumption like sidewalks or walking down the streets. Colonel Winquist stated that obviously marijuana has a hallucinogenic effect on a person and he knows the Fire Department will probably echo his comments that somebody that is high out in public is prone to a lot of other issues whether it be crossing a roadway, whether it be out in public and also having children walk through a cloud of marijuana smoke, he does not think that is what anyone wants for our next generation to have to deal with. Also, it is a narcotic as of today so it is illegal under federal law. It is a little different. Tobacco obviously is legal and commonly used.

Councilwoman Renzulli asked Colonel Winquist if in his opinion he thinks adding language about open container is something that should be added to this Ordinance related to motor vehicles. Colonel Winquist stated that he believes that is part of the Ordinance. Councilwoman Renzulli stated that it does not specifically mention open container. Colonel Winquist stated that he thinks that would be helpful.

Councilman Reilly stated that if this Ordinance were to pass this evening, an amendment can be added at another time.

Attorney Angell reminded the City Council that if an Ordinance before the Council were to fail during the term, you are not going to bring that back and you can't bring that back during the term. If you pass an Ordinance during the term, you cannot then during the term repeal that Ordinance, however, if you pass this Ordinance and what you do is merely add to it and augment it, you are permitted to do that during the term.

Councilwoman Marino thanked Colonel Winquist for putting forth this effort and the Ordinance and coming here this evening along with Chief Warren as well. She was dismayed that the State in enacting the legislation did not, in her opinion, really follow through on concerns for public safety and implement certain safeguards into law and give local municipalities the enforcement tools. She has serious concerns of the impairment that is going to increase with the accessibility because alcohol is a big enough concern and now this and what she sees every day in her job is an increase in this before the shops have opened up once the medical use had presented itself. While she is not a member of this Committee, if the Committee does pass this Ordinance, she would be happy to vote yes before the full Council so she urged her colleagues to pass this Ordinance because it does give our local law enforcement and even the Fire Department in terms of the Police Department the tools they need for enforcement to address the issues and the Fire Department will be faced with ways to address the concerns when they present themselves so she would support this Ordinance.

Attorney Angell stated that since Colonel Winquist is present, it may be beneficial for the City Council to hear what the Police Department does to assess someone's level of inebriation as a result of consumption of marijuana.

Colonel Winquist stated that there is a lot of challenges. Although the Chiefs Association opposes the legalization, they had submitted a number of items that they wish made into the Bill itself, which would give some teeth to the drug recognition experts. Even as of now, there is no recognized limit of nanograms of marijuana that is considered impairment in one's bloodstream. He is hoping that the State will revisit some of the recommendations by the Chiefs Association.

Councilwoman Marino asked to be added as co-sponsor.

On motion by Councilwoman Renzulli, seconded by Councilwoman Germain, it was voted to amend this Ordinance as follows: from line #37, amend "actual" to "private". Motion passed unanimously.

On motion by Councilwoman Renzulli, seconded by Councilman Campopiano, it was voted to amend this Ordinance as follows: add "It should be unlawful for any person to possess an unsealed container of marijuana or marijuana products in the passenger area of any motor vehicle on a public roadway".

Under Discussion:

Attorney Angell suggested for clarity that this language be added after "c" so that would be letter "e" and letter "d" as to enforcement, would become "e".

On motion by Councilwoman Renzulli, seconded by Councilman Campopiano, it was voted to recommend approval of this Ordinance as amended. Motion passed unanimously.

8-22-02 *Ordinance in amendment of Title 10, Chapter 32, Section 590 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles and Traffic" (Tabor St. 2 Hr. Parking). Sponsored by Council President Pajplauskas. (Cont. 9/15/2022).*

Council President Pajplauskas stated that he would like this Ordinance continued.

On motion by Councilwoman Germain, seconded by Councilman Campopiano, it was voted to continue this Ordinance. Motion passed unanimously.

8-22-03 *Ordinance in amendment of Title 10, Chapter 32, Section 090 of the Code of the city of Cranston, 2005, entitled "Motor Vehicles and Traffic" (Tabor St. No Parking). Sponsored by Council President Pajplauskas. (Cont. 9/15/2022).*

Council President Pajplauskas stated that he is withdrawing this Ordinance and will rewrite another Ordinance with the Solicitor and resubmit it.

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

A. PUBLIC HEARINGS

Tom Wojick, 11 Hall Place, appeared to speak regarding the problem with parking and proposed a possible solution to it. He stated that when he first started getting active with the Council, it seemed that when issues involve poorly resourced people, the Council did not pay a lot of attention to it so for instance, the panhandling issue a number of years ago, there was great energy to ban panhandling, the people who are really disadvantaged and we were trying to ban them from the streets and the corners. He understands it was for public safety, but he felt it was also very discriminatory. Then we just recently had the Budlong Pool where a lot of poorly resourced people were not able to really take advantage of recreation and when people do not have a place to cool off or a place to recreate, then typically more problems occur. He thinks that the City and the Council really has not focused on people who are poorly resourced and he thinks that this issue of parking is such an issue. He really does understand the public issue of this. He worries about Cranston and how do we really address the people who really don't have the resources, who do not have a driveway, but need a car in order to be employed, they need a car to get to work, they need a car to get their kids to an emergency room. He does not what the exact answer is but he thinks to just take the easy route out and say let's ban it and not give people permission does not serve our community and it does not serve our under-resource residents very well. He really hopes that maybe permitting should be looked at, but he is very concerned that we could make our community not very welcoming for people who are very under-resourced and who can't find a place to park their vehicle. He hopes the City and the Council give a strong consideration to a large part of the population that live in Cranston that are under-resourced, but contribute and how do we respect their contribution to this community working for our local businesses, etc.

Chief James Warren, 136 Longview Dr., Fire Chief, appeared to speak and stated that he is present to speak strictly on the safety for the Fire Department. Nighttime parking is a problem in the City of Cranston and it does affect their response time. The oldest fire truck is 44 feet long and the newest is 38 feet long. It affects the older part of the neighborhoods, such as Arlington, Edgewood where it is tough to get around. He understands it is a problem, but for them it does affect their response times in getting around especially in the wintertime with snow and trash cans, it does create problems for them.

Colonel Michael Winqvist appeared to speak and stated that he shares a lot of Chief Warrant's concerns especially being a Department that has to respond to emergencies. Back in 2017, he believes an Ordinance was proposed for consideration for permitting of overnight parking and there was testimony back then which stays true to today as well. As a Police Department having the advantage of having no cars on the street during a certain time late in the evening allows the Police to detect stolen vehicles or abandoned vehicles a lot easier. Also, we are dealing with a lot of car break-ins in the City and vandalism to vehicles and those cars that are actually in driveways. He can only imagine the night when these people usually strike like 2 or 3 a.m., these cars were on the street just made it a lot easier for the average criminal to walk up and down the street trying each car door to get in as they normally do. as mentioned, response times, if the Police is going to a major call, we have two or three cruisers that are trying to get there and there are cars along the street, the Police will have to look where to put the cruisers so that would create an issue for response times. The biggest thing, in talking to Public Works, is parking bans during snow removal making it harder for the Highway Department to do their job.

Also, street sweeping and other maintenance of roadways is also a concern. He questioned who would handle the actual permitting aspect and who would actually issue the permits. The Police Department does not have the civilian staff to do it and he knows a lot of other City Departments are strapped for personnel. He does feel for the people who do not have the parking. The Police Department does give permission for temporary overnight parking when needed if someone is doing work on their residence and are in dire situation and they keep track of that at the Police Department.

Marcia Fowler, 35 Milton Ave., appeared to speak in regards to landlords and asked how the City would confirm that the apartments have four drivers. Also, who will be the owner of the permit for each of the apartments? Will the permit be a sticker that is transferable in case a tenant moves out prior to the permit expiring? If this does happen, can it be stated in the application for the permit that the current owner and not the landlord is responsible for moving the car during a parking ban even if the landlord does not provide onsite parking?

Director Moretti stated that on behalf of the Public Works Department, they ask to solicit input. For many of the things stated for logistics, are very very challenging. As Chief Warren and Colonel Winquist mentioned from the public safety end, but from Public Works perspective, just considerations in addition to what was discussed, cars in the street would cause problems with street sweeping and refuse collection. Another concern is difficulty in egress and ingress in a residential driveway and being blinded is a concern. There is also a concern with aesthetics and residents may feel safer not having vehicles parked in front of their house. Another bigger challenge is winter plowing. There will be bans, but where are those vehicles going to go after that? There is certainly going to be issues on street size. There are some more narrower roadways and other roadways would be considered when putting this Ordinance together.

Attorney Angell stated that this is not new to his desk. He has not seen this Ordinance prior to its introduction, however, he has been involved with several Council members and having discussions about a policy concern with respect to the lack of overnight parking in the City. The issue first came to him approximately a year ago from one Council person and then over the course of the year and evaluating the issue. It seems to him that there are a majority members this evening that are interested in some form of an overnight parking provision to alleviate parking in certain areas. One logistical concern is you need a sticker program and someone has to administer it. Who is going to do that and what is involved in that? What is the cost of it and what is the renewal and who will handle the paper and how is it going to be accounted for? That is just one sliver. While finance may not necessarily be involved because there is a fiscal note to this, but there is a cost in terms of productivity within the Chief's Department if it sits in that department to administer the sticker program. There are significant public safety issues. He has evaluated the program they have in the City of Boston and they have a framework that works pretty well. Other cities and towns do it here in Rhode Island, but Cranston is very unique. We are not small, we are the second largest municipality in the State and we have areas in the City that are truly City traditional City areas. We have suburban areas and we have rural areas and we have different rules for those different parts of the City. The reality is you need a more robust framework that considers all of the departmental constituencies and their concerns within the City before you move forward with this and that is not done in this Ordinance. His recommendation this evening is to withdraw this Ordinance and he and Solicitor Verdecchia be allowed to put a framework in front of the Council that can be circulated to the various constituents that are here tonight so that they have an opportunity to really dig in and consider it and work with us to really boil down their concerns and bring it back to you in a workshop forum so that it can be very productive. His research into this in the City

indicates that the last time this issue was approached was in 2017. There was in fact a study done. The Ordinance was proposed essentially as a test case or a pilot study. That is not going to work. Council people, individually, need to consider that you know your Wards and you know your City, you need to think about the last of enumerated streets to which this is going to apply and that would be a great help to public safety. You also need to give some thought to where these cars are going to go in some type of weather emergency when there is a general parking ban.

B. NEW MATTERS BEFORE THE COMMITTEE

9-22-02 *Ordinance in amendment of Title 10, Chapter 28, Section 090 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic – All Night Parking Prohibited”. Sponsored by Councilwoman Germain.*

On motion by Council President Paplauskas, seconded by Councilman Campopiano, it was voted to table this Ordinance.

Under Discussion:

Council President Paplauskas stated that he loves Councilwoman Germain’s passion and her trying to fix the issue. It is important and he realizes everyone has multiple cars and we certainly need to figure it out. He does think we need a more comprehensive plan and have everyone come together after the input that was given this evening from Police, Fire, Administration speaking on behalf of Public Works and even Legal Counsel. We are going to need a fiscal note, we are going to have to put signage on all the streets if we are going to do parking on one side with the Ordinance. We do not know how much the stickers are going to cost per sticker. Also, what came to mind was what Chief Warren stated about response time and ability for fire apparatus to get access to a fire. He also questions if we can do overnight parking on State roads and whether we can regulate State roads. He would be happy to help rework on this Ordinance. If we vote this down, we can’t bring it back this term, if we table it, we can bring it back. This is why he made a motion to table.

Councilman Donegan thanked Councilwoman Germain for bringing this forward this evening. The first two and a half years or so that he was on the Council, the remarks and comments he received from constituents on this issue was fairly even of a balance of people reaching out who were burdened by the overnight parking ban and people complaining about someone parked on the street typically when there was street sweeping or when there was a snowstorm. In the past twelve months, that balance has tipped considerably towards people reaching out who are affected by not being able to park overnight and that is natural given the densely populated areas that he represents in Arlington, Gladstone and other areas. He thinks, as a policy, we should have overnight parking permit program. He thinks that there is room to work and come to the table on this specific Ordinance to incorporate some of the comments and concerns from legal, from public safety, both the Colonel and the Chief as well as input from the collective body. He does not want to see this shot down. He does not have a vote this evening. He questioned if this can still be discussed if it was to be tabled this evening. Attorney Angell stated that you can bring it off the table anytime within three months. What he is recommending is that this issue be workshopped and the constituencies be put in the room with their concerns in a meaningful way where we can write a piece of legislation that addresses what needs to be addressed.

Councilwoman Renzulli stated that she agrees with the motion to table. In reading the traffic report from the Bureau of Traffic Safety from the last pilot program that came up in 2017, there are several different concerns within the analysis that we need to address and she commends Councilwoman Germain for putting this forward because it is a problem that we need some immediate action on, but if we do not do it properly, she thinks it is going to cause more problems than we have now. She also agreed that a fiscal note is needed on this.

Councilwoman Germain withdrew this Ordinance.

9-22-03 *Ordinance in amendment of Title 10, Chapter 32, Section 030 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic – Multi-Way Stop Intersections-Enumerated - Summer St. and Waldron Ave, 4-Way Stop”. Sponsored by Councilwoman Germain.*

No one appeared to speak in favor or to oppose.

On motion by Council President Paplauskas, seconded by Councilwoman Renzulli, it was voted to recommend approval of this Ordinance pending traffic study. Motion passed unanimously.

- **Adjournment**

The meeting adjourned at 8:15 p.m.

Respectfully submitted,

/s/ Rosalba Zanni
Acting City Clerk