

DEPARTMENT OF CITY CLERK

CITY HALL

MARCH 23, 1993

The Committee on Ordinances meets this day at 5:00 o'clock p.m., in Committee Room "A", City Clerk's Department, City Hall.

PRESENT: Chairman Igliazzi, Councilman Clarkin and Councilman Fenton.

ABSENT: Vice-Chairwoman Williams and Councilwoman DiRuzzo.

Also present is John D'Amico, Deputy City Solicitor; Merlin DeConti, Director of Inspections and Standards; Barbara A. Poirier, Second Deputy City Clerk and Lesley Albanese, Assistant Clerk.

AN ORDINANCE IN AMENDMENT OF SECTION 27-2 OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE, AS AMENDED, INCREASING THE FILING FEE FOR PETITIONS TO THE ZONING BOARD.

CHAIRMAN IGLIOZZI: Mr. D'Amico, you have the floor.

MR. D'AMICO: The first item on the agenda is a matter that was continued from the last meeting. At that time the Committee may recall there was some discussion on changing certain aspects of Director DeConti's proposed amendments to the zoning fees. I believe Director DeConti is handing out copies of his draft and that I have reviewed today.... Which reflect the discussion that occurred the last meeting.

CHAIRMAN IGLIOZZI: I remember there were two questions outstanding. There was a question on whether or not we needed to have another public hearing due to the fact that we were changing the amount of the fees.

MR. D'AMICO: And for the final draft.

MR. DECONTI: I can discuss the draft. I broke this down into sections instead of one section .... what I did in the beginning I - - a fee, a filing fee comprised of the processing fee and an advertising fee. Then in Section 2, I called it the advertising fee at a \$100.00 which is the way you wanted it. Then I called the previous filing fee, a processing fee and at the bottom everything from One family dwelling all the way down to the \$25.00 renewal is exactly the same. Then I added "any petition that otherwise provided for \$200.00 Dollars" and then where there are mixed codes the higher use shall govern. And then the next sheet, I said "in no case shall the sum of the advertising fees and the processing fee exceed \$1,000.00" . And then the last two sections

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are the same.

CHAIRMAN IGLIOZZI: It is clear and it answers all the questions of the committee members. Unless, are there any questions?

MR. D'AMICO: The general rule is that a substantial change in a proposal would require a second hearing. The change that is proposed here actually is less stringent requirements. The monetary amount is deleted. There is of course the increase - - the addition to the advertisement fee and the addition of a line that has to do with other filing fees. However, it is certainly open for dispute, it does not seem to be such a magnitude of change to be substantial. And it would appear that a second hearing isn't necessary. In my recollection, is that there were no attendees at the first hearing other than the Director.

CHAIRMAN IGLIOZZI: That may be the case. I'm just saying, do you feel comfortable if there were a challenge based on the fact of the change including the \$100.00 advertisement fee. Which was not advertised. That is the only thing I can think that would <sup>I</sup>believe that could be interpreted as a change. Because the rest is a matter of whether it is a \$100.00 or \$200.00, not to exceed a \$1,000.00. Those were put in to make sure that someone doesn't have to pay \$2,000.00 or \$3,000.00 for the filing fee. But, the \$100.00 advertising fee is the one that I was concerned with.

COUNCILMAN CLARKIN: Mr. Chairman, let me just say that basically all we've done is shift some of the figures around. I don't think it is a big deal.

CHAIRMAN IGLIOZZI: ...satisfied with that?

MR. D'AMICO: Is it opened to challenge? Yes. Everybody can file a challenge. However, it would appear that this is not so substantial of a change as to warrant a second hearing.

COUNCILMAN FENTON: Actually it could have been more money under the old way. Because of the multi-family dwellings.

CHAIRMAN IGLIOZZI: Is there any other evidence or any other comments that need to be placed on the record?

On motion of Councilman Clarkin, seconded by Councilman Fenton it is voted to approve the foregoing Ordinance.

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AN ORDINANCE AMENDING SECTION 14-88 ENTITLED: "OPERATION WITHOUT LICENSE PROHIBITED".

CHAIRMAN IGLIOZZI: Just for the record, just review what changes occur when you compare it the existing ordinance.

MR. DECONTI: You mean the original ordinance?

CHAIRMAN IGLIOZZI: In other words, there is nothing on the books, am I right?

MR. DECONTI: Yes, there is.

CHAIRMAN IGLIOZZI: Well, that is my question.

MR. DECONTI: There is an ancient section on the books. We eliminated some. Well, for instance, we still some of the terms of stationary engine and prime mover which is really steam engines. Which is hardly ever used anymore. But, we eliminated a lot of the old terminology that is not used anymore. We made it clear as to the requirements for licensing and what the responsibilities for each type of license; Boiler Operator, Stationary Engineer, Refrigeration Machine Operator and Apprentice Boiler Operator what the requirements for them were. We classified refrigerants and we included new up-to-date from classifications and we made it clear on the authority to issue the license. We included a section on - - of licenses and we increased the fees for the licensing from \$10.00 and \$6.00 for renewals to more reasonable fees to represent the cost of the time that it takes for the department to process this. We have actually spent two mornings a week every week of the year in issuing these licensing for these people that come in for examinations. It is every Tuesday and Thursday.

CHAIRMAN IGLIOZZI: This is just what....

MR. DECONTI: We were bringing in \$9,000.00 before and now we are bringing in close to \$50,000.00 now. So, this will cover the cost of new inspectors. We also included new sections that allow for computers to monitor the equipment and we made it clear as to responsibility for the operator with regard to their location in the building or location in the actual operating room, should the equipment not be monitored by a computer.

CHAIRMAN IGLIOZZI: So, your saying as I understand you correctly that still will increase it from \$9,000 to \$50,000.

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Is that because of the fees of renewing the renewal?

MR. DECONTI: Right.

CHAIRMAN IGLIOZZI: What is it present?

MR. DECONTI: The exact numbers?

CHAIRMAN IGLIOZZI: There is a new application fee and a new renewal fee, right now?

MR. DECONTI: Yes, there are. But, they are very low.

COUNCILMAN FENTON: Ten Dollars or something.

MR. DECONTI: I know it brought in \$9,600.00

CHAIRMAN IGLIOZZI: And that ordinance was passed when?

MR. DECONTI: The last time it was changed, 1957.

COUNCILMAN FENTON: The original one was 1937.

CHAIRMAN IGLIOZZI: So, we are talking approximately 30 something odd years later, you are bring the statue up-to-date. In addition to bringing the fees to a level that would at least cover the cost.

MR. DECONTI: We would like to buy a camera so we can make some laminated cards. So, that the boiler operators can have on their person. Because right now we found people ....

CHAIRMAN IGLIOZZI: These fees are related to the cost of processing the exams and the renewal applications.

MR. D'AMICO: If I may, you in fact conducted a study of those circumstances that your office - - ?

MR. DECONTI: Yes I know how much time it takes for our inspectors to do that and for our secretary to keep tract of the paper.

CHAIRMAN IGLIOZZI: And you have kept all those notes and records haven't you?

MR. DECONTI: Yes.

CHAIRMAN IGLIOZZI: And you have them in your files somewhere in the event you ever need to substantiate the change in files.

COUNCILMAN FENTON: Those were regulated for the most part for the ones that I have heard want the legislation. Because of just the out of dateness of the existing ordinance and the fact that it doesn't take into effect computer operated equipment.

MR. DECONTI: Let me give you a little more back ground on

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this. My Chief Mechanical Inspector has worked with the Providence Gas Company to develop - - so that we send the individuals that come for exams to these courses ahead of time. As a result, we've got more qualified people, we've got better protection for the equipment and better operation of equipment and better understanding of the equipment. Providence Gas has provided us with a free inspector and has done this at night on his own time. And we feel that it is such a good program and other cities are asking us to issue licenses to these people. Just so they know their competent. The only other city or town, I think it is Woonsocket in the whole state that issue licenses. Although, anyone is authorized to do so by the State enabling legislation. But, it is ... the insurance companies feel safer about it, knowing that you have a license operator on board. Someone who knows the equipment and is tested and is known to be able to handle an emergency operation.

CHAIRMAN IGLIOZZI: And you reviewed the final draft?

MR. D'AMICO: Yes, I have.

CHAIRMAN IGLIOZZI: Satisfied?

MR. DECONTI: Yes.

On motion of Councilman Fenton, seconded by Councilman Clarkin, it is voted to approve the foregoing Ordinances.

AN ORDINANCE AMENDING CITY OF PROVIDENCE ORDINANCE CHAPTER 1991-29 APPROVED OCTOBER 24, 1991.

CHAIRMAN IGLIOZZI: We had a public hearing on this matter? Were there anyone who testified against this, John? We have been having a lot of public hearings.

COUNCILMAN FENTON: I don't believe so.

CHAIRMAN IGLIOZZI: I believe this is the one where we are putting a more stringent requirement. Presently, their allowed in Section 24.4, their in use regulations. This would require a special exception. Is that right?

MR. D'AMICO: That is my understanding, Mr. Chairman.

MR. DECONTI: It was allowed in a C-2 zone in the past and there is some concerns that that was to liberal. And so we made a special exception so that there would be a hearing before the zoning board

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prior to the establishment of such a facility in any commercial area.

CHAIRMAN IGLIOZZI: Is it just C-2 or C-1 and C-2?

MR. DECONTI: C-1 was never allowed before.

CHAIRMAN IGLIOZZI: I am looking at the change and it appears to me that it was originally allowed in C-2, C-4 and W-2 and we're now requiring a special exception in order to get a drug or alcohol rehabilitation in C-2, C-4 or W-2. That was my understanding, I don't have my notes from the meeting.

MR. DECONTI: I have my zoning ordinance. I can tell you what's allowed now. Right now, it is permitted in C-2, C-4, D-1, D-2, W-2 and 1. Now, it is going to be allowed D-1, D-2 and 1 and special exceptions W-2, C-2 and C-4. So, the ones that are highlighted....

CHAIRMAN IGLIOZZI: The three changes are the C-2, C-4 and W-2.

MR. DECONTI: Which is basically - - .

CHAIRMAN IGLIOZZI: And it is something that is not allowed, it is you just need to get a special exception. Which is not the most stringent requirement.

MR. DECONTI: No, they have a hearing and they make sure it is going to be in performance of the neighborhood and not - - in the area.

On motion of Councilman Clarkin, seconded by Councilman Fenton, it is voted to approve the foregoing Ordinance.

AN ORDINANCE IN AMENDMENT OF CHAPTER 564 OF THE ORDINANCES OF THE CITY OF PROVIDENCE, ENTITLED "THE CITY OF PROVIDENCE ZONING ORDINANCE" APPROVED OCTOBER 24, 1991 BY AMENDING PROVIDENCE ZONING DISTRICT MAP BY CHANGING THE ZONING DISTRICT DESIGNATION OF LOTS 203 AND 213 FROM OS TO R-2.

CHAIRMAN IGLIOZZI: The last item on the agenda is another zoning change. We had a public hearing on a previous date and as I recall this involves Open Space to R-2. Was this the one that was withdrawn?

COUNCILMAN FENTON: Yes, at that public hearing.

MRS. POIRIER: This is the one that <sup>was</sup> they withdrawn at that night of the public hearing. We have to do it in the Committee.

On motion of Councilman Fenton, seconded by Councilman Clarkin, it is voted to Postpone Indefinitely the foregoing Ordinance.

COUNCILMAN CLARKIN: I would just/<sup>like</sup>to say one thing before we

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adjourn and I usually like to adjourn things fast. Let me say this, Merlin DeConti always comes very prepared and he is very efficient and I want to say thank you very much.

CHAIRMAN IGLIOZZI: Any other matters to be concerned with?

COUNCILMAN FENTON: No, but we should have something on the alarm ordinance within the next... I'd say it is going to be a little longer because the police department is having some problems getting out their numbers. The alarm companies have their numbers and hopefully we'll get together in about a week.

CHAIRMAN IGLIOZZI: Okay. We got a public hearing tonight, what is that matter on?

MR. D'AMICO: The public hearing is on the proposed zoning change for the Girl Scout headquarters.

ADJOURNMENT: On motion of Councilman Fenton, seconded by Councilman Clarkin, it is voted to adjourn at 5:30 p.m.

*Barbara A. Paeris*

CLERK

*Lesley M. Albanese*  
Assistant Clerk