

(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, April 13, 2023 in the Council Chambers, City Hall, Cranston, Rhode Island.

CALL MEETING TO ORDER:

The meeting was called to order at 7:15 p.m. by the Chair.

Present: Councilwoman Nicole Renzulli (appeared at 7:50 p.m.)
Councilman John P. Donegan
Councilman Matthew R. Reilly
Councilman Robert J. Ferri
Councilwoman Aniece Germain, Vice-Chair
Council Vice-President Lammis J. Vargas, Chair
Council President Jessica M. Marino

Also Present: Councilman Richard D. Campopiano
Councilman Christopher G. Paplauskas
Anthony Moretti, Chief of Staff
John Verdecchia, Assistant City Solicitor
David DiMaio, City Council Budget Analyst
Stephen Angell, City Council Legal Counsel
Rosalba Zanni, Assistant City Clerk/Clerk of Committees
Heather Finger, Stenographer

MINUTES OF THE LAST MEETING:

On motion by Councilman Ferri, seconded by Councilman Donegan, it was voted to dispense with the reading of the minutes of the March 16, 2023 meeting and they stand approved as recorded. Motion passed unanimously.

I. COMMITTEE BUSINESS MATTERS CARRIED OVER

1-23-04 *Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, Entitled “Zoning” (Change of Zone – 1381 Cranston St. and 767 Dyer Ave. – Cranston Print Works Project). Sponsored by Councilman Paplauskas. (Cont. 3/16/2023).*

On motion by Councilman Donegan, seconded by Councilman Reilly, it was voted to recommend approval of this Ordinance.

Under Discussion:

Councilman Donegan stated that he would like to see if Attorney Murray would like to speak regarding this.

Robert Murray, Esq., 21 Garden City Dr., appeared to speak and stated that that he represents the applicant. Last week the Planning Commission approved this project as a major land development. Plan is to create 129 unites of apartments and self-storage. The self-storage is already a permitted use, the apartments are not a permitted use and that is why they are asking the Council to re-zone this project. This Ordinance, as presented, there is no affordable housing component. Brady Sullivan, the developer, just does not do affordable housing. This is a property on its last leg. There are challenges with this property, such as floodplain an DEM. He asked that the Council look at the benefit and strength of this proposal. He also stated that Councilman Donegan had asked him if his client would be looking for a tax stabilization agreement and they are not.

Councilman Donegan stated that from the onset, the developer was upfront in that this development would not include affordable housing and we all recognize that the city does need more affordable housing in the City. The City is making progress in that regard. He does feel that this is a missed opportunity to introduce more affordable units into the City, but he feels overall, the increase of 129 units is in that positive. This is a property that is at the heart of industrialization in Rhode Island, but also one of the cultural and economic centers of the City. The opportunity to see this property preserved and re-used and revitalized is a reason to support it. For that reason, despite his disappointment of not including affordable housing, he thinks in the end, it is a net positive so he will be in support of this this evening.

Councilman Paplauskas stated that he will be supporting this for many reasons stated by Councilman Donegan. It is an opportunity to create jobs and help jobs that are in the area. It is a property that deserves to be saved, it has a lot of history. He has one request of the developer and stated that when taking the tour, he noticed a flagpole donated by the Boy Scouts and a plaque. He stated that the plaque is 47 years old. He asked, if there is a chance to save the plaque, he is sure the Boy Scouts that put it up 47 years ago, will appreciate it.

Councilwoman Germain stated that she applauds new businesses coming into the City. She has many constituents who tell her that the City needs more affordable housing. She is disappointed to hear there is not going to be any affordable housing as part of this project. She questioned why. Attorney Murray stated that it is just not something Ray Sullivan does in their business model. They bring new clean development to people. it is not an act of disrespect, it is just what they do not do. this is a project that involves a lot of creativity and foresight. From day one, they said they do not do affordable housing.

Director Moretti stated that the Mayor has been working closely with Brady Sullivan. This is a tremendous opportunity for the City of Cranston. Ideally, yes, we would want to see affordable housing component, but if it does not fit into this business model, we understand that. Brady Sullivan is not just a developer, they are class act and they do deliver.

Councilwoman Renzulli thanked Attorney Murray for the wonderful presentation. She knows that affordable housing is important to all of us and wished there was an affordable housing component, but that is an ideal situation, but we have to think of the cost. This is a great project for the City and for Knightsville.

Council President Marino stated that in the past, there has been discussion about the need for affordable housing. This project has been in the works for some time and the fact that they are not looking for a tax stabilization agreement is something that is welcoming to offset the fact that there is not an affordable housing component to it. She is looking forward to the improvement the developer is going to bring to that property.

Councilman Reilly stated that as to the affordable housing component, he thinks that a developer is going to come in and put 129 units into the City is far more for the overall affordability then just putting two or three token units for considering affordable housing. We can't pass this up.

Chair echoed comments made by other members in terms of no affordable housing is a little disappointing, but we have to make sure we do what is in the best interest of the City. She asked if some of the trees are being cut down. Attorney Murray stated that there may be some along Dyer Ave. He also stated that Planning Commission member, Mike Smith, is very concerned about a large tree in the back and the developer is committed not to do anything with that. Chair stated that she will be supporting this project.

No one appeared to oppose.

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

2-23-04 *Ordinance in amendment of Chapter 15 of the Code of the City of Cranston, 2005, entitled "Buildings and Construction" (Lead Safe Homes). Sponsored by Councilman Donegan. Co-sponsored by Councilwoman Germain. (Cont. 3/16/2023).*

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

2-23-06 *Ordinance in amendment of Title 9, Chapter 9.08.062 of the Code of the City of Cranston, 2005, entitled “Public Peace, Morals and Welfare – Notice Requirements for Removal and Pruning of Trees”. Sponsored by Councilman Donegan, Council Vice-President Vargas and Council President Marino. (Cont. 3/16/2032).*

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

Under Discussion:

Council President Marino stated that in discussions with the Administration and with Council Vice-President Vargas, she has some amendments to make and asked that a motion to approve be withdrawn.

Motion and second were withdrawn.

On motion by Council President Marino, seconded by Councilman Reilly, it was voted to amend this Ordinance as follows:

- Line #29, delete ‘should’ and add ‘shall’ and delete ‘the date of notice, the date, time and location of public hearing and the city’s tree warden telephone number and email’ and add ‘the email and mailing address of the Tree Warden, the deadline for written objections, if no written objections, there will be no hearing’.
- Line #34, add after ‘notice’ ‘by email or if no email, by regular mail, of the date, time and location’; after ‘those persons’, delete ‘who are known to be of interest and suitable notice of said meeting must be posted in the immediate vicinity’ and add ‘firms, corporation objecting in writing within the time prescribed’; after ‘Within’, delete ‘three’ and add ‘seven’
- Line #38, after ‘and notify’, add ‘all those persons, firms, corporations having objected in writing of said final decision of the Tree Warden’ and delete remainder of that sentence and add ‘At the City Council Public Works Committee meeting each month, the Tree Warden shall provide a list of trees removed, identifying the location of each tree removed’.

Under Discussion:

Councilwoman Germain asked if these as substantive amendments and does this Ordinance need to be readvertised. Solicitor stated that after conferring with Attorney Angell, these are very substantive changes. Motion should be made to amend and readvertise.

Director Moretti stated that this is a great Ordinance and was a pleasure working with Council President Marino to amend it into a very practical format.

Councilman Donegan questioned if the advertisement for the full City Council would satisfy the need for reposting. Attorney Angell stated that because it is such a substantive change, his recommendation would be to take a vote on the changes and readvertise so public can wrestle the language. That is the correct way to do it, through readvertising.

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

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

A. PUBLIC HEARINGS

Robert Murray, Esq., 21 Garden City Dr., appeared to speak in favor of proposed Ordinance 3-23-02. He stated that he represents JMDH RE, who owns the property at 140 Kenwood St, which is the Restaurant Depot. Proposed Ordinance would restrict parking at all times on both sides of the street long their street frontage. He provided a letter to the Clerk for the record.

Tom Wojick, 11 Hall Place, appeared to speak in favor of proposed Ordinance 2-23-06 and also spoke in favor of overnight parking. He questioned why we can't do it in Cranston when they can do it in Newport. This is a safety issue that makes a City a bad City. It is not a safety issue because they do it in all cities throughout the US.

Brian LaPlante, 78 Kenwood St., appeared to speak and stated that he appreciates the Committee taking up proposed Ordinance 3-23-02 and appreciates Councilman Ferri and the Mayor for sponsoring this Ordinance. This has been an issue since his business moved to this location.

Warren Haywood, 70 Arnold Ave., appeared to speak in favor of proposed Ordinance 2-23-06 and suggested the Council not require that there be a hearing for every tree to be taken down.

Roger Farrell, 92 Woodbury Rd., appeared to speak in favor of proposed "Resolution urging the General Assembly to support Legislation to protect the Pawtuxet River (HB-5087, HB-5088 and HB-5116)".

Sarah Lee, 1330 Narragansett Blvd., and former Councilwoman, appeared to speak in favor of proposed Ordinance 2-23-06 and thanked everyone who passed on the Legislation of taking the trees down.

Dr. Donna Rook, 79 Pawtuxet Ave., appeared to speak regarding proposed Ordinance regarding overnight parking and questioned some of the reasoning and logic. She has never heard of any other communities that have this type of Ordinance.

Matt Gerzyk, 88 Woodbury Rd., appeared to speak via Zoom, in favor of proposed "Resolution urging the General Assembly to support Legislation to protect the Pawtuxet River (HB-5087, HB-5088 and HB-5116)".

Suzanne Chace, 54 Eldridge St., appeared to speak via Zoom, and strongly opposed to overnight parking Ordinance.

B. NEW MATTERS BEFORE THE COMMITTEE

2-23-01 *Ordinance in amendment o Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Change of Zone – 0 Plainfield Pike, AP 36, Lots 8 and 37). Sponsored by Councilman Campopiano.*

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

Under Discussion:

Councilman Campopiano stated that he sponsored this Ordinance. It is an excellent use for that property and it is not a big change of what it is now and urged passage.

Roll call was taken and motion passed on a vote of 6-0. The following being recorded as voting “aye”: Councilwoman Renzulli, Councilmen Ferri, Donegan, Councilwoman Germain, Council Vice-President Vargas and Council President Marino -6. Councilman Reilly was not present for roll call vote.

2-23-02 *Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Change of Zone – 35 Carlsbad St. Plat 7 Lot 3141 and 0 Carlsbad St. Plat 7 Lot 3744). Sponsored by Councilman Donegan.*

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

Under Discussion:

Councilman Donegan stated that the people at Taco reached out to him and asked him to sponsor this. After viewing the property, he has no objections.

Amy Goines, Esq., appeared to represent applicant and requested approval of revised Ordinance, which allows for 65’ of height of the building.

Roll call was taken and motion passed on a vote of 6-0. The following being recorded as voting “aye”: Councilwoman Renzulli, Councilmen Ferri, Donegan, Councilwoman Germain, Council Vice-President Vargas and Council President Marino -6. Councilman Reilly was not present for roll call vote.

3-23-02 *Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic – No Parking – Commercial Vehicles” (Kenwood St. both sides). Sponsored by Mayor Hopkins and Councilman Ferri.*

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

Under Discussion:

Councilman Ferri asked that IT Tech, Mr. Lima, show pictures on screen that he provided him. He stated that he has been dealing with Mr. LaPlante and Lang’s Bowlarama over the past few months regarding the parking in front of their businesses to the point where trucks are left there for days at a time among other issues. Mr. LaPlante helped him draft an Ordinance that would eliminate commercial trucking on Kenwood St. in front of his business.

Motion and second were withdrawn.

On motion by Councilwoman Renzulli, seconded by Councilwoman Germain, it was voted to amend this Ordinance.

Under Discussion:

Councilman Ferri stated that he would like to amend the Ordinance as follows: line #31 to read ‘pole #9’ instead of ‘pole #11’ and change line #32 to read ‘900 ft.’ instead of ‘1100 ft.’ The reason for this is to give Restaurant Depot a chance to let their trucks pull up at 3,4,5 in the morning and wait to unload and they would not be in violation of the Code. Both Mr. LaPlante and Lang’s Bowlarama agree to this.

Councilwoman Renzulli thanked Councilman Ferri and Mayor Hopkins for bringing this forward and asked to be added as co-sponsor.

Councilman Donegan asked to be added as co-sponsor.

Council President Marino asked to be added as co-sponsor and stated that she will support this Ordinance.

Roll call was taken and motion passed on a vote of 6-0. The following being recorded as voting “aye”: Councilwoman Renzulli, Councilmen Ferri, Donegan, Councilwoman Germain, Council Vice-President Vargas and Council President Marino -6. Councilman Reilly was not present for roll call vote.

3-23-03 *Ordinance in amendment of Title 10, Chapter 04, Section 030 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic – Penalties for Traffic Violations”. Sponsored by Mayor Hopkins and Councilman Ferri.*

On motion by Council President Marino seconded by Councilwoman Germain, it was voted to recommend approval of this Ordinance. Motion passed on a vote of 6-0. The following being recorded as voting “aye”: Councilwoman Renzulli, Councilmen Ferri, Donegan, Councilwoman Germain, Council Vice-President Vargas and Council President Marino -6. Councilman Reilly was not present for roll call vote.

3-23-04 *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 Councilman Donegan, seconded by Councilman Ferri, it was voted to recommend approval of this Ordinance.

Under Discussion:

Councilwoman Germain stated that there are people who do not have the luxury to come here before us this evening, those people are the ones who mostly have two jobs and do not have childcare. It is not because they do not care. She read some emails from people who could not be here tonight who are pleading for overnight parking in the City. She does understand the pushback from the Administration. Of the arguments has been safety issues. She does not understand how other cities and towns like Newport, Providence, Warwick have overnight parking and Cranston can’t. We need to do something and relieve the financial burden of people who are most impacted. She knows change is hard, but change is necessary and urged passage of this Ordinance.

Attorney Angell reminded Council that there is a structural part of every agenda that written comments can be submitted to the Clerk by a certain deadline before the meeting so that those comments and written documents can be put into the record and provided to the Council Members in advance of the meeting. Councilwoman Germain stated that she will forward the emails to the Clerk and copies to the Council Members.

Councilman Donegan thanked Councilwoman Germain for working on this. He thinks the first three years on the Council, comments he received the most from people was they wanted greater enforcement of the parking ban. Past two years it has been overwhelmingly people reaching out who are affected by the overnight parking ban. It impacts those families. He does not understand why we can't do it. Other cities can do it around the State and around the Country.

Councilwoman Renzulli stated that she has also received a lot of complaints about not being able to pay. She believes last time this was discussed, the prior Public Works Director's concern was we needed to know what the cost would be in order to analyze what streets this would work on based on the width of the street. Presently, she does not see a fiscal note with this Ordinance. She acknowledges that this is a problem, but she does not know how we fix it with simply this Ordinance because this is going to take a lot of work. The DPW Department is not equipped to go around and see which streets can or can't do this. Not sure if the Planning Director has any insight on this since he is present this evening. Director Pezzullo stated, no.

Councilman Ferri stated that there are a lot of issues that go along with this Ordinance and for him on the top of the list would be garbage pickup. Snow plowing would also be an issue. The fact that we are not getting the support from the Public Safety Officials or Administration is an issue, so there are many issues behind it, but just saying no, is not enough. It is an issue with people that live in this City that have children that have moved back home and need a place to park and we are not making any effort to give them any compromise to do on streets or to do a trial. He will support this because it is better than not supporting anything.

Councilman Reilly stated that he tends to agree with Councilman Ferri. Some places this works in the City and some places it does not. In Ward 6, he gets the complete opposite. People complain about it. It is a suburb and they do not want parking on the street, so just one broad stroke does not fix this problem either way. Like Councilman Ferri stated, there needs to be a compromise because Wards 1, 2 & 3 probably this would work in those Wards because they are older Wards with smaller driveways.

Councilman Papluskas stated that he sees both sides of this, but he thinks of when Public Safety appear before us and also the Fire Chief spoke about not having room for a ladder truck to go down a street to a fire if there were cars on the street and Police had concerns of identifying cars at nighttime because there would be more cars on the street. Maybe Planning Department has a solution.

Council President Marino stated that she has heard an equal number in all Ward, even complaints on both sides. She complimented Councilwoman Germain for bringing forth this Ordinance, but there is more discussion and work that we can do to get this to a better place. The issue that she has is she is not sure we should have a size fits all for the whole City. She does think that an assessment as much as there is going to take time, is important. The implementation of this type of system, we need to make sure that we as a City, have the tools and the personnel to implement this type of system. She thinks that it is giving residents who are looking for a permanent solution, that if this is approved in this form tonight, we are giving them a false sense of assurance that their problems are going to be solved with passage of this Ordinance.

Councilman Donegan asked if there are tools in the GIS software, something where we could measure the width of each street. Jason Pezzullo, City Planner, stated that most of those layers exist in the GIS system in terms of roadway width and right-of-way width. It would be time-consuming, but possible.

Councilman Donegan stated that there are a lot of cars on the streets. We need to plan and build cities that are not so car dependent. That is in the long-term strategy, but in the interim, we need to figure something out.

Councilwoman Renzulli stated that some frustration she hears is that various streets are getting ticketed and people do not know that this is a thing. It seems like one street is and one street is not. Perhaps it could be worked with the Colonel and Majors to have some type of warning system to warn people better so they feel tickets are issued more equitably.

Chair agreed with many Council Members who spoke about receiving emails on both sides. There is agreement on both sides. The way the Ordinance is presented before us, definitely needs more work and she can't support it at this time. The City of Providence went on color permits depending on the Ward in the City and there is a cost for this permit. Cars have to be registered and be up to date with their taxes and those vehicles have to renew their permit once a year. There is a cost on making the stickers and signage. She has also heard from constituents stating that they should not be paying for a permit because they are paying a lot of taxes to the City and they have a right to park in front of their house. She commended Councilwoman Germain for bringing this forward, but there is a lot of work this specific Ordinance needs. She also stated that there was a pilot program that was introduced to the City when Steve Stycos was on the Council and it was to start a pilot program with just a few streets and that was shut down by Council Members. If we are going to move forward or have these conversations, we could possibly start off with a pilot program and see how that works and do maybe a few streets through the different Wards so there is equity across.

Councilwoman Germain stated that the version she proposed is an amendment of an existing Ordinance. Any time you hear let's get a study, that is the way to say we can't to do it, but it will drag out longer and longer while people are impacted continuously.

On motion by Councilman Donegan, seconded by Councilwoman Renzulli, it was voted to continue this Ordinance to the July meeting.

Under Discussion:

Councilwoman Renzulli suggested having a fiscal note on this, whether it is a negative or positive

Chair asked how long Administration would need to provide a fiscal note. Director Moretti stated that the Council has a Budget Analyst and suggested the Committee utilize him to prepare the fiscal note and run it by Director Zidelis.

Attorney Angell stated that the Council's Budget Analyst cannot author the fiscal note. It must come from the Finance Director.

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

Resolution urging the General Assembly to support Legislation to protect the Pawtuxet River (HB-5087, HB-5088 and HB-5116). Sponsored by Council Vice-President Vargas and Council President Marino.

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

Under Discussion:

Chair stated that letter was forwarded by the Clerk's Office to the Council Members from Representative Joe McNamara and two members of our community spoke in support of these three Bills that are coming before us. They will provide protection from any contaminated water and sediments being released to our waters.

Councilwomen Renzulli, Germain and Council President Marino asked to be added as co-sponsors.

Council President Marino thanked the members of the public who spoke regarding this Resolution and also Representative McNamara for his work on this.

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

Resolution authorizing the adoption of the 2022 Cranston Hazard Mitigation Plan update. Sponsored by Mayor Hopkins and Council President Marino.

On motion by Councilman Reilly, seconded by Councilwoman Renzulli, it was voted to recommend approval of this Resolution. Motion passed unanimously.

- **Adjournment**

The meeting adjourned at 9:35 p.m.

Respectfully submitted,

Rosalba Zanni
Assistant City Clerk/Clerk of Committees