

(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, January 11, 2024 in the Council Chambers, City Hall, Cranston, Rhode Island.

I. CALL MEETING TO ORDER

The meeting was called to order at 7:25 p.m. by the Chair.

II. ROLL CALL

Present: Councilwoman Nicole Renzulli
Councilman Daniel R. Wall
Councilman Robert J. Ferri
Councilman John P. Donegan
Councilman Richad D. Campopiano
Council Vice-President Lammis J. Vargas, Chair
Council President Jessica M. Marino

Absent: Councilwoman Aniece Germain, Vice-Chair

Also Present: Councilman Christopher G. Paplauskas
John Verdecchia, Assistant City Solicitor
Stephen Angell, City Council Legal Counsel (appeared via Zoom)
Rosalba Zanni, Assistant City Clerk/Clerk of Committees
Linda Cordeiro, Stenographer

III. MINUTES OF THE LAST MEETING:

- **Approval of minutes of the December 7, 2023 regular meeting**

On motion by Councilman Donegan, seconded by Councilman Wall, it was voted to dispense with the reading of the minutes of the December 7, 2023 regular meeting and they stand approved as recorded. Motion passed unanimously.

- **Approval of minutes of the December 19, 2023 special meeting**

On motion by Councilman Ferri, seconded by Councilman Wall, it was voted to dispense with the reading of the minutes of the December 19, 2023 special meeting and they stand approved as recorded. Motion passed unanimously.

IV. COMMITTEE BUSINESS MATTERS CARRIED OVER

9-23-05 *Ordinance in Amendment of Title 17 Zoning, Chapter 17.36.010 of the City of Cranston, 2005, Entitled 'Industrial Uses.* Sponsored by Council President Marino.

Council President Marino stated that she worked with the Solicitor and also spoke to the Administration and she would like to make a motion to make some amendments to this Ordinance and then she would like to continue it to the next month's Ordinance meeting and, in the interim, give the Administration the opportunity to address the fiscal impact of the Ordinance. The Clerk was provided with a copy of the amendments this evening, which are in yellow highlights.

Council President Marino motioned to amend

- line #32 so it reads after the word "industrial", "or commercial"
- line #38, after the word "industrial" so it reads "or commercial"
- line #49, insert comma at the end
- line #50, add "commercial operations"
- line #52 at the end add "or"
- line #53 add "commercial"
- line #58 after "industrial" add "or commercial"
- line #63 add sentence "This process shall not be required with regard to conforming uses in zones C-1, C-2, C-3 and C-4"
- line #174 after "heat and glare" remove "In C-5 and M-1 districts" and after "industrial" add "or commercial"

Councilman Donegan seconded the motion. Motion passed unanimously.

On motion by Councilman Ferri, seconded by Councilwoman Renzulli, it was voted to continue this Ordinance to next month's meeting. Motion passed unanimously.

Solicitor asked to make a suggestion to this Committee and to all Committee Chairs and each and every Committee in regards to whenever a fiscal note is needed or whenever a fiscal note is required. The reason for it is because it seems that this is an issue that keeps popping up all the time and the last time it got a little bit heated in terms of whose responsibility it is to request it, how it is done, what are the logistics and so forth. We end up wasting a lot of time and there is finger pointing. Sometimes the fiscal note is not obtained and we have to continue things. He would like to take this opportunity to relate to the Committee the process that is delineated in the Charter that we have to follow. He referred to Title 3.04.030 and stated that he feels this is the only language that is pertinent and read this Section for the record. His request going forward starting this evening and doing it right now is he would like someone to make a motion to request a fiscal note for Council President Marino's Ordinance, seconded and voted on. Then, we will be in compliance with the procedure outlined in the Charter and there will be no more disputes. Once this is done, it is a matter of record, it is in black and white and then once that is done, it now shifts over to the Administration to comply with the requirements of the Ordinance as it is the responsibility of the Committee to comply. He is hoping what this will do is this will remove the back and forth and the uncertainty of where is the fiscal note, who was supposed to get it and who was supposed to ask for it. Now we have a procedure in place going forward and this is the way it should be. This benefits everyone because now we have a date, we have a time when it was requested and what was requested. That is going to remove all the finger pointing, all the uncertainty and all the second guessing from the table. This will be beneficial for the Council, the Committee and the Administration. He strongly suggests we implement this this evening going forward.

Chair recognized Attorney Angell, who is on Zoom.

Attorney Angell stated that historically, the practice has changed in Cranston over time, at least in the time he has been in Cranston. We have seen a departure from this. There has been an understanding that a fiscal note would be provided in most circumstances that require the expenditure of funds or that there is a fiscal impact on the City. The Charter specifically says that it is the responsibility of the Committee to ensure that the fiscal note is triggered. Let's go back to the basics that have been set forth. It will stop a lot of the back and forth, however, the Council should note that there are other departures that have been made from the Charter in the time that he has been with the City and if we are going to get back to basics, we are going to get back to all of them, which includes notices of special meetings. Notices of special meetings are required to be delivered in hand not by email, unless it is changed in the Charter. We need to follow all the nuances in the Charter so let's begin with this one. It will cut down on confusion and time spent talking about these things and he agrees with the recommendation as it was stated by Solicitor Verdecchia.

On motion by Councilwoman Renzulli, seconded by Councilman Campopiano, it was voted to request a fiscal note for Ordinance 9-23-05. Motion passed unanimously.

V. PUBLIC HEARINGS AND PUBLIC COMMENT

None.

VI. NEW MATTERS BEFORE THE COMMITTEE

11-23-01 *ORDINANCE in Amendment of Title 10, Chapter 32, Section 225 of the City of Cranston Code of Ordinances, 2005, Entitled 'No Parking – Commercial Vehicles'. Sponsored by Councilman Campopiano*

No one appeared to speak in favor or to oppose.

On motion by Councilman Ferri, seconded by Councilwoman Renzulli, it was voted to recommend approval of this Ordinance.

Under Discussion:

Councilman Campopiano questioned if a fiscal note is required.

Chair asked at what point do we then decide if a fiscal note is needed.

Councilman Campopiano stated that the signs are already up.

Attorney Angell stated that as we move forward with these types of things, the Council may consider an amendment to its Code of Ordinances relative to what is a minimus expenditure of funds with respect to a request and an Ordinance. This may be something he and Solicitor Verdecchia need to speak about.

Solicitor stated that perhaps we should put a threshold on that. Something along the line of what is considered a petty expense for financial purposes. Perhaps the Finance Director can give some sort of direction of what they consider petty funds sort of speak.

Council President Marino stated that in the interim, for this evening, she deferred to Solicitor and Attorney Angell if we should perhaps just go through the motion of doing a motion to request a fiscal note and the Administration can have a one sentence stating there is no fiscal impact, if that is the case and send it to the Committee. Solicitor stated that that is not a bad idea. It is up to the Committee, but this way we know, it is covered if it is needed, fine. It is better to have it if needed than not have it and it is needed. Attorney Angell agreed.

Councilman Paplauskas stated that he knows the signs are already there and Councilman Campopiano brought this forward to bring it into compliance so there is not going to be any fiscal impact on this. Years ago, this very issue was debated and it was also indicated to the Council at that time that we do the signs inhouse so there is really no cost to it.

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

VII. ADJOURNMENT

The meeting adjourned at 7:55 p.m.

Respectfully submitted,

Rosalba Zanni
Assistant City Clerk/Clerk of Committees