

(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, December 7, 2023 in the Council Chambers, City Hall, Cranston, Rhode Island.

I. CALL MEETING TO ORDER

The meeting was called to order at 7:00 p.m. by the Chair.

II. ROLL CALL

Present: Councilwoman Nicole Renzulli
Councilman Daniel R. Wall
Councilman Robert J. Ferri
Councilman John P. Donegan (left meeting at 7:05 p.m.)
Councilman Richad D. Campopiano
Councilwoman Aniece Germain, Vice-Chair (left meeting at 7:55 p.m.)
Council Vice-President Lammis J. Vargas, Chair
Council President Jessica M. Marino

Also Present: Councilman Christopher G. Paplauskas
Anthony Moretti, Chief of Staff
John Verdecchia, Assistant City Solicitor
Rosalba Zanni, Assistant City Clerk/Clerk of Committees
Heather Finger, Stenographer

III. MINUTES OF THE LAST MEETING:

- **Approval of minutes of the November 16 regular meeting**

On motion by Councilwoman Renzulli, seconded by Councilman Wall, it was voted to dispense with the reading of the minutes of the November 16, 2023 regular meeting and they stand approved as recorded. Motion passed unanimously.

I. COMMITTEE BUSINESS MATTERS CARRIED OVER

Councilwoman Germain: *(Cont. 8/17/2023, 9/14/2023, 10/12/2023 & 11/16/2023)*

- ***Air B&B/VRBO***

Councilwoman Germain stated that she has had residents reach out to her asking if this is allowed in the City and if it is, how they can go about it. She asked if Administration can respond to this.

Director Moretti stated that the Administration is not prepared to speak to that. He questioned what Councilwoman Germain is looking for.

Council President Marino stated that her understanding is on the State level, the last legislative session, the State took up this issue and the State more or less tabled this issue and there is a commission that has been formed to address this issue so the State is looking at this and can only speak for herself in terms of from her perspective, she wants to see what the State does with respect to this issue before we, as a City, takes on Air B&B/VRBO because we want to be equal with our partners throughout the State. Her suggestion would be to put a pause on this and wait until the Spring to see what the General Assembly has taken up on this issue.

Councilwoman Germain stated that the question was, do we have regulations? If we do not have anything, then it can be removed.

8-23-03 *Ordinance in Amendment of Title 12, Chapter 08, Section 050 of the City of Cranston Code of Ordinances, 2005, Entitled "Repair of Defective Sidewalks - Generally".*
Sponsored by Councilwoman Germain. (Cont. 9/14/2023, 10/12/2023 & 11/16/2023).

Councilwoman Germain stated that this Ordinance is a result of many complaints or feedback from residents that are in need of having sidewalk repaired, but because of the burden to hire a contractor that is eligible to receive the reimbursement from the City when most of those who participate in the share cost and that result of the money have not been spent because there is a lack of finding a contractor to do the work. What the Ordinance does is because the law already says that it is the duty of the public to repair the sidewalk. Now there is available money to help those in need in the share cost program so she is putting the burden on the City instead of on the person who needs this repaired. Instead of after the sidewalk is repaired, the person calls the City and the City checks to make sure the work is done well and then can give the person the reimbursement.

Councilman Ferri asked Administration if it sees any problems with this becoming a reality. Director Moretti stated that this has major impact on the City. He questioned who is determining low income veterans and eliminating the use. There was limitation on subject to availability of capital general operating funds. There are a lot of red flags.

Councilman Ferri asked Councilwoman Germain if she has worked with the Administration to see if in fact they could go back and forth if this could be a reality. He agrees that sidewalks need to be fixed, but he just wants to make sure we can support this and can be afforded. Councilwoman Germain stated that she met with the Acting Public Works Director Mateus and Finance Director Zidelis and discussed it and there was no major issue with that. All the requirements are clear in the Ordinance as to eligibility. This is not for Commercial.

Chair stated that if a home is not owned by a veteran, but by a spouse that lives in the house, she asked if they would be eligible. Councilwoman Germain stated that she does not know, she has not checked the law, but she thinks that if you are a veteran and apply, that is pretty much straightforward for her so it would have to be the veteran to apply.

Solicitor stated that he does not see a Fiscal Note. Fiscal Notes are required with something of this scope.

Councilwoman Renzulli stated that she agrees that a Fiscal Note would definitely be required. Also, on top of money, if we are doing the work, we are now taking people from Public Works and taking them away from their work that they otherwise could be doing and this would be putting extra strain on personnel.

On motion by Councilman Ferri, seconded by Councilman Wall, it was voted to continue this Ordinance to the February meeting. Motion passed unanimously.

8-23-04 *Ordinance in Amendment of Title 10, Chapter 12, Section 250 of the City of Cranston Code of Ordinances, 2005, Entitled "Crosswalks Enumerated".* Sponsored by Councilwoman Germain. (Cont. 9/14/2023, 10/12/2023 & 11/16/2023).

Councilwoman Germain asked that this Ordinance be continued to the February meeting.

9-23-01 *Ordinance in Amendment of Title 17, Chapter 24 of the City of Cranston, 2005, entitled "Performance Standards Generally" adding Section 17.24.50 Retail Sales of Cannabis.* Sponsored by Hopkins. (Cont. 11/16/2023).

Solicitor stated that last week he met with Solicitor Marsella as well as Solicitor Millea and five of them had a meeting with Director Rodio and Inspector Pikul regarding some of the issues surrounding this particular Ordinance. What he did in the meantime was go through this Ordinance and compare it to the State enabling legislation. The reason that is important is because in the State enabling legislation, it specifically states that the cities and towns are given local control to an extent as to how these retail establishments can be regulated. It is critical that any Ordinance we enact be consistent with the State legislation. In going through this Ordinance and compare it to the State enabling legislation. The reason that is important is because in the State enabling legislation, it specifically states that the cities and towns are given local control to an extent as to how these retail establishments can be regulated. It is critical that any Ordinance we enact be consistent with the State legislation. In going through this, he identified two areas where there was an inconsistency in our Ordinance. One would be the buffer zone as it pertains to educational institutions. The State legislation specifically says that the local cities and towns can establish a buffer zone that is lower than 500 feet, but not greater so lines #32 and 33 of the Ordinance needs to be amended. That needs to be amended from 1000 feet to 500 feet or less. The other area that he was a little uncomfortable with is lines #43 and 44, second page of the Ordinance, which talks about the signage requirements. The way the Ordinance is worded, it references a C-3 Zone and then states that billboards are prohibited and referring back to enabling State legislation, it talks about signage and it states that signage requirements for retail marijuana establishments have to be the same. They have to be given as much leeway as we give to a retail liquor establishment. What he would like to do is insert language basically stating that signage requirements for building a free standing signs shall be consistent and delete the Zoning District and insert "consistent with standards applicable to retail establishments that sell alcoholic beverages". This removes the need of this analysis of how big the sign should be. This simplifies it. It simply says whatever liquor store could do they can do. This is going to be a work in progress. This is brand new and there may be some small adjustments that will have to be made in the future as this plays out, but those are the two major ones he saw.

Chair asked if this Ordinance would have to be readvertised and heard next month. Solicitor stated that the fact that we do not have our own Ordinance means that, in essence, anyone that wants to establish a retail recreational marijuana facility has to be treated like any other retail business. What that means is that if a retail business can be located in a C-1, C-2 or whatever, they can be located. The longer this goes out, he thinks the greater the possibility that someone might come in and locate in a C-1, C-2 District. They are not going to be confined to the M-1 or M-2 because we do not have an Ordinance because the way the law is written is if you do not have an Ordinance you are treated as a retail business. He mentions this as a caution. As to the readvertising question, they are definitely substantive changes, they are not scrivener errors and they are not small procedural things. The buffer zone is a fairly large change. The signage change is a substantive change not so much because it is pretty much mirroring the language in the State law. In his judgment, he does not think it is absolutely indispensable that the Ordinance be readvertised, but if you are uncomfortable and you would rather continue this to next month, readvertise it with those changes just to get additional input, that is fine. It is in the Committee's discretion.

Council President Marino stated that we are going to have a special session on December 19th relative to another item on this agenda. There will be a special Ordinance Committee meeting that evening and then followed by a full Council session. She would like to have this cannabis law enacted before January 1st so that we are not playing catchup and that we have adequate measures in place beforehand so if it is fine with the Chair, she asked for a few minutes recess to see what can be worked out with the schedule. Chair stated that that is fine and just for public transparency, she is not available on the 19th so she would like to be part of that conversation and not delay the process.

On motion by Councilwoman Renzulli, seconded by Councilman Ferri, it was voted to amend lines #33 and 34, Section C, "1,000 feet" to "500 feet". Motion passed unanimously.

On motion by Councilman Wall, seconded by Councilman Ferri, it was voted to amend Section D, #12, deleting "the C-3 zoning district" and adding "those standards applicable to retail establishments that sell alcoholic beverages". Motion passed unanimously.

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

9-23-05 *Ordinance in Amendment of Title 17 Zoning, Chapter 17.36.010 of the City of Cranston, 2005, Entitled 'Industrial Uses. Sponsored by Council President Marino. (Cont. 11/16/2023).*

Council President Marino stated that she has had some discussion with legal and there are some revisions that still need to be tweaked and she asked that this Ordinance be continued to the January meeting.

II. PUBLIC HEARINGS AND PUBLIC COMMENT

None.

III. NEW MATTERS BEFORE THE COMMITTEE

10-23-01 ORDINANCE *in Amendment of Title 17 of the Code of the City of Cranston, 2005, Entitled 'Zoning'; Sponsored by Mayor Kenneth J. Hopkins.*

Director Moretti stated that after this was submitted, some of the feedback was received and the Administration would like this Ordinance continued to next possible meeting, preferably the 19th.

On motion by Councilman Ferri, seconded by Councilman Wall, it was voted to continue this Ordinance to the special session on December 19th. Motion passed unanimously.

Chair requested that the Planning Director be present at that meeting.

IV. ADJOURNMENT

The meeting adjourned at 8:35 p.m.

Respectfully submitted,

Rosalba Zanni
Assistant City Clerk/Clerk of Committees