

(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 12, 2024 in the Council Chambers, City Hall, Cranston, Rhode Island.

I. CALL MEETING TO ORDER

The meeting was called to order at 6:35 p.m. by the Chair.

II. ROLL CALL

Present: Councilwoman Nicole Renzulli
Councilman Richard D. Campopiano
Councilman Robert J. Ferri
Councilwoman Kristen E. Haroian
Councilman Daniel Wall, Vice-Chair
Council Vice-President Lammis J. Vargas, Chair
Council President Jessica M. Marino, Ex-Officio

Absent: Councilman John P. Donegan

Also Present: Councilman Christopher G. Paplauskas
John Verdecchia, Assistant City Solicitor
Justin Mateus, Acting Public Works Director
Rosalba Zanni, Assistant City Clerk/Clerk of Committees
Heather Finger, Stenographer

III. MINUTES OF THE LAST MEETING:

- **Approval of minutes of the September 15, 2024 regular meeting**

On motion by Councilman Ferri, seconded by Councilwoman Haroian, it was voted to dispense with the reading of the minutes of the September 15, 2024 regular meeting and they stand approved as recorded. Motion passed unanimously.

IV. COMMITTEE BUSINESS MATTERS CARRIED OVER

05-24-03 *Ordinance In Amendment of Chapter 5.40 of the City of Cranston, 2005, Entitled 'Hawkers and Peddlers – Generally' Section 5.40.140. Sponsored by Council President Marino, Councilmen Wall and Ferri. Cont. from 6/13/2024 & 8/15/2024.*

On motion by Council President Marino, seconded by Councilman Wall, it was voted to amend this Ordinance as follows:

- delete lines #51, 57, 58

- line #70, after “person”, add “who has been convicted or pled nolo contendere and received a sentence for a crime of violence, fraud, theft, deceit or any other crime of moral turpitude”.
- line #74, after “change”, delete entire sentence starting with “if” through “permits” on line #77
- line #121 after “crime or”, add “plea of nolo contendere with a sentence for a crime of violence, fraud, theft, deceit or any other crime of moral turpitude”.
- line #127, after “before an”, delete “ad hoc Committee of the City Council” and add “Safety Services and Licenses Committee”.

Under Discussion:

Councilman Wall stated that looking at this Ordinance, he is pleased with it. It allows people who need to make a living, who are door to door salesmen or solicitors, and do what they have to do, but also provides a measure of security for our residents who are alone. Identification is necessary. There are hours set, they have to register with the City. This is a step in the right direction and he is in favor of it.

Councilman Paplauskas asked if there is a reason behind the \$200 fee amount that was picked. Council President Marino stated that it was similar to what other cities and towns she saw were charging. There is going to be some cost incurred with this and it is within our permitted allowance of what we can charge. Councilman Paplauskas questioned this because there was an issue a few years ago where we were charging for a permit and we were taken to Court and the fee was too high.

Solicitor stated that the State recently enacted a similar solicitation law that applies specifically to solar sales and it is pretty comprehensive. What it says about fees, by way of comparison, is that it essentially leaves the application and the licensing fee up to the Department of Business Regulations. He does not know if DBR has established a licensing fee and how much that is because they would have offered some guidance perhaps, but the Statute itself does not contain that. It is really a factual question. Whether or not it is reasonable or unreasonable, he personally does not feel that that \$200 is unreasonable. It is in the discretion of this Committee. If the Committee wanted to make it \$150, \$175, just to keep it below \$200, he thinks that that would be reasonable, but it is really up to the Committee.

Councilman Ferri asked if a company has three employees, do they just pay the \$200 once or do they have to pay for all three employees? Solicitor noted that each employee in a company is required to have a permit, a card. He believes it is only \$25 for each additional license, which is contained in lines 82-85. Initial fee is \$200 and if you have ten employees, it would be another \$250.

Councilman Campopiano asked if there is a fiscal note tied to this. Council President Marino stated that the motion right now is motion to amend. She will address the fiscal note later.

Roll call was taken on motion to amend this Ordinance as stated and motion passed unanimously.

On motion by Councilman Ferr, seconded by Councilman Wall, it was voted to recommend approval of this Ordinance as amended.

Under Discussion:

Council President Marino addressed the question of the fiscal note and stated that after this evening, if this passes out of Committee, then she would like the Finance Director, through the Administration, prepare a fiscal note and commence discussion with the Colonel as to the implementation of this. Before this evening there was no point in wasting anyone’s time doing that.

Solicitor suggested that the request be done by motion.

On motion by Councilman wall, seconded by Councilwoman Renzulli, it was voted to request a fiscal note for this Ordinance. Motion passed unanimously.

Councilman Campopiano asked, if we find that the cost is higher or lower than expected, can that fee be adjusted? Solicitor stated that within reason, yes.

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

Council Vice-President Vargas, Councilwomen Haroian, Renzulli, Councilmen Campopiano and Paplauskas all asked to be added as co-sponsors.

V. PUBLIC HEARINGS AND PUBLIC COMMENT

Silvia Louro, 18 Buttonwood Dr. appeared to speak in favor of proposed Ordinance 8-24-06 and presented photos. She stated that she is present this evening because she has been negatively impacted by a lack of an Ordinance around fences and walls.

On motion by Council President Marino, seconded by Councilman Ferri, it was voted to accept the photos presented by Ms. Louro into the record. Motion passed unanimously.

Melissa Lauro, 85 Cypress Dr., appeared to speak in favor of proposed Ordinance 8-24-06 and stated that she is concerned with the value of her home being impacted. The photos presented by the previous speaker is what she has to look at every day and is not a good thing.

Drake Patten, 684 Natick Ave., appeared to speak via Zoom regarding proposed Ordinance 8-24-03 and stated that she is not sure what that is about, but from the public standpoint, that Commission has not met in a very long time and that is concerning to those who care about our environmental future. Changing a Commission's setup that is not even meeting is a little confusing from the public's side. She asked that that clarity be provided.

VI. NEW MATTERS BEFORE THE COMMITTEE

08-24-01 *ORDINANCE In Amendment of Title 10, Chapter 32, Section 030 of the City of Cranston, 2005, Entitled "Multi-Way Stop Intersections – Enumerated"; Sponsored by Councilman Donegan.*

Chair asked if the Traffic Study has been provided. Clerk stated, no.

Chair asked that this Ordinance be continued to next month's meeting since Councilman Donegan, the sponsor, is not present this evening.

On motion by Councilman Wall, seconded by Councilwoman Haroian, it was voted to continue this Ordinance. Motion passed unanimously.

08-24-03 *ORDINANCE In Amendment of Title 2, Chapter 52 of the City of Cranston, 2005, Entitled "Conservation Commission"; Sponsored by Council Vice-President Vargas.*

Chair noted that the agenda states that the Ordinance is sponsored by her. She has not sponsored this Ordinance and does not know what this Ordinance does.

Clerk stated that State Law requires Commission to have seven members and has no mention of Alternates so this Ordinance would be in compliance with State Law. At one point an Ordinance was passed adding Alternates, but State Law does not mention anything about Alternates.

Solicitor stated that he can research this since this has just been brought to his attention.

Councilman Paplauskas stated that he is the one that sponsored the Ordinance to add the Alternates. He questioned if this State Law is new. Clerk stated that the City Clerk has forwarded her an email that she had forwarded to the Council Members explaining this Ordinance and the Clerk read it into the record.

Council President Marino stated that there are lots of discrepancies between our Code of Ordinances and State Law that need to be addressed and there should never be a unilateral move to put something on the agenda with a Council Person's name if they actually did not approve of that sponsorship, particularly when it did not originate with the Solicitor's Office. She is sure it was a simple mistake, but that should not be occurring. For that reason, it should pass and then the Solicitor can engage on the issue and make recommendations to the Council with respect to changes. She has other questions regarding this Ordinance. She is not sure if the Mayor makes the appointment or can it be Council. This is why she thinks it should pass and have the Solicitor look at it and then bring it up to the Council rather than continue it.

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

Motion and second were withdrawn.

Chair asked that this Ordinance be withdrawn.

On motion by Councilman Wall, seconded by Councilman Ferri, it was voted to withdraw this Ordinance. Motion passed unanimously.

08-24-06 ***ORDINANCE In Amendment of Title 17, "Zoning", of the Code of the City of Cranston, 2005, to add Chapter 17-.124 Entitled "Fences and Walls"; Sponsored by Mayor Hopkins, Council President Marino, Councilwoman Renzulli, and Councilman Wall.***

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

Under Discussion:

Solicitor stated that there is State Law 34-10-20 entitled "Spite Fences" and he is assuming this Ordinance is essentially a spite fence type of Ordinance, which is fine. Only thing he would like to point out is he would suggest in lines #32 & 33 the sentence which states "such structures with heights greater than six feet are prohibited" be amended to bring it into compliance with State Law, which states "a fence or other structure in the nature of a fence which unnecessarily exceeds six feet in height". The reason for that is mere fact that a fence may be six feet does not necessarily mean it is being erected for malicious or nefarious purposes. Someone may have a legitimate reason. Rather than make it a categorical prohibition over six feet, they inserted the word "unnecessarily" and he thinks the Committee may want to consider that here and simply amend that line to state "such structures which unnecessarily exceeds six feet are prohibited". That is for the Committee's consideration.

Councilwoman Renzulli stated that she believes there are other cities and towns that do have this six foot. It is pretty standard in Rhode Island. She thinks the purpose of this Ordinance is to have consistency across the board.

Solicitor stated that what other cities and towns do does not necessarily mean it is correct or we are incorrect and vice-versa. He is simply pointing out that it looks like the State had the same concerns obviously and the State did not want a blanket prohibition under every circumstance. There is no language in this particular Ordinance which carves out any kind of an exception. It just basically says you are going to be cited if you have a fence over six feet. The way this is, there is no discretion. It is just you are six foot six and you got a legitimate reason, you are going to be in violation of the Statute, you are going to be cited and pay a fine.

Councilwoman Renzulli stated that she would rather amend this to say that you need to get some kind of a permit if you want a fence over six feet.

Councilman Campopiano stated that there may be a legitimate reason to have something that is over six feet, such as the contour of the land that it needs to be higher in one area than another. There should be something in this Ordinance that would account for that.

Councilman Ferri stated that he is in favor of the language suggested by the Solicitor.

Councilman Wall stated that he is in favor of the Ordinance as it is written.

Solicitor clarified that by adding the word “unnecessarily”, you are not changing what the Ordinance or the State Statute says. Six feet is the boundary line, that is the maximum height. The only purpose of putting in that description of “unnecessarily” is just to allow a safety valve sort of for people who legitimately are not trying to violate the State Law or the Ordinance. Six feet is the standard.

Council President Marino agreed with the Solicitor. She stated that she would be in favor of amending this on line #32 to read “such structures which unnecessarily exceeds six feet are prohibited”. It still satisfies the purpose of this Ordinance, which is that we are only allowing six foot fences and then if it is beyond that, we are simply saying you have to comply with State Law and we are obligated to do that legally. Solicitor stated that that is correct and what it does now it shifts the burden to the property owner and they have to justify it.

On motion by Council President Marino, seconded by Councilman Wall, it was voted to amend this Ordinance as follows: lines #32 & 33 to read “such structures” and delete “with heights greater than six feet are” and insert after the word “structures” on line #32 going into line #33 “which unnecessarily exceeds six feet are prohibited”.

Under Discussion:

Councilwoman Renzulli stated that she is not in favor of this change. Obviously she sponsored the Ordinance so she would want something to pass concerning the six foot fences.

Roll call was taken on motion to amend this Ordinance as stated and motion passed on a vote of 6-1. The following being recorded as voting “aye”: Council Vice-President Vargas, Councilmen Wall, Ferri, Councilwoman Haroian, Councilman Campopiano and Council President Marino -6. The following being recorded as voting “nay”: Councilwoman Renzulli -1.

On motion by Councilman Ferri, seconded by Councilwoman Haroian, it was voted to recommend approval of this Ordinance as amended. Motion passed unanimously.

RESOLUTION creating a Sub-Committee on Homeless Encampments; Sponsored by Council President Marino.

Council President Marino stated that this Resolution is to establish a sub-committee on the issue of the homeless encampments to address this. In terms of appointment from someone from the Majority Party on the Council, someone from the Minority Member of the Council, that is to be presumed to be made by the Majority Leader and the Minority Leader. Hopefully, this will be helpful to the issue. It is a long-term issue and not an easy task and having the people who have the actual experience on a regular basis and interactions with this and public safety and compassion is the best way to address it.

On motion by Councilman Wall, seconded by Councilman Ferri, it was voted to recommend approval of this Resolution. Motion passed unanimously.

VII. ADJOURNMENT

The meeting adjourned at 7:45 p.m.

Respectfully submitted,

Rosalba Zanni
Assistant City Clerk/Clerk of Committees