

MONDAY, MARCH 19, 2018
WOONSOCKET CITY COUNCIL AGENDA
CITY COUNCIL PRESIDENT DANIEL M. GENDRON PRESIDING
7:00 PM. – HARRIS HALL
169 MAIN STREET, WOONSOCKET, RHODE ISLAND 02895

REGULAR MEETING

1. **ROLL CALL**
2. **PRAYER**
3. **PLEDGE OF ALLEGIANCE**
4. **CITIZENS GOOD AND WELFARE**
(Please limit comments to five minutes)
5. **APPROVAL/CORRECTION OF MINUTES OF REGULAR MEETING HELD MARCH 5TH**
6. **CONSENT AGENDA**
All items on the consent agenda are indicated with an asterisk (*).
7. **COMMUNICATIONS FROM MAYOR**

None.
8. **COMMUNICATIONS FROM CITY OFFICERS**

18 CO 08* From Solicitor regarding property damage claim of Ms. Donna Desjardins.
18 CO 09* Communication from City Solicitor regarding political signs.
9. **AGENDA FOR BOARD OF LICENSE COMMISSIONERS**

18 LC 12 Application of licenses and renewal of licenses (listing attached).
10. **COMMUNICATIONS AND PETITIONS**

18 CP 16* Monthly odor report from CH2M Hill.
18 CP 17 A request of David Marszalkowski to address the City Council regarding an Eagle Scout project.
18 CP 18 A request of Director D'Agostino to address the City Council regarding updates and status of the new Water Treatment Plant.
18 CP 19 Request of Councilman Cournoyer to address the following items:
 1. Budget – financial condition and staffing.
 2. School Committee.
 3. Blight.
 4. Electricity contract.
18 CP 20 Request of Councilman Fagnant to address the following items:
 1. Empty lot at 419 North Main Street that was demo months ago, has a buyer come forward.
 2. RiverzEdge and Haven of Grace PILOT Agreement?
 3. Teacher contract negotiation committee.
 4. Blight account reported in the last monthly report.
 5. Tobacco licenses & permits Ordinance 17-O-73, June 5, 2017.
 6. Registered vehicles from other states living in Woonsocket.
 7. Valley Transportation Corp. commercial vehicle excise tax assessment.
11. **GOOD AND WELFARE**
(Five minute limit, per Council Rules of Order)

12. ORDINANCES PASSED FOR THE FIRST TIME MARCH 5TH

- 18 O 06 In amendment of Chapter 3 Entitled, "Alcoholic Beverages" of the Code of Ordinances, City of Woonsocket.-Murray
- 18 O 07 Authorization to sell the property located at 102-114 Robinson Street, Woonsocket, Rhode Island.-Beauchamp

13. NEW ORDINANCES

- 18 O 08 In amendment of the Code of Ordinances, City of Woonsocket, Rhode Island Appendix C, Entitled "Zoning" regulating micro-lofts, micro-apartments and studios.-Murray
- 18 O 09 Transferring Funds (From Contingencies to Law Department).-Gendron
- 18 O 10 Amending Chapter 12, Entitled 'Housing' Article I, Entitled 'In General' Article XII, Entitled 'Rooming Houses' and Chapter 13.37, Entitled 'Licensing of Rooming Houses' of the Code of Ordinances of the City of Woonsocket, Rhode Island.-Fagnant
- 18 O 11 In amendment of the Code of Ordinances, City of Woonsocket, R.I. Appendix C, Entitled "Zoning" regarding "Various Technical Changes".-Fagnant

14. RESOLUTIONS TABLED

- 18 R 19 Granting permission to use City property.-Gendron

15. NEW RESOLUTIONS

- 18 R 24 Authorizing the cancellation of certain taxes.-Gendron
- 18 R 25 Granting permission to use City property.-Gendron
- 18 R 26 Instructing the administration to issue a request for proposal in connection with renewable energy projects.-Brien
- 18 R 27 Granting permission to use City property.-Gendron
- 18 R 28 Granting permission to use City property.-Gendron
- 18 R 29 Accepting the affirmation and commitment of the Tai-O Group to proceed with the redevelopment at the former Woonsocket Middle School, 357 Park Place.-Gendron
- 18 R 30 Instructing the administration to provide the City Council with monthly status reports with respect to the Water Treatment Plant Project.-Gendron
- 18 R 31 Resolution in support of House Bills 7422 & 7076 and Senate Bill 2008.-Murray
- 18 R 32 Granting relief from the parking requirements of the Woonsocket Zoning Ordinance at the former Woonsocket Middle School, 357 Park Place.-Gendron

16. ADJOURNMENT

For additional information or to request interpreter services, or other special services for the hearing impaired, please contact City Clerk Christina Harmon-Duarte three days prior to the meeting at (401) 762-6400, or by the Thursday prior to the meeting.

Posted March 15, 2018

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AGENDA FOR BOARD OF LICENSE COMMISSIONERSNEW LICENSESCLASS F LIQUOR

Friends of the Woonsocket Harris Public Library, 303 Clinton Street (April 27)

RENEWALSAUTOMOBILE JUNKYARD

Heavy Metal Recycling, Inc., 9 Privilege Street
L&R Scrap Metal, 55 Privilege Street
Woonsocket Auto Salvage, 5 Madison Avenue

HOLIDAY SALES

AJs Mini Market, 939 Social Street
Asian Market and Video, 475 Clinton Street
Autopart International, Inc., 401 Clinton Street
B&B Consumers Variety Store, 139 Hamlet Avenue
Bileau's Flowers, 665 Diamond Hill Road
Cardi's Department Store, 1551 Diamond Hill Road
City Street Liquors, 61 Hamlet Avenue
Clothesline Laundry Service, 855 Diamond Hill Road
Clothesline Laundry Service, 202 South Main Street
Convenience Store, 260 Logee Street
Cosmoprof, 2168 Diamond Hill Road
Dollar General, 1285 Mendon Street
Dollar Tree, 1900 Diamond Hill Road
Dollar Tree, 1412 Park Avenue
Dupras Baking Company, Inc., 39 Sweet Avenue
East Side Produce, 562 Cass Avenue
Fontana's Flowers & Greenhouses, Inc., 1098 Diamond Hill Road
JB Liquors Inc., 2 Monument Square
L&B Variety, 367 Fairmount Street
L&L Laundromat, 800 Providence Street
Li'l General #1, 547 Cumberland Hill Road
Loads of Fun Laundromat, 1173 Social Street
M&N Laundromat, 389 Willow Street
New Hong Kong Chinese Restaurant, 774 Social Street
Ocean State Job Lot, 1919 Diamond Hill Road
Ocean State Job Lot, 1412 Park Avenue
Olympia Sports, 1500 Diamond Hill Road
Pete's Bait Shop, 341 Burnside Avenue
Price Rite, 2000 Diamond Hill Road
Quick Mart, 85 Mason Street
Rainbow Apparel, 2000 Diamond Hill Road
RJs Hill Liquors, Inc., 820 Cumberland Hill Road
Sally Beauty Supply, 1910 Diamond Hill Road
Sam's Food and Smoke Shop, 805 Park Avenue
Sassy Mama's General, Inc., 601 Winter Street
Savers, 1500 Diamond Hill Road
Speedway LLC, 290-300 Social Street
Stop Quick Mart, 814 Diamond Hill Road
T&Ds Market, 263 Dulude Avenue
Tesoro Market, 1047 Social Street
Walgreens, 45 Cumberland Street
Walt's Clothing, 837 Cumberland Hill Road

QUARTERLY ENTERTAINMENT

A.A.K. INC., d/b/a Dollhouse, 570 Front Street (Female Exotic Dancing)
 Club Lafayette, 289 Aylsworth Avenue (Live Band, DJ, Karaoke)
 Chan's, 1689 Mendon Road (Live Band, DJ, Karaoke)
 Luc's, 541 River Street (Live Band, DJ, Karaoke)
 Woonsocket Lodge of Elks #850, 380 Social Street (Live Band, DJ, Karaoke)

SECOND HAND DEALER – AUTOMOBILE

A Wheels Inc., d/b/a Shannon Motors, 50 Founders Drive
 Cycle Performance & Sales LLC, 208 Berton Street
 HKK Auto Sales & Services, Inc., 767 Social Street
 Michaud Auto Body, Inc., 430 Privilege Street
 Plante's Auto Sales, 39 Parker Street
 Standard Rent-A-Car, 664 Front Street
 Tasca Automotive Group North Two, Inc., 55 Fortin Drive
 Terry's Tire & Auto Service, 36 Blackstone Street
 Woonsocket Motors, 5 Madison Avenue

SECOND HAND DEALER – MERCHANDISE

L&R Scrap Metal, 631 River Street
 Mario's Reconditioned Appliance, Inc., 968 Elm Street
 Nana's Attic, 397 Cass Avenue
 Rene's Used Furniture, 56 Arnold Street
 Savers, 1500 Diamond Hill Road

STREET VENDOR

Alien Ice Cream, 10 Star Avenue
 Nessa Snack Shop, LLC, 427 Coe Street

TOBACCO

AJs Mini Market, 939 Social Street
 City Street Liquors, 61 Hamlet Avenue
 Consumers d/b/a Consumers Propane, 139 Hamlet Avenue
 Convenience Store, 260 Logee Street
 Dollar General, 1285 Mendon Street
 Family Dollar Stores of RI, Inc., 403 Clinton Street
 JB Liquors, Inc., 1100 Social Street
 Kimo, Inc. d/b/a Li'l General #1, 547 Cumberland Hill Road
 L&B Variety, Inc., 367 Fairmount Street
 Quick Mart, 85 Mason Street
 RJs Hill Liquors, 820 Cumberland Hill Road
 Sam's Food and Smoke Shop, 805 Park Avenue
 Sassy General, Inc., d/b/a Li'l General #22, 601 Winter Street
 Speedway LLC, 300 Social Street
 Tesoro Market, 1047 Social Street
 Walgreens, 45 Cumberland Street
 Woonsocket Convenience Store, 575 South Main Street

Monday, March 5, 2018

At a regular meeting of the City Council, in the City of Woonsocket, County of Providence, State of Rhode Island in Harris Hall on Monday, March 5, 2018 at 7 P.M.

All members are present.

The prayer is read by the Clerk. The Pledge of Allegiance is given by the assembly.

The following persons addressed the Council under citizens good and welfare: Dennis Desaulniers, Britte Jessen-Balint, Lynn Kapiskas, John Reynolds Jr., John Ward and Margaux Morisseau.

Upon motion of Councilwoman Murray seconded by Councilman Fagnant it is voted that the minutes of the regular meeting held February 19th be approved as submitted, a voice vote on same being unanimous.

Upon motion of Councilwoman Murray seconded by Councilman Beauchamp it is voted that the consent agenda be approved as submitted, a voice vote on same being unanimous.

The following communication was listed on the consent agenda:

18 CO 7 A communication from City Solicitor regarding claim of Thoranong Khoungsaouvankham.

18 LC 10 A request of Knights of Columbus, Council 113 to hold a tag day license on Saturday, May 12, 2018 with a rain date of Saturday, May 19, 2018 is read by title, and

Upon motion of Councilman Fagnant seconded by Councilwoman Murray it is voted that the request be granted, a voice vote on same being 5-2 with Councilors Beauchamp and Gendron voting no.

18 LC 11 Upon motion of Councilwoman Murray seconded by Councilman Beauchamp it is voted that the following licenses be granted, a voice vote on same being unanimous: 1 application for Class F license, 2 applications for renewal of automobile junkyard license, 1 application for renewal of bowling alley license, 11 applications for renewal of holiday sales license, 2 applications for renewal of pawnbroker license, 6 applications for renewal of quarterly entertainment license, 7 applications for renewal of tobacco license, 10 applications for renewal of second hand dealer license, 2 applications for renewal of street vendor license and 1 application for renewal of police constable license. 1 application for Class F license for Museum of Work and Culture was approved upon motion of Councilman Beauchamp seconded by Councilman Cournoyer, a voice vote on same being unanimous. President Gendron recused himself from the last vote.

18 CP 13 A request of John Ward to address the City Council regarding the Woonsocket School Committee, its authority under R.I. General Laws and appointment process is read by title. Mr. Ward was present and addressed the council.

18 CP 14 A request of Albert G. Brien to address the City Council regarding Social Street School, blight account and 324 Third Avenue property is read by title. Mr. Brien was present and addressed the council.

18 CP 15 A request of Councilman Cournoyer to address the following items: budget-financial condition, staffing and economic development, trash fees, blight and electricity contract is read by title.

The following remarks are made under good and welfare:

President Gendron spoke about micro-loft legislation. He spoke about abatement legislation regarding 25 Cummings Way (18-R-02). He addressed Director D'Agostino regarding water treatment plant status update. He addressed Director Mathews regarding parking for new business on Cass Avenue (parking issues). He addressed Director Mathews regarding hazardous conditions at 20 Larch Street property.

Councilman Beauchamp addressed 20 Larch Street. He commented on school committee appointments. He commented on General Laws regarding school appointments and collective bargaining.

Councilman Brien responded to comment regarding vetting candidates. He commented on Rhode Island General Law regarding school committee and executive powers. He addressed status of 18-R-07 regarding renewable energy project request for proposals.

Councilman Cournoyer commented on Rhode Island General Law regarding school collective bargaining. He addressed appointment of school committee candidates. He spoke about status of incinerator.

Councilman Fagnant commented on 18-R-17 regarding marijuana cultivation. He spoke about a work session with auditors. He asked Mayor for status of 419 North Main Street purchase. He commented on 31-33 Wood Avenue regarding minimum housing violations.

Councilwoman Murray commented on micro-lofts work session.

Councilwoman Sierra commented on school committee candidate. She reminded everyone of March 24th fundraiser at Savini's for Gloria Gemma Foundation.

18 O 5

An ordinance authorizing Public Works Director to sell salt brine to private entities, which was passed for the first time on February 19th, is read by title, and

Upon motion of Councilwoman Murray seconded by Councilmen Cournoyer and Fagnant it is voted that the ordinance be passed, a roll call vote on same being 6-1 with President Gendron voting no.

18 O 6

An ordinance in amendment of Chapter 3 entitled "Alcoholic Beverages" of the Code of Ordinances is read by title, and

A motion is made by Councilwoman Murray seconded by Councilman Beauchamp that the ordinance be passed for the first time, however before this is voted on

Upon motion of President Gendron seconded by Councilman Cournoyer it is voted that the ordinance be amended as follows: In Section 1, Section 3-1 after "allowed" add "in city parks". This motion was passed on a 6-1 roll call vote with Councilwoman Murray voting no.

Upon motion of Councilwoman Sierra seconded by Councilwoman Murray it is voted to amend as follows: In Section 1, Section 3-1 after "special events" add "with liability insurance". This motion is voted on and passed unanimously on a roll call vote. The ordinance, as amended, is then voted on and passed for the first time, a roll call vote on same being 6-1 with Councilman Fagnant voting no.

18 O 7

An ordinance authorizing to sell the property located at 102-114 Robinson Street is read by title, and

Upon motion of Councilman Beauchamp seconded by Councilman Cournoyer it is voted that the ordinance be passed for the first time, a roll call vote on same being unanimous.

- 18 R 18 A resolution authorizing the cancellation of certain taxes is read by title, and
A motion is made by Councilwoman Murray seconded by Councilwoman Sierra that the resolution be passed, however, before this is voted on
Upon motion of Councilman Fagnant seconded by Councilman Beauchamp it is voted that the resolution be amended by deleting the first account (Action Based Enterprises) and the last three accounts (Pulmonary & Sleep Ctr), a voice vote on same being unanimous. The resolution, as amended is then passed, a voice vote on same being unanimous.
- 18 R 19 A resolution granting permission to use city property is read by title, and
Upon motion of Councilman Beauchamp seconded by Councilwoman Murray it is voted that the resolution be passed, however before this is voted on
A motion was made by Councilman Beauchamp seconded by Councilman Fagnant that the resolution be tabled, a voice vote on same being unanimous.
- 18 R 20 A resolution creating a special event vendor permit for the Levitt AMP Woonsocket concert series is read by title, and
A motion is made by Councilman Brien seconded by Councilwoman Murray that the resolution be passed. However before this is voted on
Upon motion of Councilman Fagnant seconded by Councilman Sierra it is voted to amend 2nd Whereas & Section 1 by deleting "\$25" and in its place inserting "\$50". This amendment is voted on and passed on a 4-3 roll call vote with Councilors Beauchamp, Brien and Murray voting no.
Upon motion of Councilman Fagnant seconded by Councilwoman Murray it is voted to delete all three (3) references of "vendor(s)" and in its place insert "peddler(s)". This amendment is passed on a unanimous voice vote. The resolution, as amended, is then voted on and passed unanimously on a voice vote.
- 18 R 21 A resolution appointing Brian J. Kane to the Woonsocket School Committee is read by title, and
Upon motion of Councilman Beauchamp seconded by Councilman Fagnant it is voted that the resolution be passed, however, this motion is defeated on a 4-3 roll call vote with Councilors Beauchamp, Fagnant and Murray voting yes.
- 18 R 22 A resolution instructing Mayor to notify all known interested parties that offers to purchase 706 Social Street should be submitted to the Clerk's office by no later than 2 P.M. on March 23rd, 2018 is read by title, and
Upon motion of Councilman Cournoyer seconded by Councilman Brien it is voted that the resolution be passed, a voice vote on same being 4-3 with Councilors Beauchamp, Fagnant and Murray voting no.
- 18 R 23 A resolution instructing Mayor, via her Administration, to issue refund checks to taxpayers that are owed refunds in connection with the motor vehicle tax phase out is read by title, and
Upon motion of Councilman Cournoyer seconded by Councilman Brien it is voted that the resolution be passed, a voice vote on same being 6-1 with Councilman Beauchamp voting no.
Upon motion of Councilman Brien seconded by Councilwoman Murray it is voted that the meeting be and it is hereby adjourned at 11:00 P.M.

Attest:

Christina Harmon Duarte

City Clerk



CITY OF WOONSOCKET, RHODE ISLAND
LAW DEPARTMENT

March 14, 2018

Woonsocket City Council
169 Main Street
P.O. Box B
Woonsocket, RI 02895

RE: Claim for Property Damage of Ms. Donna Desjardins, 162 Cooper Avenue

Dear Councilors:

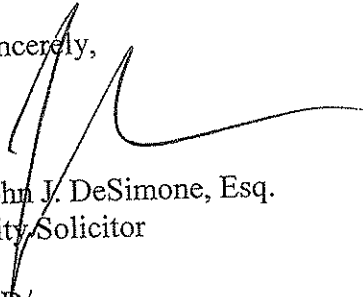
This claim for property damage arises out of an incident that occurred on February 23, 2018. Ms. Desjardins reported to the City that she sustained damage to her 2016 Toyota Camry tire travelling on Park Avenue in front of Navigant Bank. She said her vehicle struck a pot hole there.

Ms. Desjardins submitted three estimates; one from C & C Garage in the amount of \$268.42, the second from Firestone Complete Auto Care in the amount of \$252.94 and the third from Rick's Tire and Auto Center in the amount of \$265.20. A report from the Highway Department noted that they received three (3) complaints and the hole was repaired. She also submitted a police report attesting to the same information.

Under R.I.G.L. § 24-5-13 (b), a person may collect up to \$300 for damage caused by a pothole. She requests in her claim the amount of \$268.42 to have it repaired at C & C Garage. I recommend approval of the claim in the amount requested, \$268.42.

If you have any questions, please contact me as I would be happy to answer them.

Sincerely,



John J. DeSimone, Esq.
City Solicitor

JJD/ps
Attachments

PLEASE PRINT CLEARLY APPLICABLE INFORMATION

**CITY OF WOONSOCKET
PROPERTY DAMAGE CLAIM FORM**

1. Name: Donna Desjardins
2. Address: 162 Cooper Ave
3. Telephone: Day: _____ Evening: 766-5089 Cell: 657-0824

4. Check the type of claim:

Automobile Accident: Pothole Damage: Other: _____

5. Below, explain the circumstances of the incident for which you are claiming property damage. Please include the date, time, and the exact location of the alleged incident.

Date: 2/23/18 Time: 6:00 pm Location: Park Ave near Navigant BANK

Blew my tire by hitting pothole.

6. What is the total amount of your claim against the City: \$ 268.42

7. Vehicle Year: 2016 Make: Toyota Model: Camry LE

8. Property damage estimate(s) or receipt(s) must be submitted with this form in order to process your claim. Attach estimate(s) or receipt(s) to this form. List the total of the estimate(s) or receipt(s) and the name of the vendor. Indicate whether each amount listed relates to an estimate or receipt.

a. \$ 268.42 Vendor: C and C Garage ESTIMATE or RECEIPT
b. \$ _____ Vendor: _____ ESTIMATE or RECEIPT
c. \$ _____ Vendor: _____ ESTIMATE or RECEIPT

9. Is this the only claim you have ever submitted to the City? yes

If "no," list all other claims you have submitted, including for each claim the date of submittal, the type of claim, the amount of the claim, and the final disposition of the claim.

PLEASE PRINT CLEARLY APPLICABLE INFORMATION

10. Do you have insurance on the damaged property? Yes

a. If "yes," list the name, address, and telephone number of your insurance company and/or agent, and your insurance policy number. Attach a copy of the statement of applicable coverage for the damaged property.

Hunter Insurance Policy - AMS 3004056
389 Manville Rd
Manville RI 02838 TELEPHONE 769-9500

b. Have you submitted a claim to your insurance carrier? NO If "yes," when _____

c. Does your insurance cover this claim? Yes If "no," attach a letter from your insurance carrier indicating the lack of coverage.

d. What is your deductible? \$ 500.00

e. Have you received any insurance proceeds for this incident? NO
If "yes," how much \$ _____

f. Has any vendor received any insurance payment on your behalf for this incident? NO
If "yes," how much \$ _____

11. List each City Department or agency you reported this incident to, the date you reported it, and the name of the person you spoke to. Attach each incident report to this form.

Agency/Dept: _____ Date: _____ Employee: _____
Agency/Dept: _____ Date: _____ Employee: _____

Payment of your claim will require your signature on a form releasing the City from any further liability for the same incident.

I, the undersigned, do affirm the truthfulness and accuracy of the information above and that attached hereto in support of this claim against the City of Woonsocket for the property damage. I understand that I have an obligation to inform the City of any insurance payments made to me or to any vendor on my behalf for this incident.

Claimant: Donna Desjardins Date: 2/28/18
(Signature)

Donna Desjardins
(Printed Name)

FOR OFFICE USE ONLY	
Date Received:	<u>3/1/18</u>
Letter to City Council:	<u>3/19/18</u>
Approved <input type="checkbox"/> Denied <input type="checkbox"/>	
Release Signed:	_____
Check Issued:	_____



Woonsocket Police Department
Incident Report

Incident #: 18-1274-OF
Call #: 18-9209

Date/Time Reported: 03/01/2018 0934
Report Date/Time: 03/01/2018 0945
Occurred On: 02/23/2018 1800
Status: No Crime Involved

Reporting Officer: Patrol Officer Cory Johnson

Signature: _____

EVENTS (S)

LOCATION TYPE: Highway/Road/Alley/Street Zone: AREA 4
@NAVIGANT CREDIR UNION
PARK AVE
WOONSOCKET RI 02895

1 POTHOLE DAMAGE

PERSON(S) PERSON TYPE SEX RACE AGE SSN PHONE

1 DESJARDIN, DONNA L REPORTING PARTY F W 47

DOB:

VEHICLE(S) YEAR MAKE STYLE COLOR1 COLOR2 REG VALUE

1 CAMRY 2016 TOYT 4D BLU RI UV832 \$10,000.00

STATUS: Suspected
OWNER: DESJARDIN, DONNA L
VIN: 4T1BF1FK0GU513656

DATE: 03/01/2018

Woonsocket Police Department

NARRATIVE FOR PATROL OFFICER CORY R JOHNSON

Ref: 18-1274-OF

Entered: 03/01/2018 @ 0948
Modified: 03/01/2018 @ 0950

Entry ID: CRJ
Modified ID: CRJ

On 03/01/18, Donna Desjardins entered the Woonsocket Police Department to report pothole damage to her vehicle.

Donna stated that on 02/23/18 at approximately 1800hrs., she was travelling inbound on Park Ave., when in front of Navigant Credit Union, she hit a large pothole in the roadway. Donna stated that the damage estimated at \$268.00 to her rear passenger tire. Donna stated she obtained three estimates for the work done on the vehicle. Nothing further to report.

RICK'S TIRE AND AUTO CENTER & AUTO SALES
1435 VICTORY HIGHWAY
SLATERSVILLE, RI 02876
(401) 769-0488

ESTIMATE

Date: March 1, 2018 9:03:14 AM

Service Writer: BB

Work Order #: 123,319

Name: DONNA DESJARDINS

Make: 2016 TOYOTA CAMRY

Address:

Model:

RI

Engine:

Plate: RI-

Phone#:

VIN:

Driver: DONNA

PO#:

Odometer In/Out: /0

Tech	Description	Part Number	Qty	Price \$	Hours	Rate \$	Total \$
	2056516 MICH ENERGY	01	1.00	157.66			157.66
	SPEED BAL 1 TIRE				1.00	15.00	15.00
	DISPOSAL 1 TIRE				1.00	2.50	2.50
	ALIGNMENT				1.00	79.00	79.00

Technician Comment: ESTIMATE ONLY

Charge Summary

Parts	157.66
Labor	96.50
Shop Supplies	0.00
Subtotal	254.16
Total Tax	11.04
Invoice Total	265.20

C AND C GARAGE
140 MONEY HILL RD
CHEPACHET RI 02814
401-371-2791

Invoice

Number 1124

Date 2/28/2018

Bill To

DONNA DESJARDINS
162 COOPER AVE
WOONSOCKET, RI, 02895

Ship To

Description	Tax	Amount
NEW TIRE MICHELIN ENEERGY SAVER 205/65/16	✓	\$157.44
ALIGNMENT		\$99.95

PLATE # UV 832

Amount Paid \$0.00

Amount Due \$268.42

Sales Tax 7.00% on \$157.44 \$11.03

Total \$268.42

QUOTE
699489
03/01/2018

FIRESTONE COMPLETE AUTO CARE
22 DOWLING VILLAGE BLVD
N SMITHFIELD, RI. 02896

SERVICE ADVISOR:
03 MICHAEL
401.766.0233

DESJARDINS, DONNA
903 ROCKY HILL RD
NORTH SMITHFIELD, RI 02896-8168

2016 TOYOTA CAMRY LE
2.5L L4 FI GAS
LIC #
IN

VIN #

MILEAGE 0

QUOTE							Extended	Job
Store #	755851	Article					Price	Total
Description	Number	T#	Qty	Part	Labor			155.97
TIRE PACKAGE								
NEW TIRE WHEEL BALANCE LABOR	7013632		1		12.99		12.99	
RUBBER VALVE STEM	7015040		1	3.99			3.99	
SCRAP TIRE RECYCLING FEE	7075078		1		3.00		3.00	
TIRE INSTALLATION	7015016		1		N/C		N/C	
FDG 205/65R16 MICHELINE ENGERY	7099616		1	135.99			135.99	
								79.99
ALIGNMENT SERVICE - ONLINE QUOTE								
Steering, Suspension, Alignment Symptoms Sheet								
ALIGNMENT SERVICE - ONLINE QUOTE	7009500		1		79.99		79.99	

Prices valid for 30 days.

Summary	
Parts	139.98
Labor	95.98
Shop Supplies	6.51
Sub	242.47
Tax	10.47
Total	252.94

www.FirestoneCompleteAutoCare.com
THIS IS NOT AN INVOICE- DO NOT PAY

STD FCAC LASER 7008335 - 48110392 REV 11/11

see reverse side Page 1 of 1 warranty information

Quote1 170419.504004

KEEP THIS COPY WITH YOU

INSURANCE IDENTIFICATION CARD

POLICY NUMBER AMS 3004056 03

INSURED
DONNA L DESJARDINS

EXPIRATION DATE
07/17/2018

EFFECTIVE DATE
07/17/2017

YEAR/MAKE/VEHICLE IDENTIFICATION NUMBER

2016
TYTA CAMRY LE/SE/XLE/XSE
4T1BF1FK0G0513656

AGENT

HUNTER INSURANCE INC
389 OLD RIVER RD-P O BOX 1
MANVILLE RI 02838

PHONE # 401-769-9500

3810501

PURSUANT TO RHODE ISLAND INSURANCE LAW, THE CONSUMER HAS THE RIGHT TO CHOOSE THE REPAIR FACILITY TO COMPLETE REPAIRS TO A MOTOR VEHICLE. AN INSURANCE COMPANY MAY NOT INTERFERE WITH THE CONSUMER'S CHOICE OF REPAIRER. POLICY MEETS RHODE ISLAND LIMITS



Ohio Mutual Insurance Group
111 P.O. Box 44820
Cincinnati, Ohio

SEE IMPORTANT NOTICE ON REVERSE SIDE

REGISTRATION FEES		GROSS WEIGHT 3985		STATE OF RHODE ISLAND DEPARTMENT OF REVENUE DIVISION OF MOTOR VEHICLES		BASE ANNUAL FEE 201.00	
TAXABLE SALE PRICE	14138.00	REGISTRATION NO.	UV 638	PLATE TYPE	Q1	REGISTRATION VALID THROUGH LAST DAY OF	APRIL 2018
AMOUNT OF TAX	989.65	OWNER	DONNA L DESJARDINS				
INTEREST CHARGE	1.50	OWNERS DRIVER'S LIC. NO. (IF INDIVIDUAL)	162 COOPER AVE WOODSOKET RI 02895				
SALES TAX	15.00	VEHICLE MAKE	TOYOTA	MODEL	CAM	BODY TYPE	SED
SALES TAX CHARGE	50.00	YEAR	2016	COLOR	BLUE		
TITLE FEE	50.00	SPECIAL NOTATION	273-475-2320				
SALES TAX CHARGE	50.00	VIN	4T1BF1FK0G0513656				
SALES TAX CHARGE	50.00	RESIDENCE ADDRESS (IF DIFFERENT FROM ABOVE)					

VALID ONLY WHEN DATED AND STAMPED WITH OFFICIAL STAMP.

NOTICE: THE LAW REQUIRES THAT THE REGISTRY SHALL BE NOTIFIED WITHIN 10 DAYS OF ANY CHANGE IN NAME OR ADDRESS.



P-401-767-9201 F-401-769-8712

✉ jdesimone@woonsocketri.org

CITY OF WOONSOCKET, RHODE ISLAND
LAW DEPARTMENT

March 14, 2018

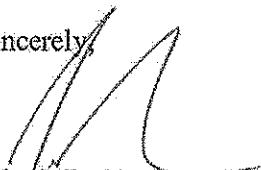
The Honorable City Council
Legislative Chambers
Woonsocket City Hall
169 Main Street
Woonsocket, RI 02895

Dear Council Members:

I write in response to inquiries that I received pertaining to the constitutionality of the two (2) sign limit contained in Section 6.1-1.5 of the Woonsocket Zoning Ordinance. In accordance with the inquiry, I reviewed various jurisdictions and have come to the opinion that the two (2) sign limit, if enforced, would be found unconstitutional. I have enclosed a 1993 decision of the United States Court of Appeals from the 4th circuit to support my opinion.

I would be happy to speak with you if you have any questions.

Sincerely,



John J. DeSimone, Esq.
City Solicitor

JJD/ps

6.1-1.2 Directional signs. Directional signs not exceeding two (2) square feet in area, nor three (3) feet in height, and not containing letters, words or symbols associated with the identification of a business or the advertisement of products or services, shall be permitted.

6.1-1.3 For Sale, Lease or Rent Signs. On-premises, temporary, non-illuminated, free-standing or wall signs to advertise the leasing, sale or rental of a parcel, lot or premises, not exceeding nine (9) square feet in area, nor six (6) feet in height, and limited to two (2) signs per parcel. Said signs shall be maintained in sound condition, and shall be removed within ten (10) days of the lease, sale or rental of the property to which they are related.

6.1-1.4 Government Agency Signs. Signs identifying, or otherwise relating to, all municipal, state or federal government agencies shall be permitted.

6.1-1.5 Political Signs. Political signs of a temporary nature, not located on utility poles, on public property or within any right-of-way, not exceeding sixteen (16) square feet in area per side of sign, nor six (6) feet in height, limited to two (2) signs per parcel, and set back a minimum of five (5) feet from the public right-of-way, shall be permitted. Said signs shall not be installed sooner than ninety (90) days prior to an election, and shall be removed within ten (10) days following said election.

6.1-1.6 Temporary Construction Signs. Temporary signs customary and necessary in connection with the erection of buildings or other construction work, not exceeding thirty-two (32) square feet in area per side of sign nor eight (8) feet in height, and limited to two (2) signs per project site, shall be permitted. Said signs shall be set back a minimum of five (5) feet from all property

lines, and shall be removed immediately upon completion of the work to which they are related.

6.1-2 Signs Prohibited in All Districts. All billboards, roof signs, two wheel portable signs with a marquee and/or with or without an arrow, strobe lights, light bulb strings, streamers, spinners and devices of a similar nature, and all moving, flashing, rotating or blinking signs shall be prohibited in all zoning districts, except that signs indicating time and temperature, and traditional barber poles shall be permitted in conformance with all other regulations of this ordinance, and temporary holiday decorations shall be permitted in all districts for a period of up to sixty (60) days per year. The use of fencing for advertising purposes shall be prohibited in all districts.

(Ch. No. 6154, Sec. 1(E), 10-16-95; Ch. No. 6400, Sec. 1(H), 9-2-97)

6.1-3 Signs Permitted in R-1, R-2, R-3 and R-4 Districts. The signs described below are permitted in the R-1 Very Low Density Single-family Residential, R-2 Low Density Single-family Residential, R-3 Medium Density Single- and Two-family Residential, and R-4 High Density Single- and Multifamily Residential Districts. Exterior signs shall not be illuminated.

6.1-3.1 Banners. Banners not overhanging the public right-of-way, nor obstructing traffic, nor interfering with adjoining properties or establishments, and limited to a maximum of two (2) banners per establishment shall be permitted on premises where the predominant, legally permitted use of said premises is nonresidential. Said banners shall be properly maintained at all times, not faded or tattered, and shall be securely fastened at all corners and ends. The occupants of any residential portion of a property upon which a banner is located, and

Original Image of 983 F.2d 587 (PDF)

KeyCite Yellow Flag - Negative Treatment

Called into Doubt by Curry v. Prince George's County, Md., D.Md., January 26, 1999

983 F.2d 587
United States Court of Appeals,
Fourth Circuit.

**ARLINGTON COUNTY REPUBLICAN
COMMITTEE**; Kevin Allen; Morton Blackwell;
Joseph Evans; Mary N. Dabinett; John F.
Dolan; Paul Haire; Thomas Heckard; Eugene
Iwanciw; Daniel J. Murphy; Deborah M.
Phillips; Donna Wiesner; **Arlington Libertarian
Committee**; Duncan Sellars; Richard E. Sincere,
Jr.; Michael D. Ward, Plaintiffs-Appellees,

v.

ARLINGTON COUNTY,
VIRGINIA; Susan Ingraham, Zoning
Administrator, Defendants-Appellants.

No. 92-1655.

Argued Oct. 28, 1992.

Decided Jan. 4, 1993.

As Amended Jan. 21, 1993.

Synopsis

Political Parties, political candidates, and county citizens challenged county zoning ordinance restricting placement of signs in county. The United States District Court for the Eastern District of Virginia, James C. Cacheris, Chief Judge, 790 F.Supp. 618, ruled that zoning ordinance was unconstitutional under First Amendment. County appealed. The Court of Appeals, Hamilton, Circuit Judge, held that: (1) provision of ordinance limiting to two number of temporary signs that could be posted on private property in residential districts infringed on political speech in violation of First Amendment; (2) constitutional challenges to commercial establishment, portable sign and waiting period provisions of ordinance were not justiciable; and (3) county's amendments to commercial establishment, portable sign and waiting period provisions of ordinance

mooted district court's permanent injunction enjoining enforcement of provisions.

Affirmed in part; reversed in part; vacated in part and remanded.

Niemeyer, Circuit Judge, filed opinion concurring in part and dissenting in part.

West Headnotes (10)

[1] Constitutional Law

⇌ Signs

Ordinance limiting to two number of temporary signs that could be posted in residential districts on private property required more exacting scrutiny, where challenge to ordinance was that it imposed impermissible burden on political speech. U.S.C.A. Const.Amend. 1.

7 Cases that cite this headnote

[2] Constitutional Law

⇌ Restrictions of number of signs

United States Supreme Court's test for determining whether county ordinance violates First Amendment guarantee of freedom of speech requires Court to first question whether sign limit of municipal ordinance burdens any speech; if court finds burden, court must then determine whether two-sign limit imposes content neutral or content based restrictions; if it is content neutral, court must then decide whether limit serves any substantial interest of county and whether county narrowly tailored two-sign limit to further this stated interest; finally, Court must assess whether two-sign limit leaves open ample alternative means for communicating desired message. U.S.C.A. Const.Amend. 1.

14 Cases that cite this headnote

[3] Constitutional Law

⇌ Residential signs

Municipal ordinance limiting number of temporary signs that could be posted in residential districts affected speech, rather than conduct, for purposes of First Amendment. U.S.C.A. Const.Amend. 1.

2 Cases that cite this headnote

[4] Constitutional Law

⇌ Signs

Municipal ordinance limiting number of temporary signs that could be posted in residential districts infringed on speech in violation of First Amendment by prohibiting homeowners from expressing support for more than two political candidates when there were numerous contested elections, particularly if two voters living within same household supported opposing candidates. U.S.C.A. Const.Amend. 1.

9 Cases that cite this headnote

[5] Constitutional Law

⇌ Residential signs

County's goals of promoting aesthetics and traffic safety were substantial governmental goals under First Amendment justifying limit on numbers of temporary signs that could be erected in residential areas. U.S.C.A. Const.Amend. 1.

2 Cases that cite this headnote

[6] Constitutional Law

⇌ Particular Issues and Applications

Court of Appeals could not question whether narrowly tailoring county ordinance to further substantial governmental interests under First Amendment required allowing more than two temporary signs to be posted in residential areas; such limit was legislative decision, not reviewable by courts. U.S.C.A. Const.Amend. 1.

2 Cases that cite this headnote

[7] Constitutional Law

⇌ Signs

Zoning and Planning

⇌ Signs and billboards

County zoning ordinance limiting to two number of temporary signs that could be posted in residential districts on private property violated political parties' First Amendment rights by infringing on political speech, where county did not narrowly tailor two-sign limit to further its substantial interests in promoting aesthetics and traffic safety and provision left no viable alternative means of political speech. U.S.C.A. Const.Amend. 1.

13 Cases that cite this headnote

[8] Constitutional Law

⇌ Justiciability

Political parties' challenges to three provisions of county zoning ordinance limiting content of signs displayed at commercial sites, exempting only owner identification signs from general ban on portable signs displayed on vehicles, and allowing seven work days for processing of permit applications were nonjusticiable, where county's uncontradicted evidence indicated that its historical interpretation and application of commercial establishment, portable sign, and waiting period provisions did not result in enforcement of those provisions as written. U.S.C.A. Const.Amend. 1.

Cases that cite this headnote

[9] Constitutional Law

⇌ Mootness

Appeal from district court's decision with respect to constitutionality of commercial establishment, portable sign, and waiting period provisions of county zoning ordinance was not moot on ground that county amended provisions following ruling by district court that provisions were unconstitutional, where validity of district court's decision with respect

to provisions might affect amount of attorney fees award; since Court of Appeals found that only two-sign limit was subject to constitutional attack, court could not say that political parties had significantly contributed to any change in other three provisions so as to justify award of attorney fees.

I Cases that cite this headnote

[10] Zoning and Planning

⇌ Injunctive relief

County's amendments to commercial establishment, portable sign, and waiting period provisions of its zoning ordinance after district court's ruling that provisions were unconstitutional mooted district court's permanent injunction enjoining enforcement of those provisions.

Cases that cite this headnote

Attorneys and Law Firms

*588 Cynthea Lee Perry (argued), Special Counsel, Charles G. Flinn, on brief, County Atty., Arlington, VA, for appellants.

Victor Michael Glasberg (argued), Victor M. Glasberg & Associates, Jeanne Goldberg, Victor M. Glasberg & Associates, John Kenneth Zwerling, William Moffitt, Moffitt, Zwerling & Kemler, P.C., Alexandria, VA, Stephen B. Pershing, American Civil Liberties Union Foundation of Virginia, Richmond, VA, for appellees.

Before MURNAGHAN, NIEMEYER, and HAMILTON, Circuit Judges.

Opinion

*589 OPINION

HAMILTON, Circuit Judge:

Arlington County, Virginia (the County) appeals the district court's grant of summary judgment in favor of the plaintiffs-appellees (the Political Parties), and the subsequent injunction enjoining the County from

enforcing parts of its ordinance governing the display of signs. 790 F.Supp. 618 (E.D.Va.1992). The challenged provisions of the ordinance, enacted as section 34 of the Arlington County Code, included: § F.4.f. and § E.7., limiting the number of temporary signs that an owner could place on his property to two; § C.7., prohibiting certain noncommercial portable signs; § G.1., prohibiting noncommercial signs on commercial property; and § A.1., providing a set time within which the County had to reject applications for temporary sign permits and provide reasons for any rejection. The County also appeals the district court's award of attorneys' fees in favor of the Political Parties.

We agree with the district court's conclusion that the two-sign limit provisions impermissibly infringed on the Political Parties' First Amendment guarantee of freedom of speech. Thus, we affirm that portion of the district court's decision. However, we disagree with the district court's conclusion that the three remaining challenged provisions (§§ C.7., G.1., and A.1.) also violated the Political Parties' First Amendment rights and, therefore, reverse that part of the district court's decision. Because the County subsequently amended these three remaining provisions, the practical effect of this reversal is to vacate and remand the award of attorneys' fees so that the district court may consider modifying this award in light of our decision. Finally, we vacate the permanent injunction against enforcement of these three remaining provisions, since the County's subsequent amendment renders the injunction moot as to these three provisions.

I

Arlington County adopted ordinance # 90-39 on December 8, 1990, effective February 15, 1991. As originally passed, the challenged portions of the ordinance: (1) limited the number of temporary signs that could be posted in residential districts (two-sign limit); (2) allowed seven work days for the processing of permit applications (waiting period); (3) exempted only owner identification signs from a general ban on portable signs displayed on vehicles (portable sign provision); and (4) limited the content of signs displayed at commercial sites (commercial establishment sign provision). Arlington Co.Code § 34. ¹

On October 18, 1991, the Arlington County Republican Committee, along with several other political parties and individual candidates for election, instituted this action in *590 the United States District Court for the Eastern District of Virginia, seeking a preliminary injunction against the County to prohibit enforcement of the challenged provisions within this ordinance. On October 25, 1991, the district court issued the requested preliminary injunction. After the Arlington County general election on November 5, the Political Parties returned to court, this time seeking to permanently enjoin the County from enforcing the challenged provisions of the ordinance.

In the proceedings before the district court, the Political Parties argued that the challenged provisions violated their First Amendment guarantee of freedom of speech. Specifically, they argued that the two-sign limit prevented both the Political Parties and individual homeowners from expressing their political views. The County defended this provision on the basis that it furthered the County's substantial interests in promoting aesthetics and traffic safety. To rebut these interests, the Political Parties introduced evidence showing the lack of any specific aesthetic or traffic safety problems during the period the preliminary injunction was enforced. Thus, the Political Parties claimed that the County did not narrowly tailor its ordinance to further its stated interests.

With respect to the portable sign and commercial establishment provisions, the Political Parties asserted that these provisions impermissibly favored commercial speech over noncommercial speech. For example, the Political Parties hypothesized that the portable sign section allowed a sign reading "Don Beyer's Volvo" but not "Vote for Don Beyer." In addition, the commercial establishment sign provision allowed a supermarket to post a sign advertising "a free pot with every chicken," but not a sign advertising a candidate "promising to put a chicken in every pot." The County defended these provisions on the basis that it had historically construed the ordinance to allow noncommercial speech wherever commercial speech was permitted. The County claimed that this interpretation rendered the Political Parties' challenges to those three provisions nonjusticiable.

Finally, with respect to the seven-day waiting period, the Political Parties asserted that the seven days in which the ordinance allowed the County zoning administrator

to decide on permit applications effectively prevented spontaneous, last minute sign posting. Thus, the Political Parties claimed that the waiting period also infringed on their freedom of speech. The County responded with two arguments. First, it argued that the waiting period necessarily allowed the zoning administrator sufficient time to review applications for large, complex, permanent, commercial signs. Second, the County claimed that it historically decided on applications for temporary sign permits immediately. Thus, the County argued that the Political Parties' challenge to this provision was also nonjusticiable.

The district court rejected the County's arguments for all of the challenged provisions, and held that the challenged provisions violated the First Amendment. The district court explained that the County did not narrowly tailor the two-sign limit or the waiting period provisions to serve its stated interests, and that the commercial establishment and portable sign provisions impermissibly favored commercial speech over noncommercial speech. In reaching this decision, the district court rejected the idea that the Political Parties' challenges to the commercial establishment, portable sign and waiting period provisions were nonjusticiable. The district court explained that facially unconstitutional statutes could not be saved by narrow interpretations.

In reviewing the district court's decision, we find it helpful to analyze the two-sign limit separately from the other three challenged provisions.

II

In reviewing the challenge to the two-sign limit, the district court first analyzed whether existing case law controlled its decision. Finding no controlling case law, the district court then undertook the test established by the Supreme Court to determine the constitutionality of statutes under *591 the First Amendment. We adopt the same approach.

A

Existing Case Law

On appeal, the County claims that Supreme Court precedent and subsequent Fourth Circuit interpretations expressly allow restrictions on temporary political signs in residential neighborhoods. The County primarily relies on Supreme Court precedent established in *Members of City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789, 104 S.Ct. 2118, 80 L.Ed.2d 772 (1984), and *Metromedia, Inc. v. San Diego*, 453 U.S. 490, 101 S.Ct. 2882, 69 L.Ed.2d 800 (1981) (plurality opinion), as well as subsequent Fourth Circuit interpretations of *Vincent* and *Metromedia*, established in *Naegle Outdoor Advertising v. Durham*, 844 F.2d 172 (4th Cir.1988); *Georgia Outdoor Advertising, Inc. v. Waynesville*, 833 F.2d 43 (4th Cir.1987); and *Major Media of the Southeast v. Raleigh*, 792 F.2d 1269 (4th Cir.1986), *cert. denied*, 479 U.S. 1102, 107 S.Ct. 1334, 94 L.Ed.2d 185 (1987). However, we find none of these cases provides authority for imposing the two-sign limit in the present case.²

In reaching this conclusion, we begin with the venerable principle that “[e]ach medium of expression ... must be assessed for First Amendment purposes by standards suited to it, for each may present its own problems.” *Southeastern Promotions, Ltd. v. Conrad*, 420 U.S. 546, 557, 95 S.Ct. 1239, 1247, 43 L.Ed.2d 448 (1975). See also, *Metromedia*, 453 U.S. at 502, 101 S.Ct. at 2889; *FCC v. Pacifica Foundation*, 438 U.S. 726, 748, 98 S.Ct. 3026, 3040, 57 L.Ed.2d 1073 (1978); *Joseph Burstyn, Inc. v. Wilson*, 343 U.S. 495, 503, 72 S.Ct. 777, 781, 96 L.Ed. 1098 (1952). Thus, our analysis of the precedent cited by the County focuses on whether those cases specifically address restrictions on temporary political signs on residential property.

In *Metromedia*, the Court first addressed the extent to which governments can restrict billboards in the interest of promoting aesthetics and traffic safety.³ The City of San Diego passed a law banning permanent signs anywhere but in industrial zones. However, the ordinance specifically exempted on-site billboards “advertising goods or services available on the property where the sign is located.” 453 U.S. at 503. Several companies owning billboards within the city challenged the ordinance as an unconstitutional suppression of speech.

In a badly divided Court, a plurality of four Justices rejected the ordinance solely because it impermissibly preferred commercial speech over noncommercial speech. Absent this preference, the plurality could find no

constitutional problem. *Id.*, 453 U.S. at 512, 101 S.Ct. at 2895. The concurring opinion rejected the ordinance because it totally prohibited a protected form of speech without sufficient justification and was not narrowly drawn. *Id.* at 528-30, 101 S.Ct. at 2903-04 (Brennan, J., concurring). The three dissenting opinions generally concluded that a city may constitutionally ban all billboards, and that allowing some commercial signs did not invalidate the ordinance. *Id.* at 542, 560-61, 570, 101 S.Ct. at 2910, 2919-20, 2924 (Stevens, J., Burger, C.J., Rehnquist, J., dissenting in separate opinions). Thus, without an impermissible preference of commercial speech over noncommercial speech, seven Justices would have upheld the prohibition on billboards as an acceptable means to promote aesthetics and traffic safety.

*592 However, the statute in *Metromedia* specifically excluded “temporary political campaign signs” from regulation. *Id.* at 495, 101 S.Ct. at 2886. In addition, the state court in *Metromedia* defined the scope of the ordinance to proscribe only permanent signs, specifically intending to avoid prohibitions on “a small sign placed in one’s front yard proclaiming a political or religious message.” *Id.* at 494 n. 2, 101 S.Ct. at 2885 n. 2. The Court accepted this interpretation, holding that “[w]e deal here with the law of billboards,” and defining billboards as “large, immobile and permanent structure[s].” *Id.* at 501, 502, 101 S.Ct. at 2889, 2890.⁴

In *Vincent*, the Court again considered the government’s power to ban signs in the interests of aesthetics and traffic safety. In *Vincent*, the City of Los Angeles passed an ordinance “prohibit[ing] the posting of signs on public property.” 466 U.S. at 792, 104 S.Ct. at 2122. Supporters of a candidate for election in Los Angeles challenged the ordinance under the First Amendment in an effort to prevent the city from removing campaign signs which they had posted on utility poles throughout the city. The Court upheld the ordinance, reasoning that “the visual assault on citizens ... presented by an accumulation of signs posted on public property constitutes a significant substantive evil within the City’s power to regulate.” *Id.* at 807, 104 S.Ct. at 2130.

However, in reaching its decision, the *Vincent* Court expressly distinguished banning signs on public versus private property. The plaintiffs in *Vincent* challenged the law in part because they believed it impermissibly favored speech on private property. The Court rejected this

argument, reasoning that “[t]he private citizen's interest in controlling the use of his own property justifies the disparate treatment.” *Id.* at 811, 104 S.Ct. at 2132.

In the wake of these Supreme Court decisions, we also considered First Amendment challenges to various ordinances regulating the display of signs. Such a challenge first arose in this circuit in *Major Media of the Southeast v. Raleigh*, 792 F.2d 1269 (4th Cir.1986), *cert. denied*, 479 U.S. 1102, 107 S.Ct. 1334, 94 L.Ed.2d 185 (1987). In that case, the City of Raleigh enacted a statute, the relevant portions of which confined the location of off-premise signs to industrial zones and limited their size to 150 square feet when facing four-lane streets and seventy-five square feet when facing two-lane streets. *Id.* at 1270. The statute gave existing sign owners five and one-half years to satisfy these requirements. Although the court described the ordinance as regulating signs, the size limits and grace period clearly indicate that the ordinance applied only to large, permanent signs.

A company owning several billboards in the city challenged the ordinance as an abridgment of its First Amendment rights and as an invalid taking of property. This court rejected the First Amendment challenge, reasoning that *Metromedia* allowed prohibitions on “all off-premise signs or billboards for aesthetic and [traffic] safety reasons,” absent any preference for commercial speech over noncommercial speech. *Id.* at 1272. Thus, this court concluded that the ordinance “does not impermissibly burden commercial speech.” *Id.*

This court again scrutinized a similar ordinance under the First Amendment in *Georgia Outdoor Advertising v. City of Waynesville*, 833 F.2d 43 (4th Cir.1987). In that case, the City of Waynesville enacted an ordinance “effectively outlaw[ing] all ... billboards within the jurisdiction of the City.” *Id.* at 44. A company owning numerous billboards within the city challenged the ordinance under the First Amendment, claiming that it impermissibly “outlawed a protected form of expression, commercial off-premise advertising.” *Id.* This court rejected this claim, again reasoning *593 that *Metromedia* allowed a city to “prohibit all off-premise signs or billboards for aesthetic and [traffic] safety reasons....” *Id.* at 45 (quoting *Raleigh*, 792 F.2d at 1272).

Most recently, this court addressed a First Amendment challenge to a sign ordinance in *Naegle Outdoor*

Advertising v. City of Durham, 844 F.2d 172 (4th Cir.1988). In that case, the City of Durham adopted “a billboard ordinance prohibit[ing] all commercial, off-premise advertising signs except alongside interstate or federally-aided primary highways.” *Id.* at 173. An owner of numerous billboards in *Durham* challenged this ordinance under the First Amendment. This court again rejected the challenge, citing *Waynesville* and *Raleigh* for the principle that a city may constitutionally prohibit “off-premise commercial billboards” to protect aesthetics and traffic safety. 844 F.2d at 173.

We find none of our precedent controls the precise issue before this court for two reasons. First, the ordinances in our previous cases regulated billboards rather than temporary signs. Although these cases explained that *Metromedia* permitted a ban on “all off-premise signs or billboards for aesthetic and [traffic] safety,” this language should not be read to extend to restrictions on temporary political signs on residential property. As previously discussed, *Metromedia* only established “the law of billboards,” 453 U.S. at 501, 101 S.Ct. at 2889, and expressly recognized the inherently unique concerns in regulating billboards.⁵

[1] Second, in all of the Fourth Circuit precedent discussed above, either the plaintiff challenged the ordinance as an impermissible burden on commercial speech (*Durham* and *Waynesville*), or we concluded that the ordinance did not impermissibly burden commercial speech (*Raleigh*). In contrast, the two-sign limit in the present case infringes on political speech. The Supreme Court consistently affords more protection to political speech than commercial speech. *Central Hudson Gas & Electric Corp. v. Public Service Commission*, 447 U.S. 557, 563, 100 S.Ct. 2343, 2350, 65 L.Ed.2d 341 (1980). See also, *Connick v. Myers*, 461 U.S. 138, 145, 103 S.Ct. 1684, 1689, 75 L.Ed.2d 708 (1983), (“[S]peech on public issues occupies the ‘highest rung of the hierarchy of First Amendment values’ and is entitled to special protection.”) (citation omitted). Thus, the two-sign limit in the present case requires more exacting scrutiny.

B

The Test Under the First Amendment

[2] Finding no dispositive precedent, we must analyze the two-sign limit under the Supreme Court's test for determining whether a statute violates the First Amendment guarantee of freedom of speech. Under this test, we first question whether the two-sign limit burdens any speech. If we find any burden, we must then determine whether the two-sign limit imposes content neutral or content based restrictions. If it is content neutral, we must then decide whether the two-sign limit serves any substantial interest of Arlington County. If the County identifies any interest, we must then determine whether the County narrowly tailored the two-sign limit to further this stated interest. Finally, we must also assess whether the two-sign limit leaves open ample alternative means for communicating the desired message. *Clark v. Community for Creative Non-Violence*, 468 U.S. 288, 293, 104 S.Ct. 3065, 3069, 82 L.Ed.2d 221 (1984); *United States v. O'Brien*, 391 U.S. 367, 377, 88 S.Ct. 1673, 1679, 20 L.Ed.2d 672 (1968).

[3] [4] We agree with the district court that the two-sign limit affects speech rather than conduct. "Communication by signs and posters is virtually pure speech." *Baldwin v. Redwood*, 540 F.2d 1360, 1366 (9th Cir.1976), cert. denied, sub nom. *594 *Leipzig v. Baldwin*, 431 U.S. 913, 97 S.Ct. 2173, 53 L.Ed.2d 223 (1977) (footnote omitted). In addition, we agree that the two-sign limit infringes on this speech by preventing homeowners from expressing support for more than two candidates when there are numerous contested elections.⁶ Also, if two voters living within the same household support opposing candidates, the two-sign limit significantly restricts their ability to express support through sign posting.

Since the two-sign limit burdens the freedom of speech, we next question whether those provisions impose content neutral or content based restrictions. Initially, the Political Parties claimed that the two-sign limit might be content based, since it exempted trespassing, for rent, and for sale signs. However, at oral argument they conceded that this was not the gravamen of their complaint. Since we invalidate the two-sign limit on other grounds, we assume for purposes of analysis that those provisions are content neutral.

[5] Under the content neutral test, we must assess whether the two-sign limit furthers any substantial governmental interest. As discussed earlier, the County defends the two-sign limit by arguing that it promotes

aesthetics and traffic safety. We agree with the district court's decision that these are substantial governmental goals. *Vincent*, 466 U.S. at 805, 104 S.Ct. at 2129; *Metromedia*, 453 U.S. at 507-08, 101 S.Ct. at 2892-93.

[6] Having found two substantial governmental interests, we next focus on whether the County narrowly tailored the two-sign limit to further these interests. We agree with the County that under this test, we cannot question whether narrowly tailoring the statute requires allowing more than two signs. Such a limit is a legislative decision, not reviewable by courts. See, e.g., *Bd. of Trustees of State University of New York v. Fox*, 492 U.S. 469, 478, 109 S.Ct. 3028, 3033, 106 L.Ed.2d 388 (1989) (Narrowly tailoring a statute does not "require elimination of all less restrictive alternatives.") (citations omitted).

[7] However, this court may require the County to justify its chosen restrictions by demonstrating a necessity for the two-sign limit.⁷ Under this part of the analysis, we question whether the County needs to limit the number of signs on private property to protect aesthetics. As the Court noted in *Vincent*, "[p]rivate property owners' esthetic concerns will keep the posting of signs on their property within reasonable bounds." 466 U.S. at 811, 104 S.Ct. at 2132. We also find persuasive the fact that the County could not show any specific aesthetic or traffic problems arising while the preliminary injunction was in force. In contrast, the district court found that after issuing the preliminary injunction, "additional signs posted were neatly displayed and not unreasonably numerous." Joint Appendix (J.A.) at 234.

In addition, it is evident that the County could promote its interests through other, less restrictive means. First, the County could regulate the design and condition of these signs. Second, to ensure traffic safety the County could prevent posting signs within a certain distance of the street. Third, limiting the duration of these signs also furthers the County's interest.⁸

Finally, we agree with the district court that the two-sign limit did not provide sufficient alternatives for political speech. The County suggests several viable alternatives, including speeches in public places, door to door and public canvassing, distributing handbills, appearing at citizen group meetings, advertising, posting signs in local businesses and automobiles,⁹ and posting *595 two

signs at private residences. However, we agree with the district court that these alternatives are insufficient in that they require too much time involvement (e.g., handbilling or canvassing), or too much expense.

In addition, the County's laundry list fails to recognize that the two-sign limit infringes on the rights of two groups: the candidates *and* the homeowners. Homeowners also express their views by posting political signs in their yard. In *Vincent*, the Court upheld the restraint on public signs in part because the speaker could still "exercise his right to speak and distribute literature *in the same place where posting of signs on public property is prohibited.*" 466 U.S. at 812, 104 S.Ct. at 2132-33 (emphasis added). Here, there is no viable alternative to the homeowner *on his property.*

In summary, we find that the County did not narrowly tailor the two-sign limit to further its interests in promoting aesthetics and traffic safety. In addition, we find that the provision leaves no viable alternative means of political speech. Thus, we find the two-sign limit violated the First Amendment rights of the Political Parties.

III

[8] The Political Parties challenged the commercial establishment and portable sign provisions on the basis that they impermissibly favored commercial speech over noncommercial speech. In addition, the Political Parties challenged the waiting period provision on the basis that it effectively prevented spontaneous, last minute posting of political signs. In response, the County argued that it historically allowed noncommercial speech wherever the ordinance allowed commercial speech, and that it historically decided on applications for temporary sign permits immediately. The Political Parties presented no evidence refuting these alleged interpretations and applications of the challenged provisions of the ordinance. Thus, the County argued that its narrow interpretations and applications of these provisions created no actual case or controversy before the district court.

The district court rejected the County's claim that its narrow interpretation and application of the commercial establishment, portable sign and waiting period provisions rendered the Political Parties' challenges

to these provisions nonjusticiable. Instead, the district court accepted the Political Parties' argument that narrow interpretations can only save a vague statute which is subject to several possible interpretations. J.A. at 28-29. The district court explained that these three challenged provisions in the present case contained precise language and that "[t]his court declines to write non-binding limits ... into an ordinance whose meaning is plain." J.A. at 29, 33, and 34. The district court then held that these provisions violated the First Amendment guarantee of freedom of speech.

We disagree with the district court's conclusion that the County's narrow interpretation and application could not protect these three provisions from constitutional attack. Supreme Court precedent recognizes that a party may have no justiciable challenge to a particular statute if government interpretations preclude enforcement of that statute as written. For example, in *Frisby v. Schultz*, 487 U.S. 474, 108 S.Ct. 2495, 101 L.Ed.2d 420 (1988), the Court refused to enjoin a local ordinance that prohibited picketing in front of an establishment. The Court construed the statute narrowly so as to avoid any constitutional problem, relying on statements by the city, "which indicate that the town takes, and will enforce, a limited view of the 'picketing' proscribed by the ordinance." *Id.* at 484, 108 S.Ct. at 2502. In addition, in *Poe v. Ullman*, 367 U.S. 497, 81 S.Ct. 1752, 6 L.Ed.2d 989 (1961), the Court held that a challenge to a ban on contraceptives presented no justiciable question even though the law was clear on its face, because the state never enforced the law. The Court reasoned, "deeply embedded traditional ways of carrying out state policy ... or not *596 carrying it out ... are often tougher and truer law than the dead words of the written text." *Id.* at 502, 81 S.Ct. at 1755.¹⁰

In the present case, the County's uncontradicted evidence indicates that its historical interpretation and application of the commercial establishment, portable sign, and waiting period provisions did not result in enforcement of those provisions as written. Thus, we think the Political Parties' challenges to those three provisions were nonjusticiable.

IV

[9] After the ruling by the district court, the County amended the commercial establishment, portable sign and waiting period provisions of its ordinance. These amendments expressly allow noncommercial speech wherever the ordinance permits commercial speech, and require the county zoning administrator to decide on applications for temporary sign permits within twenty-four hours.¹¹ The Political Parties then moved this court to dismiss as moot the County's appeal on these three provisions. The County contested this motion, reasoning that the amendments merely clarified the County's historical interpretation and application of these provisions.

We deny this motion, because the validity of the district court's decision with respect to the original commercial establishment, portable sign, and waiting period provisions may affect the amount of the attorneys' fees award. The district court awarded attorneys' fees to the Political Parties for their significant contribution in changing an unconstitutional law. Since we find that only the two-sign limit was subject to constitutional attack, we cannot say that the Political Parties significantly contributed to any change in the other three provisions. The district court may wish to modify the attorneys' fees award to reflect this result.¹²

[10] However, the County's amendments do moot the district court's permanent injunction enjoining enforcement of the commercial establishment, portable sign and waiting period provisions. Thus, we vacate the injunction with respect to these three provisions.

V

For the reasons stated herein, we affirm the district court with respect to its invalidation of the two-sign limit, but reverse the decision with respect to the commercial establishment, portable sign, and waiting period provisions. Because the County subsequently amended the latter three provisions, the practical effect of this reversal is to vacate and remand the award of attorneys' fees for further consideration by the district court. Finally, we vacate the permanent injunction with respect to the commercial establishment, portable sign, and waiting period provisions, because the County's subsequent amendment of these provisions renders that part of the injunction moot.

AFFIRMED IN PART, REVERSED IN PART,
VACATED IN PART, AND REMANDED.

*597 NIEMEYER, Circuit Judge, concurring in part and dissenting in part:

Arlington County, Virginia, has adopted an ordinance that permits only one sign to be posted on private residential property "for each principal dwelling unit." No effort has been made to regulate the content of the sign's message or to favor one type of message over another. The number-of-signs limitation was adopted as part of a comprehensive sign-regulating ordinance designed to "reduce ... traffic hazards," "ensure the effectiveness of public traffic signs," "protect property values," "provide an attractive visual environment," "protect the character and appearance of ... neighborhoods," "assist tourists," "protect the public investment," and "protect and improve the public health, safety and general welfare." Arlington Co.Code, § 34 (adopted by Ord. No. 90-39, Dec. 8, 1990).

The political party plaintiffs and the public interest groups representing them contend that the ordinance impermissibly burdens the right of free speech secured by the First Amendment, particularly because its scope reaches to prohibit political campaign advertising. The district court agreed and held the provision unconstitutional, concluding that the County did not narrowly tailor the two-sign limit to further its interests in promoting aesthetics and traffic safety, and that the ordinance leaves open no viable alternative means of political speech. In Part II of its opinion, the majority has affirmed this portion of the district court's decision. I believe the ordinance permissibly regulates sign structures, furthering the public interest in promoting aesthetics and safety while making no effort to regulate the content of the message conveyed and leaving open ample alternatives for communication. I would, therefore, affirm the constitutionality of the ordinance and reverse the district court.

Although the preservation of the free exchange of ideas and information is central to the First Amendment, no one urges that just because a sign structure is used as a medium for communication, it must therefore be allowed to exist in any configuration and in any location. Rather, controlling precedent has recognized that government may exercise its police power and regulate sign structures for safety and

aesthetic reasons so long as speech is not targeted and the regulation of the signs' noncommunicative aspect is narrowly tailored so that it does not unnecessarily infringe on speech. See *Members of City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789, 104 S.Ct. 2118, 80 L.Ed.2d 772 (1984); *Metromedia, Inc. v. San Diego*, 453 U.S. 490, 101 S.Ct. 2882, 69 L.Ed.2d 800 (1981); *Naegle Outdoor Advertising, Inc. v. Durham*, 844 F.2d 172 (4th Cir.1988). The appropriate First Amendment analysis seeks to preserve the communication of ideas and speech to the greatest extent possible while at the same time permitting appropriate regulation of collateral but related conduct and media. See *United States v. O'Brien*, 391 U.S. 367, 88 S.Ct. 1673, 20 L.Ed.2d 672 (1968); *D.G. Restaurant Corp. v. Myrtle Beach*, 953 F.2d 140 (4th Cir.1991).

The ordinance at issue here goes to great lengths in describing the nature of permissible sign structures, their location, their number, and their size. See e.g., *Arlington Co.Code*, § 34.A-34.F. The careful detail found in the ordinance's treatment of these issues confirms its sincerity in pursuing the announced purpose of improving aesthetics and protecting the health, safety, and welfare of the community. Such a regulation undoubtedly imposes some burden on free speech at particular locations and through a particular medium. It is a difficult argument to make, however, that this ordinance limits to even a small extent the ability of a person in the community to communicate ideas and information, given the availability of other means of disseminating a message. Moreover, the ordinance in this case allows at least one sign per dwelling unit, an obvious compromise in which the County balanced its right to ban all structural *598 signs against the wish of some to use such signs.

Footnotes

1 Specifically, the relevant sections provided:

§ 34 F. Signs Permitted in All Districts With Permits

....

4. Temporary noncommercial signs are permitted in residential districts subject to the following:

....

f. No more than one (1) sign is permitted for each principal dwelling unit.

g. The sign may be freestanding or placed in a window.

(The County construes § 34 E.7., permitting "one (1) non-commercial or 'for sale,' 'rent,' or 'lease' sign," to allow one additional sign per residence. Thus, these sections combined create the two-sign limit.)

§ 34 A. Administration

If *Arlington* County had concluded that any proliferation of signs in residential neighborhoods blighted the affected areas, the most direct response would have been to ban all signs in residential neighborhoods. The fact that the county permits two signs is a compromise of its aesthetic purity, but that tolerance surely cannot be considered a less narrowly tailored regulation than an overall ban. See *Vincent*, 466 U.S. at 811, 104 S.Ct. at 2132.

Notwithstanding the political parties' argument to the contrary, the ordinance in this case is not directed at political speech but applies, by its terms, to all signs. While any regulation of structures that are intended for communicative use imposes some burden on the ability of political candidates to communicate, I cannot conclude that this burden significantly impedes the ability of a candidate to inform the citizens of *Arlington* County about his ideas. The candidate can reach the voters equally effectively through speeches, door-to-door canvassing, handbills, meetings, advertising signs in local businesses and on automobiles, and indeed, through the one sign still authorized in front of each dwelling. Because I believe that the County's two-sign limitation as currently drafted satisfies all constitutional demands, I would reverse the decision of the district court and uphold the constitutionality of the ordinance. I therefore respectfully dissent from the majority's decision in Part II of its opinion. I join in the remainder.

All Citations

983 F.2d 587, 61 USLW 2423

1. A sign permit shall be obtained from the zoning administrator before any sign or advertising structure is erected....
A sign permit shall be approved or rejected within seven (7) work days. Upon request, a statement of the reasons for denial of a sign permit shall be provided within thirty (30) days after rejection....

§ 34 C. Prohibited Signs

The following types of signs are prohibited and shall not be permitted by variance:

....

7. Any portable sign, including any signs displayed on a vehicle which is used primarily for the purpose of such display. This shall not include identification signs on vehicles identifying the owner of the vehicle, or bumper stickers.

§ 34 G. Signs permitted in All "C" and "M" Districts With Permits.

Business signs identifying the products or services available on the premises or advertising a use conducted thereon may be displayed in 'C' and 'M' Districts....

- 2 The County also briefly cites to *Burson v. Freeman*, 504 U.S. 191, 112 S.Ct. 1846, 119 L.Ed.2d 5 (1992), where the Court upheld a complete ban on temporary, political signs within 100 yards of polling places. However, in that case the Court upheld the ordinance as a reasonable means to further two compelling governmental interests of protecting the right of citizens to vote freely for candidates of their choice and conducting an election with integrity and reliability. In the present case, the County does not claim that its ordinance serves these compelling governmental goals.
- 3 The Court noted that it had previously upheld similar restrictions in summary decisions, but had never addressed such an ordinance after full, plenary review. *Metromedia*, 453 U.S. at 500, 101 S.Ct. at 2888.
- 4 Moreover, both the plurality opinion and concurring opinion recognized the inherently unique qualities of billboards. *Id.* at 502, 101 S.Ct. at 2889 ("[B]ecause it is designed to stand out and apart from its surroundings, the billboard creates a unique set of problems for land use planning and development."); *Id.* at 528, 101 S.Ct. at 2903 (Brennan, J., concurring) ("It is obvious that billboards do present their own unique problems: they are large immobile structures that depend on eye-catching visibility for their value.").
- 5 At least one other court distinguished billboard restrictions from temporary political sign restrictions. *City of Antioch v. Candidates' Outdoor Graphic Service*, 557 F.Supp. 52, 58 (N.D.Cal.1982). ("Permanent, fixed structures like billboards are a medium different from small, detachable political signs and present different regulatory problems.")
- 6 The 1991 Arlington County general election contained at least seven contested elections.
- 7 See, e.g., *Verrilli v. City of Concord*, 548 F.2d 262, 265 (9th Cir.1977), (court invalidated an ordinance regulating signs because the city "failed to meet its burden [of] demonstrating the necessity of [its] restriction to further a legitimate government interest").
- 8 The County apparently recognizes this since its ordinance limits sign posting from seventy days before the event to ten days after.
- 9 Notably, posting signs in local businesses and automobiles violates the commercial establishment and portable sign provision as written. Only the County's interpretation of these sections allows this activity. See *infra* part III.
- 10 See also, *Beck v. Communications Workers of America (C.W.A.)*, 776 F.2d 1187, 1199 (4th Cir.1985), where this court interpreted Supreme Court precedent to establish the principle that:
a statute challenged for unconstitutionality under the First Amendment may be sustained if, as a result of a reasonable narrowing construction consonant with the legislative purpose reflected in the statute, the constitutional objective may be removed or obviated.
- 11 The specific amendments included:
A. With respect to the waiting period, the County added the following language to § 34 A.1.:
A sign permit for any temporary sign that requires a permit shall be approved or rejected within 24 hours of the receipt of a sign permit application. If the permit is denied, the reason for the denial will be given orally, with a written reason provided within five days, if requested.
B. To clarify the portable and commercial dwelling sign provisions, the County added § 34 A.4., which states:
Wherever commercial speech is permitted on a sign under this section of the ordinance, non-commercial speech also is permitted.
- 12 We express no opinion as to the appropriate amount of attorneys' fees which may be awarded by the district court.
- * Because the County's ordinance also allows one temporary sign advertising a house for sale, rent, or lease, or advertising the services of those performing work at a particular site, the restriction has been referred to as a "two-sign limit."

AGENDA FOR BOARD OF LICENSE COMMISSIONERSNEW LICENSESCLASS F LIQUOR

Friends of the Woonsocket Harris Public Library, 303 Clinton Street (April 27)

RENEWALSAUTOMOBILE JUNKYARD

Heavy Metal Recycling, Inc., 9 Privilege Street
 L&R Scrap Metal, 55 Privilege Street
 Woonsocket Auto Salvage, 5 Madison Avenue

HOLIDAY SALES

AJs Mini Market, 939 Social Street
 Asian Market and Video, 475 Clinton Street
 Autopart International, Inc., 401 Clinton Street
 B&B Consumers Variety Store, 139 Hamlet Avenue
 Bileau's Flowers, 665 Diamond Hill Road
 Cardi's Department Store, 1551 Diamond Hill Road
 City Street Liquors, 61 Hamlet Avenue
 Clothesline Laundry Service, 855 Diamond Hill Road
 Clothesline Laundry Service, 202 South Main Street
 Convenience Store, 260 Logee Street
 Cosmoprof, 2168 Diamond Hill Road
 Dollar General, 1285 Mendon Street
 Dollar Tree, 1900 Diamond Hill Road
 Dollar Tree, 1412 Park Avenue
 Dupras Baking Company, Inc., 39 Sweet Avenue
 East Side Produce, 562 Cass Avenue
 Fontana's Flowers & Greenhouses, Inc., 1098 Diamond Hill Road
 JB Liquors Inc., 2 Monument Square
 L&B Variety, 367 Fairmount Street
 L&L Laundromat, 800 Providence Street
 Li'l General #1, 547 Cumberland Hill Road
 Loads of Fun Laundromat, 1173 Social Street
 M&N Laundromat, 389 Willow Street
 New Hong Kong Chinese Restaurant, 774 Social Street
 Ocean State Job Lot, 1919 Diamond Hill Road
 Ocean State Job Lot, 1412 Park Avenue
 Olympia Sports, 1500 Diamond Hill Road
 Pete's Bait Shop, 341 Burnside Avenue
 Price Rite, 2000 Diamond Hill Road
 Quick Mart, 85 Mason Street
 Rainbow Apparel, 2000 Diamond Hill Road
 RJs Hill Liquors, Inc., 820 Cumberland Hill Road
 Sally Beauty Supply, 1910 Diamond Hill Road
 Sam's Food and Smoke Shop, 805 Park Avenue
 Sassy Mama's General, Inc., 601 Winter Street
 Savers, 1500 Diamond Hill Road
 Speedway LLC, 290-300 Social Street
 Stop Quick Mart, 814 Diamond Hill Road
 T&Ds Market, 263 Dulude Avenue
 Tesoro Market, 1047 Social Street
 Walgreens, 45 Cumberland Street
 Walt's Clothing, 837 Cumberland Hill Road

QUARTERLY ENTERTAINMENT

A.A.K. INC., d/b/a Dollhouse, 570 Front Street (Female Exotic Dancing)
 Club Lafayette, 289 Aylsworth Avenue (Live Band, DJ, Karaoke)
 Chan's, 1689 Mendon Road (Live Band, DJ, Karaoke)
 Luc's, 541 River Street (Live Band, DJ, Karaoke)
 Woonsocket Lodge of Elks #850, 380 Social Street (Live Band, DJ, Karaoke)

SECOND HAND DEALER – AUTOMOBILE

A Wheels Inc., d/b/a Shannon Motors, 50 Founders Drive
 Cycle Performance & Sales LLC, 208 Bemon Street
 HKK Auto Sales & Services, Inc., 767 Social Street
 Michaud Auto Body, Inc., 430 Privilege Street
 Plante's Auto Sales, 39 Parker Street
 Standard Rent-A-Car, 664 Front Street
 Tasca Automotive Group North Two, Inc., 55 Fortin Drive
 Terry's Tire & Auto Service, 36 Blackstone Street
 Woonsocket Motors, 5 Madison Avenue

SECOND HAND DEALER – MERCHANDISE

L&R Scrap Metal, 631 River Street
 Mario's Reconditioned Appliance, Inc., 968 Elm Street
 Nana's Attic, 397 Cass Avenue
 Rene's Used Furniture, 56 Arnold Street
 Savers, 1500 Diamond Hill Road

STREET VENDOR

Alien Ice Cream, 10 Star Avenue
 Nessa Snack Shop, LLC, 427 Cœe Street

TOBACCO

AJs Mini Market, 939 Social Street
 City Street Liquors, 61 Hamlet Avenue
 Consumers d/b/a Consumers Propane, 139 Hamlet Avenue
 Convenience Store, 260 Logee Street
 Dollar General, 1285 Mendon Street
 Family Dollar Stores of RI, Inc., 403 Clinton Street
 JB Liquors, Inc., 1100 Social Street
 Kimo, Inc. d/b/a Li'l General #1, 547 Cumberland Hill Road
 L&B Variety, Inc., 367 Fairmount Street
 Quick Mart, 85 Mason Street
 RJs Hill Liquors, 820 Cumberland Hill Road
 Sam's Food and Smoke Shop, 805 Park Avenue
 Sassy General, Inc., d/b/a Li'l General #22, 601 Winter Street
 Speedway LLC, 300 Social Street
 Tesoro Market, 1047 Social Street
 Walgreens, 45 Cumberland Street
 Woonsocket Convenience Store, 575 South Main Street



CH2M

11 Cumberland Hill Rd
Woonsocket RI 02895
Tel 401.356.1468
Fax 401.356.1478

March 1, 2018

The Honorable City Council
City Hall
Legislative Chambers
169 Main Street
Woonsocket, RI 02895

Subject: February 2018 Odor Report

Dear Councilors,

There were eight (8) complaints filed with the Woonsocket Regional Wastewater Commission during the month of February 2018.

I've attached graphs of monthly odor complaints received since January of 2015 and yearly complaints received since 2008. I've also attached the monthly odor complaint log which outlines the details of the complaints as well as the possible or probable root causes.

If you have any questions or require additional information, please call me at 401.356.1468.

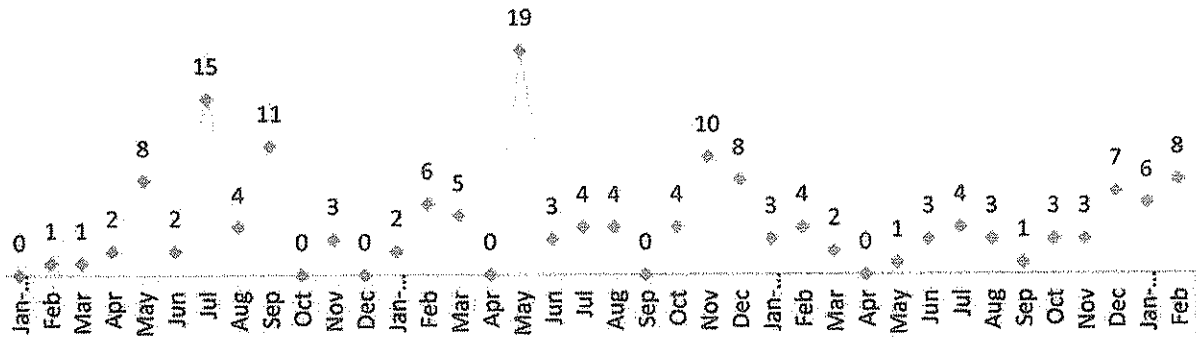
Respectfully,

Jim Lauzon
CH2M Project Manager

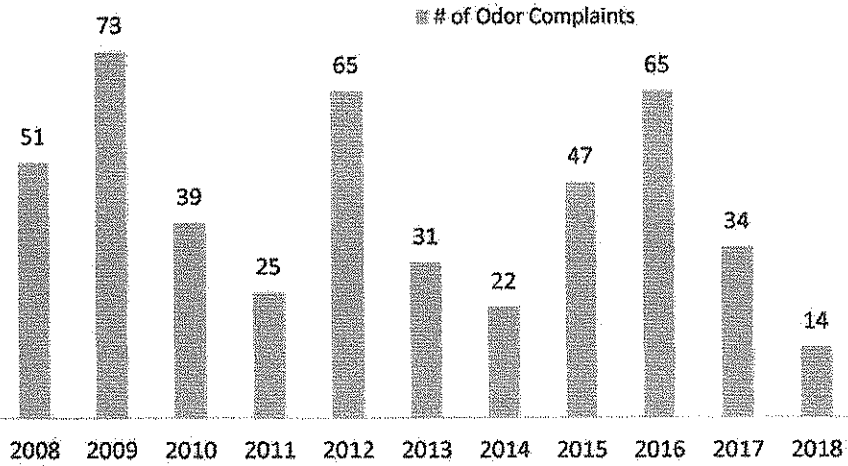
cc: Steve D'Agostino, City of Woonsocket
Jon Pratt, City of Woonsocket
Christina Duarte, City of Woonsocket
Kevin Handley, Synagro Assistant Plant Manager
Nick Quigley, Synagro Plant Manager
Alex Pinto, RIDEM, Office of Water Resources
Laurie Grandchamp, RIDEM, Office of Air Resources
Chris John, RIDEM Office of Compliance
Laurie Toscano, Weston & Sampson
Kevin Dahl, CH2M
File

Att: Monthly and Yearly odor complaint graphs
February Odor Complaint Report

Woonsocket Odor Complaints by Month



Woonsocket Odor Complaints by Year





Report Criteria

- Complete is between '2/1/2018' AND '2/28/2018'
- Repair Center is Woonsocket
- Problem is Odor Complaint, Odor Complaints or Odor Complaints

UDF Field 6: 2/3/2018

Date/Time of Complaint: 2/3/2018 5:00:00 PM
 Work Order #: WOO-1243743
 Customer Name: Wyndall
 Day: Saturday
 Address: 194 Woodhaven Rd
 Reason: Cumberland Hill Rd stinks
 Labor Report: CH2M - All systems good. Cake truck was entering site en route to Synagro at time of complaint. Synagro - Cake truck pulled in around the time of the call.
 Wind Direction: SW
 Wind Speed: 3 mph, gusts 27
 Temperature: 23 deg F

Date/Time of Complaint: 2/3/2018 6:30:00 PM
 Work Order #: WOO-1243744
 Customer Name: Frank Mancien
 Day: Saturday
 Address: Cumberland Hill Rd
 Reason: Stinks on Cumberland Hill Rd
 Labor Report: CH2M - Cake truck was leaving Synagro.
 Wind Direction: SW
 Wind Speed: 3 mph, gusts 27
 Temperature: 23 deg F

UDF Field 6: 2/21/2018

Date/Time of Complaint: 2/21/2018 7:30:00 PM
 Work Order #: WOO-1250858
 Customer Name: Lauzon, James
 Day: Wednesday
 Address: 366 Ayisworth Ave
 Reason: H-sinks
 Labor Report: CH2M - Walked entire plant, no unusual odors found. Synagro - Cake pit overflowing, truck offloading at the time of complaint.
 Wind Direction: SW
 Wind Speed: 5 mph, gusts 10
 Temperature: 65 deg F

UDF Field 6: 2/22/2018

Date/Time of Complaint: 2/22/2018 1:50:00 PM
 Work Order #: WOO-1251191
 Customer Name: Lusa
 Day: Thursday
 Address: Manville Rd
 Reason: Smell is unbelievable. smells like a sewer driving on Manville Rd. / Circle St.
 Labor Report: CH2M - Checked all scrubbers, screenings dumpster, no smells. Synagro -
 Wind Direction: E
 Wind Speed: 1 mph, gusts 23
 Temperature: 39 deg F

UDF Field 6: 2/23/2018

Date/Time of Complaint: 2/23/2018 11:40:00 AM
 Work Order #: WOO-1251367
 Customer Name: Mike DeLaante
 Day: Friday
 Address: 385 Cumberland Hill Rd
 Reason: Smells bad in the area of the house
 Labor Report: CH2M - Checked all scrubbers and screenings dumpster, no odors. Synagro working on the centrate pit (wet well) at the time of the call. Synagro - Walked plant, no unusual odors. Maintenance crew working on the centrate pit.
 Wind Direction: NW
 Wind Speed: 4 mph, gusts 17
 Temperature: 40 Deg F

UDF Field 6: 2/25/2018

Date/Time of Complaint: 2/25/2018 11:00:00 AM
 Work Order #: WOO-1252929
 Customer Name: Anonymous
 Day: Sunday
 Address: Morton Ave
 Reason: It stinks
 Labor Report: CH2M - Checked all scrubbers, no odors. Synagro -
 Wind Direction: E
 Wind Speed: 9 mph, gusts 17
 Temperature: 38 deg F

UDF Field 6: 2/26/2018

Date/Time of Complaint: 2/26/2018 6:10:00 PM
 Work Order #: WOO-1253458

Customer Name: Frank Mancion
Day: Monday
Address: 272 Congress St.
Reason: worst smell it's ever been. This is not the quality of life I want to be around...unacceptable. something needs to be done.
Labor Report: CH2M - Everything is normal, nothing out of the ordinary
Synagro - Facility inspected, nothing out of the ordinary, normal condition
Wind Direction: SE
Wind Speed: 5 mph, gusts 23
Temperature: 44 Deg F

UDF Field 6: 2/27/2018

Date/Time of Complaint: 2/27/2018 6:50:00 AM
Work Order #: WOO-1253498
Customer Name: Lisa Laroche
Day: Tuesday
Address: 33 Bellevue Ave
Reason: Smells
Labor Report: CH2M - Inspected odor scrubbers, all fine. Went on roof to check the AMBI stack, it was fine
Synagro - No issues
Wind Direction: SW
Wind Speed: 3 mph, gusts 13
Temperature: 28 deg F

Duarte, Chris

From: David Mski [davidmski2@gmail.com]
Sent: Sunday, March 11, 2018 8:24 PM
To: Duarte, Chris
Subject: City Council Agenda

Dear Ms. Christina Harmon-Duarte,

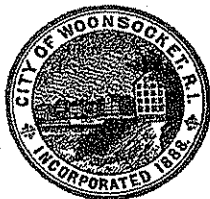
This is David Marszalkowski with the Troop 2 boy scouts, we met this past Thursday. I would like to be placed on the agenda for the next city council meeting on March 19th. I'm going to speak about my Eagle Scout project for a city wide trash clean-up later this spring. If there is any more information that you need let me know.

Thankyou for your help.

-David Marszalkowski

Troop 2

Steven D'Agostino
Director



Lisa Baldelli-Hunt
Mayor

Department of Public Works
Woonsocket Rhode Island

March 14, 2018

Christina Harmon-Duarte
City Clerk
City of Woonsocket
P.O. Box B
Woonsocket, RI 02895

Dear Madame Clerk;

I am respectfully requesting permission to address the City Council in regards to updates and status of the new Water Treatment Plant. Consultants and vendors for this project will be present.

Sincerely,

Steven P. D'Agostino
Director of Public Works

James Cournoyer
183 Glen Road
Woonsocket, RI 02895

March 14, 2018

City of Woonsocket

Attention: Ms. Christina Duarte – City Clerk

169 Main Street

Woonsocket, RI

02895

Delivered via email to cduarte@woonsocketri.org

RE: March 19, 2018 City Council Agenda Items

Dear Madam Clerk:

Under *Communications and Petitions* of the Woonsocket City Council's meeting agenda for the March 19, 2018 meeting, please be advised that I would like to address and discuss the following:

- 1 – Budget – financial condition and staffing
- 2 – School Committee
- 3 - Blight
- 4 – Electricity contract

Thank you.



James Cournoyer



CITY OF WOONSOCKET RHODE ISLAND

MAKE WOONSOCKET GREAT AGAIN

LEGISLATIVE DEPARTMENT

CELL (401) 309-9288

CITY COUNCILMAN

88 COE STREET

RICHARD J. FAGNANT

WOONSOCKET, RI. 02895

EMAIL: fagnantcouncilman2016@cox.net

MARCH 14, 2018

CITY CLERK MS. CHRISTINA HARMON-DUARTE

RE: MARCH 19, 2018 CITY COUNCIL MEETING

DEAR MADAME CLERK;

I RESPECTFULLY REQUEST THAT THE FOLLOWING ITEMS BE LISTED ON THE AGENDA OF THE BELOW REFERENCED CITY COUNCIL MEETING ON MARCH 19, 2018 UNDER SECTION 10, COMMUNICATIONS AND PETITIONS.

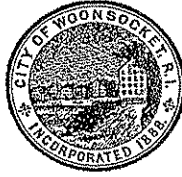
1. EMPTY LOT AT 419 NORTH MAIN STREET THAT WAS DEMO MONTHS AGO, HAS A BUYER COME FORWARD?
2. RIVERS EDGE AND HAVEN OF GRACE PILOT AGREEMENTS?
3. TEACHER CONTRACT NEGOTIATION COMMITTEE.
4. BLIGHT ACCOUNT REPORTED IN THE LAST MONTHLY REPORT.
5. TOBACCO LICENCES & PERMITS ORDINANCE 17 O 43 JUNE 5, 2017.
6. REGISTERED VEHICLES FROM OTHER STATES LIVING IN WOONSOCKET.
7. VALLEY TRANSPORTATION CORP. COMMERCIAL VEHICLE EXCISE TAX ASSESSMENT.

RESPECTFULLY

RICHARD J. FAGNANT WOONSOCKET CITY COUNCILMAN

City of Woonsocket
Rhode Island

18 0 06



March 5, A.D. 2018

Ordinance

Chapter

**IN AMENDMENT OF CHAPTER 3 ENTITLED, "ALCOHOLIC BEVERAGES"
OF THE CODE OF ORDINANCES, CITY OF WOONSOCKET**

- WHEREAS,** The Woonsocket City Council, who also serve as the Woonsocket Board of License Commissioners, adopted a policy that possession of open containers with alcohol would be prohibited on public ways and areas; and
- WHEREAS,** Special events held in the City of Woonsocket are a great way to promote the City, bring in new visitors, and are a boost to our local businesses; and
- WHEREAS,** The Woonsocket City Council wishes to amend this policy to allow for alcohol to be served at special events on city property by licensed vendors with approval of a majority of the City Council.

**IT IS ORDAINED BY THE CITY COUNCIL OF THE
CITY OF WOONSOCKET AS FOLLOWS:**

- SECTION 1.** That Section 3-1 entitled, "Possession of open container on public ways prohibited" of the Code of Ordinances, City of Woonsocket is hereby amended to include the following:

Section 3-1 Possession of open container on public ways prohibited.

No person, whether in or outside a motor vehicle, shall possess any open alcoholic beverage container on any public street, sidewalk, parking lot or park operated by the city or state within the city.

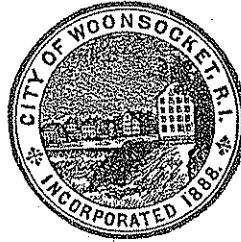
Exception: Alcoholic beverages may be allowed for special events after application and approval by the Woonsocket Board of License Commissioners. Written approval is also required by the Department of Public Works and the Department of Public Safety, where certain permits or fees may be required. Any application approved pursuant to this Ordinance shall be in conformance with applicable DBR regulations and State law.

- SECTION 2.** This Ordinance shall take effect on the eleventh consecutive day following its passage by the City Council as provided in Chapter III, Section 9 of the Woonsocket Home Rule Charter and all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

Melissa Murray
City Council

IN CITY COUNCIL March 5, 2018 -- Read by title, amended and passed for the first time as amended.
AMENDMENT: In Section 1, 3-1 insert after "allowed" "in city parks" and after "special events" insert "with liability insurance".

City of Woonsocket Rhode Island



March 5, A.D. 2018

Ordinance

Chapter

AUTHORIZATION TO SELL THE PROPERTY LOCATED AT 102-114 ROBINSON STREET, WOONSOCKET, RHODE ISLAND

WHEREAS, the City of Woonsocket purchased the property located at 102-114 Robinson Street, Woonsocket, Rhode Island (the "Property") on December 6, 2017 for Forty-Five Thousand Dollars (\$45,000.00) (See Exhibit A attached hereto); and

WHEREAS, the structure on the Property is in a rundown dilapidated state and must be demolished which will advance the long-term goals of the City by decreasing density of the housing stock and improving the quality of life of all our City residents; and

WHEREAS, the City has an interested Buyer who has agreed to pay Ten Dollars (\$10.00) for the Property with the understanding that the Buyer will demolish the structure on the Property and bear any and all costs associated with said demolition.

IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOONSOCKET AS FOLLOWS:

SECTION 1. The City Council agrees to sell the Property located at 102-114 Robinson Street, Woonsocket, Rhode Island to Aidance Scientific, LLC (the "Buyer") for the amount of Ten Dollars (\$10.00).

SECTION 2. The City Council authorizes the Mayor and/or her designee to sell the Property located at 102-114 Robinson Street, Woonsocket, Rhode Island for the amount of Ten Dollars (\$10.00) and to execute any and all documents to perform same including a deed with the following restrictions: In consideration of said conveyance from the City of Woonsocket, said Buyer shall demolish the building at is sole expense within ninety (90) days after acquiring title and leave the premises level and free and clear of all debris; that the Buyer shall have the right to construct a commercial building only with adequate parking in accordance with all zoning regulations for the City of Woonsocket; that there will be no time constraint upon the Buyer to construct such building. It is understood that said Property shall never be used for residential purposes.

SECTION 3. The sale of the subject property and the related transfer of title to the purchaser shall occur no later than fifteen (15) days following passage of this Ordinance by the City Council and the City shall execute and any all documents necessary to retain the right to repurchase the property (102-114 Robinson Street) for \$10.00 in the event that the purchaser fails to completely demolish the existing buildings and structures and clear the property of all debris within ninety (90) days from the date in which the purchaser acquires the title for the property from the City.

SECTION 4. This Ordinance shall take effect on the eleventh consecutive day following its passage by the City Council as provided in Chapter III, Section 9 of the Woonsocket Home Rule Charter and all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

Christopher Beauchamp
City Council

IN CITY COUNCIL March 5, 2018 - Read by title and passed for the first time.

WARRANTY DEED

LOGAN REALTY, LLC, a Rhode Island limited liability company for consideration paid in the amount of FORTY-FIVE THOUSAND AND 00/100 (\$45,000.00) Dollars hereby grants to CITY OF WOONSOCKET, Rhode Island as Sole Owner with WARRANTY COVENANTS:

That certain lot or parcel of land with all the buildings and improvements thereon situated on the northwesterly side of Burnside Avenue in the City of Woonsocket, County of Providence and State of Rhode Island as more fully described in Exhibit "A" attached hereto and incorporated herein.

This sale is not a sale of all or substantially all the assets of the grantor and said sale is in the normal course of business of the grantor.

The undersigned, as sole Manager/Member of LOGAN REALTY, LLC does hereby covenant that this transfer is such that no R.I.G.L. 44-30-71.3 withholding is required as said manager/member of the company is a Rhode Island resident and as such the company is a Rhode Island limited liability company as evidenced by affidavit.

WITNESS my hand this 6 day of December, 2017.

LOGAN REALTY, LLC

By: [Signature]
John Eno, Manager/Member

STATE OF RHODE ISLAND
COUNTY OF Providence

In Woonsocket on the 6th day of December, 2017, before me personally appeared John Eno, individually and in his capacity as Manager of LOGAN REALTY, LLC, a Rhode Island limited liability company to me known and known by me to be the party executing the foregoing instrument and he acknowledged said instrument by him executed to be his free act and deed and the free act and deed of said company.

[Signature]
NOTARY PUBLIC
CARL B. LISA, JR., ESQ.
My Commission Expires: 3-20-2021

Grantee's Address:
City of Woonsocket
169 Main Street
Woonsocket, RI 02895

015843
RHO-DE ISLAND
REAL ESTATE CONVEYANCE TAX
TAX \$ 207.00
DATE 12-6-17
RECORDER [Signature]
CITY OF WOONSOCKET

EXHIBIT "A"

That certain lot or parcel of land with all the buildings and improvements thereon situated on the northwesterly side of Burnside Avenue in the City of Woonsocket, County of Providence and State of Rhode Island, bounded and described as follows viz:

Beginning at a point in the northwesterly line of said Burnside Avenue which is one hundred (100) feet measured on a course of N. 14° 30' E. from the corner formed by the intersection of said northwesterly line of Burnside Avenue with the northeasterly line of Robinson Street and at the most southerly corner of the lot hereby described and the most easterly corner of land of Richard E. Duguay, et al; thence N. 75° 22' 10" W., bounding southwesterly in part on said Duguay land, and in part on land of Alan A. Perry, et al, in part on land of Paul Scott Desberg, et al, and in part on land of Normand D. Turcotte, in all three hundred twenty-six and 71/100 (326.71) feet to land of Murray Worsted Spinning Company, now or formerly; thence N. 57° 03' 30" E., bounding northwesterly on said last named land, sixty-seven and 76/100 (67.76) feet to land of Edward P. Guilbert; thence S. 75° 22' 30" E., bounding northeasterly in part on said Guilbert land, now or formerly, and in part on land of the Estate of Rita B. Fortier, in all two hundred eighty and 98/100 (280.98) feet to said Burnside Avenue; thence S. 14° 30', bounding southeasterly on said Burnside Avenue, fifty (50) feet to the point of beginning.

Said premises are hereby conveyed together with and subject to right of way, drainage, sewer and water pipe rights and duties in connection with maintenance and upkeep thereof, all of which are particularly set forth in a Deed from Henry and Germaine Soubricas to George and Antonio A. Theroux dated July 23, 1951, recorded in the Registry of Deeds in said Woonsocket in Deed Book 268 at Page 402.

Said premises, right of way and the location of said sewer and water pipes and drain are delineated on that certain unrecorded plan entitled "Location Plan of Property owned by Henry & Germain Soubricas situated on the northerly side of Robinson St. & on the westerly side of Burnside Avenue in Woonsocket, R.I. - 1951 - Joseph A. Allard, L.S. Scale of Plan - I - 30'."

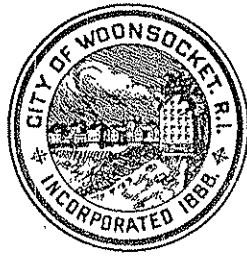
Said premises are conveyed subject to a sewer easement as set forth in an easement from Frank A. Barnes to City Dairy Co., Inc. dated January 27, 1971 and recorded in the Registry of Deeds for the City of Woonsocket in Book 363 at Page 354.

Meaning and intending to convey the premises described in a Commercial Foreclosure Deed from 360 Asset, LLC to this grantor which deed was dated May 21, 2011 and was recorded with Land Evidence Records of the City of Woonsocket, County of Providence, State of Rhode Island on June 2, 2011 at 1:51:38 p.m. in Book 1917, Page 237 as document no. 00156565.

For reference purposes this property is identified as 102-114 Robinson Street, Woonsocket, RI, Assessor's Plat 36, Lot No. 70.

RECEIVED IN WOONSOCKET R.I.
DATE Dec 06, 2017 TIME 01:42:32P
Christina Harmon-Duarte, CITY CLERK

City of Woonsocket Rhode Island



March 19, A.D. 2018

Ordinance Chapter

IN AMENDMENT OF THE CODE OF ORDINANCES, CITY OF WOONSOCKET, RHODE ISLAND APPENDIX C, ENTITLED "ZONING" REGULATING MICRO- LOFTS, MICRO-APARTMENTS AND STUDIOS

**IT IS ORDAINED BY THE CITY COUNCIL OF THE
CITY OF WOONSOCKET AS FOLLOWS:**

SECTION 1. The Code of Ordinances, City of Woonsocket, Rhode Island, Appendix C, entitled "Zoning" is hereby amended as follows:

§ 4.4. Residential Uses is amended by adding thereto the following:

Zoning District	R-1	R-2	R-3	R-4	MU-1	C-1	C-2	MU-2	I-1	I-2	PR-1	PR-2
20. Micro-lofts, Micro-apartments & Studios	NP	NP	NP	NP	P	P	NP	NP	NP	NP	NP	NP

Add 12.5-1. Permitted Uses: by adding thereto:

4. Micro-lofts, Micro-apartments and/or Studios: A small self-contained residential living unit of at least three hundred twenty-five (325) square feet and of no more than five hundred and fifty (550) square feet located on any building level above the first level. Micro-lofts, Micro-apartments or Studios shall include space within the living unit for sleeping and/or sitting, a kitchenette, limited storage space, and a bathroom. Micro-lofts, Micro-apartments and/or studios are allowed only in existing properties (i.e. they are not allowed in newly constructed properties) within the City's Downtown Overlay District. For the avoidance of doubt, Micro-lofts, Micro-apartments and/or Studios are not permitted in any other areas or zoning districts within the City other than the City's Downtown Overlay District, nor are they allowed in any newly constructed buildings / structures.

4.1. Minimum & Maximum Requirements:

- a.) Lot area: Minimum required lot area shall be four thousand (4,000) square feet for the first unit and one thousand five hundred (1,500) square feet for each additional unit to a maximum of twenty-five (25) units.
- b.) Commercial, non-residential units on the first level shall be restricted in size only by the building dimensions and shall not be counted in the number of allowable units. Residential units on the first level, if permitted, shall count towards the calculation of total allowable units as prescribed in Section 4.1a above. No residential units shall be allowed in the basement or below street level.

18.1 Definitions:

Add:

67.) *Micro-lofts, Micro-apartments or Studios.* A small self-contained residential dwelling unit of not less than three hundred twenty-five (325) square feet and not more than five hundred and fifty (550) square feet on any level above a first story commercial use. Micro-lofts, Micro-apartments and/or Studios shall include space for sleeping and/or sitting, a kitchenette, limited storage space, and a bathroom.

Renumber definitions hereafter.

SECTION 2. This Ordinance shall be immediately referred by the City Clerk in writing to the Woonsocket Planning Board for study and recommendation as to potential action.

SECTION 3. The City Council shall schedule a public hearing to consider this ordinance within sixty-five (65) days of receipt, and shall give notice of said hearing by publication in the *Woonsocket CALL* at least once each week for three (3) consecutive weeks prior to the date of said hearing. Such newspaper notice shall be published as a display advertisement, using a type size at least as large as the normal type size used by the newspaper in its news articles, and shall:

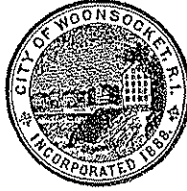
- (1) Specify the place of said public hearing and the date and time of its commencement;
- (2) Indicate that amendment of the zoning ordinance, or part thereof, is under consideration;
- (3) Contain a statement of the proposed amendments to the ordinance and map once in its entirety, with the second and third publication referencing the date of the first publication;
- (4) Include one or more maps showing existing and proposed zoning district boundaries, existing streets and roads including their names, and the city and town boundaries where appropriate.
- (5) Advise those interested where and when a copy of the matter under consideration may be obtained or examined and copies; and
- (6) State that the proposal shown thereon may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any such alterations or amendments must be presented for comment in the course of said hearing.

SECTION 4. At least two (2) weeks prior to the hearing, a copy of the newspaper notice described in Section 3 above shall be sent by the City Clerk to the Associates Director of the Division of Planning of the Rhode Island Department of Administration.

SECTION 5. This Ordinance shall be enacted in accordance with the provisions of Sections 45-24-27 and 45-24-72 of the Rhode Island General Laws, and amended, and shall take effect on the eleventh consecutive day following its passage by the City Council as provided in Chapter III, Section 9 of the Woonsocket Home Rule Charter and all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

Melissa Murray, Councilor

City of Woonsocket
Rhode Island



March 19, A.D. 2018

Ordinance

Chapter

TRANSFERRING FUNDS

IT IS ORDAINED BY THE CITY COUNCIL OF THE
CITY OF WOONSOCKET AS FOLLOWS:

SECTION 1. That the following funds be transferred from and to the following accounts:

FY18	DIVISION	ACCOUNT NO.	APPROPRIATION	OBJECT ITEM	AMOUNT
FROM:					
	Other General Charges	1010-09754-54492	Contingencies	Contingency Account	\$75,000
TO:					
	Law Department	1010-04152-5228C	Purchased Services	Legal & Related: Other Matters	\$75,000

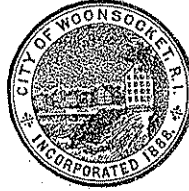
REASON FOR REQUEST:

To increase budget account funding due to ongoing legal expenses incurred from Hebert Lawsuit.

SECTION 2. This Ordinance shall take effect immediately when signed by the Mayor following its passage by the City Council as provided in Chapter III, Section 5 of the Woonsocket Home Rule Charter and all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

Daniel M. Gendron, City Council President
Per Request of Administration

City of Woonsocket
Rhode Island



March 19, A.D. 2018

Ordinance
Chapter

**AMENDING CHAPTER 12, ENTITLED 'HOUSING'
ARTICLE I, ENTITLED 'IN GENERAL'
ARTICLE XII, ENTITLED 'ROOMING HOUSES' and
CHAPTER 13.37, ENTITLED 'LICENSING OF ROOMING HOUSES'
OF THE CODE OF ORDINANCES OF
THE CITY OF WOONSOCKET, RHODE ISLAND**

**IT IS ORDAINED BY THE CITY COUNCIL OF THE
CITY OF WOONSOCKET AS FOLLOWS:**

SECTION 1. Article I IN GENERAL shall be amended as follows:

Sec. 12-2. DEFINITIONS.

(a) In the interpretation and enforcement of this chapter, all words other than the terms herein specifically defined shall have the meanings implied by their context in this chapter or their ordinarily accepted meanings as generally used; words in the present tense shall include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural includes the singular.

(b) The following definitions shall apply in the interpretation and enforcement of this chapter and of any rules and regulations adopted pursuant thereto:

Approved. "Approved" shall mean as defined and specified by the chief inspector in rules and regulations adopted pursuant to the provisions of this chapter.

Basement. "Basement" shall mean that story of a building or dwelling located partly underground, but having less than one-half (1/2) its clear floor-to-ceiling height below the average grade of the adjoining ground, as measured from finished floor to finished ceiling.

Board. "Board" shall mean the housing board of review.

Cellar. "Cellar" shall mean a portion of a building or dwelling located partly or wholly underground, and having one-half (1/2) or more than one-half (1/2) of its clear floor-to-ceiling height below the average grade of the adjoining ground, as measured from finished floor to finished ceiling.

Chief inspector. "Chief inspector" shall mean the chief inspector of the division of minimum housing standards.

Dwelling. "Dwelling" shall mean any building or part thereof which is wholly or partly used or intended to be used for living and sleeping by one (1) or more occupants. A dwelling may include one (1) or more dwelling units or rooming units or a combination of both.

Dwelling premises. "Dwelling premises" shall mean the land and auxiliary buildings thereon used or intended to be used in connection with the dwelling.

Dwelling unit. "Dwelling unit" shall mean any room or group of rooms within a dwelling and forming a single and separate habitable unit with facilities which are used or intended to be used for living, sleeping, regular cooking and eating.

Floor space. "Floor space" shall mean the horizontally projected floor area inside of and between exterior walls or partitions or any combination thereof, as measured within a habitable room exclusive of that portion of the habitable room which does not have a ceiling height of at least four (4) feet.

Garbage. "Garbage" shall mean all combustible refuse.

Habitable room. "Habitable room" shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, and excluding bathrooms, toilet rooms or compartments, laundries, pantries, foyers, or communicating corridors, closets, and storage spaces.

Infestation. "Infestation" shall mean the presence, within or around a dwelling, or dwelling premises, of rodents, vermin or other pests.

Multiple dwelling. "Multiple dwelling" shall mean any dwelling containing three (3) or more dwelling units.

Occupant. "Occupant" shall mean any person over one (1) year of age, living, sleeping, cooking or eating in, or having actual possession of, a dwelling unit or rooming unit.

Operator. "Operator" shall mean any person who has charge, care or control of a multiple dwelling or rooming house, in which dwelling units or rooming units are let or offered for occupancy.

Owner. "Owner" shall mean any person who, alone, jointly, severally or jointly and severally with others:

- (1) Shall have legal or record title to any dwelling or dwelling premises; or
- (2) Shall have charge, care or control of any dwelling or dwelling premises as agent of the owner, executor, administrator, trustee or guardian of the estate of the owner.

Plumbing. "Plumbing" shall mean and include all of the following supplied facilities, equipment and devices: Gas pipes, water pipes, toilets, lavatories, sinks, laundry tubs, installed dishwashers, garbage disposal units, installed clothes-washing machines, catch basins, wash basins, bathtubs, shower-baths, waste and sewer pipes, cesspools, septic tanks, drains, vents, traps and any other gas-burning or water-using fixtures and appliances together with all connections to water, waste and sewer, or gas pipes.

Proper or properly. "Proper or properly" shall mean as defined and specified herein or in rules and regulations adopted pursuant hereto; or when not so defined or specified, in accordance with the applicable ordinances of the city.

~~Rooming, boarding or lodging house. "Rooming house" shall mean any dwelling, or part thereof, which contains one (1) or more rooming units, and in which space is occupied or intended to be occupied by five (5) or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator. Shall mean any dwelling, or part thereof, which contains one (1) or more rooming units, and in which space is occupied or intended to be occupied for compensation by no less than four (4) and no more than ten (10) persons, (other than the owner/ operator) or (excluding owner/ operator), who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator. Meals may or may not be provided, but only one common kitchen facility shall exist and no~~

meals shall be provided by the establishment to members of the general public not lodged in the establishment. Boarding or rooming houses shall not include hotels, motels, inns, sorority, fraternity and cooperative residences, dormitories, or convalescent homes, nursing homes, rest homes, or group residences licensed or regulated by agencies of the State of Rhode Island. Boarding, lodging, or rooming houses shall abide by all applicable state and local laws and regulations governing lodging houses, boarding houses, or rooming houses.

Rubbish. "Rubbish" shall mean all noncombustible refuse.

Supplied or supply. "Supplied or supply" shall mean paid for, furnished by, or provided by the owner or operator.

Type A rooming unit. "Type A rooming unit" shall mean a single and separate habitable unit consisting of not more than two (2) rooms within a rooming house, with facilities which are used or intended to be used for living, sleeping, cooking and eating, but which does not have a private toilet and either a private bathtub or shower bath.

Type B rooming unit. "Type B rooming unit" shall mean any room or group of rooms which form a single and separate habitable unit within a rooming house and used or intended to be used for living and sleeping, but not for cooking.

Unsafe dwellings and dwelling units. Whenever any dwelling or dwelling units shall become vacant and open at doors and windows, leaving the interior of the dwelling or dwelling unit exposed to the elements or accessible to entrance by trespassers, such building shall be deemed to be dangerous and unsafe. (Ch. No. 1758, Secs. 1.1--1.24, 2-4-63; Ch. No. 1958, Sec. 1, 2-15-65; Ch. No. 2068, Sec. 1, 5-16-66)

SECTION 2. Article XII ROOMING HOUSES shall be amended as follows:

ARTICLE XII. ROOMING, LODGING OR BOARDING HOUSES

Sec. 12-227. Rooming, Lodging or Boarding houses.

No person shall operate, or permit to be occupied, a rooming, lodging or boarding house which does not comply with the requirements of this article. (Ch. No. 1758, Sec. 12, 2-4-63)

Sec. 12-228. Applicability of previous sections.

(a) The provisions of sections 12-139, 12-153, 12-154, 12-155, 12-176, 12-177, 12-194, 12-214, 12-215 and 12-216 shall be applicable to each rooming, lodging or boarding house and rooming unit. For purposes of this article, wherever in the above-enumerated sections, the term "dwelling" is used, it shall be construed to mean "rooming, lodging or boarding house"; and wherever the term "dwelling unit" is used, it shall be construed to mean "rooming unit."

(b) The provisions of sections 12-123, 12-138, 12-156, 12-158, 12-159, 12-175, 12-189 through 12-193 and 12-195 shall be applicable to each rooming, lodging or boarding house. For purposes of this article, wherever in the above-enumerated sections, the term "dwelling" is used, it shall be construed to mean "rooming, lodging or boarding house." (Ch. No. 1758, Sec. 12.1, 2-4-63)

Sec. 12-229. Occupancy record cards.

When the chief inspector determines that a rooming, lodging or boarding house and each rooming unit therein complies with all the pertinent requirements of this chapter and all rules and regulations adopted pursuant thereto, he shall issue an occupancy record card which shall:

- (1) Designate the maximum number of persons who may occupy such rooming, lodging or boarding house unit therein;
- (2) Designate each rooming unit as a Type A, or B rooming unit; and,
- (3) Designate the room number assigned to that unit.

The operator shall display the occupancy record card at all times in a conspicuous place near the main entrance of the rooming, lodging or boarding house ~~except that in rooming houses having twenty (20) or more rooming units, the occupancy record card may be posted at the registration desk.~~ Altering, tampering with or removing the occupancy record card from the rooming, lodging or boarding house is prohibited. The chief inspector shall keep a duplicate of the occupancy record card in his files. (Ch. No. 1758, Sec. 12.2, 2-4-63)

Sec. 12-231. Flush toilet and lavatory basin.

Every rooming, lodging or boarding house shall be supplied with at least one (1) approved flush toilet and lavatory basin properly connected to an approved water supply and sewerage system and in good working condition for each eight (8) persons or fraction thereof, residing within a rooming house. In counting such persons, members of the operator's family who share the use of such sanitary facilities shall be included; but occupants of any rooming units that are otherwise provided with an approved flush toilet and lavatory basin shall be excluded. All such sanitary facilities shall be so located within the rooming, lodging or boarding house as to be directly accessible to all persons sharing such facilities without entering another rooming unit or dwelling unit and shall be contained within a room or compartment which affords privacy to a person within such room or compartment. No such required sanitary facilities shall be located in a cellar or basement. (Ch. No. 1758, Sec. 12.4, 2-4-63)

Sec. 12-232. Bathtub or shower bath.

Every rooming, lodging or boarding house shall be supplied with at least one (1) bathtub or shower bath properly connected to an approved water supply and sewerage system, and in good working condition for each eight (8) persons or fraction thereof, residing within a rooming house. In counting such persons, members of the operator's family who share the use of such sanitary facilities shall be included; but occupants of any rooming units who are otherwise provided with an approved bathtub or shower bath shall be excluded. All such sanitary facilities shall be so located within the rooming, lodging or boarding house as to be directly accessible to all persons sharing such facilities without entering another rooming unit or dwelling unit and shall be contained within a room or compartment which affords privacy to a person within such room or compartment. No such required sanitary facilities shall be located in a cellar or basement. (Ch. No. 1758, Sec. 12.5, 2-4-63)

Sec. 12-236. Heating facilities.

Every rooming, lodging or boarding house and rooming unit shall be supplied either with adequate heating facilities or with chimneys or flues sufficient to accommodate facilities for the safe and adequate heating of all habitable rooms, bathrooms and toilet rooms or compartments. Where central heating equipment is not supplied by the owner, heating equipment as herein specified shall be provided by the operator. Heating equipment shall be capable of maintaining a minimum air temperature of at least sixty-seven (67) degrees Fahrenheit at three (3) feet above the floor level, in all habitable rooms, bathrooms and toilet rooms or compartments, during an outside air temperature of zero (0) degrees Fahrenheit. Doors, windows and other parts of the rooming, lodging or boarding house shall be constructed and maintained by the owner so as to prevent abnormal heat losses. (Ch. No. 1758, Sec. 12.9, 2-4-63)

Sec. 12-237. Lighting of public spaces.

Every public hall and common stairway used primarily for egress or ingress in every rooming, lodging or boarding house shall be supplied with a proper amount of natural or electric light at all times; all common stairways not used primarily for egress or ingress in all rooming, lodging or boarding houses shall be properly supplied with conveniently located switches controlling an adequate electric lighting system which may be turned on when needed. (Ch. No. 1758, Sec. 12.10, 2-4-63)

Sec. 12-239. Screening of vents.

From May first to October first every opening, except bulkheads, used for ingress or egress from a rooming, lodging or boarding house or rooming unit directly to or from outdoor space shall be supplied with either a self-closing device or self-closing screen door and every window of every habitable room, bathroom and toilet room or compartment, and every other window or opening below the sixth floor of the rooming, lodging or boarding house or rooming unit to outdoor space while in use for ventilation shall be supplied with approved screening by the operator. (Ch. No. 1758, Sec. 12.12, 2-4-63)

Sec. 12-241. Clean and sanitary maintenance.

The operator shall be responsible for the clean and sanitary maintenance of all walls, floors and ceilings in every rooming unit and other parts of the rooming, lodging or boarding house including the community kitchen or kitchens and the common areas of the rooming house. (Ch. No. 1758, Sec. 12.14, 2-4-63)

Sec. 12-242. Extermination.

The operator shall be responsible for the extermination of rodents, vermin or other pests within every portion of the rooming, lodging or boarding house and any portion of the dwelling or structure that is leased or occupied by him; provided however that whenever infestation also occurs in any other portion of the dwelling or structure, or whenever infestation is caused by failure of the owner to carry out the provisions of this chapter, extermination shall be the responsibility of the owner. (Ch. No. 1758, Sec. 12.15, 2-4-63)

Sec. 12-243. Maintenance of plumbing and equipment.

The operator shall be responsible for the exercise of proper care and cleanliness in the use and operation of all plumbing fixtures, sanitary facilities, appliances and equipment. The owner of the above plumbing fixtures, sanitary facilities, appliances and equipment shall be responsible for the maintenance thereof. (Ch. No. 1758, Sec. 12.16, 2-4-63)

Sec. 12-244. Occupancy in Type A units.

Occupancy in Type A rooming units shall not exceed two (2) persons. (Ch. No. 1758, Sec. 12.17, 2-4-63)

Sec. 12-245. Sleeping space per person.

Every room in any rooming unit occupied for sleeping purposes by one (1) person shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one (1) person shall contain at least fifty (50) square feet of floor space for each occupant thereof; provided that in Type A rooming units consisting of only one (1) room, the minimum floor space shall be one hundred twenty (120) square feet for the first occupant and fifty (50) additional square feet for the second occupant thereof. (Ch. No. 1758, Sec. 12.18, 2-4-63)

Sec. 12-246. Kitchen in Type A units.

In Type A rooming units consisting of two (2) rooms, one (1) room containing a minimum of sixty (60) square feet of floor space shall be supplied with an adequate and approved cooking stove, kitchen sink and refrigerated storage space; provided that if sleeping is permitted in the kitchen, the minimum floor space shall be one hundred twenty (120) square feet for the first occupant and fifty (50) additional square feet for the second occupant thereof. Type A rooming units consisting of one (1) room shall contain an adequate and approved cooking stove, kitchen sink and refrigerated storage space. Cooking equipment burning solid fuel shall be rigidly connected to a chimney or flue and cooking equipment burning liquid or gaseous fuel shall be rigidly connected to a supply line. Cooking equipment of any type using such fuels shall not be permitted in any room used for sleeping purposes. (Ch. No. 1758, Sec. 12.19, 2-4-63)

Sec. 12-247. Cooking prohibited in Type B rooming units.

SECTION 3. Section 13-37 of the Code of Ordinances, Article IIIA. Rooming Houses and Community Residences shall be amended as follows:

Sec. 13-37. Licensing of Rooming, Lodging or Boarding Houses.

It shall be unlawful to operate a rooming, lodging or boarding house without first obtaining a license from the City Clerk, which shall be approved by the City Council before being issued. Licenses shall expire December 1 of each year, and application for renewal must be made by October 1 of each year.

(a) Upon initial application made to the City Council to operate a rooming, lodging or boarding house, the City Council shall hold a full public hearing. Advertisement of said hearing shall be by legal advertisement in The Woonsocket Call and by personal notification, by regular mail, to all abutters within two hundred (200') feet of the subject property. Upon receipt of application for renewal, the City Clerk shall advertise for a public hearing. Any and all costs of advertising shall be borne by the applicant, and said costs shall be in addition to the license fee.

(b) At the hearing for the initial application, the applicant must prove to the satisfaction of the City Council

(1) that the rooming, lodging or boarding house is a use that is compatible with the surrounding neighborhood and complies with the provisions of the Zoning Ordinance of the City of Woonsocket, Rhode Island; and

(2) that the owner of the rooming, lodging or boarding house has obtained a Certificate of Occupancy and will meet all applicable State and local laws, including, but not limited to, the State Building Code, State Fire Code, State and local Minimum Housing Codes, Zoning Ordinance, and any other laws that the City Council deems applicable; and

(3) that the property where the rooming, lodging or boarding house will be located is adequate to service the needs of the tenants.

(c) License renewal application:

(1) Rooming, lodging or boarding house license renewal applications shall be mailed by the City Clerk to licensed rooming, lodging or boarding house operators on or before September 1 of each year.

(2) The renewal application shall be satisfactorily completed and filed with the City Clerk on or before October 1 of each year. Payment of the nonrefundable license fee shall accompany the completed renewal application filed with the City Clerk.

(3) After the completed renewal application has been filed with the City Clerk and the non-refundable license fee paid, the applicant shall then contact the Minimum Housing Inspector and the Fire Marshal, or their respective designees, to schedule the inspection of the subject rooming, lodging or boarding house to inspect the interior, all rooms rented and the common areas.

(4) After each inspection has been completed and after all matters with respect to each inspection is in compliance, the Minimum Housing Inspector and/or Fire Marshal, or their respective designees, shall each submit a Certificate of Compliance to the City Clerk.

(5) After the City Clerk is in receipt of a Certificate of Compliance from each of the Minimum Housing Inspector and the Fire Marshal, or their respective designees, and has determined that all the requirements of this Section have been met, the City Clerk shall submit the renewal application to the City Council acting in their capacity as the Board of License Commissioners for authorization to issue said rooming house license.

(6) If a Certificate of Compliance has not been issued by the Minimum Housing Inspector and/or the Fire Marshal, or their respective designees, by November 30 of each year then

the applicant shall petition the City Council for an extension of time to bring the subject rooming house into compliance.

(7) If the City Council grants an extension to the applicant and the applicant does not receive a Certificate of Compliance on or before the end of said extension period then said failure shall constitute justifiable cause to enact license revocation proceedings as set forth in subsection (d) of this Section.

(8) No rooming, lodging or boarding house license shall be issued or renewed, if anyone of the following has occurred or exists:

(i) The rooming, lodging or boarding house does not comply with the provisions of the state and the City of Woonsocket minimum housing codes and the state fire code, all exclusive of so-called "grandfathered" conditions;

(ii) The management and/or operator of a rooming, lodging or boarding house has purposely or knowingly conducted, maintained or allowed to exist a "disorderly house". A disorderly house is an illegal gaming house, a house where illegal drugs are bought and/or sold, a disorderly place of entertainment, a house of prostitution, a place where intoxicating liquor is illegally sold without a license, or a place where people congregate for the commission of a crime or crimes.

(iii) The applicant or owner of the rooming, lodging or boarding house has a delinquent financial obligation to the City of Woonsocket, including, but not limited to, past due real estate or personal property tax payments, past due water or sewer bills, past due special assessments, past due liens and/or fines; provided however that any of said past due amounts shall not be delinquent if said applicant or owner has entered into a payment arrangement with the City of Woonsocket and is not past due with respect to same.

(d) A rooming, lodging or boarding house license issued under this Section 13-37 may be revoked or suspended for cause, as set forth herein in subsection (c) (8) of this Section, after a due process hearing held in the manner hereinafter set forth. -

(1) Upon determination by the Mayor that there exists probable cause for the revocation or suspension of a rooming, lodging or boarding house license under this Section 13-37 the licensee and other interested parties shall be given written notice that a due process hearing shall be held to determine if there is cause as listed in subsection (c) (8) of this Section for revocation of the rooming house license. Such notice shall be issued at least twenty (20) days prior to such hearing and shall be mailed to the licensee's address listed on the most recent license application, or delivered in person to said applicant, and shall state the following:

- (i) Specific grounds for revocation or suspension;
- (ii) Date, time and place of hearing;
- (iii) The right of the licensee to participate and be represented by an attorney;
- (iv) Possible penalties.

(2) Such hearing shall be public and all interested persons shall be afforded an opportunity to be heard.

(3) If the City Council shall determine that any of the provisions of subsection (c) (8) of this Section has occurred or exists, they may: (i) Fine the licensee in an amount not to exceed ~~\$100.00~~ 500.00 per violation:

- (ii) Order that identified repairs be made within a specified time period;
- (iii) Revoke the rooming, lodging or boarding house license;
- (iv) Impose one or any combination of penalties as described in this Subsection (d) (3).

(4) Failure to pay any fine ordered by the City Council shall be grounds for the revocation of the rooming, lodging or boarding house license;

(5) The City Council may, at their discretion, continue the hearing from time to time;

(6) The City Council shall issue a written decision within ten (10) days of the hearing. Should the City Council determine that cause exists for the revocation of the license; such license shall be revoked upon the issue of the written decision.

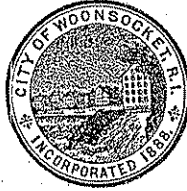
(7) Unsafe conditions: When in the opinion of the Building Official, the violations constitute an unsafe condition, the occupants shall be relocated to proper housing accommodations at the owner's expense. This provision shall include, but not limited to unlicensed or illegal rooming, lodging, or boarding house operations.

(e) In the exercise of effective management of a licensed rooming, lodging or boarding house it is suggested that the operator thereof (i) promulgate and distribute to all tenants Rules and Regulations which, in the judgment of the licensee, are necessary for the reputation, safety, care appearance, maintenance or operation of the rooming house or the preservation of good order therein, or the comfort, safety or rights of other tenants or neighbors, and (ii) inform tenants that the violation of any such rule or regulation could result in termination of tenant's tenancy at the rooming, lodging or boarding house.

SECTION 3. This Ordinance shall take effect on the eleventh consecutive day following its passage by the City Council as provided in Chapter III, Section 9 of the Woonsocket Home Rule Charter and all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

Richard J. Fagnant
City Council

City of Woonsocket Rhode Island



March 19, A.D. 2018

Ordinance Chapter

IN AMENDMENT OF THE CODE OF ORDINANCES, CITY OF WOONSOCKET, R.I. APPENDIX C, ENTITLED "ZONING" REGARDING "VARIOUS TECHNICAL CHANGES"

IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOONSOCKET AS FOLLOWS:

SECTION 1. The Code of Ordinances, City of Woonsocket, Rhode Island, Appendix C, entitled "Zoning" is hereby amended as follows:

In the Use Chart, 4.4. Residential Uses, the following changes will be effective:

Zoning District	R-1	R-2	R-3	R-4	MU-1	C-1	C-2	MU-2	I-1	I-2	PR-1	PR-2
10. Rooming, lodging or boarding house	NP	NP	NP	P-S	P-S	NP	NP	NP	NP	NP	NP	NP

SECTION 2. Section 15.10 Expiration of Variance or Special Use Permit shall be amended as follows:

15.10. Expiration of Variance or Special Use Permit.

A variance or special use permit shall expire one (1) year from the date of granting by the board unless the applicant exercises the permission granted or receives a permit to do so and commences the construction or use so granted. The zoning board of review may, upon receipt of an application for extension, grant an extension, provided that no more than one (1) extension for a period of one (1) year shall be granted. An application for an extension shall be in the form of a petition outlining the original variance or special use permit grant and together with a notarized letter of explanation as to the reasons for the delay in implementing said variance or special use permit thereof. Such a request shall be filed in with the zoning office prior to the expiration of the grant, and the applicant shall appear at a designated meeting for explanation of the details surrounding the request for an extension of the originally granted application.

SECTION 3. Section 16.7 Filing fees for appeals before the Zoning Board of Review shall be amended as follows:

- All residential variances or special use permits or extensions, including signs, one hundred twenty-five (\$125.00);

- Plus, Notification charge: two dollars and fifty cents (\$2.50) per abutter within two hundred (200) feet of the perimeter of the property; ninety dollars (\$90.00) advertising charge, and forty-seven dollars (\$47.00) charge to record decision;
- All non-residential variances or special use permits, including signs, two hundred-fifty dollars (\$250.00);
- Plus, Notification charge: two dollars and fifty cents (\$2.50) per abutter within two hundred (200) feet of the perimeter of the property; ninety dollars (\$90.00) advertising charge, and forty-seven dollars (\$47.00) charge to record decision;
- Use not mentioned, one hundred twenty-five dollars (\$125.00);
- All other appeals of zoning officer or administrative officer's decision, three hundred seventy-five dollars (\$375.00);
- Extension of Variance or Special Use Permit, two hundred fifty-dollars (\$250.00) plus associated costs.

SECTION 4. Section 18.1. Definitions shall be amended as follows:

15.) ~~Boarding, lodging or rooming house.~~ A building where sleeping rooms, bathroom facilities and common meals or cooking facilities are provided for compensation for fewer than twenty-one (21) and more than two (2) guests. ~~Shall mean any dwelling, or part thereof, which contains one (1) or more rooming units, and in which space is occupied or intended to be occupied for compensation by no less than four (4) and no more than ten (10) persons, (other than the owner/ operator) or (excluding owner/ operator), who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator. Meals may or may not be provided, but only one common kitchen facility shall exist and no meals shall be provided by the establishment to members of the general public not lodged in the establishment. Boarding or rooming houses shall not include hotels, motels, inns, sorority, fraternity and cooperative residences, dormitories, or convalescent homes, nursing homes, rest homes, or group residences licensed or regulated by agencies of the State of Rhode Island. Boarding, lodging, or rooming houses shall abide by all applicable state and local laws and regulations governing lodging houses, boarding houses, or rooming houses.~~

86.) Rooming houses. . A building where sleeping rooms and bathroom facilities are provided for compensation for less than twenty-one (21) guests and more than two (2) guests, and which makes no provision for cooking in any of the rooms. See definition: Boarding, lodging or rooming house.

SECTION 5. Section 18.1. Definitions shall be added as follows and renumbering of the definitions afterwards:

86.)(a) Rooming units. Are defined as Type A and Type B rooming units in the City of Woonsocket Code of Ordinances section 12-2 Definitions and further enumerated in sections 12-246 and 12-247 respectively, for which the owner/ operator receives compensation for tenant occupancy.

59.) Lodging house. See definition: Boarding, lodging or rooming house.

SECTION 6. The City Council was scheduled and held a public hearing to consider this ordinance within sixty-five (65) days of receipt, and has given notice of said hearing by publication in the *Woonsocket CALL* at least once each week for three (3) consecutive weeks prior to the date of said hearing. Such newspaper notice is to be published as a display advertisement, using a type size at least as large as the normal type size used by the newspaper in its news articles, and that such notice:

- (1) Specified the place of said public hearing and the date and time of its commencement;
- (2) Indicated that amendment(s) of the comprehensive plan and of the zoning ordinance, or part thereof, were under consideration;

- (3) Contained a statement of the proposed amendments to the ordinance and map once in its entirety, with the second and third publication referencing the date of the first publication;
- (4) Included one or more maps showing existing and proposed zoning district boundaries, existing streets and roads including their names, and the city and town boundaries where appropriate.
- (5) Advised those interested where and when a copy of the matter under consideration could be obtained or examined and copies; and
- (6) Stated that the proposal shown thereon may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. And that any such alterations or amendments must be presented for comment in the course of said hearing.

SECTION 7. At least two (2) weeks prior to the hearing, a copy of the newspaper notice described in Section 3 above is to be sent by the City Clerk to the Associates Director of the Division of Planning of the Rhode Island Department of Administration.

SECTION 8. At least two (2) weeks prior to the hearing, a copy of the newspaper notice described in Section 2 is to be sent by the City Clerk by first class mail to the city or town council of any city or town to which one (1) of the following applies:

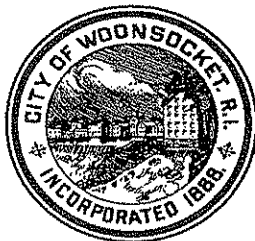
- (1) Any portion of the city or town is located within two hundred (200) feet of the perimeter of the area proposed for change; and/or
- (2) There is a public or quasi-public water source, or private water source that is used or is suitable for use as a public water source, within two thousand (2,000) feet of any real property that is the subject of a proposed zoning change, regardless of municipal boundaries.

SECTION 9. At least two (2) weeks prior to the hearing, a copy of the newspaper notice described in Section 3 above was sent by the City Clerk by first class mail to the governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water source and/or surface watershed that is used or is suitable for use as a public water source and that is within two thousand (2,000) feet of any real property which is the subject of a proposed zoning change, provided however, that the governing body of any state or municipal water department or agency has filed with the Building Inspector a map survey, which shall be kept as a public record, showing areas of surface water resources and/or watersheds and parcels of land within two thousand (2,000) feet thereof.

SECTION 10. This Ordinance shall be enacted in accordance with the provisions of Sections 45-24-27 and 45-24-72 of the Rhode Island General Laws, and amended, and shall take effect immediately following its passage by the City Council as provided in Chapter III, Section 9 of the Woonsocket Home Rule Charter and all Ordinances or parts of Ordinances inconsistent herewith be hereby repealed.

Richard J. Fagnant
City Council

CITY OF WOONSOCKET
RHODE ISLAND



RESOLUTION

March 5, A.D. 2018

GRANTING PERMISSION TO USE CITY PROPERTY

WHEREAS, Tara Cruz wishes to utilize certain property of the City, to wit, River Island Art Park or WWII Veterans Memorial Park, on Saturday, July 14, 2018 & Sunday, July 15, 2018 from 11:00 A.M. to 7:00 P.M., with a rain date of Saturday, July 21, 2018 & Sunday July 22, 2018, for the purpose of holding their 2nd Annual Blackstone Valley Crafts & Music Festival.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WOONSOCKET, RHODE ISLAND, AS FOLLOWS:

SECTION 1. Ms. Tara Cruz is hereby permitted to utilize River Island Art Park or WWII Veterans Memorial Park, on Saturday, July 14, 2018 & Sunday, July 15, 2018 from 11:00 A.M. to 7:00 P.M., with a rain date of Saturday, July 21, 2018 & Sunday July 22 2018, for the purpose of holding their 2nd Annual Blackstone Valley Crafts & Music Festival.

SECTION 2. This resolution shall take effect upon its passage by the City Council and is subject to any conditions that the Public Safety Department may impose and payment of all associated costs as determined by the Director of Public Works. Applicant will obtain a permit from the Recreation Director upon payment of fees.

Daniel M. Gendron
City Council President

2ND ANNUAL BLACKSTONE VALLEY CRAFT & MUSIC FESTIVAL

Dates: Saturday, July 14 & July 15

Park Use: 1st Choice: RIVER ISLAND PARK

2nd Choice: WWII VETERANS MEMORIAL PARK

Hours: 11am-7pm

FEBRUARY 13, 2018

Dear City Council:

I am requesting the use of River Island Park (first choice) or (secondary choice) WWII VETERANS MEMORIAL PARK for Saturday July 14, 2018 and Sunday July 15, 2018 (Rain Dates would be July 21 and July 22) for the Blackstone Valley Craft & Music Festival.

I am the President and Founder of the Elite A.C.E. (Artists Crafters & Events) Group as well as the New England Artists & Crafters Group, and also a citizen of the City of Woonsocket. I currently serve on several Woonsocket Committees.

Last year was an amazing first year, we had visitors from all over New England and we were voted as one of the top 5 must-do's events for the Fourth of July Weekend by Rhode Island Monthly Magazine. I am very proud to bring an event of fine arts, crafts, culture and music to our Community.

I have successfully hosted many community events in our City and I am looking forward to year two for the Blackstone Valley Craft & Music Festival.

The event is free to the public. There will be local music of all genres. Woonsocket Permitted Food Vendors. There will be hands on arts and crafts displays and demonstrations. Local Business and Community Organization booths, activities for kids, face painting and entertainment.

Secondary request is for the City Council to allow a special peddlers permit for this event of \$25 for the two-days.

Thank you sincerely,

Tara Cruz

CITY OF WOONSOCKET RENTAL OF CITY PARK FORM

Available Parks and Ammenties Include:

Park List : River Island, River's Edge, Bernon Park, Globe, Cass, Dunn, Cold Spring, Dionne and Costa
Restrooms: River Island, River's Edge, Dionne & Bernon. Portables @ Dunn, Cass & Cold Spring during Spring & Summer
Concession Stand: River Island & River's Edge.
Power: River Island, River's Edge, Dunn Park, Costa, Cold Spring
Stages/Gazebo: River Island & Cold Spring

Park Choice: River Island Park First Choice Veterans Memorial 2nd Choice

Date of event: July 14 & July 15 **Rain date:** July 21 & 22

Hours of event: 11am-7pm **8am arrival time**
(Actual advertised time of event) (Arrival to set up time)

Description of event: 2nd Annual Blackstone Valley Crafts & Music Festival local crafters, artists and vendors and

Expected attendance: # Unknown

Fee Schedule:

	<u>Mon - Sat</u>	<u>Sunday</u>		
Small Tent	\$175	\$225		
Large Tent	\$1,100	\$1,500		
Event Attendants	\$30/hr	\$38/hr	\$td	*
Picnic Tables	\$33 each	\$45 each		
Folding Tables	\$10 each	\$13 each		***
Chairs	\$1 each	\$1.33 each		***
Concession Stand	\$50	\$75	\$125	
Power	\$25 per location	\$25 per location	\$50	
**Admin. Fees	\$35	\$35	\$35	NON-REFUNDABLE
		Total for Event		

Applicant/ Contact Person Name: Tara Cruz

Address: 487 Rathbun St 2nd Floor Woonsocket, RI

elitacegroup@gmail.com

Phone #: 401-437-3000 ex 118 (401)585-9291
Home/Office Cell

Applicant Signature: *Tara Cruz* **Date:** 2/15/18

Parks Director *[Signature]* **Date:** 2/14/18

Call for Availability 767-9287

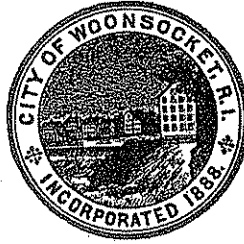
\$35
paid up

payment type

* Attendent(s) required for events with food of 50p or more for a minimum of 4 hrs towards end of event.
 **Administration fee due at time of application. Balance is due one week prior to event.
 ***Events with table/chair rental, and/or access to facilities or power, require an attendant for the duration of the event, plus time for setup and break down

City of Woonsocket Rhode Island

18 R 24



March 19, 2018 A.D.

Resolution

AUTHORIZING THE CANCELLATION OF CERTAIN TAXES

WHEREAS, The City Assessor, recommends that the said taxes be cancelled and/or refunded in the amount as respectively and particularly set forth in said report.

IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE
CITY OF WOONSOCKET AS FOLLOWS:

Section 1: That the said above described report be incorporated in and attached to this resolution and that the said report be made a part and parcel hereof.

Section 2: That the City Council hereby orders that said taxes be cancelled and/or refunded.

Section 3: That the City Clerk of the City Council shall, upon the passage of this resolution forthwith certify to the City Treasurer and Tax Collector, of this city, that the taxes specified and itemized in said report have been cancelled and abated in the amounts as respectively and particularly set forth in said report; and that the Finance Director of the city of Woonsocket is hereby authorized, on the passage of this resolution, to make refunds in the amount or amounts as respectively and particularly set forth in said report.

Section 4: This resolution shall take effect upon passage.

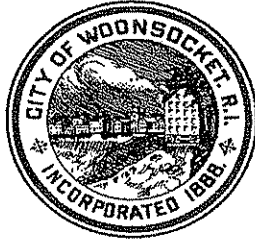
Daniel M Gendron
By request of The Administration

ASSESSOR'S
ABATEMENT CODES

<u>CODE</u>	<u>REASON</u>
50	- Erroneously assessed due to incorrect field data/incorrect classification of homestead exemption
51	- Veteran/Blind/Elderly Exemption not applied
52	- Incorrect amount abated on previous abatement listing or error on prior certification
53	- Non-Utilization Tax assessed subsequent to sale of property or/assessed in error
54	- Homestead Exemption not applied/incorrectly classified
55	- Tax Exempt.
56	- Inventory exempt due to wholesaler's exemption
57	- Legal Residence – Out of Town – Prior to Assessment Date
58	- Registration Cancelled – Vehicle sold
59	- Vehicle traded in, or repossessed, and/stolen not recovered
61	- Vehicle garaged and/or registered out of City
62	- Double taxation on vehicle
63	- Over assessed on vehicle/registry error
64	- Incorrect year/model/make of vehicle
65	- Vehicle destroyed in accident
66	- Should have been tax lien
67	- Business relocated out of City prior to assessment date
68	- Double taxation on Business/over overassessed on business
69	- Out of Business – prior to assessment date/business sold to new owner & recertified
70	- Company erroneously included manufacturing equip/inv in their report of valuation
71	- Company erroneously included, leasehold expenses, cash and other expenses, and/or overstated their assets
72	- Removal of porches, decks, garages, pools, sheds or underground tanks
73	- Double taxation on Real Estate
74	- Over assessed due to adjustment in degree of building completion as of December 31 st
75	- Over assessed due to error in computation of valuation which was not in conformity with surrounding properties
76	- Building (s) demolished prior to assessment date
77	- Property was assessed at incorrect tax year/ incorrect tax rate/ incorrect field data
78	- Adjustment to property valuation due to extreme deterioration prior to assessment date
79	- Property sustained fire damage – prior to assessment date
80	- 5 +5 Plan
81	- Party deceased prior to assessment date
82	- Per Order of the City Council
83	- Original abatement was approved and granted last year, but not carried forward for this year's tax roll
84	- Per advice & recommendation of Law Dept.
85	- Per Court Order
86	- First Appeal/Submitted by the Tax Board of Assessment Review
87	- Wrong party – recertified//wrong classification-recertified
88	- Tax Exempt – Interstate Commerce Vehicles – Equipment assessed to tax exempt entity.
89	- Value reduced by R.I. Vehicle Value Commission
90	- Property taken over by the State for highway purposes
91	- Tax Settlement Agreement / "PILOT " Agreement / Option Agreement
92	- Bankruptcy
93	- Lot dropped and added to another lot
94	- Job Incentive Creation Program Exemption
95	- Due to the new software system an abatement must be done prior to a recertification of taxes
96	- Pro-Rated Homestead Exemption
97	- Assessment adjustment due to supporting documentation submitted by taxpayer
98	- Remove Homestead Exemption / recertified exemption credit
99	- Motor Vehicle Phase Out

Amendment ID	Year	Vehicle / Description	Owner	Item	Category	Amount
M00-0149-06	2007	MV Tax Roll	NICKERSON BARRY A 760 THIRD AVENUE WOONSOCKET RI 02895	2001 BMW 30C GC 249	57 LEGAL RESIDENCE OUT OF TOWN	\$11.27
M00-0149-06	2008	MV Tax Roll	NICKERSON BARRY A 760 THIRD AVENUE WOONSOCKET RI 02895	2001 BMW 30C GC 249	57 LEGAL RESIDENCE OUT OF TOWN	\$458.11
M00-0256-00	2017	MV Tax Roll	ACTION BASED ENTERPRISES INC PO BOX 19038 JOHNSTON RI 02919	Multiple Items	55 TAX EXEMPT	\$4,030.19
M00-0345-02	2016	MV Tax Roll	RIDDELL GERARD L 39 COLD SPRING PLACE WOONSOCKET RI 02895	1999 TOY UVL 492798	59 VEHICLE TRADED IN	\$92.13
T00-1500-38	2015A	Tng Tax Roll	PULMONARY & SLEEP CTR OF NE... 25 JOHN A CUMMINGS WAY WOONSOCKET RI 02895	PULMONARY & SLEEP CTR OF NE PC	57 LEGAL RESIDENCE OUT OF TOWN	\$1,579.76
T00-1500-38	2016	Tng Tax Roll	PULMONARY & SLEEP CTR OF NE... 25 JOHN A CUMMINGS WAY WOONSOCKET RI 02895	PULMONARY & SLEEP CTR OF NE PC	57 LEGAL RESIDENCE OUT OF TOWN	\$1,579.06
T00-1500-38	2017	Tng Tax Roll	PULMONARY & SLEEP CTR OF NE... 25 JOHN A CUMMINGS WAY WOONSOCKET RI 02895	PULMONARY & SLEEP CTR OF NE PC	57 LEGAL RESIDENCE OUT OF TOWN	\$1,579.06
Total						\$9,329.58

CITY OF WOONSOCKET
RHODE ISLAND



RESOLUTION

March 19, A.D. 2018

GRANTING PERMISSION TO USE CITY PROPERTY

WHEREAS, the Woonsocket Pothier Foundation wishes to utilize certain property of the City, approval of street closure of Main Street (from Monument Square to the railroad trestle), on Thursday, June 28, 2018 from 12 Noon to 10:00 P.M., for the purpose of holding the Feast of St. Jean Baptiste, a citywide, multi-ethnic heritage event.

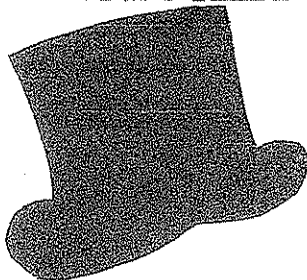
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WOONSOCKET, RHODE ISLAND, AS FOLLOWS:

SECTION 1. The Woonsocket Pothier Foundation is hereby permitted to utilize Main Street (from Monument Square to the railroad trestle) on Thursday, June 28, 2018 from 12 Noon to 10:00 P.M., for the purpose of holding the Feast of St. Jean Baptiste, a citywide, multi-ethnic heritage event.

SECTION 2. This resolution shall take effect upon its passage by the City Council and is subject to any conditions that the Public Safety Department may impose and payment of all associated costs as determined by the Director of Public Works. Applicant will obtain a permit from the Recreation Director upon payment of fees.

Daniel M. Gendron
Council President

WOONSOCKET



RECEIVED
3/11/18

POTHIER FOUNDATION

woonsocketpothierfoundation@gmail.com

401-356-0476

Dear City Council,

The Woonsocket Pothier Foundation is requesting approval of street closure of Main Street, Thursday, June 28, 2018 from Monument Square to the railroad trestle from 12 noon until 10:00 pm for the Feast of St. Jean Baptiste, a citywide, multi-ethnic heritage event.

\$10 Kickoff Fundraiser

STARLIGHT CELEBRATION

A Casual Dinner Dance

Celebrating the Children of Woonsocket

Thursday, March 22, 2018

6:00PM - 9:00PM

Savini's Pomodoro

476 Rathbun Street • Woonsocket, RI

- To benefit -

The Feast of St. Jean Baptiste

A Citywide Multi-Ethnic Heritage Event

This heartfelt unification is a free city event designed to generate the resurgence of Woonsocket, the grand hub of the Blackstone Valley, and to celebrate its people, history, heritage, culture, and promise. Our Woonsocket homecoming is sponsored by the Woonsocket Pothier Foundation and the Heritage Harbor Foundation, with other sponsors to follow.

With the news of late that Woonsocket, by double digits has the highest child neglect and abuse problem in the state fueled by an opioid crisis, we as a community must respond. We will feed 2,500 inner city children. On June 28, 2018 we will nourish not only their body but also their spirit, mind, and heart, thereby sowing the seeds of kindness and family love. That summer evening they will be our children of our city, our superheroes. Caring organizations will be on site to assist any family regarding its personal issues.

This event will have city-wide bus service, ethnic food, children's amusements, three stages with musical variety, a performing arts stage featuring the talent of Woonsocket, and a multitude of booths geared toward education, children and family life, city pride, economic opportunities, and other information available for everyone to partake.

Our city's great diversity, history, heritage, faith, and culture--unequaled for any city of our size--will be showcased along with eight notable Woonsocket historical figures, live and in period-correct attire. This festive occasion, inspired by our patron Saint Jean Baptiste, will begin at 4:30 p.m. with an open-air French Mass and a simultaneous all faith service during which we will pray together for Woonsocket and her children with the guidance of Little Rose Ferron, our most notable spiritual daughter.

Respectfully submitted,

Allen R. Beaulieu
Executive Director
Woonsocket Pothier
Foundation

City of Woonsocket
Rhode Island



Resolution

March 19th, A.D. 2018

**INSTRUCTING THE ADMINISTRATION TO ISSUE A REQUEST FOR
PROPOSAL IN CONNECTION WITH RENEWABLE ENERGY PROJECTS**

WHEREAS, the City of Woonsocket ("City") seeks to both mitigate its cost of electricity and avail itself to potential new revenue streams from renewable energy projects; and

WHEREAS, the Woonsocket City Council's Renewable Energy Subcommittee recommend that the City initiate a Request for Proposal ("RFP") for qualified entities to provide proposals to the City for renewable energy projects that would result in a reduction in the City's energy costs and/or new revenue streams, with such projects being tied to either publicly owned or privately owned properties within or without the City; and

WHEREAS, via Resolution 18-R-07 the Woonsocket City Council's Renewable Energy Subcommittee provided a draft RFP for review and edits by the Administration; and

WHEREAS, pursuant to Resolution 18-R-07, the Administration has reviewed and edited the draft RFP resulting in a final draft RFP (Exhibit A attached).

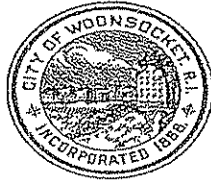
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL
OF THE CITY OF WOONSOCKET, RHODE ISLAND, AS FOLLOWS:**

SECTION 1. That the Administration issue the attached RFP (i.e. Exhibit A) for renewable energy projects by no later than 29 March 2018 with a response due no later than forty-five (45) days from date of issuance.

SECTION 2. This Resolution shall take effect immediately upon passage by the City Council.

Jon D. Brien, Council Vice-President

City of Woonsocket
Rhode Island



January 22, A.D. 2018

Resolution

REQUESTING THE ADMINISTRATION TO ISSUE A REQUEST
FOR PROPOSAL IN CONNECTION WITH RENEWABLE
ENERGY PROJECTS

WHEREAS, The City of Woonsocket ("City") seeks to both mitigate its cost of electricity and avail itself to potential new revenue streams from renewable energy projects; and

WHEREAS, The Woonsocket City Council's Renewable Energy Subcommittee has recommended that the City initiate a Request For Proposal ("RFP") for qualified entities to provide proposals to the City for renewable energy projects that would result in a reduction in the City's energy costs and/or new revenue streams, with such projects being tied to either publicly owned or privately owned properties within the City; and

WHEREAS, The Woonsocket City Council's Renewable Energy Subcommittee has provided a draft RFP (Exhibit A).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF WOONSOCKET, RHODE ISLAND, AS FOLLOWS:

SECTION 1. That the Administration prepare a revised draft RFP for renewable energy projects in substantially the same form as Exhibit A for City Council review and approval ("Revised RFP") by no later than 28 February 2018.

SECTION 2. That within ten (10) days of final review and approval of the Revised RFP by the City Council, the Administration issue such RFP to be returned no later than forty-five (45) days from the date of issuance.

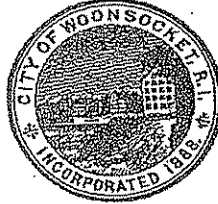
SECTION 3. This Resolution shall take effect immediately upon passage by the City Council.


Jon D. Brien, Council Vice-President

IN CITY COUNCIL January 29, 2018 - Read by title and passed unanimously.

DRAFT

EXHIBIT A



CITY OF WOONSOCKET, RHODE ISLAND
Request for Qualifications & Request for Proposals
for RENEWABLE ENERGY – BID# XXXX

The City of Woonsocket (City) is requesting sealed proposals from Qualified Companies hereafter called (Respondent or Bidder) for the development of Renewable Energy Projects in the City of Woonsocket. The objective of this solicitation is to create a Public-Private Partnership for Planning, Permitting, Design, Installation, Operation and Maintenance of Renewable Energy Projects on properties within the City (City owned properties should be given priority) to create revenue and energy savings for the City of Woonsocket.

Sealed bids will be received by the City of Woonsocket in the Finance Department, Office of Purchasing, City Hall, 169 Main Street, Woonsocket, RI 02895 due on _____ @ 2PM.

All questions pertaining to the technical nature of the RFP/RFQ must be referred to XXXX at City Hall, 169 Main Street, Woonsocket, RI.

Responses will be evaluated on the basis of the relative merits of the bid in addition to the price. The City of Woonsocket reserves the right to reject any and all responses, or parts thereof, to waive any irregularity in the responses received and to accept the responses or parts thereof deemed to be most favorable to THE BEST INTEREST OF THE CITY.

Published:

Christine Chamberland
Finance Director

1. **INTRODUCTION:**

The City of Woonsocket (City) is seeking proposals from qualified enterprises to develop one or more renewable energy generating system(s) that will (i) virtually (or remotely) net meter to offset existing City of Woonsocket electric accounts and/or (ii) make use of City owned property for a fee. The City is seeking up to approximately 8.5 MW DC or total KWH of nameplate renewable energy generating system capacity, furthering the State of Rhode Island's ambitious goal to significantly reduce greenhouse gas emissions.

The City of Woonsocket is requesting respondents to propose renewable energy generating systems (e.g. solar and or wind based systems) that will utilize a long term Power Purchase Agreement or Public Entity Net Metering Finance Arrangement between the developer and the City. Proposers are encouraged to explore using City owned parcels of land as well as to offer proposals based on a Public Entity Net Metering Financed Arrangement that sells the net metering credits at a competitive discount rate.

2. **INVITATION TO SUBMIT RFQ / RFP (Bid)**

Proposals Due Date:

Bid submissions are due on Date: _____, 2018 Time:

Bid Submissions / Location:

Respondents shall submit three (3) bound copies and (1) electronic version on a flash drive to:

City of Woonsocket
Office of Finance
169 Main Street
Woonsocket, RI 02895

Mark the outside of envelope or package containing your response with Company Name, RFQ/RFP Title, Due Date, and Time of Submission.

Opening of RFQ / RFP:

All proposals will be publicly opened and read aloud. All interested persons are invited to be present at the opening and reading of the proposals. Due to the nature of the proposal and multiple options anticipated to be submitted by the Respondents the City will not formally award the project until all qualifications and content of the proposals are reviewed by the awarding authority.

Mandatory Pre RFQ / RFP Conference:

A mandatory Pre-Proposal meeting will be held on Date: _____, 2018 at
Time: _____ in the City of Woonsocket Council Chambers, City Hall, 169 Main
Street, Woonsocket, Rhode Island 02895. Only those Prime Respondents attending this
meeting will be allowed to submit a Proposal for consideration.

RFQ / RFP Schedule:

- Mandatory Pre-Bid Conference Date: _____, 2018
- Public Opening of Responses Date: _____, 2018
- Respondents Presentation / Interviews / Negotiations To be determined

Individuals requesting interpreter services for the hearing impaired must notify the City
Clerk's Office (401) 762-6400 three business days prior to the bid opening.

RFQ / RFP Acceptance Period:

The Respondent must hold their proposal for a minimum of 120 days. If mutually agreed
to in writing by the City of Woonsocket and the apparent successful Respondent, the
period may be extended.

Request for Information (RFI) / Addendum

Any Respondent that has questions regarding this proposal must submit the question in
writing a minimum of 10 days before the submission date to the City and an addendum
will be issued clarifying the question to all bidders if required. Questions will only be
addressed by Respondents submitting proposals and who have attended the pre-proposal
meeting.

Proposal Rejection:

The City reserves the right to accept or reject any and all proposals, or portions thereof or
to waive informality, and to select and negotiate renewable energy agreement that is in
the best interest of The City of Woonsocket.

Proposal Withdrawal:

Proposals may only be withdrawn by the authorized representative of the Respondent
only by written request received before the submittal deadline.

Final Approval and Award of Contract(s):

The final approval and award of any contracts / agreements in connection with this
RFQ/RFP shall be subject to review and approval by the Woonsocket City Council.

3. SUBMISSION OVERVIEW AND REQUIREMENTS

On Date: _____ 2018 the Woonsocket City Council authorized a Request for Qualifications (RFQ) / Request for Proposal (RFP) process for renewable energy projects for the City of Woonsocket that will create a public – private partnership to develop and execute beneficial energy procurement and management strategies for the City of Woonsocket renewable energy projects.

The City is requesting sealed proposals for both wind and solar projects in accordance with the terms and specifications contained herein.

The City of Woonsocket is specifically seeking proposals for municipal-based renewable energy projects and offsite virtually net metered projects which will provide the City of Woonsocket with both short and long term strategies for revenue generation including electricity cost savings, lease payments, tax benefits, and any and all potential cost benefits for the City of Woonsocket.

Respondents (Bidders) may submit as much information necessary that will best illustrate their overall approach to the project and their company's qualification to implement a plan in the best interest of the City of Woonsocket. Respondents are welcome to suggest proposed scopes of work and/or alternative approaches to a public - private partnership arrangement based upon the firms experience with other projects of similar nature that offer means to maximize the long term value and benefits to the City.

The Respondents may be requested to give a presentation to the City of Woonsocket Awarding Authority and Residents at any time during this process.

The respondents may submit a multi phased plan that may include City owned property, other public property, and any other private property if applicable to a long term renewable energy plan that will benefit the City of Woonsocket.

Due to the nature of this RFQ / RFP the City may select a Respondent whom they have determined to be the best qualified based on experience and not only on the Bidders initial offer (Bid) to the City. Continued partnering between the City and the successful bidder pertaining to other City properties that may be beneficial to the City will be explored.

GENERAL RESPONDENTS INFORMATION

- Company ownership, if incorporated, the State in which the company is incorporated.
- Location of company offices.
- Number of employees both locally and nationally.

RFQ / RFP Response Detail:

The sections listed below shall be used as a template only and respondents are encouraged to provide additional detail to the RFQ/RFP response. Please identify all proposal attachments in a

Table of Contents identifying each of the sections submitted. Respondent may provide any additional attachments needed to fully illustrate their company's qualification, however, any additional attachments shall be noted in the Table of Contents.

Public – Private Partnerships

Respondent must illustrate they have constructed projects under a Public – Private Partnership and list those partnerships and related projects.

Executive Summary:

Provide an organizational chart for the respondent's project team along with roles and responsibilities of experience of team members. Proposed Team members and project staff must illustrate they have experience in developing, operating, and constructing renewable energy systems.

Proposed City Owned Projects:

For project background please include the type of renewable energy that will be utilized, the potential City owned locations, and total number of renewable energy systems. Also include any preliminary layouts and / or draft renderings; estimated energy output; and an offer to the City that will create revenue or energy savings and other benefits to the City per property. For each site provide interconnection plan / timeline.

Proposed Privately Owned Projects:

For project background please include the type of renewable energy that will be utilized, the potential locations of Privately owned locations, and total number of renewable energy systems. Also include any preliminary layouts and / or draft renderings; estimated energy output; and an offer to the City that will create revenue or energy savings and other benefits to the City per property. The specific site locations of the proposed renewable energy systems must be clearly identified. Proposals that do not include proof of site control and an indication of how project / site complies with local planning and zoning ordinance will not be accepted. For each site provide current status of interconnection and an interconnection plan / timeline.

Power Purchase Agreement:

Respondents are expected to provide a financial proposal to own and operate the proposed wind and/or solar systems for a defined term. The term of the agreement is expected to be twenty (25) years. The successful bidder will be asked to draft an agreement for review by the City.

Past Projects and Systems:

Bidder must illustrate that they have delivered one or more operational projects with a minimum size of a 1.0 Megawatts AC in the State of Rhode Island. The bidder must illustrate that they have the ability to deliver and provide asset management support to the technology associated with those projects. Preference will be given to companies with a Rhode Island office.

Interconnection:

Bidder must illustrate they have experience working with National Grid to deliver interconnection to remote sites through specific project examples.

Permitting and Approvals Plan:

The successful Bidder will be responsible for obtaining all permits required for this project and work with the City of Woonsocket in obtaining these permits. The bidder shall assume all of these costs in the proposals. Permits and costs with National Grid will be the responsibility of the Bidder.

Project Team Subcontractors:

Please provide all work that will be self-performed and potential qualified subcontractors. Describe past projects that your company may have completed with these team members and their qualifications for this type of work.

Insurance Requirement:

Within 10 calendar days after award, the successful respondent must furnish the City insurance coverage naming the City of Woonsocket additionally insured. Insurance requirements will include but not be limited to Workman's Compensation and General Liability Insurance of \$1,000,000.

Project Experience:

Please provide a description (project samples) of respondents experience in developing similar projects and present and future capacities with the following information that describes the (3) most recent projects similar in scope and design:

- Projects and customer name and locations
- Photos
- Type of contract (ex: direct purchase, lease, PPA, NMCA, etc.)
- Respondents Role (ex: lead developer, subcontractor, financier, and owner. Etc.)
- Project Location.
- Installed Capacity (DC)
- Annual Production (kWh) present and future online
- Completion Date

Project References:

Please provide references from renewable projects completed and underway.

System Specifications

Provide as much detail as possible with regard to the proposed renewable energy systems and components. Information should include technology, estimated output, project life, description of warranties and guarantees, description of service and maintenance.

Financial Viability

Please provide a description of how the Respondent plans to finance the project and if the respondent intends to stay involved with the project through the term of the agreements.

Please include the following information:

- Long Term Ownership Plan
- Tax Equity Plan
- Debt Plan

Project Sites

Provide a list of potential City sites under consideration by your firm. It will be beneficial that City properties be researched and properly vetted to be included in the proposal. Properties should be investigated as to feasibility of project with the understanding that additional vetting will be required.

Project Timeline

Please provide a schedule indicating major project milestones and durations. Schedule should assume a Notice of Award 60 Days after submission of RFP / RFQ.

Facility Operations, Maintenance and Warranty Plan

Please provide a description of the Respondents plan and ability to effectively monitor, operate, and service the project(s) in a prompt and cost effective manner to ensure optimal project production over the project life.

- o Description of Respondents experience in providing O&M services for renewable energy projects.
- o Annual budget being provided for all operations, maintenance and warranties.
- o Schedule of major maintenance activity, and plan for testing equipment.

Respondent must include a decommissioning plan and illustrate how funds will be reserved to implement that plan.

Evaluation and Selection

The City shall utilize all of the information provided in the responses in evaluating and making an award of this RFQ/ RFP. The award will be made after careful consideration of experience and ability. The City will pay particular attention to:

- o Demonstrated understanding of the RFP.
- o Renewable energy projects completed and underway in Rhode Island.
- o Total Capacity both present and future for Woonsocket.
- o Overall cost benefit and savings to the City.
- o

Cost Proposal:

Respondents Proposal must include the following information listed below in their cost proposal.

- a.) Project location
- b.) Technology (Wind or Solar) for proposed location and related property layout of proposed energy system.
- c.) Anticipated capacity for proposed location.
- d.) Revenue Type (Multiple Columns / options). Revenue can be in the form of savings.
 - Lease Payments
 - Tax Benefits
 - Electrical savings
 - Other Revenue or Savings
- e.) Total Annual Revenue to the City.
- f.) Total Long term revenue projections to the City over a 25 year term.

BASE BID COST PROPOSAL: Respondent required to investigate City owned properties that are feasible for this project to be included in the bid.

PROPOSAL SUBMITTED BY:

COMPANY NAME: _____

COMPANY ADDRESS: _____

CITY/STATE/ZIP CODE: _____

BY (person): _____

SIGNATURE: _____

TELEPHONE #: _____ FAX# _____

EMAIL ADDRESS: _____

City of Woonsocket
Rhode Island



Resolution

March 19th, A.D. 2018

GRANTING PERMISSION TO USE CITY PROPERTY

WHEREAS, Autumnfest is a community event celebrating its 40th anniversary year; and

WHEREAS, the Autumnfest Steering Committee respectfully requests permission to use the city park, WWII Veterans Memorial Park, and other surrounding parcels on Columbus Day weekend as well as several weeks before the festival to allow for set up; and

WHEREAS, the Autumnfest Steering Committee is proud to partner with the City of Woonsocket, the Woonsocket Rotary Club, and many wonderful local sponsors to bring this festival to the City of Woonsocket.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL
OF THE CITY OF WOONSOCKET, AS FOLLOWS:**

Section 1. The City of Woonsocket grants permission of WWII Veterans Memorial Park, Bouley Field (fireworks), a portion of East School Street, and city owned land on East School Street (Plat 20, Lot 16), from October 5th, 2018 till October 8th, 2018, along with two weeks prior for set-up and one week after to break down, to the Autumnfest Steering Committee.

Section 2. The Autumnfest Steering Committee is allowed to sell sponsorships for temporary signage throughout the City before and during the festival.

Section 3. This resolution shall take effect immediately upon passage by the City Council and is subject to any conditions that the Public Safety Department may impose and payment of all associated costs as determined by the Department of Public Works.

Daniel M. Gendron
Council President:-

City of Woonsocket
Rhode Island



Resolution

March 19th, A.D. 2018

GRANTING PERMISSION TO USE CITY PROPERTY

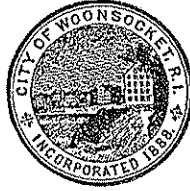
- WHEREAS,** Autumnfest is a community event celebrating its 40th anniversary year; and
- WHEREAS,** the Autumnfest Steering Committee would like to have a fundraiser during the summer for the purposes of raising funds for the 40th anniversary; and
- WHEREAS,** the Autumnfest Steering Committee requests permission to use WWII Veterans Memorial Park and surrounding property during the month of June for a summer festival called "Summerfest", which will be a fun event for the local community.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL
OF THE CITY OF WOONSOCKET, AS FOLLOWS:**

- Section 1.** The City of Woonsocket grants permission of the East School side of WWII Veterans Memorial Park including the parking lot, a portion of East School Street, and city owned land on East School Street (Plat 20, Lot 16), from June 21st, 2018 till June 24th, 2018, along with one week prior for set-up and three days after to break down, to the Autumnfest Steering Committee.
- Section 2.** This resolution shall take effect immediately upon passage by the City Council and is subject to any conditions that the Public Safety Department may impose and payment of all associated costs as determined by the Department of Public Works.

Daniel M. Gendron
Council President

City of Woonsocket Rhode Island



March 19, A.D. 2018

Resolution

ACCEPTING THE AFFIRMATION AND COMMITMENT OF THE TAI-O GROUP TO PROCEED WITH THE REDEVELOPMENT AT THE FORMER WOONSOCKET MIDDLE SCHOOL, 357 PARK PLACE

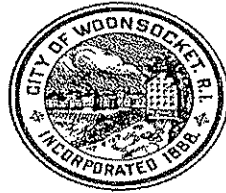
- WHEREAS,** pursuant to Resolution 17 R 93, the City Council of the City of Woonsocket and the Tai-O Group d/b/a Woonsocket Park Place LLC approved a Terms & Conditions Agreement to redevelop the building at the site of the former Woonsocket Middle School, 357 Park Place, Woonsocket (Assessor's Plat 27, lot 113); and,
- WHEREAS,** the City has received documentation supporting the terms outlined in the Terms & Conditions Agreement; and,
- WHEREAS,** it is in the best interest of the City to have Woonsocket Park Place LLC continue its redevelopment plans for the former Woonsocket Middle School at 357 Park Place; and
- WHEREAS,** both the City and Woonsocket Park Place LLC are desirous of continuing and ultimately completing the redevelopment of the former Woonsocket Middle School at 357 Park Place.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WOONSOCKET, RHODE ISLAND, AS FOLLOWS:

- SECTION 1.** The City accepts the affirmation and commitment of Woonsocket Park Place LLC to proceed with the redevelopment project at the site of the former Woonsocket Middle School, 357 Park Place, Woonsocket (Assessor's Plat 27, lot 113) and anticipates executing a Purchase and Sales Agreement by no later than April 27, 2018.
- SECTION 2.** The City Council hereby authorizes the Mayor and/or the City Solicitor to negotiate and draft a Purchase and Sales Agreement with Woonsocket Park Place LLC, which shall be subject to final review and approval by the City Council.
- SECTION 3.** This Resolution shall take effect immediately upon its passage by the City Council.

Daniel M. Gendron
City Council President
By Request of the Administration

City of Woonsocket Rhode Island



March 19, A.D. 2018

Resolution

INSTRUCTING THE ADMINISTRATION TO PROVIDE THE CITY COUNCIL WITH MONTHLY STATUS REPORTS WITH RESPECT TO THE WATER TREATMENT PLANT PROJECT

- WHEREAS**, the City of Woonsocket ("City") is under a consent agreement with the Rhode Island Department of Environmental Management that, in part, requires the City to build a new water treatment plant ("WTP") by a date certain; and
- WHEREAS**, on 31 July 2017 the City entered into an agreement with Woonsocket Water Services, LLC to design, build and operate a new WTP to be fully operational by no later than 31 December 2020; and
- WHEREAS**, the City has employed CDM Smith as an advisor to, in part, assist with providing oversight on the project; and
- WHEREAS**, the cost of the design and build portion of the project is \$56,752,800; and
- WHEREAS**, due to the cost and nature of the project, the City Council deems it be a critical and top priority; and
- WHEREAS**, the project has for various reasons experienced delays over the years, both under the current as well as past Administrations; and
- WHEREAS**, pursuant to Chapter IV, Section 3(i) of the City's Home Rule Charter, the mayor shall "*perform such other duties as may be required of her by ordinance or resolution of the council.*"

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WOONSOCKET, RHODE ISLAND, AS FOLLOWS:

- SECTION 1.** That the Mayor, by and through her Administration, shall provide the City Council with a written monthly status report on the WTP project.
- SECTION 2.** That the status report shall be provided to the Council each month by no later than the 25th day of the month.
- SECTION 3.** This Resolution shall take effect immediately upon passage by the City Council.

Daniel M. Gendron, Council President

City of Woonsocket,
Rhode Island



Resolution

March 19, A.D. 2018

**RESOLUTION IN SUPPORT OF HOUSE BILLS 7422 & 7076
AND SENATE BILL 2008**

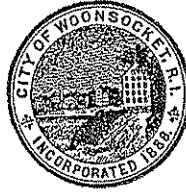
- WHEREAS,** citizens and small businesses should be guaranteed open, non-discriminatory, and unobstructed access to the internet as a medium in which to communicate and conduct business; and
- WHEREAS,** the federal government recently removed its Net Neutrality protections, previously put in place to protect that right to open access; and
- WHEREAS,** House Bills 7422, 7076 and Senate Bill 2008 would reinstate those Net Neutrality protections within the borders of our state; and
- WHEREAS,** the City of Council of the City of Woonsocket supports the passage of these bills as they are in the best interest of the citizens of Woonsocket.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL
OF THE CITY OF WOONSOCKET, RHODE ISLAND AS FOLLOWS:**

- Section 1.** We respectfully request that the Woonsocket Delegation of General Assembly vote in favor of the above referenced bills.
- Section 2.** The City Clerk is requested to forward an electronic copy of this Resolution to each member of the Rhode Island General Assembly from the City of Woonsocket.
- Section 3.** This Resolution shall take effect immediately upon its passage by the City Council.

Melissa Murray

City of Woonsocket Rhode Island



March 19, A.D. 2018

Resolution

GRANTING RELIEF FROM THE PARKING REQUIREMENTS OF THE WOONSOCKET ZONING ORDINANCE AT THE FORMER WOONSOCKET MIDDLE SCHOOL, 357 PARK PLACE

- WHEREAS,** pursuant to Ordinance 17 O 59, the City Council of the City of Woonsocket created the Historic Structures Floating Overlay District; and
- WHEREAS,** Ordinance 17 O 59 allows the City Council to grant certain variances from the Woonsocket Zoning Ordinance to the Tai-O Group d/b/a Woonsocket Park Place LLC who will develop the property located at 357 Park Place (Assessor's Plat 27, lot 113); in the City of Woonsocket; and
- WHEREAS,** it is in the best interest of the City to have Woonsocket Park Place LLC continue its redevelopment plans for the former Woonsocket Middle School at 357 Park Place; and
- WHEREAS,** Woonsocket Park Place LLC has demonstrated a need to deviate from normal Zoning requirements pertaining to parking, due to the unique physical challenges of the existing property configuration; and
- WHEREAS,** both the City and Woonsocket Park Place LLC are desirous of continuing and ultimately completing the redevelopment of the former Woonsocket Middle School at 357 Park Place.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WOONSOCKET, RHODE ISLAND, AS FOLLOWS:

- SECTION 1.** The City Council hereby grants the developer Woonsocket Park Place LLC, in accordance with 17 O 59, a variance from section 5.1-3.13 of the Woonsocket Zoning Ordinance which requires two (2) parking spaces per dwelling unit.
- SECTION 2.** The City Council hereby authorizes and permits Woonsocket Park Place LLC to provide one (1) parking space per residential unit located at 357 Park Place (Assessor's Plat 27, lot 113).
- SECTION 3.** This Resolution shall take effect immediately upon its passage by the City Council.

Daniel M. Gendron
City Council President
By Request of the Administration