

(The following is not a verbatim transcript of comments or discussion that occurred during the meeting, but rather a summarization intended for general informational purposes. All motions and votes are the official records).

ORDINANCE COMMITTEE

Regular meeting of the Ordinance Committee was held on Thursday, September 15, 2011 in the Council Chambers, City Hall, Cranston, Rhode Island.

CALL MEETING TO ORDER:

The meeting was called to order at 8:20 P.M. by the Chair.

Present: Councilman Paul H. Archetto, Chair
Councilman Steven A. Stycos, Vice-Chair
Councilman Emilio L. Navarro
Council Vice-President Robert J. Pelletier
Council President Anthony J. Lupino

Absent: Councilman James E. Donahue

Also Present: Councilman Richard D. Santamaria, Jr.
Councilman Michael Favicchio
Gerald Cordy, Deputy Director of Administration
Mark Capuano, Deputy Director of Administration
Evan Kirshenbaum, Assistant City Solicitor
Steven Marsella, Assistant City Solicitor
Steve Woerner, City Council Internal Auditor
Pat Quinlan, City Council Legal Counsel
Rosalba Zanni, Assistant City Clerk/Clerk of Committees
Meredith Mahoney, Stenographer

MINUTES OF THE LAST MEETING:

On motion by Councilman Stycos, seconded by Council Vice-President Pelletier, it was voted to dispense with the reading of the minutes of the last meeting and they stand approved as recorded. Motion passed unanimously.

CORRESPONDENCE:

OLD BUSINESS:

PUBLIC HEARINGS/NEW BUSINESS:

Executive Session Pursuant to RIGL 42-46-5(a)(2) Potential Litigation

- **Legal Opinion as to the Comprehensive Plan and requirement of Council's approval of Zone Change in compliance.**

On motion by Council Vice-President Pelletier, seconded by Council President Lupino, it was voted to go into Executive Session pursuant to RIGL 42-46-5(a)(2). Potential Litigation. Motion passed on a vote of 5-0. The following being recorded as voting "aye": Councilmen Stycos, Navarro, Archetto, Council Vice-President Pelletier and Council President Lupino -5.

The meeting went into Executive Session at 9:35 P.M.

Present in Executive Session: Councilmen Santamaria, Archetto, Stycos, Navarro, Council President Lupino; Evan Kirshenbaum, Assistant City Solicitor; Steven Marsella, Assistant City Solicitor; Pat Quinlan, City Council Legal Counsel.

On motion by Council President Lupino, seconded by Councilman Stycos, it was voted to come out of Executive Session. Motion passed unanimously.

The meeting came out of Executive Session at 10:25 P.M.

On motion by Council President Lupino, seconded by Councilman Stycos, it was voted to seal the minutes of Executive Session. Motion passed unanimously.

8-11-1 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Scituate Ave., Sundale Rd. and Charcalee Dr. – Zone Change).

John DiBona, Esq., appeared to represent the applicant. He referred to the Affidavit he submitted to the Clerk's Office, which is attached to the Committee members' packets. He stated that if this request is granted, his client agrees to a 200 ft. buffer. If this is approved, it would have to go before Site Plan Review.

Chair clarified that this evening, a vote will be just whether there is a substantial change in the application, not on the Zone Change.

Council President Lupino motioned to accept the information presented that there are substantial changes.

Chair indicated that public hearing is still in process and motion by Council President Lupino is not recognized.

Councilman Santamaria read a statement and indicated to a petition of residents who are opposed to the Zone Change. Council President Lupino stated point of order. He stated that the Ordinance is not before the Committee yet. The Committee must decide whether there is substantial change in circumstances.

Solicitor Kirshenbaum stated that the Committee has to vote on whether there is substantial change before any other discussion is held.

Chair recognized Council President Lupino's motion and Council Vice-President Pelletier seconded the motion to accept the information presented that there are substantial changes.

Under Discussion:

Chair recognized Councilman Santamaria. Councilman Santamaria referred back to his written statement, which he read into the record.

Councilman Stycos stated that he will be voting against this Ordinance. It is exactly the same Ordinance. This is exactly what was voted on before.

Council President Lupino stated that the 200ft. buffer in itself is a substantial change.

Roll call was taken on above motion and motion failed on a vote of 1-3. The following being recorded as voting "aye": Council Vice-President Pelletier -1. The following being recorded as voting "nay": Councilmen Archetto, Stycos and Navarro -3.

8-11-2 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Change of Zone – 11 Comstock Parkway)

Lori Marchetti, Capstone Properties, appeared to speak in favor.

On motion by Council Vice-President Pelletier, seconded by Council President Lupino, it was voted to recommend approval of this Ordinance.

Under Discussion:

Councilman Stycos asked if the Administration has an opinion on this proposal. Mr. Cordy stated that the petitioner's request is consistent with the Comprehensive Plan and the Administration is in favor of it.

Roll call was taken on above motion and motion passed unanimously.

8-11-3 Ordinance in amendment of Title 5, Chapter 4 of the Code of the City of Cranston, 2005, entitled "Business Licenses and Regulations" (Business Hours of Operation).

Steve Boyle, President of Cranston Chamber of Commerce, appeared to speak and questioned the reason for this amendment to this Ordinance. He stated that a lot of businesses he has spoken to tell him that if this Ordinance passes, they would have to lay people off or cut back or leave the City. Other businesses tell him that they would not locate their business in the City of Cranston.

Robert Murray, Esq., appeared to speak on behalf of himself opposed to this Ordinance and presented a handout of a letter to the Committee. He asked that the Committee not approve this Ordinance, it is in conflict with State Law, among other reasons.

David Ouellette, owner of a coffee shop on Pontiac Ave., appeared to speak and stated that his business would be affected by this Ordinance, if passed, and he would lose a lot of revenue and the City would also lose revenue.

Clifford Reed, Hazelwood St., appeared to speak in favor of this Ordinance. He stated that the Comprehensive Plan will have negative impact on residential neighborhoods.

James Dailey appeared to speak in favor of this Ordinance mainly because of the notification requirement.

Valerie Schuele, 27 Farm St., appeared to speak and stated that this Ordinance will be driving businesses out of the City. She asked that the Council not make the City any more business unfriendly.

John Rawley appeared to oppose to this Ordinance and stated that the City is trying to create business in this economy and this Ordinance will be driving businesses out.

Marshall D'Ambrosio, 66 South Hill Dr., member of the Cranston Industrial Development Commission, appeared to oppose to this Ordinance and stated that this Commission is trying to attract businesses into the City. This Ordinance will hurt this effort. This does not make economic sense. The City should be embracing businesses and creating policies to get businesses into the City.

Hy Goldman, Chair of Industrial Development Commission, appeared to speak and stated that this Ordinance sends a message to prospective businesses that this City is not a friendly City to do business in.

Stephanie Culhane, 97 Concord Ave., appeared to speak and stated that there are businesses in the City that are not good neighbors, but the elected officials are there for the people, taxpayers, as well as the businesses.

Don Wells, 152 Columbia Ave., appeared to speak in favor. He asked the Committee, if a business opened all night three doors down from them, how would they feel. He asked that the Council figure out of a way to protect neighborhoods as well as businesses.

Sid Goldman, 2 Circuit Dr., appeared to speak and stated that he operates two twenty-four hour businesses in Cranston. His concern is this legislation will grow, if passed. This would be a hindrance to businesses trying to come into the City.

Councilman Stycos motioned to recommend approval of this Ordinance. Councilman Archetto seconded the motion for discussion purposes.

Under Discussion:

Councilman Stycos stated that this Ordinance only deals with businesses that are licensed by the City. Also, current businesses would be grandfathered. This Ordinance seeks to have control on businesses that are in neighborhoods. He does have a concern with the statement made in Attorney Murray's letter stating that this Ordinance is in conflict with State Law and would have be addressed. He would be in favor of continuing this Ordinance.

Council Vice-President Pelletier stated that the reason Councilman Stycos is sponsoring this Ordinance is due to an issue in his Ward. There are 13,000 other businesses in the City that would be deeply impacted by this.

Council President Lupino stated that we have an excellent Safety Services and Licenses Committee. We also have an Ordinance in place for extension of hours. We do not need any more regulations.

Councilman Favicchio stated that the process set out in the Ordinance may give businesses fear of the process, which may discourage businesses from coming into the City. He cannot support this Ordinance.

Chair stated that everything possible needs to be done to encourage businesses to come into the City and we need to work together with the Chamber of Commerce. This sends the wrong message and he cannot support this Ordinance.

Councilman Navarro stated that he is not in favor of this Ordinance, but he would want to know what kind of impact this Ordinance would have. The thought of being unfriendly to businesses would be a detriment to the City. He would consider continuing this Ordinance so we can see what kind of businesses this would affect and how many businesses it would affect.

On motion by Councilman Stycos, seconded by Councilman Navarro, it was voted to continue this Ordinance. Motion failed on a vote of 2-3. The following being recorded as voting "aye": Councilmen Stycos and Navarro -2. The following being recorded as voting "nay": Councilman Archetto, Council Vice-President Pelletier and Council President Lupino -3.

Roll call was taken on motion to recommend approval of this Ordinance and motion failed on a vote of 4-0. The following being recorded as voting "aye": Councilmen Archetto, Stycos, Navarro and Council Vice-President Pelletier -4.

The meeting adjourned at 10:32 P.M.

Respectfully submitted,

Rosalba Zanni
Assistant City Clerk/Clerk of Committees