

(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, May 14, 2020 via web-ex.

CALL MEETING TO ORDER:

The meeting was called to order at 6:30 P.M. by the Chair.

Present: Councilmember Kenneth J. Hopkins
Councilmember Lammis J. Vargas
Councilmember Paul J. McAuley
Councilmember Edward J. Brady
Councilmember Christopher G. Paplauskas, Vice-Chair
Council Vice-President Michael W. Favicchio, Chair

Also Present: Councilmember Steven A. Stycos
Daniel Parrillo, Director of Administration
John Verdecchia, Assistant City Solicitor
Evan Kirshenbaum, City Council Legal Counsel
Rosalba Zanni, Assistant City Clerk/Clerk of Committees
Heather Finger, Stenographer

MINUTES OF THE LAST MEETING:

On motion by Councilmember Brady, seconded by Councilmember McAuley, it was voted to dispense with the reading of the last meeting and they stand approved as recorded. Motion passed unanimously.

CORRESPONDENCE/COMMUNICATIONS

OLD BUSINESS:

PUBLIC HEARINGS/NEW BUSINESS:

Robert Wilson appeared to speak in favor of proposed Ordinance 2-20-01 and stated that this Ordinance adds Police Department as one of the enforcement agencies as well as the Building Inspections Department.

Robert Murray, Esq., 21 Garden city Dr., appeared to speak regarding proposed Ordinance 2-20-01 and as a housekeeping item, line #26, M-5 should be corrected as a scrivener's error to M-1 since we do not have M-5 in the Zoning Code. As to Mr. Wilson's comments, this Ordinance does not give the Police Chief or the Police Department any enforcement action. They can only measure the noise. The enforcement still falls in the Inspections Department. He also indicated that proposed Ordinance 2-20-02 seems the same as proposed Ordinance 2-20-01, but it seems line #32, after "Industrial District", there is language missing. He also addressed proposed Ordinance 4-20-07 and stated that he represents a lot of restaurants and some use third party delivery services. He has no problem as it relates to disclosure. He does have issues with fees set forth beginning on line #58 as to the 10% fee and stated that this may start causing some of these third party services to withdraw services in the City of Cranston and their establishments. He is not sure City government should dictate what a third party vendor should charge a customer. This is like price control. If someone chooses to pay 20% delivery service, that should be up to the person. He does not know if there was any outreach to these third party delivery services or to any of the restaurants regarding this Ordinance. As to the penalties, he questioned who pays for this, due they all have to pay the violation?

Chair asked Solicitor or Attorney Kirshenbaum if the City has authority to set the rate for percentage for the services. Attorney Kirshenbaum stated that he and Solicitor Verdecchia spoke regarding this Ordinance and he would like to be able to speak to one of Attorney Murray's clients that use this service to understand how this works so he can explain it to the City Council. Attorney Murray stated that he will speak to Attorney Kirshenbaum tomorrow regarding this.

2-20-01 **Ordinance in amendment of Chapter 17.36 of the Code of the City of Cranston, 2005, entitled "Zoning" (Industrial Uses – Noise District Measurements). Sponsored by Councilmember Stycos. Originally Referred to Ordinance Committee April 16, 2020.**

Councilmember McAuley motioned to recommend approval of this Ordinance for discussion purposes. Councilmember Hopkins seconded the motion.

Under Discussion:

Councilmember Stycos stated that this Ordinance would allow the City to have a professional company doing the monitoring and depending on the readings, the Inspections Department and the Police Department can follow up.

Councilmember Hopkins questioned if we have to pass this Ordinance to have the Police Department do a reading because they measure for the wind turbines in Johnston/Alpine Estates and we did not pass an Ordinance for that. Chair stated, no. Director Parrillo stated that the Alpine Estates reading was for a week-long reading where the readings for Yardworks, the City hired a company to do their reading.

Councilmember Vargas stated that she would like to know what the feedback or concern would be from the Police Department. Director Parrillo stated that the Administration would not be opposed to it at all. It is absolutely help them.

Councilmember Vargas asked how many noise reading devices the Police Department has. Director Parrillo stated that he believes they have two or three hand held devices. The reason the professional company was hired was to do reading study and look into the calibrating and testifying to it.

Chair asked for Solicitor's opinion regarding this Ordinance. Solicitor Verdecchia stated that the only thing he would like to do is just merely add this language, it does not automatically mean that it would be admissible in a Court of law. You still have to meet certain threshold requirements.

Mr. Wilson stated that the noise Ordinance states that it has to be witnessed by a Police Officer and not just the noise monitor.

Attorney Kirshenbaum stated that this Ordinance is something that the City needs to address quality of life issues in the City.

Councilmember Hopkins stated that this Ordinance and Ordinance 2-20-02 addresses the noise and the vibration and he questioned if a vote is needed for Ordinance 2-20-02. Solicitor Verdecchia stated that discussion is the same for both, but it requires two separate votes.

Attorney Kirshenbaum stated that the scrivener's error stated by Attorney Murray for Ordinance 2-20-01 is minor and would not need to be re-advertised.

Roll call was taken on motion to recommend approval of this Ordinance and motion passed unanimously.

2-20-02 **Ordinance in amendment of Chapter 17.36 of the Code of the City of Cranston, 2005, entitled "Zoning" (Industrial Uses – Monitoring). Sponsored by Councilmember Stycos. Originally Referred to Ordinance Committee April 16, 2020.**

On motion by Councilmember McAuley, seconded by Councilmember Hopkins, it was voted to recommend approval of this Ordinance.

Under Discussion:

Councilmember Stycos indicated to line #32 of this Ordinance and stated that he just intended to just make the underlined change.

Solicitor Verdecchia indicated to the language "In M-2 Industrial Districts....." is not necessary to be added in this Ordinance because it is already there.

All the Councilmembers asked to be added as co-sponsors to this Ordinance.

Roll call was taken on motion to recommend approval of this Ordinance and adding remainder of sentence to line #32 which is already in the Code, and motion passed unanimously.

4-20-01 Ordinance in amendment of Title 10.32 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles & Traffic” (Scaralia & Fox Ridge Drive – 4 Way Stop Removal). Sponsored by Councilmember Brady.

On motion by Councilmember Paplauskas, seconded by Councilmember McAuley, it was voted to recommend approval of this Ordinance.

Under Discussion:

Councilmember Brady stated that he sponsored this Ordinance at the request of some residents.

No one appeared to oppose.

Roll call was taken on motion to recommend approval of this Ordinance and motion passed unanimously.

4-20-05 Ordinance in amendment of Title 10.32.040 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic – No Parking On Certain Streets – Generally” (Barrett St.). Sponsored by Councilmembers Donegan and Brady.

Councilmember Donegan stated that the Traffic Engineer Report asks that this Ordinance be amended to keep it consistent with the rest of the Code.

No one appeared to oppose.

On motion by Councilmember Hopkins, seconded by Councilmember McAuley, it was voted to amend this Ordinance as recommended by Traffic Engineer. Motion passed unanimously.

On motion by Councilmember Paplauskas, seconded by Councilmember McAuley, it was voted to recommend approval of this Ordinance as amended. Motion passed unanimously.

4-20-07 Ordinance in amendment of Title 5 of the Code of the City of Cranston, 2005, entitled “Business Licenses and Regulations” (Third party Delivery Services). Sponsored by Councilmembers Donegan and Brady.

Councilmember McAuley motioned to recommend approval of this Ordinance for discussion purposes. Councilmember Vargas seconded the motion.

Under Discussion:

Councilmember Paplauskas recused since he works for a restaurant and delivers.

Councilmember Hopkins stated that he likes the Ordinance, but he is concerned about establishing 10% fixed fee. If this Ordinance is passed, he would like to take out the 10% fixed fee.

Chair stated that he is concerned about our authority to impose this.

Solicitor Verdecchia stated that he and Attorney Kirshenbaum spoke about this and both feel it needs to be looked at further and requires more study. He has grave misgivings about setting any price control between citizens and businesses.

Councilmember Donegan stated that this came about after conversations with a few restaurants in Cranston. The intent is to protect local businesses who are being taken advantage of with the absorbent fees. He is more than happy to allow the attorneys to do their research. He also stated that there are a few amendments that Attorney Kirshenbaum had suggested regarding enforcement and consent.

Councilmember Brady motioned to continue this Ordinance to next month's meeting for further research. Councilmember McAuley seconded the motion.

Under Discussion:

Councilmember Donegan clarified that the third party services is charging the restaurants the 30% commission fee. Councilmember Brady stated that on top of that, they are charging the consumer a fee.

Councilmember Donegan stated that he is fine if the Solicitors want to do more research. The questions he would like answered is do we have legality to restrict commission fees and can we require the disclosure to the restaurant and require restaurant giving consent.

Chair stated that he thinks this is more of a statewide question.

Councilmember Vargas stated that she believes there was a Bill introduced by Representative Craven and asked the attorneys to look into that. She also stated that she supports the idea of this, but also would like more research done by the attorneys.
Motion to continue passed unanimously.

Resolution requesting the General Assembly take swift action to change the date of the September 2020 Rhode Island Statewide Primary Election. Co-sponsored by Councilmembers Paplauskas, Donegan, Brady, McAuley and Council Vice-President Favicchio.

On motion by Councilmember McAuley, seconded by Councilmember Brady, it was voted to recommend approval of this Resolution.

Under Discussion:

Councilmember Hopkins asked if a City Council member is not in a Primary, if we are going to be directly involved in the Primary, can we vote on this? Chair stated that no one has declared yet so he does not think this is a conflict.

Roll call was taken on motion to recommend approval of this Resolution and motion passed unanimously.

The meeting adjourned at 7:50 P.M.

Respectfully submitted,

Rosalba Zanni
Acting City Clerk