

DEPARTMENT OF CITY CLERK

CITY HALL

NOVEMBER 10, 1993

The Committee on Ordinances meets this day at 5:00 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 are John D'Amico, Deputy City Solicitor; Councilman DeLuca; Barbara A. Poirier, Second Deputy City Clerk and Sheri A. Petronio, Assistant Clerk.

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 NUMBER 10 BY CHANGING THE ZONING DISTRICT DESIGNATION OF LOT 391 FROM OPEN SPACE DISTRICT ZONE (O.S.) TO "TWO FAMILY DISTRICT ZONE (R-2).

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 THE PROVIDENCE OFFICIAL ZONING MAP BY CHANGING THE ZONING DISTRICT DESIGNATION OF ZONING DISTRICT MAP NUMBER 32, LOTS 150, 152, 155, 157, 197, AND 156; ZONING DISTRICT MAP 33, LOTS 309, 310, 311, 312, 325, 445, AND 446; AND ZONING DISTRICT MAP 35 LOTS 1, 2, 3, 4, AND 35 FROM R-3 TO C-2.

CHAIRMAN IGLIOZZI: John do you want to take these matters in order.

JOHN D'AMICO: If we can. Items number one and two are zoning matters for which there have already been public hearings, however, each of the council persons in whose ward this occurs is asked that they be continued.

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

CHAIRMAN IGLIOZZI: All those in favor.

COMMITTEE: Aye.

CHAIRMAN IGLIOZZI: All those opposed.

AN ORDINANCE IN AMENDMENT OF CHAPTER 22 OF THE CODE OF ORDINANCES OF THE CITY OF PROV., ENTITLED: "SCHOOLS: BY ADDING SEC. 22-16".

JOHN D'AMICO: Item number three is an Ordinance that has been pending in the council since 1985, it had to do with certain proposed changes in the school in the way that the schools are run. We have held that specifically for comments from Councilwoman DiRuzzo who I assume will be back so perhaps we can.

CHAIRMAN IGLIOZZI: Lets trail that.

COUNCILMAN FENTON: Can we do that.

CHAIRMAN IGLIOZZI: No we can't do this. I thought this discussion was going to be towards indefinite postponement but I'm not speaking for the vote of the committee.

COUNCILMAN FENTON: Move for continuation.

COUNCILMAN CLARKIN: If we have to get rid of it, get rid of it.

COUNCILMAN FENTON: No I'm not getting rid of it, I'm just continuing it so she can have an opportunity. So you want to just leave it.

CHAIRMAN IGLIOZZI: Lets just trail it to the end and we will see if we are going to continue it or not.

JOHN D'AMICO: Number four, groundcover.

AN ORDINANCE REGULATING GROUNDCOVER WHERE IT IS A NUISANCE.

COUNCILMAN FENTON: Didn't we do alot of this in another piece of legislation.

CHAIRMAN IGLIOZZI: We tried to resolve it some where down the line. This is the section that has to do with grass, right, how high and all that.

COUNCILMAN FENTON: I thought we threw it into one of those other things that we past, no we never did it.

JOHN D'AMICO: There was some consolidation into a different trash Ordinance but this remains out there.

COUNCILMAN FENTON: Who is the sponsor and when was in introduced.

CHAIRMAN IGLIOZZI: What did the research come up with.

JOHN D'AMICO: My recollection is that at one point the Ordinance that was pending talked about groundcover and my comment was that groundcover I think is too broad. I mean you specifically have to limit the height of grass and or other things because trees are groundcover to that extent.

CHAIRMAN IGLIOZZI: Can you make this more specific.

JOHN D'AMICO: Yes.

CHAIRMAN IGLIOZZI: So you feel that this satisfies.

COUNCILMAN FENTON: Is there a definition section.

JOHN D'AMICO: This was the change. The change that I was concerned about was no person shall permit any weeds, grass or plants.

COUNCILMAN FENTON: This and this are the same thing unless you define it otherwise meaning you have to define them what you mean by plants. What is a plant, a plant can include a bush or a flower. That is what I'm saying you have to define what you mean by this and actually there are definitions for each of these.

JOHN D'AMICO: What you can do is delete plant then. The other ones are common, you can't include words used commonly and they take on their common meaning. It is a very specific definition that you need in that section. I mean if the committee feels that the Councilman's objection is valid then.

CHAIRMAN IGLIOZZI: Who is the sponsor for this.

BARBARA POIRIER: There is no sponsor it was just introduced to the Committee on Ordinances on November 17, 1992.

COUNCILMAN FENTON: Somebody had to sponsor it.

BARBARA POIRIER: Not that I know of.

COUNCILMAN FENTON: Who proposed it to the committee.

BARBARA POIRIER: Did it come over from the Law Department John to the committee? I don't have anything on it.

JOHN D'AMICO: If it did it pre-dates that date significantly but they were working on groundcover Ordinances.

COUNCILMAN FENTON: I think this is the merging of something old.

JOHN D'AMICO: It is except for the idea about keeping your grass cut.

CHAIRMAN IGLIOZZI: So what you are doing is vesting the discretion into the Director of Public Works to make a determination whether it endangers public health and welfare. What are you going to do if it gets too high what is it going to encourage rodents?

JOHN D'AMICO: Exactly, there is a debate going on within Public Works as I understand it as to whether or not high grass encourages vermin.

COUNCILMAN FENTON: Move continuation.

CHAIRMAN IGLIOZZI: Why do you want to continue it. Is there something else that we should do with this thing. Does the committee have any interest in pursuing this matter or researching it further, I mean I don't want to keep trailing this.

COUNCILMAN FENTON: I mean I think it is a great idea that it would be nice to be able to have some enforcement powers over people but practically I don't.

CHAIRMAN IGLIOZZI: What do you think pragmatically John it's not going to work.

JOHN D'AMICO: Pragmatically, junk cars are a problem that we are dealing with in committee. They are going to tow junk cars before they measure the height of grass, I mean it is a practical matter and it is difficult to enforce.

COUNCILMAN FENTON: But isn't there already some ability to address something like this if something is under the general language.

JOHN D'AMICO: There is, unfortunately it's the person who says that high grass does not encourage vermin. That is what we are dealing with. Is that the Rodent Control Officer has very specific ideas of vermin. I have to agree.

CHAIRMAN IGLIOZZI: And we don't always sponsor this. This has been around.

COUNCILMAN CLARKIN: Just get rid of it.

COUNCILMAN FENTON: Move indefinite postponement.

On motion of Councilman Fenton, seconded by Councilman Clarkin, it is voted to postpone indefinitely the foregoing matter.

CHAIRMAN IGLIOZZI: All those in favor.

COMMITTEE: Aye.

CHAIRMAN IGLIOZZI: All those opposed.

(Councilwoman DiRuzzo joins the meeting at this time).

CHAIRMAN IGLIOZZI: We can always revive it if there is some value to it.

AN ORDINANCE REQUIRING THAT SUBMISSION OF AMENDMENTS TO THE FIVE (5) YEAR PLAN FOR TRAFFIC IMPROVEMENTS BE SUBMITTED TO THE RHODE ISLAND DEPARTMENT OF TRANSPORTATION IN ACCORDANCE WITH STATE LAW BEING APPROVED BY THE CITY COUNCIL.

CHAIRMAN IGLIOZZI: Number five Joe why is it blank.

COUNCILMAN DELUCA: Because there is an Ordinance already regulating what types of animals are permissible.

COUNCILMAN FENTON: No we are on number five

CHAIRMAN IGLIOZZI: I thought number five was yours.

COUNCILMAN DELUCA: What is number five.

COUNCILMAN CLARKIN: The five year plan for traffic improvements.

JOHN D'AMICO: That was generated by Councilman Dillion I believe and he has requested that it be continued.

CHAIRMAN IGLIOZZI: Is he going to supplement this, is that the idea because there is no Ordinance here.

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

CHAIRMAN IGLIOZZI: All those in favor.

COMMITTEE: Aye

CHAIRMAN IGLIOZZI: All those opposed.

AN ORDINANCE IN AMENDMENT OF CHAPTER 3, ENTITLED "KEEPING SWINE", SECTION 4 OF THE CODE OF ORDINANCES.

CHAIRMAN IGLIOZZI: It that yours Joe, did you review this John.

JOHN D'AMICO: Yes I did and the reason why it is like that is because it is very straight forward. It was my understanding of what was attempted to be regulated as swine. The question that came up was about the Vietnamese Potbellie Pigs and it is my understanding and I don't claim to be an expert about it. You can't outlaw swine in general with outlawing Potbellie Pigs because there is really no genetic differences.

COUNCILMAN FENTON: They are domesticated. They are a pet.

COUNCILMAN CLAKRIN: Why can't you say you can outlaw the swine. No swine can be kept unless it lives in the house which they do with the Potbellie Pigs.

COUNCILMAN DELUCA: They do and they don't. They are out in back yards during the summer and if you have an abutting fence and your in the back yard having a picinic the pig is running all over the yard. That is what brought this about. I have had three such complaints.

COUNCILMAN FENTON: What about limiting the number of them.

JOHN D'AMICO: If there is a violation it is the general penalty provision.

CHAIRMAN IGLIOZZI: And what is that.

JOHN D'AMICO: 110 - five hundred dollars in one year.

CHAIRMAN IGLIOZZI: Is that satisfactory Joe.

COUNCILMAN DELUCA: I want to point out that this came out and I gave it to Patricia the same thing came out and it was taken to court and the court ruled that pigs are not pets.

CHAIRMAN IGLIOZZI: So this is fine John in this present form.

COUNCILMAN FENTON: There are people who have them as pets so you don't want them to have them as pets. Mrs. Sundlun has a Potbellie Pig so she can't have her pet.

COUNCILMAN DELUCA: She can't have it not in the City of Providence. You wouldn't want to be the person who lives on Mt. Pleasant Avenue that has a nice back yard with a gazebo and they cook out there and there is a pig in the next yard.

COUNCILMAN FENTON: Is it a Potbellie Pig or is it a big pig.

COUNCILMAN DELUCA: It is a Potbellie Pig.

CHAIRMAN IGLIOZZI: You understand the Governor will think that you are aiming the Ordinance directly towards him and you may find out that he may have to actually shot his pig.

COUNCILMAN FENTON: That is in violation of our gun control.

JOHN D'AMICO: The alternative to just the prohibition against these animals is to make it so rigid. It is so odifice to make it so difficult to keep the pig you can't keep it.

COUNCILMAN DELUCA: You can't have goats, cows, chickens and you can't have pigs either. This is the city and thats that.

COUNCILWOMAN DIRUZZO: I think you should keep those on a farm don't you I mean I'm serious.

CHAIRMAN IGLIOZZI: You can't vote for this.

COUNCILWOMAN DIRUZZO: I know we can't.

COUNCILMAN FENTON: I think people who have them as pets, they should be able to have them as pets

COUNCILWOMAN DIRUZZO: The liberals are ruling this country. You can't have anything.

COUNCILMAN FENTON: There is a direct corrèlation with the decay of American Society and Potbellie Pigs. As the pigs have increased, society has fallen.

CHAIRMAN IGLIOZZI: What is your pleasure Councilman DeLuca.

COUNCILMAN DELUCA: To approve that we outlaw having swine in the city.

COUNCILMAN FENTON: Your anti-pig.

COUNCILMAN CLARKIN: I will make a motion we pass it.

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

CHAIRMAN IGLIOZZI: Any dicussion. All those in favor.

COMMITTEE: Aye.

Councilman Fenton is recorded as voting no.

AN ORDINANCE TO PREVENT CRUISING WITHIN THE CITY OF PROVIDENCE.

CHAIRMAN IGLIOZZI: Whose is this?

JOHN D'AMICO: Councilwoman Young I believe.

BARBARA POIRIER: Rollins and Nolan.

CHAIRMAN IGLIOZZI: Do they want to come and testify on this.

COUNCILMAN FENTON: Let's continue this.

CHAIRMAN IGLIOZZI: I mean I thought we had an outstanding policy in this committee that any time there was an ordinance with somebody sponsoring it, you notify them when it was on the docket.

JOHN D'AMICO: One of the reasons I asked this to be on is that this has been pending in the committee only since the last meeting, I mean the one before. I just want the committee to know and action should be forthcoming. I mean in the present form I personally have some serious reservations as to whether or not this is constitutional but I did want to put it on because it has been pending so that in fact if it was the chair's pleasure we would contact the council people and continue it if necessary.

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

CHAIRMAN IGLIOZZI: All those in favor.

COMMITTEE: Aye.

CHAIRMAN IGLIOZZI: All those opposed.

RESOLUTION REQUESTING THE COMMITTEE ON ORDINANCES TO STUDY THE OVERNIGHT PARKING BAN.

COUNCILMAN FENTON: Should we study it or should Planning and Development study it.

CHAIRMAN IGLIOZZI: How are we going to study it. The clerk informs me that this matter was passed, it is a resolution by the way.

COUNCILMAN FENTON: Why don't we send a letter to Traffic Engineering and Planning and Development.

CHAIRMAN IGLIOZZI: And the Police Department. There has got to be some issue as to the parking ban. We should get an opinion from it and then maybe we can formulate an ordinance that results from this resolution or we could submit a report back to the full council.

COUNCILMAN CLARKIN: I believe that whoever put this in said something about putting tags.

COUNCILMAN FENTON: No I put in a separate one requesting Planning and Development and the Traffic Engineer to look at how other cities

and towns do the parking permit sticker for residents and they have already begun that.

CHAIRMAN IGLIOZZI: Can we do that? Can we submit it John.

JOHN D'AMICO: I have noted that.

CHAIRMAN IGLIOZZI: Lets do it that way. We have to trail it as a pending issue.

On motion of Councilman Fenton, seconded be Councilwoman DiRuzzo, it is voted to continue the foregoing matter.

CHAIRMAN IGLIOZZI: All those in favor.

COMMITTEE: Aye.

CHAIRMAN IGLIOZZI: All those opposed.

AN ORDINANCE ADDING CHAPTER 20.1 TO THE CODE OF ORDINANCES FOR A PROVIDENCE INDIAN HOUSING AUTHORITY.

CHAIRMAN IGLIOZZI: This is Councilwoman Youngs. She sent us a letter.

COUNCILWOMAN
BALBINA A. YOUNG
409 PUBLIC STREET
PROVIDENCE, RI 02907
Res. 941-1830
Office 521-7477



City of Providence, Rhode Island

November 10, 1993

COMMITTEES

Urban Redevelopment,
Renewal and Planning
Vice-Chairwomen

Claims and
Pending Suits

Providence Housing
Authority

Dr. Charles V. Chapin
Memorial Award

Mr. Michael Clement
c/o Councilman David V. Igliazzi
Chairman
Committee on Ordinances
City Hall
Providence, Rhode Island 02903

RE: Ordinance to Establish an Indian Housing Authority
Commission

Dear Mr. Clement:

I write in regard to an Ordinance that is pending before the Ordinance Committee relative to the establishment of the Indian Housing Authority Commission. It is my understanding that the City Council will select five (5) members for this Commission. I would ask that the Rhode Island Indian Council be the group that may verify and/or identify potential candidates for this Commission and that the Indian Council verify their (all Commission members) status and native American heritage.

This is an important matter before this Committee and I would like to be apprised of it's progress. If possible, I would also request that the Ordinance Committee consider this matter at it's next meeting. Thank you for your consideration and if there is any further need for correspondence, please feel free to contact me.

Sincerely,

Balbina A. Young
Balbina A. Young
Councilwoman
Ward 11

BAY/r

CHAIRMAN IGLIOZZI: Was she notified of this meeting.

BARBARA POIRIER: Yes.

CHAIRMAN IGLIOZZI: And is she going to come.

BARBARA POIRIER: What happened was she called here this afternoon around 4:30 and asked if I had received the letter. I told her I just received it and it is going to be on the agenda for tonight. I told her we had pending matters and she said she would try to show up but she was concerned about getting it on the next meeting.

CHAIRMAN IGLIOZZI: Well is there any need. Did you review this John.

JOHN D'AMICO: I have seen that, yes.

CHAIRMAN IGLIOZZI: This is just creating an authority.

COUNCILMAN FENTON: No the authority is created by State Law. This is for how they get named.

CHAIRMAN IGLIOZZI: Is there any reason why we shouldn't pass this.

JOHN D'AMICO: A legal reason.

CHAIRMAN IGLIOZZI: Yes. She is saying that it is vested in the City Council. Her letter was just asking us to do this but I mean that is going to be something that the council has to go on not the Ordinance Committee.

COUNCILWOMAN DIRUZZO: We are not appointing people tonight.

COUNCILMAN DELUCA: We voted on that already once.

COUNCILWOMAN DIRUZZO: I thought we did. It was before URRP.

COUNCILMAN FENTON: No I don't think the names were mentioned.

JOHN D'AMICO: Naming the streets was one and in fact it was rectified. I think this was co-referred to URRP at on point.

CHAIRMAN IGLIOZZI: Has this been passed.

BARBARA POIRIER: I thought it created an Indian Housing that is what I think was passed.

CHAIRMAN IGLIOZZI: The bottom line is that Councilwoman Young is asking us to let the Indian Housing Authority or the council select the people but this Ordinance says that the City Council selects them. So passing this doesn't have any effect on what she is asking because it is not this committee that is going to do it. A copy of this should go to every council member and then when the council had that opportunity we should like we do with all appointments, they should be referred to whatever committees you want or no committees and have the

council vote on it. I don't think that we are going to make that decision here unless I am missing something. Am I missing something Bob.

COUNCILMAN CLARKIN: No not as far as I can see.

CHAIRMAN IGLIOZZI: I would say if this is solid with regards to you John then lets move passage. I read the language and it is a pretty typical appointing process. Some are appointed to the council and some are appointed to the Mayor.

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

CHAIRMAN IGLIOZZI: All those in favor.

COMMITTEE: Aye.

CHAIRMAN IGLIOZZI: All those opposed.

CHAIRMAN IGLIOZZI: What I would do is when you pass this on the full calander attach a copy of Balbina's letter with this and send it to all the council members so they know. Send a letter to her indicating that we passed it out of committee and it will be on the next council meeting. In regard to the appointment by the council she would have to address the entire council. The committee on Ordinances will not make a decision on who is selected. I think this would satisfy her, she wants this passed so we will consider it.

AN ORDINANCE IN AMENDMENT OF CHAPTER 22 OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE, ENTITLED "SCHOOLS: BY AMENDING SECTION 22-16".

CHAIRMAN IGLIOZZI: What is this John.

JOHN D'AMICO: There was in 1986 a large package of proposed changes in the manner in which the School Department does certain things with children. How they handle truants and how they do suspensions. There is more than one letter in return from the School Department saying either they already do it or the State Law mandates how they have to do it. Their response is you really can't do this by ordinance what we are trying to do. Now this has been in committee for a while and I just happened to have known that the Councilman had a particular interest in the schools. We held on to it if the Councilman had any particular comments he wanted to make.

COUNCILWOMAN DIRUZZO: I think this was submitted by Councilman Easton and I saw a unique interest in it because my concern all the

time I served on this committee was in regards to suspend kids and my main concern is the legal end of it. When they suspend the child they suspend the child before they notify the parent. They suspend them immediately before addressing the reason for suspension and I am concerned about it. I just want to have the opportunity to have someone look into it and come back and give a reasonable answer. That was my concern and I know Nick had an interest in this.

COUNCILMAN CLARKIN: I make a motion that we send this down to Nick.

COUNCILWOMAN DIRUZZO: It is something we should look at Bobby.

JOHN D'AMICO: It is already being handled and to be perfectly honest with you I just can't recollect the way it is handled in the Ordinance, however, even if it is handled the way it is positive I think that is acceptable. There is no requirement that you give them a notice, it depends on what you are saying they did whether or not they have to have a notice before they are suspended. I mean that doesn't do them much good if they are suspended and it turns out that they are not guilty.

COUNCILWOMAN DIRUZZO: Ok then file it.

On motion of Councilman Clarkin, second by Councilwoman DiRuzzo, it is voted to postpone indefinitely the foregoing matter.

CHAIRMAN IGLIOZZI: All those in favor.

COMMITTEE: Aye.

CHAIRMAN IGLIOZZI: All those opposed.

COUNCILWOMAN DIRUZZO: Before you conclude the meeting I would like to resurect the new Ordinance we recently passed with regard to operation of gas stations and automobile repairs. It has become a complicated issue and I think I mentioned this to you David.

CHAIRMAN IGLIOZZI: I mean I don't know what we can do about it, Joe and I were just debating. Any amendment of that, what you should do is get it, you can either file a motion if you want to get together file an Ordinance repealing it if that is the way you want to handle it or file an Ordinance amending it.

COUNCILWOMAN DIRUZZO: I think it needs to be looked at by all of us because we have problems and as Ray Dettore has explained to me who handles this every day, Merlin DeConti is making some rules that are contrary to what the law says and a lot of people are going to

be challenging this. I think we need to review it again and if you want us to go over it and make our recommendations. I think there was some errors made in it and I'm not that familiar with it I have to look at it again but I know that I have gotten a lot of phone calls with regard to it. If you talk with Ray and you talk with Richard Aitchison you will find out. I think the law said that they are suppose to go to the Zoning Board before getting their licenses. They have to get a license before they go to the Zoning Board this is one problem then the other problem is referring. They have to have I am not sure what the language is as to whether it is certified, I think that is the way they use it. A certified radius map has to be presented to the Licensing Board and that is an extra one hundred fifty to two hundred fifty dollars it all depends on who you go to but the Licensing Board is referring them to Mr. Torenti who is a retired city employee and Bobby Caputo who is still working for the city now. That is the other thing, I think there is a conflict of interest there and then we have the other problem with Merlin DeConti making new rules with regard to it and creating a problem for people who have been operating gas stations and doing minor repair work. They are not being grandfathered I understand in this law with regard to what is required now and I don't think that is right.

COUNCILMAN CLARKIN: Can you just put in the words.

COUNCILWOMAN DIRUZZO: No there is more than one problem.

COUNCILMAN DELUCA: We will work on it. It is very complicated. We will work on maybe comming up with some sort of appeal process rather than grandfather because if you grandfather your also grandfathering the guy on the side street. Maybe an appeal process so we can look at someone who has been legitimate and allow him to go around it on an individual basis. Something like that may be possible but not grandfather them because he pointed out and quite correctly that it would grandfather everybody.

CHAIRMAN IGLIOZZI: Just for the record this is a matter that I mean no law is perfect but there are three things you have to keep in mind. This is a matter that went up to the State Legislature and get is passed for the purposes of making it a crime as you recall because it doesn't do any good. I mean these fines and these slaps on the wrist and tickets mean nothing. When you make it a crime you call the cops and the cops are sworn to enforce criminal law so that

was number one and the other issue is it is modeled after the auto body repair licenses which is the same thing so from what I can see is the first time that they required auto body repair places to become licensed I am sure the same problem occurred. There is a lot of testimony I mean we took two public hearings up at the State level, three committee hearings at the State level and we have had public hearings. The bottom line is all these people that you are having problems with are arguing about getting grandfathered in. If we do that and just solve that problem for them then lets repeal the law. Now what happens is that every single person as Joe mentioned in a side street says doesn't it take effect back to 1991, I have been fixing cars since 1980 so even though I am doing it in my garage and I am torturing my neighbor I am grandfathered in so you can't arrest me. There may be a way, Joe mentioned that in the appeal process but you have to keep in mind that it is from a legal point of view and the point is if you don't do some sort of zoning requirement and you don't tie it to zoning and you don't tie it to that kind of a thing it is very difficult to get you the benefit of having it a criminal statute. You may get the benefit of removing the Zoning Map but then you may lose the benefit of having it a crime.

COUNCILWOMAN DIRUZZO: I can appreciate the need for the law because I mean I have a lot of those in writing that give me a lot of grief but the problem is that somebody has been operating for thirty years and now has to come in and go through this whole process.

CHAIRMAN IGLIOZZI: There is no doubt that this is burdensome but the bottom line is if there is a way to fix it is going to have to. I mean you should get together because Joe is having the same problem.

COUNCILWOMAN DIRUZZO: Who is doing the radius maps. We need to have a certified radius map. When the girls in the office can do it in ten minutes we are sending these people out and spending another hundred to two hundred and fifty dollars. I mean we are dealing with some substantial small businesses. I mean they are not all crooks and they are not all defiant people.

CHAIRMAN IGLIOZZI: The point I am making is that a lot of the language came from the original drafting of the State Statute. We can't just change the Ordinance without changing the State Statute. So I mean we should look at it again and what I am saying basically is lets

do that but I was a supporter and a drafter of it so I'm certainly not going to be making a motion to repeal it. As chairman of this committee I am kind of in a box, it should come from other members of this committee if that is what you want to do put it in there and I am willing to have a hearing.

COUNCILWOMAN DIRUZZO: Well I don't think we should have to use the word repeal. I'm not saying repeal the law because I certainly need it and he certainly needs it and we both represent the same areas.

COUNCILMAN DELUCA: Lets use the repeal process without hurting the law and if not I would just rather leave it alone because in the long run everybody will be licensed.

CHAIRMAN IGLIOZZI: I just want you to understand the basic tenant that you have to keep in mind if you start talking about grandfathered it equals for all intensive purpose no law. In fact you know who did alot of research was Pat McLaughlin so lets get them back in. If there is some way to do it then lets do it.

COUNCILMAN DELUCA: If you can find a solution to help the legitimate people then fine because they are not going to hurt the law anyway.

COUNCILWOMAN DIRUZZO: It is just like the junk car law we don't want to touch that.

CHAIRMAN IGLIOZZI: I will support any amendment as long as it doesn't remove the fact that it is a crime. If we are going to make an amendment that is going to limit them then I rather not have it because we can't get inspectors out there for other things.

COUNCILMAN DELUCA: My thought is that if you have a repeal process then you can either say yes or no and not change the law in any form.

CHAIRMAN IGLIOZZI: No but there is a valid concern and you made it and I'm not disagreeing with it because I get the same calls from my constituents. They have been in this business legitimately for years and they are hurt by this law and it is costing them three or four hundred dollars. I try and say you are going to make money because people are going to be out of business any you are going to limit them number one and two in addition to that you are going to have the protection that these other businesses don't have.

The bottom line is that nobody wants to spend money especially in this day and age for something they already have. That is what it all comes down to, they are already operating so they don't want to do it. I will be more than happy to entertain it, I just don't know what format that your are taking. Should that be in the form of an Ordinance or a Resolution. I mean I think what is going to happen is their actually going to have to put in review the law and then put in an amendment to the Ordinance.

JOHN D'AMICO: My recollection of that is that is was drafted very closely off the State Enabling Statute if not we just took the language and put it on a different piece of paper. If that is the case quite frankly it depends on what the amendments are as to whether or not it really fits within what they have given us as authority.

COUNCILMAN DELUCA: How do you create a repeal process.

COUNCILWOMAN DIRUZZO: I would expect you would have to go to the State.

CHAIRMAN IGLIOZZI: We might have to go back up to the State is what I am saying Joe. The solution may not be here.

COUNCILWOMAN DIRUZZO: It is not working to well down stairs I know that.

CHAIRMAN IGLIOZZI: Why don't we this, Josh wants to schedule another meeting. We will do that and we will bring it up at that meeting. Joe can you be present at that next meeting?

COUNCILMAN DELUCA: I don't know, whenever that is?

COUNCILMAN FENTON: Next Wednesday at 5:00 o'clock.

CHAIRMAN IGLIOZZI: Next Wednesday at 5:00 o'clock lets do it.

COUNCILWOMAN DIRUZZO: What is the date.

COUNCILMAN FENTON: The 17th.

COUNCILWOMAN DIRUZZO: It sounds familiar.

BARBARA POIRIER: Anyone on Public Works.

COUNCILMAN FENTON: That is not until 6:00 o'clock.

COUNCILWOMAN DIRUZZO: I can't.

CHAIRMAN IGLIOZZI: We are not going to make any decisions, we are just going to start this process.

COUNCILMAN FENTON: Move adjournment.

COUNCILMAN DELUCA. There is still two more items.

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

COUNCILWOMAN DIRUZZO: What is on here, I thought we finished.

CHAIRMAN IGLIOZZI: What is this John.

JOHN D'AMICO: There are a number of Ordinances that are pending. Actually if we are having a meeting next Wednesday the other ones I know what they are and I can bring them up next Wednesday. There is, however, one that was asked of me to draft by Councilman DeLuca who is here and that has to do with graffiti. He has two more Ordinances. One has got to do with graffiti and one has got to do with a proposal to ask that casino gambling be allowed through special referendums.

CHAIRMAN IGLIOZZI: With regard to the graffiti one, this hasn't been passed. We are going to have to put it in Ordinance form and then we will pass it.

JOHN D'AMICO: What my practice has been is bring it before the committee so they are introduced out of committee to the council rather than the other way.

CHAIRMAN IGLIOZZI: I mean we are not going to pass this document.

JOHN D'AMICO: No we need a document to pass, however, to put into final form.

COUNCILWOMAN DIRUZZO: It looks like a good one.

COUNCILMAN FENTON: Why don't we prepare it for final review for next month.

CHAIRMAN IGLIOZZI: But we have to have it in a passage form. I don't think this is the form to pass it.

JOHN D'AMICO: That will be fine.

CHAIRMAN IGLIOZZI: Does it fit within the existing code?

JOHN D'AMICO: Yes.

CHAIRMAN IGLIOZZI: Okay lets continue this matter until the next meeting, next Wednesday and if it is in codified form we will pass it if the committee feels that way.

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

CHAIRMAN IGLIOZZI: All those in favor.

COMMITTEE: Aye.

CHAIRMAN IGLIOZZI: All those opposed.

JOHN D'AMICO: The last one the Councilman had is a request and sure he can explain it better than I can. The copies may not be the same. There are two resolutions there. One is asking the House of

Representatives and one is asking the Senate.

CHAIRMAN IGLIOZZI: Why isn't it just on the floor Joe. Why didn't you just throw it on the council floor and see whether or not you had the votes on the floor.

COUNCILMAN DELUCA: Well because it ended up here. It was referred to from the Gaming Committee so I figured it would be easier.

CHAIRMAN IGLIOZZI: What it seems to me right now it doesn't seem like there are eight votes on the floor to pass anything with regard to gambling in a positive sense.

COUNCILMAN DELUCA: Well we are just talking. This is a resolution asking the House and the Senate to put it on the ballot.

CHAIRMAN IGLIOZZI: What I am saying is if that is the resolution then why don't we put it on the floor instead of on the docket and if you got eight votes it passes. I mean it is not something that has to be studied. It is something that you either have eight votes or you don't.

COUNCILMAN DELUCA: Okay I can do it that way.

CHAIRMAN IGLIOZZI: I appreciate it but what happened was we referred that matter and it was postponed indefinitely and once the State Legislature passed the law that made gambling illegal in Rhode Island what we had we postponed indefinitely as I recall.

COUNCILMAN DELUCA: Well just to clarify that point for the record what the law says is that in order for anyone to expand gambling in any form in the State of Rhode Island you need a vote of referendum which is what we are asking for.

CHAIRMAN IGLIOZZI: All I am saying to you is if that is what you are asking for will you need eight votes. Let's put it on the docket and let's see if you got the eight votes.

COUNCILMAN DELUCA: And if it happens then it just goes.

CHAIRMAN IGLIOZZO: It just goes that's it. You don't need anything else because as far as the referendum form once you pass the resolution, we have gone down this road before. You can always work on language for what goes on the referendum.

COUNCILMAN DELUCA: Right we work on that thirty days before the election.

CHAIRMAN IGLIOZZI: All you need to do is pass the concept do you want it on yes or no. If you do then you can work it out.

COUNCILMAN DELUCA: The residency wording, we had alot of trouble with it and we worked up until the last day changing it.

JOHN D'AMICO: The other things I have I can hold until the next meeting except there was one housekeeping detail. If you recall we passed the Security Alarm Ordinance that essentially was an amendment of something that was pending, however, the way it is being kept is there are currently two Ordinances that are pending in committee and if I may I suggest that each of those be postponed indefinitely.

CHAIRMAN IGLIOZZI: Do you know what they are Barbara.

BARBARA POIRIER: Yes they are right here.

CHAIRMAN IGLIOZZI: Is there a motion to postpone those indefinitely.

On motion of Councilman Fenton, seconded by Councilman Clarkin, it is voted to postpone indefinitely the foregoing matter.

CHAIRMAN IGLIOZZI: All those in favor.

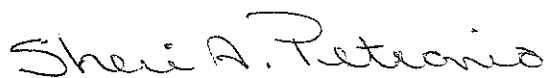
COMMITTEE: Aye.

CHAIRMAN IGLIOZZI: All those opposed.

ADJOURNMENT: On motion of Councilman Fenton, seconded by Councilman Clarkin, it is voted to adjourn the meeting at 6:05 o'clock P.M.



Clerk



Assistant Clerk