

DEPARTMENT OF CITY CLERK
CITY HALL
JUNE 12, 1997

The Committee on Ordinances meets this day at 4:30 o'clock p.m.,
Committee Room "A", City Clerk's Department, City Hall.

PRESENT: Chairman Igliazzi, Vice-Chairwoman Williams; Councilwoman
DiRuzzo and Councilman Clarkin.

ABSENT: Councilman Allen.

(Subsequently Councilman Allen joins the meeting)

Also present are John D'Amico, Senior Assistant City Solicitor; Raymond
Dettore, Chairman of the Board of Licenses; Sam Shamoon, Associate Director of
Planning and Development; Barbara A. Poirier, Second Deputy City Clerk and
Lesley M. Skeffington, Assistant Clerk.

**AN ORDINANCE AMENDING THE CITY OF PROVIDENCE
ZONING ORDINANCE CHAPTER 1994-24 NO. 365, APPROVED
JUNE 27, 1994, AS AMENDED. (ADULT ENTERTAINMENT)
(REFERRED BACK FROM COUNCIL 3/6/97)**

MR. DETTORE: It appears from what I received that your proposing to
amend 1008 by adding a 1008.A which deals with reproduced material. I had sent
you a letter in March with regard to continuing that at least until we had some kind
of final determination on some of the law suits that are pending. Because it's my
feeling and I had talked to our attorney that this amendment might effect the
situation that are in the City now. In that a court might look at this and say what
was there before was okay, but now you changed it and we're not to sure. The way
this is worded about the reproduced materials, I mean show me a magazine today
that doesn't show buttocks or something of that nature. I mean Time magazine has
them, National Geographic has them. You know the old story used to be National
Geographic. But, I mean almost every other news magazine has something that
might violate this particular section of the proposed ordinance. I think it is a
dangerous amendment at this particular time at least while we have all these suits.
We have right now...

CHAIRMAN IGLIOZZI: How many law suits are pending?

MR. DETTORE: On adult entertainment?

CHAIRMAN IGLIOZZI: And where are they pending?

MR. DETTORE: There are three or four in the Federal Court pending
against us involving Club Marti Gras, another club, The Upstairs Bookstore which
would be a direct relationship to this particular amendment. There's another Satin
Doll over there dealing with fines. And there are also at least two pending in the
Supreme Court.

CHAIRMAN IGLIOZZI: The Rhode Island Supreme Court?

MR. DETTORE: One of the Satin Doll cases and one of the Sportsman's Inn cases.

CHAIRMAN IGLIOZZI: Did they make a docket yet? Did they schedule to be heard?

MR. DETTORE: I don't know. John, are you aware of any scheduling on those?

MR. D'AMICO: No.

CHAIRMAN IGLIOZZI: I'd be more concerned with the Rhode Island Supreme Court cases.

MR. DETTORE: We're successful, by the way, on both of those cases.

CHAIRMAN IGLIOZZI: I know that, that's why I'm saying if you get sustained on appeal at the Supreme Court then where does this sit? That's my question.

MR. DETTORE: I always become fearful. See I think right now we are in a fairly strong position, the way the Zoning Ordinance is right now and the success that we've had with it and it deals basically with the entertainment aspect. I always get nervous and courts, if I recall, Kevin had mentioned to be a couple of times where the Judge had said this doesn't deal with printed material etc. during the course of argument over in the courts. I just think anytime you get involved with printed material and remember you want to put how many theaters Downtown. Tell me what movie other than the Lion King...

MR. D'AMICO: Excuse me, if there's going to be a general discussion of the ordinance, that's fine. If you want to specifically talk about pending case, I suggest that the Committee goes into executive session.

CHAIRMAN IGLIOZZI: I don't think we need to do that. I'm just trying to get a feel and I want the Committee to get a feel. I want to get a feel of where these cases were, I don't know ^{who} ~~how~~ sponsored this. It was referred back to Council. I just want to get a feel from the Committee on whether they want to continue it and wait for the outcome of these cases.

MRS. POIRIER: It was sponsored by Councilman Igliazzi.

CHAIRMAN IGLIOZZI: Well, there you go.

MRS. POIRIER: It was referred back on March 6th.

CHAIRMAN IGLIOZZI: Since this is my legislation, I would ask for a motion to continue.

On motion of Councilman Clarkin, seconded by Vice-Chairwoman Williams, it is voted to continue the foregoing ordinance.

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CHAIRMAN IGLIOZZI: Ray, I would ask you to make a note in the file that based upon today's discussion, why don't you attach a note to that, that is won't come up because we're waiting for the outcome of at least the Supreme Court decision which are pending and we were successful at the lower court. All in favor? But, otherwise it's in final form, right John? Unless the Supreme Court decision come down with some interpretation.

MR. DETTORE: As a matter of fact, if they do come down against us, we have to come back to the drawing board and do 1008.

CHAIRMAN IGLIOZZI: There's been a motion and there's been a second. All those in favor?

COMMITTEE: Aye.

CHAIRMAN IGLIOZZI: Opposed? The "ayes" have. Thank you. Unless there's an objection to take 8 out of order.

AN ORDINANCE PERTAINING TO THE LICENSING OF PERSONS WORKING AS BOUNCERS, SO-CALLED, DOOR KEEPERS AND CROWD CONTROLLERS.

CHAIRMAN IGLIOZZI: There was a lot of discussion about this, Ray. I think the Law Department, specifically John D'Amico, did an unbelievable job, not only answering the questions, but also in trying to... just to refresh the recollection of the Committee, I know Councilwoman Williams wasn't here. This ordinance was a combination and conglomeration of two ordinances, one sponsored by Councilman Lombardi and one sponsored by Evelyn Fagnoli. And what the Law Department did is they put two ordinances together and tried to come up with comprehensive ordinance that covered everybody's concerns and we merged them into what's called "a" and "b" which was now "c". So, "c" is a combination of "a" and "b". But, even "c" as drafted raised serious questions back and forth and I think that there was also a question by the Chairman of the Licensing Bureau that it was going to raise significant administrative problems and we wanted to have an opportunity to present it. Is that where we are? Is that right, Bob?

COUNCILMAN CLARKIN: Mr. Chairman, I'm not a 100% in favor of this ordinance, number one. So, I'm not the person to ask.

CHAIRMAN IGLIOZZI: I'm just asking if my interpretation of my recollection is correct in where we were, that's all I'm asking. So, anyway I know you want to here on this, Ray. So, again, the floor's yours.

MR. DETTORE: Okay, I just want to look at this ordinance from several aspects. I believe when Councilman Lombardi had first raised this issue several years ago, we had done some research and I tried to find it and some how it got

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misplaced. And we had come to a determination that we needed enabling legislation from the State. This was back then. The other aspects I look at is the administrative aspect. We are getting more and more, we got auto repair, we've got the revised peddler and as time goes on when we discuss some of these other ordinances, I had indicated a couple of years ago if we keep changing and adding some of these responsibilities, we're going to need more employees, at least one more. If this goes into effect, it might be the straw that supposedly broke the camel's back and I would have to ask for another employee. I mean from that stand point, that's an administrative stand point. From the other stand point...

CHAIRMAN IGLIOZZI: Just to make the record clear, in the Committee on Finance when he made his presentation, he indicated as a result of the peddler's license changing and the also the automobile repair license and that added responsibility, he was hoping for an additional employee. I do think that at some point when we continue to add more and more responsibilities, we have to consider that, if we're going to do that. We have to start understanding that when we lop on that responsibility an employee must go with it. But, again, I'll turn the floor back over to you. That was in Finance as of Monday.

MR. DETTORE: Right now, you know we're involved in a lot of these adult entertainment hearings. We're trying to fix in between, some times people say why are there so many continuances. Some times it's due to court schedules or both the City and the licensee or a policemen that's out on furlough or something of that nature. But, a lot of times it's because we have so many other things that we have to do in between in order to continue to try and give speedy justice, so to speak, we have to fit them in and administratively it becomes difficult. And then also look at the aspect of some of the requirements. Just for example, one of the requirements here is never been convicted of a felony in any jurisdiction. Well, a felony can be the bouncing of a \$501 check. Also, you can hold a liquor license with a felony conviction. That's discretionary. We've had maybe 5 people in the City of Providence in the 18 years that I've been here that have had felony convictions and you know for a variety of reasons, we allow them to hold a license. So, I mean you can own the bar, but you can't be a bouncer in it. From the stand point of looking at the larger establishments, I don't think this would be a big problem except they would grumble, the larger establishments, that they'd have to pay the license fee for their employee. But, if you look at the smaller establishments, some one who might have their brother-in-law or their sister-in-law as a door person at their particular establishment, they might be hiring maybe a fill-in for the weekend.

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Now, a policemen comes in there and now their going to have a license problem. From the enforcement stand point, it becomes cumbersome. There is so many of these places. If the Council chooses to pass this ordinance, fine it's another responsibility we have and we would make a formal request at that point for an additional employee. If the Council was so inclined to establish this, we would want to add a few other things in here as far as expiration dates, application process, there would be some other things that we would want to put in here. We can go with it either way. We think that it might be an enforcement problem and it might hurt some of the smaller establishments. But, from the other side of the coin... because the larger ones right now maintain records. They cooperate with the board and license enforcement unit. Some of the bigger establishments, they maintain a book with photos of all of their door people so that if there is a complaint, the Police Department is able to go with whomever the complainant might and we found that one many occasions what happens is you get somebody who is disgruntled who's been removed from an establishment and they run to the Police Department and say I've been assaulted there to try and get an upper hand. It's a cumbersome situation because you would have a lot of these smaller places that would probably try to fill in with a friend or a relative and they won't be licensed and all of a sudden they get a liquor license violation.

CHAIRMAN IGLIOZZI: What's the Police Department's position.

MR. DETTORE: My recollection is the Police Department would favor it. Because it is more of an area that police think that way. I can't help my - - and probably more then not being on the defense. But, I'm familiar and you were a prosecutor, so you know what the police and the prosecution mentality is. There's more papers and identification...

CHAIRMAN IGLIOZZI: I got questions about this. Councilman Clarkin.

COUNCILMAN CLARKIN: I've basically been in a bar room or two in my life, I'll guarantee you that. I have never seen a person thrown out for minding his business for being a decent customer, being a decent patron. The only people I have seen thrown out is someone that tries to grab a girl and force them to have a dance with them or call her a name because she won't dance with them or some one that's causing trouble. And I'm afraid the only way you stop from having a riot is you've got to get the bad apple or whatever it is thrown out. And truthfully I've been thrown once or twice. There's a time when people deserve to be thrown out of a place. I have no problem with a proprietor taking someone and saying get out. And usually as the Chairman just said that basically some times someone turns

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around once they get thrown out, they run because now they want to protect themselves in case there is a charge against them for slapping the girl in the face who wouldn't dance with them. In any time I've ever been in, I've never seen a person thrown out of a place that didn't deserve to be thrown out. So, I sort of see this as almost just trying to stop the guy from... then we, as the City, blame a place that has a big problem because they didn't stop it. How do you stop it, if you don't have people that do it. We say this place is a bad place because there's always fights going on. They can't throw the bad guy out because... something is wrong. So, that's why I'm personally opposed to this and I don't own any place like that.

VICE-CHAIRWOMAN WILLIAMS: It's sound like a very cumbersome kind of thing to place on proprietors. Have we heard testimony from the sponsor of both of these? So, I don't have problems like this in my ward.

CHAIRMAN IGLIOZZI: Did we send out specific requests to the two of them?

MRS. POIRIER: I spoke to Evelyn today to see if she was coming.

CHAIRMAN IGLIOZZI: I think maybe we should because Councilman Allen raised some issues, I raised some questions. I was very concerned, I know there were a couple of things that I was concerned about, the fact that right now I don't like the fact that people are called "bouncers". You know a bouncer is not a legal term right now and as a former prosecutor, we used to charge bouncers when they used the excessive force. I was worried about giving this kind of authority to somebody without police academy training. Keep in mind typically ... security people don't have the right to physically assault anybody because they're not trained. You know if they are trained, then their so-called licensed.

MR. DETTORE: My experience in the last couple of years is because a lot of times there is a criminal case going on at the same time of the license case, almost I would say a good 70 or 80% of the bouncers who have been charged have been found not guilty. We had a hearing a couple of months ago on one of the night clubs because some kid showed up at the hospital and said the bouncers let me get stabbed and when the police came there, they found some blood on the guys car because he went to the hospital, but his car was parked four blocks from the establishments. I don't know if too many night clubs are going to let their employees follow somebody four blocks and they never showed up for the hearing.

COUNCILWOMAN DIRUZZO: Mr. Chairman, I think that this appears to have far reaching effects. It has positives and it has negatives. I would suggest that we continue this and have the sponsors appear here.

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CHAIRMAN IGLIOZZI: I think we should. At this point, John, and correct me, John, we're at the point where you made all the changes that raised the questions by some of us, right?

MR. D'AMICO: If I may, if the Committee will indulge me for one moment. There were a number of questions that were asked which I had attempted to respond. The question is, what is a "bouncer"? There is no Rhode Island definition of bouncer and yet there is a Louisiana case, *More vs. Blanchard*, from 1948 which is the only one we can find. And it talks about the term bouncers "a familiar - - used to designate persons employed as they were to preserve the peace and establishments such as night clubs and other places of amusements where people indulge in dancing, drinking and in gambling." "One that ejects disorderly persons or keeps gate crashers out" that's in Websters. If you notice in the ordinance it says "bouncers, so-called", if I may go back to the comments made by the Chairman. The chairman's office was kind enough to indicate that they had some concerns as to whether or not enabling legislation was necessary for this and I respectfully disagree with whoever did the research for the Chairman. I don't think you need enabling legislation and if you were, the board has authority over the keeping of taverns. So that might be enough. I don't really know if that's an issue. Additionally, I have taken it upon myself to draft a second copy which we can know designate as "d", if you wish. And what it does is rather than talk about licenses, it talks about permits. Now, I'll hand that out.

CHAIRMAN IGLIOZZI: Why don't we do this, why don't we attach "d" as an exhibit and add it to the last here and then continue it and invite the sponsors. Because it seems to me that this is really going to have be motivated or fueled by the sponsors because I think I agree with Councilman Clarkin. So, unless the sponsors really ... and I'm concerned about what the Chairman says and I know you've done a lot of work on this, John. I'm not trying to push aside that work. But, ultimately if "d" is as close as we're going to get and the sponsors are really fueling it, then we should hear from them. I don't get the sense from the Committee include absent Councilman Allen, that there's a lot of support on this Committee. I don't want it just stay in here and not get acted on. We need to mark this "d". What I would do, Mr. Dettore, I would ask you to review this and you said there were other things you might want, maybe at the next time we bring it up when the sponsors are here, you can maybe talk to the Law Department about making potential changes.

MR. DETTORE: I'm willing to come back when the sponsors are here and one of the things that my brother said maybe his research picked up something that we didn't a few years ago with reference to the enabling. But, he mentioned something else a couple of minutes ago that we have the general jurisdiction over bars and taverns. That might be a subject for not an ordinance or maybe a subject for a regulation of sorts.

CHAIRMAN IGLIOZZI: He's talking about permits now. So he's greatly changing what we're talking.

MR. D'AMICO: What I suggest is now the Committee can choose between the two forms, I mean for obviously reasons. One is licenses with certain schooling requirements and the permitting really doesn't go to that. Do you end up with the identification tag and you do end up with certain very basic requirements but would really be for tracking, you know for identification and to be certain that the applicant does not have certain things in their background that may not be desirable in crowd control individuals.

On motion of Councilwoman DiRuzzo, seconded by Councilman Clarkin, it is voted to continue the foregoing ordinance.

CHAIRMAN IGLIOZZI: All those in favor?

COMMITTEE: Aye.

CHAIRMAN IGLIOZZI: Opposed? The "ayes" have it. I guess we go to number one. Are you ready to talk about that, John, or are you all done?

MR. D'AMICO: These would be addressed by Mr. Shamoon.

**AN ORDINANCE AMENDING THE CITY OF PROVIDENCE ZONING
ORDINANCE CHAPTER 1994-24, NO. 365, APPROVED JUNE 27, 1994, AS
AMENDED RELATIVE TO PROVIDENCE DISTRICT MAP 25.
(SPONSORED BY COUNCILMAN LOMBARDI - BY REQUEST - 4/18/96)**

MR. SHAMOON: This was an item that was on the last agenda and the Committee continued it based on the fact that the Planning Department and the City Plan Commission was going to do a Comprehensive Plan. We haven't concluded that plan. We got started, we collected the data. We're working the City Plan Commission and it will take a few more weeks for us to finish it. So, we recommend it be continued again.

CHAIRMAN IGLIOZZI: This is another zoning change that can't operate until the Comprehensive Plan is amended.

On motion of Councilwoman DiRuzzo, seconded by Councilman Clarkin, it is voted to continue the foregoing ordinance.

CHAIRMAN IGLIOZZI: All in favor?

COMMITTEE: Aye.

CHAIRMAN IGLIOZZI: Opposed? The "ayes" have it. Number three.

AN ORDINANCE IN AMENDMENT OF CHAPTER 564 OF THE ORDINANCES OF THE CITY OF PROVIDENCE ENTITLED: "THE CITY OF PROVIDENCE ZONING ORDINANCE" APPROVED JUNE 27, 1994, AS AMENDED, BY AMENDING PROVIDENCE ZONING DISTRICT MAP NUMBER 29 OF THE OFFICIAL ZONING MAP BY CHANGING THE ZONING DISTRICT DESIGNATION OF LOT 409, FROM P.S., PUBLIC SPACES AREAS TO M-1, INDUSTRIAL DISTRICT AND PROVIDENCE ZONING DISTRICT MAP NUMBER 30-, LOTS 22, 63, 64, 66, 67,73, 89, 143 AND 629 FROM C-2 GENERAL COMMERCIAL DISTRICT TO M-1 INDUSTRIAL DISTRICT. (COUNCIL PRESIDENT FARGNOLI - BY REQUEST - 4/17/97)

MR. SHAMOON: Number three there was a request from Councilwoman Young to continue this one more time. At the last meeting, Tom Deller mentioned this was the area around Harold's Furniture on Pearl Street and Perkins. And Councilwoman Young wanted to talk to the developers and had certain conditions and all the agreements haven't been worked about and by her request which was conveyed to the Department directly that we recommend to be continued again.

On motion of Councilman Clarkin, seconded by Councilwoman DiRuzzo, it is voted to continue the foregoing ordinance.

CHAIRMAN IGLIOZZI: All in favor?

COMMITTEE: Aye.

CHAIRMAN IGLIOZZI: Opposed? The "ayes" have it. Number four.

AN ORDINANCE IN AMENDMENT OF CHAPTER 564 OF THE ORDINANCES OF THE CITY OF PROVIDENCE ENTITLED: "THE CITY OF PROVIDENCE ZONING ORDINANCE" APPROVED JUNE 27, 1994, AS AMENDED, BY AMENDING PROVIDENCE ZONING DISTRICT MAPS NUMBERED 81 AND 120 OF THE OFFICIAL ZONING MAP BY CHANGING THE ZONING DISTRICT DESIGNATION OF CERTAIN LOTS FROM R-1 ONE FAMILY DISTRICT TO AN R-P, RESIDENTIAL PROFESSIONAL DISTRICT. (COUNCIL PRESIDENT FARGNOLI - BY REQUEST - 4/17/97)

MR. SHAMOON: Number four is the zoning amendment for Smith Street which the Planning Department and the City Plan Commission had recommended it be approved by the City Council. This went before public hearing, there was a Comprehensive Plan change that was adopted in relation to this and at this time the Department and the City Plan Commission recommend they be adopted.

CHAIRMAN IGLIOZZI: This is the Smith Street. Any questions or comments? Hopefully, everybody should have gotten this by Monday. I had this hand delivered to everybody the minutes of the public hearing. I'm sure you all

have copies of the petitions that were handed out last time and has been made part of the record. Any questions? I know Councilwoman Josephine DiRuzzo conducted the hearing.

COUNCILWOMAN DIRUZZO: Yes, I did and I re-read the transcript. Particularly, out of respect for the neighborhood, I would just like to say that it grieves me to know that the people in this neighborhood have been fighting so hard to keep their neighborhood intact and it's a most unfortunate situation that Smith Street has become a commercial area. I know that they started many years ago, but it appears to me, you know, from all the testimony that try as they may, they have been unable to stop the growth of commercial businesses located on Smith Street. Plus, some of isn't as heavily commercialize as others. I did take a second ride, well, I always go by Smith Street, but in particular to pay attention to what their concerns were. Because in all my years of public service, I mean I try to pay attention to what the people are saying, after all I live there. It's most unfortunate, as I said that this has happened. But, it's a thriving street with many businesses on it already. I referred to page 57 and 58, testimony given by Mr. Stolzman, the attorney representing Mr. Quinn and refers to some of the comments that were made as well. You know talking about taking a visit back to Smith Street and seeing the demographic change that's occurred there mostly on the main thoroughfare and I went through looking at the businesses. You have a lot of doctor's offices there, you have a lot of attorney's offices there, you got the pizza parlor and a number of businesses. I searched my mind and what do I do to stop it, I can't stop it, you can't stop it. It's just grown and I want it clearly understood that it's not out of no consideration for the neighborhood that this Committee addresses this situation. It's grown a lot longer then we've been here, a lot before we got here. I think it is terribly unfair on part of the original petitioner, being attorney DeSimone that they've been operating their law practice for a good number of years and Attorney Jacvony before that. To me it can't amount to a three tenant house being operated as a three tenant being zoned R-2 for years and years and you let it go without legalizing it. I think that it's only fair that this property be legalized after all these years that they conducted the business here. A law practice is a quiet type of practice. I listened to the testimony about the parking and that concerns me. But, then that's a problem we have in all our commercial areas that abut our residential areas. I have that in my ward too and it's difficult to control it. So, I understand what the concerns are and I sympathize with them. But, I don't want to punish those people either that are, to me, have been operating a decent type of

business there. I rather have lawyers there, then have the book shop that I have in my commercial strip, an adult book shop. And I thank God that we don't have a spread of that. But, the types of business there are, to me, not hurtful to the community. And I just want to make that statement because I've gone by there again and know their trying to contain their area and I don't want to not sleep at night knowing that I've done anything to hurt these people because that petition had over a hundred signatures on it. And it's not my ward, so it out of consideration for their testimony and that fact that they remain steadfast in trying to not let this happen. Basically, I just wanted to talk about that. I know there are certainly young families growing their families up there that are concerned about, even though they live on the side streets abutting Smith Street, concerned about the level and the density of traffic and the number of cars increasing. But, I'm not so sure any thing is going to stop that because you have all those businesses their already. I think the one thing that I have to say is positive about the RP is that you're going to have a controlling factor in place which you haven't had in the past. So those are the things that I wanted to say.

COUNCILMAN CLARKIN: Basically, I live in the same sort of area. I live one house in from Waterman Street. Waterman Street, I would say is parallel to Smith Street, if you want to look at it. It's a heavily traveled street. Now, on Waterman Street with have a lot of doctor's office and we have a lot of lawyers. I'm surrounded by it... but on a lawyer's office, you're not going to get 40 people in there. In a doctor's office, you can get 15 to 20 patients at one time. So, that's a possibility. I have both doctors and lawyers. But, in the scheme of things for the noise factor, I would take a doctor's office and a lawyer's office over having students in there. And my area being Brown University, we do have students too. The students basically would be out there playing with Frisbee a little farther up on Ives Street, I live on almost the corner of Ives and Waterman. A little farther up going up to Angell Street is where a lot of students are and you can here the Frisbees hitting the ground when it gets warm at two o'clock, three o'clock because the lights are pretty good up there now they can play Frisbee. You can hear them when they go by with a basketball, their going up to Brown Stadium and their bouncing that basketball. I see my area as being almost the same as this. Could we put back families into those big houses, possibly not. The only way those houses will ever be filled up again is with students. So I look at it that way. To me it's a scary thing to think that things are changing, but they are changing. They're changing all over the country. Once 195 came in, people left the City. I remember

going to Warwick, it was job to get to Warwick. Now, you go down to Warwick and you're back in 25 to 30 minutes. You couldn't do that when I was a kid. I went down Reservoir Avenue and you fought your way down. You don't have to do that anymore. So, things have changed. I personally don't see any detriment. I know people living there see it. But, if students all moved in those houses then we would get different complaints. That's my opinion anyway.

CHAIRMAN IGLIOZZI: Any other comments or questions? Any motions?

MR. STERGULZ: Excuse me, I know this isn't a public hearing, but I'd like to abut some of the things that you're saying here.

CHAIRMAN IGLIOZZI: It's really inappropriate. I mean we've had ...

MR. STERGULZ: I was out of town... since 1984 and this is my home here and there are eight properties around my house that will now be offices and there not because we have been fighting since 1984.

CHAIRMAN IGLIOZZI: Excuse me, Sir. This is very controversial, I know.

MR. STERGULZ: So your telling me, I can't go to the Zoning Board any more if an accounting office wants to move... what's wrong with a home occupation.

CHAIRMAN IGLIOZZI: I'm not going to let you do this. There's been public hearing on this matter and the matter is before this Committee, if there's a motion to be made, I'll hear it.

On motion of Councilman Clarkin, seconded by Councilwoman DiRuzzo, it is voted to approve the foregoing ordinance.

CHAIRMAN IGLIOZZI: There's been a motion and a second, any more comments or questions? All those in favor?

COMMITTEE: Aye.

CHAIRMAN IGLIOZZI: Opposed? The "ayes" have it. The next item on the agenda is number five, Sam.

PETITION OF ANDREW AND DIANE MITRELIS, 268 THAYER STREET, PROVIDENCE, RHODE ISLAND, REQUESTING PERMISSION FOR A ZONING CHANGE ON CITY ASSESSOR'S PLAT 13, LOT 6, LOCATED AT 242 MEETING STREET, FROM AN R-3 RESIDENTIAL ZONE TO A C-2 COMMERCIAL ZONE. (APRIL 17, 1997)

MR. SHAMOON: I'll refer to Councilwoman Williams because this is in her ward. It's a petition by Andrew and Diane Mitrelis to change the zoning on 242 Meeting Street.

VICE-CHAIRWOMAN WILLIAMS: Is the petitioner here? He did not show up. It's possible the petitioner thought it would just be referred to a public hearing. I haven't been in touch with him.

CHAIRMAN IGLIOZZI: Let's go back a step. Is this in compliance with the Comprehensive Plan?

MR. SHAMOON: It would be, it would just be a straight zone change.

CHAIRMAN IGLIOZZI: So, you won't have to go that other step of a comprehensive plan. So, if you want to consider this then we can schedule a public hearing. Just so that people know, it's been my experience that we shouldn't have public hearings on zoning changes or try to change zoning if the Comprehensive Plan hasn't been changed. This would be in compliance with the Comprehensive Plan, so that step is out of the way. Is that your testimony?

MR. SHAMOON: That is correct.

CHAIRMAN IGLIOZZI: So, we could do the zoning change.

VICE-CHAIRWOMAN WILLIAMS: It's my understanding that it isn't because... well, let me just say this for the record, this zoning change from R-3 to C-2 for this particular parcel would extend the commercial area and I did approve or go along with the change diagonally across from this particular lot. But, that was only to straighten the commercial line. This now goes beyond the commercial lines. I have concerns and the neighborhood has concerns about doing that. The Planning Department did meet once with the owner of the property and talked with him about modifying this request so that it wouldn't be a C-2, but more a Residential Professional. So I'd like to continue this to give us a chance to work together with the owner to see if we can modify it before it goes to public hearing. Because if it goes to public hearing, then we're presenting the drastic change. So if we could have a meeting soon within the next two to three weeks and not let this linger. Is that possible?

CHAIRMAN IGLIOZZI: Well, I don't think you need for us to meet with the owner.

VICE-CHAIRWOMAN WILLIAMS: No, we'll come back in a couple of weeks and present a modified version, hopefully. If not, then...

CHAIRMAN IGLIOZZI: It's your ward, if you don't want a public hearing, it's not going to public hearing.

VICE-CHAIRWOMAN WILLIAMS: Not without consulting more. Was he notified?

MRS. POIRIER: No, because I thought we were just setting it up for a public hearing.

On motion of Councilman Clarkin, seconded by Vice-Chairwoman Williams, it is voted to continue the foregoing petition.

CHAIRMAN IGLIOZZI: All in favor?

COMMITTEE: Aye.

CHAIRMAN IGLIOZZI: Opposed? The "ayes" have it.

PETITION OF AZARIG KOOLIAN, 143 SMITHFIELD ROAD, NORTH PROVIDENCE, RHODE ISLAND, REQUESTING PERMISSION FOR A ZONING CHANGE FROM R-2 TO C-4 FOR THE PROPERTY THAT FACES HUBER AND FRUIT HILL AVENUES, LOT NO. 670, 718 AND 744. (APRIL 3, 1997)

PETITION OF AZARIG KOOLOIAN, 143 SMITHFIELD ROAD, NORTH PROVIDENCE, RHODE ISLAND, REQUESTING PERMISSION FOR A ZONING CHANGE FROM R-3 ZONING TO C-2 ZONING FOR THE PROPERTY LOCATED AT THE INTERSECTION OF DOUGLAS AVENUE AND CHALKSTONE AVENUE, ASSESSOR'S PLAT 68, LOTS 502, 503, 504, 505, 507, 508, 509, 740, 749 AND 750. (FEBRUARY 20, 1997)

MR SHAMOON: This one and the next one, Mr. Chairman, would be for a request to go to a public hearing. At this time, I would recommend since the public hearing notices tend to be very expensive and cost quite a bit that you combine this with previous one where we're ready to go to public hearing to put all three together.

CHAIRMAN IGLIOZZI: Would these be in compliance with the Comprehensive Plan?

MR. SHAMOON: Yes, they would be in compliance with the Comprehensive Plan.

CHAIRMAN IGLIOZZI: So, we would have one public hearing for all three items. Can you notify these people as well. There's been a suggestion by the Department of Planning that item six and seven also be continued.

On motion of Vice-Chairwoman Williams, seconded by Councilman Clarkin, it is voted to continue the foregoing petitions.

CHAIRMAN IGLIOZZI: All those in favor?

COMMITTEE

CHAIRMAN: *Job Shops* the "ayes" have it. Now, that concludes the formal that was kind of controversial and I wonder if I really try I wouldn't bring it up now. I would just move to get this meeting adjourned. But, since my concerns have been cleared, I'm

going to do just the opposite. There was a piece of legislation that I proposed that has gone under drastic change and was referred back to this Committee. It was passed the first time and referred back to Committee. All I was asking for for the benefit of the Committee members was two things, one that it be amended to this form which removes all reference in zoning changes in the 7th ward which was inappropriate and by the way, this Committee never passed that out to the floor. That wasn't the document that was passed out to the floor. I've checked it and it wasn't. So my representations on the floor were exactly correct. This is a document that was supposed to go out onto the floor which is what's before and I also wanted to make sure that the C-1 zone which I got in front of me did not allow this kind of manual assembly. Because C-1 zone is light commercial, the kind of commercial like drug stores and you don't want these job shops with Linkomatic machines pumping and sodering. Because we almost had a death in my neighborhood. That's why this has been such a ... I'm going to make my same comments I made before. This was of such serious concern to me because it came to the fore front as a result of a fire in my neighborhood where there was a job shop operating illegally with the sodering gun and as a result of the sodering gun, an 80 year old women almost died on the second floor. So, that's why my motivation in making sure that this does not apply to my ward because I had hundreds of people be very concerned about some one almost dying. This is the proper form, I don't have a problem with this. Sam was kind enough to fax this over to me yesterday morning proving that it was in fact C-1. So, unfortunately, it became a controversial matter on the floor when really my intentions were honorable. So I put that on the record and I wish Councilman Allen was here because if I really wasn't honorable I would have not taken this up under pending matters tonight and I would have made them wait 3 weeks.

COUNCILMAN CLARKIN: Mr. Chairman, I take it that Councilman Allen has approved this otherwise.

CHAIRMAN IGLIOZZI: This is Councilman Igliazzi's approval. I don't want to speak for him because I don't know if this is the form he wants. So, I want to make that clear. I don't want to get into another debate. This is what I will support.

VICE-CHAIRWOMAN WILLIAMS: I would like clarification of what it was Councilman Allen was so concerned about.

MR. SHAMOON: Mr. Chairman, I did speak with Councilman Allen, just for your knowledge. There is a parcel on Cranston Street in his ward where there is

a business that wants to do this type of activity, manual assembly of jewelry and job shop. Their not interested in Linkomatic. So this was work fine. If this were able to go through, then the owners of that property could then petition to the Zoning Board for a special use permit because it is C-2 and be able to get this type of use in there.

CHAIRMAN IGLIOZZI: Just so the records clear when this is passed, just so my colleagues are aware, this will be allow in any C-2 upon special permit. Which means on the east side, the west side, the north side. This isn't just going to apply to Councilman Allen's ward, it's going to apply to everybody's ward. Just so people understand that.

MR. SHAMOON: Actually, this use is currently permitted in the zoning ordinance 84.1 is an existing use.

CHAIRMAN IGLIOZZI: Not as the definition.

MR. SHAMOON: The definition has been expanded.

(Councilman Allen joins the meeting at this time)

COUNCILWOMAN DIRUZZO: And it will be allow in C-2, you said.

MR. SHAMOON: Only by special use permit. The owner would have to apply to the Zoning Board for a special use permit in order to get it. There would have to be a public hearing and all abutters within 200 feet would be notified at a Zoning Board of Review meeting.

COUNCILWOMAN DIRUZZO: C-2 includes what?

MR. SHAMOON: C-2 is like a general commercial district. It includes a variety of retail and...

COUNCILWOMAN DIRUZZO: This is just the type of thing I don't want in my neighborhood is what it is. What's Olneyville zoned?

MR. SHAMOON: It's a combination of C-4.

COUNCILWOMAN DIRUZZO: On the main thoroughfare where I have jobs shops, I have jewelry places next to clothing stores, the library. It can be allowed in there where I have already and I'm trying to get rid of it.

MR. SHAMOON: It's a combination, I don't have the zoning map with me. But, I recall that it's a combination of C-4 and C-2. C-4 is the heavier use that allows automotive and that sort of stuff.

COUNCILMAN CLARKIN: With special permission, they have to go before the Zoning Board.

MR. SHAMOON: They have to go before the Zoning Board, yes. There would have to be a hearing, abutters would be notified.

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

CHAIRMAN IGLIOZZI: All in favor?

COUNCILMEN CLARKIN, ALLEN AND VICE-CHAIRWOMAN

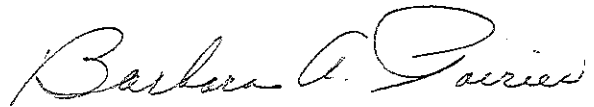
WILLIAMS: Aye.

CHAIRMAN IGLIOZZI: Opposed?

COUNCILWOMAN DIRUZZO: I opposed it. I'm trying to get rid of this kind of stuff in my neighborhood.

CHAIRMAN IGLIOZZI: The "ayes" have it.

ADJOURNMENT: On motion of Councilman Clarkin, seconded by Vice-Chairman Williams, it is voted to adjourn at 5:25 p.m.



CLERK



Assistant Clerk