



## Committee on Ordinances

### Regular Meeting

~ Meeting Minutes ~

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Wednesday, February 10, 2016

5:30 PM

Committee "A" (City Hall 3rd Floor)

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PRESENT: Vice-Chairman Bryan Principe; Councilwoman Carmen Castillo, Councilwoman Mary Kay Harris and Councilwoman Jo-Ann Ryan – 4.

ABSENT: Chairman Terrence M. Hassett – 1.

Also present are Councilman Kevin Jackson; Councilman Seth Yurdin; Councilman Samuel D. Zurier; Sean Creegan, Assistant City Solicitor, Law Department; Robert Azar, Deputy Director, Department of Planning & Development; Donald Gralnek, Director, Providence Redevelopment Agency; Kathryn Sabatini, Municipal Integrity Officer, Law Department; Susann G. Mark, Chairwoman, Providence Ethics Commission; Jonathan Boucher, Director of Intergovernmental Relations, Mayor's Office; Frank LaTorre, Senior Director, Providence Downtown Improvement District; M. Zachary Mezera, Commissioner, Providence Ethics Commission; John Garrahy, Esquire; Susan LaPidus; Mark Ryan, Esquire, Moses Afonso Ryan for Johnson & Wales University; Lynn Rakatansky; Tina L. Mastroianni, Assistant Clerk, Dawn E. Ostiguy, Assistant Clerk and Donna M. Peligian, Assistant Clerk.

**1. An Ordinance Approving and Adopting the Port Redevelopment Plan, Dated July 2015 and Amending in its entirety the prior Port of Providence Redevelopment Plan.**

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| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>   |
| <b>MOVER:</b>    | Councilwoman Harris   |
| <b>SECONDER:</b> | Councilwoman Ryan   |
| <b>AYES:</b>     | Vice-Chairman Principe, Councilwoman Castillo, Councilwoman Harris and Councilwoman Ryan - 4. |
| <b>ABSENT:</b>   | Chairman Hassett - 1.   |

**2. An Ordinance Amending Chapter 12, “Health and Sanitation,” Article III, “Garbage, Trash, and Refuse,” Section 64, “Frequency and Method of Removal of Wastes.”**

ASSISTANT CLERK MASTROIANNI: Mr. Chairman, we do have a substitution for this item.

VICE-CHAIRMAN PRINCIPE: Okay, if you could pass that out please. And, Madame Clerk, if you could please have this substitution reflected as item number 2A.

COUNCILWOMAN RYAN: Motion to accept.

COUNCILWOMAN HARRIS: Second.

On motion of Councilwoman Ryan, Seconded by Councilwoman Harris, it is voted to substitute the foregoing matter.

**AT EASE**

**RECONVENTION**

VICE-CHAIRMAN PRINCIPE: While waiting for someone to come speak about this, if we could read item number three into the record.

**3. An Ordinance in Amendment of Chapter 27 of the Code of Ordinances of the City of Providence, Entitled: "The City of Providence Zoning Ordinance", Approved November 24, 2014, As Amended, to change the Zoning District of Plat 86, Lot 619. (177 Everett Avenue)**

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| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>   |
| <b>MOVER:</b>    | Councilwoman Ryan   |
| <b>SECONDER:</b> | Councilwoman Harris   |
| <b>AYES:</b>     | Vice-Chairman Principe, Councilwoman Castillo, Councilwoman Harris and Councilwoman Ryan - 4. |
| <b>ABSENT:</b>   | Chairman Hassett - 1.   |

VICE-CHAIRMAN PRINCIPE: Madame Clerk, if we could go back to item number two, it's actually 2A.

**2. An Ordinance Amending Chapter 12, "Health and Sanitation," Article III, "Garbage, Trash, and Refuse," Section 64, "Frequency and Method of Removal of Wastes."**

VICE-CHAIRMAN PRINCIPE: Okay. So, it appears we have a substitution here for the matter and do you mind going over some of the changes that you're aware of.

MS. GRAF: Sure. Do you want just to hear the changes on the substitution or all of the proposed amendments to the sections of the code?

VICE-CHAIRMAN PRINCIPE: Why don't we go over the changes first and then we can do an overview of the item.

MS. GRAF: Okay. So, the Sub A, the change is under section two, which starts at the bottom of page one regarding the use of dumpsters. The actual amended language is on page two, subsection (e), and the change currently it states that no dumpster located within two hundred feet of a residential zone shall be serviced between the hours of eleven and seven. The change would change it to two hundred feet of a residential property located in a zone in which dwellings are permitted. So, that would impact areas such as downtown where there are residential properties and there are dumpsters located within proximity of those.

VICE-CHAIRMAN PRINCIPE: Not necessarily in a residential zone –

MS. GRAF: Right.

VICE-CHAIRMAN PRINCIPE: -- but they're residential properties.

MS. GRAF: Exactly, that are impacted by early morning dumpster removals. So, that is the only change in the Sub A.

VICE-CHAIRMAN PRINCIPE: Okay.

COUNCILWOMAN HARRIS: Can I ask a question?

VICE-CHAIRMAN PRINCIPE: Councilwoman Harris.

COUNCILWOMAN HARRIS: In Sub A, under 12-64(5), the first page, before the change is three hundred, is that all connected in section two or is that separate?

MS. GRAF: Yeah, it actually – that – I would suggest a further amendment to that subsection on page one, subsection five, to match more closely with the language under the dumpsters. So, if it pleases the Committee I would recommend that it says consistent within terms of the two hundred feet radius and the hours between eleven and seven versus ten and seven.

VICE-CHAIRMAN PRINCIPE: Okay. Councilwoman Ryan.

COUNCILWOMAN RYAN: Ms. Graf, I just noticed on page one, item five, there's an inconsistency in the language. The third line down, it says –

MS. GRAF: Yeah.

COUNCILWOMAN RYAN: -- within three hundred and then two hundred feet.

MS. GRAF: Yeah.

COUNCILWOMAN HARRIS: That's what I was just talking about.

COUNCILWOMAN RYAN: So, is it two hundred?

MS. GRAF: I would recommend that it would be two hundred.

VICE-CHAIRMAN PRINCIPE: I think what Yvonne is suggesting is that in order for it to be aligned with the text later on in the Ordinance, that we can entertain a motion to change or strike the wording three hundred and make it two hundred and then change the hours from 10:00 P.M. to 11:00 P.M. Is that right?

MS. GRAF: Yes.

COUNCILWOMAN HARRIS: So moved.

COUNCILWOMAN RYAN: Second.

On motion of Councilwoman Harris, Seconded by Councilwoman Ryan, it is voted to amend the foregoing matter.

VICE-CHAIRMAN PRINCIPE: All those in favor.

COMMITTEE: Ayes.

VICE-CHAIRMAN PRINCIPE: Opposed? The "AYES" have it.

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| <b>RESULT:</b>   | <b>CONTINUED WITH VOTE [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Councilwoman Ryan   |
| <b>SECONDER:</b> | Councilwoman Castillo   |
| <b>AYES:</b>     | Vice-Chairman Principe, Councilwoman Castillo, Councilwoman Harris and Councilwoman Ryan - 4. |
| <b>ABSENT:</b>   | Chairman Hassett - 1.   |

- 4. An Ordinance in Amendment of Chapter 27 of the Ordinances of the City of Providence, Entitled: "The City of Providence Zoning Ordinance", Approved November 24, 2014, As Amended, to change certain text in Articles 2, 5, 12, 14, 16 and 20, and to Amend the Official Zoning Map.**

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| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>   |
| <b>MOVER:</b>    | Councilwoman Ryan   |
| <b>SECONDER:</b> | Councilwoman Castillo   |
| <b>AYES:</b>     | Vice-Chairman Principe, Councilwoman Castillo, Councilwoman Harris and Councilwoman Ryan - 4. |
| <b>ABSENT:</b>   | Chairman Hassett - 1.   |

- 5. Petition from Sean Harrington, 3 Branch LLC, and Timothy Harrington, Oak Ridge, LLC, requesting to change the zoning designation on Assessor's Plat 71, Lot 563 and Assessor's Plat 74, Lots 1, 3, 8, and 9 on the Public Right of Ways know as Flora Street, Branch Avenue and Metcalf Street from C-1 to C-2.**

ASSISTANT CLERK MASTROIANNI: Mr. Chairman, I do have a letter from Councilman Narducci, who is in that Ward asking that this matter be continued because he could not attend tonight.

VICE-CHAIRMAN PRINCIPE: Okay. If we could please attach this to item number five as Exhibit 1. Motion to accept the Exhibit.

COUNCILWOMAN RYAN: So moved.

COUNCILWOMAN HARRIS: Second.

On motion of Councilwoman Ryan, Seconded by Councilwoman Harris, it is voted to attach the letter from Councilman Narducci to the foregoing matter as Exhibit 1.

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| <b>RESULT:</b>   | <b>CONTINUED (WITH VOTE) [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Councilwoman Ryan   |
| <b>SECONDER:</b> | Councilwoman Harris   |
| <b>AYES:</b>     | Vice-Chairman Principe, Councilwoman Castillo, Councilwoman Harris and Councilwoman Ryan - 4. |
| <b>ABSENT:</b>   | Chairman Hasset - 1.  |

6. **Petition from John J. Garrahy, Esquire, Moses, Afonso, Ryan, 160 Westminster Street, Suite 400, Providence, Rhode Island 02903, dated October 1, 2015, requesting to change the Official Zoning Map by changing the zoning district for the property located at 19 and 21 Planet Street (Plat 12, Lot 132 and a portion of Plat 12, Lot 303), from R-2 to C-2.**

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| <b>RESULT:</b>   | <b>APPROVED (WITH VOTE) [UNANIMOUS]</b>   |
| <b>MOVER:</b>    | Councilwoman Harris   |
| <b>SECONDER:</b> | Councilwoman Ryan   |
| <b>AYES:</b>     | Vice-Chairman Principe, Councilwoman Castillo, Councilwoman Harris and Councilwoman Ryan - 4. |
| <b>ABSENT:</b>   | Chairman Hasset - 1.  |

7. **An Ordinance in Amendment of Chapter 27 of the Code of Ordinances of the City of Providence Entitled: "The City of Providence Zoning Ordinance" Approved June 27, 1994, As Amended. (53 Doyle Avenue)**

VICE-CHAIRMAN PRINCIPE: So, I think what we'll do is entertain a motion to authorize a public hearing.

COUNCILWOMAN RYAN: With the understanding that it's our expectation that Mr. Azar will work with the petitioner. Is that right?

VICE-CHAIRMAN PRINCIPE: Oh, absolutely. With everything that's been said we'll get answers from the Planning Department, if there's anything that – Sean, if there's anything that comes from the Solicitor's Office and we won't set a date at this point but we'll authorize it and we'll get a date set upon the gathering of the information.

COUNCILWOMAN CASTILLO: So moved.

COUNCILWOMAN RYAN: Second.

On motion of Councilwoman Castillo, Seconded by Councilwoman Ryan, it is voted to authorize a public hearing for the foregoing matter.

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| <b>RESULT:</b>   | <b>CONTINUED WITH VOTE [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Councilwoman Harris   |
| <b>SECONDER:</b> | Councilwoman Castillo   |
| <b>AYES:</b>     | Vice-Chairman Principe, Councilwoman Castillo, Councilwoman Harris and Councilwoman Ryan - 4. |
| <b>ABSENT:</b>   | Chairman Hassett - 1.   |

**8. Communication from Susann G. Mark, Chairwoman, Providence Ethics Commission, dated January 8, 2016, submitting the Providence Ethics Commission's advisory opinion process for the City Council's consideration.**

ASSISTANT CLERK MASTROIANNI: Mr. Chairman, before we go any further, we do need to amend this heading to read what is in parenthesis so that it would read “Communication from Susann G. Mark, Chairwoman, Providence Ethics Commission, dated January 8, 2016, submitting the Providence Ethics Commission complaint process for the City Council’s consideration.” If someone could move to amend that.

VICE-CHAIRMAN PRINCIPE: So, I’ll entertain a motion to amend as stated.

COUNCILWOMAN RYAN: So moved.

COUNCILWOMAN HARRIS: Second.

On motion of Councilwoman Ryan, Seconded by Councilwoman Harris, it is voted to amend the heading of the foregoing matter.

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| <b>RESULT:</b>   | <b>APPROVED, AS AMENDED [UNANIMOUS]</b>   |
| <b>MOVER:</b>    | Councilwoman Ryan   |
| <b>SECONDER:</b> | Councilwoman Harris   |
| <b>AYES:</b>     | Vice-Chairman Principe, Councilwoman Castillo, Councilwoman Harris and Councilwoman Ryan - 4. |
| <b>ABSENT:</b>   | Chairman Hassett - 1.   |

**ADJOURNMENT:** On motion of Councilwoman Ryan, Seconded by Councilwoman Harris, it is voted to adjourn the meeting at 6:44 o'clock P.M.

*Jina L. Mastroianni*  
**Assistant Clerk**

*Donna M. Peligian*  
**Assistant Clerk**