

CITY OF EAST PROVIDENCE
 JOURNAL/MINUTES-REGULAR COUNCIL MEETING
 TUESDAY, FEBRUARY 2, 2021
 CALL TO ORDER: 6:30 P.M.
 145 TAUNTON AVENUE-CITY COUNCIL CHAMBERS
 EAST PROVIDENCE, RHODE ISLAND
 EXECUTIVE SESSION: CONFERENCE ROOM A

RE-OPEN SESSION TO BE IMMEDIATELY FOLLOWED AFTER EXECUTIVE SESSION AT APPROXIMATELY 6:45 P.M.

City Council:
 Council President, Robert Britto - Ward 1
 Council Vice-President: Bob Rodericks - At Large
 Councilwoman Anna Sousa - Ward 2
 Councilman Nate Cahoon - Ward 3
 Councilman Ricardo Mourato - Ward 4

City Solicitor, Michael J. Marcello
 Assistant City Solicitor, Dylan Conley
 City Clerk, Samantha N. Burnett

As a result of the COVID-19 pandemic, this meeting will be both in person and virtually, through an application called, "Zoom".


IN ORDER TO PARTICIPATE VIRTUALLY, USE THE FOLLOWING OPTIONS:

By phone:
 Call the toll free number: 1-877-853-5247 (audio only) and enter the following information:
 MEETING ID: 993-0796-0324
 You do not need a meeting passcode.

By computer or smartphone (this is the audio and video option):
 To participate visually (with audio) you will need to log into the following from your computer or smart phone, go to: www.zoom.us
 Enter the following information when prompted
 MEETING ID: 993-0796-0324



Once entered, you will be able to join the meeting. At the appropriate time for public comment the moderator will allow you to provide comment at the meeting.
 The meeting will also be available live on our city website, located at:
http://www.clerkbase.com/RI_EastProvidence_Live_CityCouncil.html
 In addition, written public comment on any agenda item can be submitted by 4:00 p.m. on Tuesday, February 2, 2020 in the following delivery methods:
 Email the City Clerk: sburnett@eastprovidenceri.gov
 Mailed/dropped off at: City Hall, Attention: City Clerk, 145 Taunton Avenue - East Providence, Rhode Island 02914

I. CALL TO ORDER –
 Council President called the meeting to order and role call was made by the City Clerk, Samantha N. Burnett. All members were present.

II. VOTE TO GO INTO EXECUTIVE SESSION, PURSUANT TO R.I.G.L. 42-46-5 (a)(2) 
 Motion made by Councilman Mourato, seconded by Councilman Cahoon. Motion passes 5-0.

Member	Aye	Nay
Cahoon	x	
Mourato	x	
Rodericks	x	
Sousa	x	
Britto	x	

- B) New Claims**
- Rosina Hunt
 - Steven Leblanc
 - Daniel Nielson

III. OPEN SESSION – Council President Britto called open session. 
 IV. PLEDGE OF ALLEGIANCE – Council President Britto led the Pledge.
 V. MOTION TO SEAL MINUTES FROM EXECUTIVE SESSION 
 Motion to seal the minutes from Executive Session made by Councilman Cahoon. Motion seconded by Councilman Mourato. Motion passes unanimously.

Member	Aye	Nay
Cahoon	x	
Mourato	x	
Rodericks	x	
Sousa	x	
Britto	x	

VI. APPROVAL OF THE CONSENT CALENDAR 

COUNCIL JOURNALS:

NOVEMBER 10, 2020, NOVEMBER 24, 2020, DECEMBER 8, 2020, DECEMBER 15, 2020, DECEMBER 22, 2020, JANUARY 6, 2021, JANUARY 19, 2021


Motion to approve the consent calendar made by Councilwoman Sousa. Motion seconded by Councilman Cahoon. Motion passes 5-0.

Member	Aye	Nay
Cahoon	x	
Mourato	x	
Rodericks	x	
Sousa	x	
Britto	x	

PUBLIC COMMENT 

Each speaker will be limited to three (3) minutes. The order of the speakers will be on a first come, first serve basis and the maximum time for public comment shall be limited to thirty (30) minutes per meeting. Public comments must pertain to a docket item.

No public comment was exercised during this meeting.

VII. LICENSES NOT REQUIRING PUBLIC HEARING 

APPLICATIONS FOR VICTUALING LICENSE, CLASS 3

A) MB Mart, Inc. 665 North Broadway, 02914

Motion to approve made by Councilman Cahoon. Motion seconded by Councilman Mourato. Motion passes 5-0.

Member	Aye	Nay
Cahoon	x	
Mourato	x	
Rodericks	x	
Sousa	x	
Britto	x	

B) C and C Holding, Inc. DBA Riverside Food Mart, 548 Willett Avenue, 02915

Motion to approve made by Councilman Cahoon. Motion seconded by Councilman Mourato. Motion passes 5-0.

Member	Aye	Nay
Cahoon	x	
Mourato	x	
Rodericks	x	
Sousa	x	
Britto	x	

C) TACONEANDO MEXICAN STYLE RESTAURANT, 181 WILLETT AVENUE, 02915

Motion to approve made by Councilman Cahoon. Motion seconded by Councilman Mourato. Motion passes 5-0.

Member	Aye	Nay
Cahoon	x	
Mourato	x	
Rodericks	x	
Sousa	x	
Britto	x	

APPLICATION FOR HOLIDAY SALES

A) C and C Holding, Inc. DBA Riverside Food Mart, 548 Willett Avenue, 02915

Motion to approve made by Councilman Cahoon. Motion seconded by Councilman Mourato. Motion passes 5-0.

Member	Aye	Nay
Cahoon	x	
Mourato	x	
Rodericks	x	
Sousa	x	
Britto	x	

B) MB Mart, Inc. 665 North Broadway, 02914

Motion to approve made by Councilman Cahoon. Motion seconded by Councilman Mourato. Motion passes 5-0.

Member	Aye	Nay
Cahoon	x	
Mourato	x	
Rodericks	x	
Sousa	x	
Britto	x	

C) TACONEANDO MEXICAN STYLE RESTAURANT, 181 WILLETT AVENUE, 02915

Motion to approve made by Councilman Cahoon. Motion seconded by Councilman Mourato. Motion passes 5-0.

Member	Aye	Nay
Cahoon	x	
Mourato	x	
Rodericks	x	
Sousa	x	

Britto	x	
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VIII. APPOINTMENTS 

- A. Comprehensive Plan Advisory Plan Committee: Anthony Thibeault

(Councilwoman Sousa)

Motion to approve made by Councilman Mourato. Motion seconded by Council Vice President Rodericks. Motion passes 5-0.

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

IX. NEW BUSINESS 

a) COUNCIL COMMUNICATIONS

1. Discussion: East Providence Small Business Survey - Councilman Cahoon

Councilman Cahoon was present and discussed this item. There will be a survey that goes out in a future water bill for the businesses of East Providence to participate in.

2. Discussion: COVID 19 Vaccination Plan/Preparedness for East Providence – Councilman Mourato and Council Vice President Rodericks

Council Vice President Rodericks and Councilman Mourato were present and addressed this item and provided updates on the current COVID 19 vaccination plan for East Providence.

3. Discussion: Large truck limit on Veterans Memorial Parkway – Council Vice President Rodericks

Council Vice President Rodericks was present and spoke on this item.

4. Discussion: Update on Capital Projects for Willett Pond, Wire Drop in Riverside Square, Carousel and Planting of Trees along Bullocks Point Avenue – Councilman Mourato

Councilman Mourato was present and spoke on this item. Members representing the carousel and planning were present to speak as well, (William Fazioli and Tracy Johnson).

5. Discussion: Update on the East Providence Comprehensive Plan – Councilman Mourato

Councilman Mourato was present and spoke on this item. A member of the City was present to provide an update as well, (William Fazioli).

6. Postal Address for The Meadows Apartments: 1560-80 Wampanoag Trail and 15 Argyle A - **FOR VOTE**

Council Vice President Rodericks was available to speak on this item. No vote was made.

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

b) COMMUNICATIONS – OFFICE OF THE MAYOR

1. **Executive Order-2021-004: “Municipal Emergency Postponing of Tax Sale”** - dated January 20, 2021 (Communication Only)

Mr. Gonsalves, Director of Administration was present to the Council. This was just a communication item. No vote or action was needed.

2. Update on Capital Budget – Director of Planning, William Fazioli

Mr. Fazioli, Planning Director, was present to the Council and provided an update on the status of several projects.

3. Update on the East Providence Comprehensive Plan – Director of Planning, William Fazioli

Mr. Fazioli, Planning Director, was present to the Council and provided an update on the status of the East Providence Comprehensive Plan. The City Clerk, Samantha N. Burnett was instructed by Council Vice President Rodericks to follow up and provide contact information to Mr. Fazioli for the Comprehensive Plan Community Advisory Board.

4. Update on negotiations regarding City Wastewater and Suez Contract – Jennifer Lachmayr

Tom Azevedo and Jennifer Lachmayr were both present for this item.

5. Appointment of Elaine M. Gonsalves to the East Providence Housing Authority (Communication Only) Term: 01/21/2021-03/11/2025

Mr. Gonsalves, Director of Administration, was available to the Council. This was communication only. No action or vote was needed or taken.

c) REPORTS OF OTHER CITY OFFICIALS

1.) City Solicitor's Claims Report

Assistant Solicitor Dylan Conley

Assistant Conley provided the claims report from Executive Session.

d) INTRODUCTION OF PROPOSED AMENDMENTS TO THE ZONING CODE TO REFERRED TO PLANNING

1. **EAST PROVIDENCE MODEL [ORDINANCE](#) ASSOCIATED WITH THE REGULATORY LAND USE PERMITTING OF MEDICAL MARIJUANA COMPASSION CENTERS IN THE CITY OF EAST PROVIDENCE - Council President Britto and Councilman Cahoon**

Motion to approve made by Councilwoman Sousa. Motion to second by Councilman Cahoon. Motion passes unanimously, 5-0.

Member	Aye	Nay
Cahoon	x	
Mourato	x	

Rodericks	x	
Sousa	x	
Britto	x	

X. RECONVENE IN EXECUTIVE SESSION (if necessary)
The Council determined it was not necessary to reconvene in Executive Session.

XI. ADJOURNMENT
Motion to adjourn made by Councilman Cahoon. Motion seconded by Councilwoman Sousa. Motion passes unanimously, 5-0. Meeting adjourned.

Member	Aye	Nay
Cahoon	x	
Mourato	x	
Rodericks	x	
Sousa	x	
Britto	x	

If communication assistance is needed or any other accommodations to ensure equal participation, please contact the City Clerk, Samantha Burnett at 401.435.7596 at least 48 hours prior to the meeting date.

East Providence Model Ordinance Associated with the Regulatory Land Use Permitting of Medical Marijuana Compassion Centers in the City of East Providence

Relevant existing Sections associated with medical marijuana compassion center business regulation:

Sec. 19-39. - Special use permit—Findings required.

(a) In granting a special use permit, the zoning board of review shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings. The special use permit shall:

- (1) Be compatible with neighboring land uses;
- (2) Not create a nuisance in the neighborhood;
- (3) Not hinder the future development of the city;
- (4) Conform to all applicable sections of this chapter; and
- (5) Be in conformance with the purposes and intent of the city comprehensive plan and applicable standards of this chapter.

(b) In granting a special use permit, the zoning board of review may apply such special conditions as provided for in section 19-13.

(c) In granting a special use permit associated with any medical marijuana related use, the proposed use shall be in compliance with all applicable standards as identified under Division ____-____, Medical Marijuana Compassion Centers.

Add the following line item to Use Schedule (Section 19-98)

USE SCHEDULE	ZONING DISTRICTS															
	R1	R2	R3	R4	R5	R6	O1	C1	C2	C3	C4	C5	I1	I2	I3	BT
Medical Marijuana Compassion Center	N	N	N	N	N	N	N	N	N	N	N	S	S	S	S	N

Division ____. Medical Marijuana Compassion Centers.

Sec. 19-__ Definitions:

Compassion center means a not-for-profit entity registered under G.L. 1956, § 21-28.6-12 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies or dispenses marijuana, and/or related supplies and educational materials, to patient cardholders

and/or their registered caregiver cardholder or authorized purchaser (as defined in G.L. 1956, § 21-28.6-3).

Compassion center cardholder means a principal officer, board member, employee, volunteer, or agent of a compassion center who has registered with the Rhode Island Department of Business Regulation (DBR) and has been issued and possesses a valid registry identification card.

Marijuana means all parts of the plant *cannabis sativa* L., whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, but shall not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of mature stalks, (except the resin extracted from it), fiber, oil or cake, or the sterilized seed from the plant which is incapable of germination. Marijuana shall not include "industrial hemp" or "industrial hemp products" which satisfy the requirements of chapter 26 of title 2, nor shall it include products that have been approved for marketing as a prescription medication by the U.S. Food and Drug Administration and legally prescribed.

Section 19-___ Purpose

(a) *Purpose.* It is the intent of this Division to regulate the cultivation and distribution of medical marijuana as allowed by the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act (G.L. 1956, § 21-28.6-1 et seq.) The City is dedicated to supporting the needs of patients requiring care through the use of medical marijuana consistent with the health, safety and general welfare of the community at large.

Section 19-___ General Requirements and Standards

(a) *Compassion centers.* Compassion center uses, as established under G.L. 1956, § 21-28.6-1 et seq., shall be prohibited in all zoning districts except in the heavy commercial and industrial zones and only upon the granting of a special use permit by the Zoning Board of Review in accordance with Section 19-39 of this chapter. A special use permit shall not be granted unless each of the following standards have been met:

(1) The application for a special use permit pursuant to this section shall provide the legal name and address of the compassion center, a copy of the articles of incorporation of the compassion center, and the name, address and date of birth of each principal officer and board member of the compassion center.

(2) The site plan shall depict all existing and proposed building, parking spaces, driveways, service areas and other open uses. In addition to all other restrictions defined in this chapter, the site plan shall show the distances between the proposed use and the boundary of the nearest residential zoning district and the property line of all other abutting uses.

(3) Findings.

- a. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community;
- b. The requested use at the proposed location will not adversely affect the use of any property used for school, public or private, park, playground, play field, youth center, licensed daycare center, or other location where groups of minors regularly congregate;
- c. The requested use at the proposed location is sufficiently buffered in relation to any residential area in the immediate vicinity so as not to adversely affect said area; and
- d. The exterior appearance of the structure will be consistent with the exterior appearance of structures already constructed or under construction within the immediate neighborhood, so as to prevent blight or deterioration, or substantial diminishment or impairment of property values within the neighborhood.
- e. Upon issuance of a special use permit, the compassion center shall apply for the appropriate approvals and inspections by the fire chief. The fire chief shall approve the application for permits pursuant to G.L. 1956, § 23-28.1 et seq.
- f. Upon issuance of a special use permit, the compassion center or its licensed contractor shall apply for all appropriate building, electrical, mechanical and plumbing permits as required by the state building code. The building official shall approve the application for permits pursuant to G.L. 1956, § 23-27-100.01 et seq.

(4) Location.

- a. All uses granted under subsection (a), compassion centers, shall not be located within:
 1. One thousand feet of the nearest residential zoning district, and lot line of a residence which is a nonconforming use in a non-residential zone in existence as of the effective date of this section; or
 2. One thousand five hundred feet of the nearest house of worship, school, public or private, park, playground, play field, youth center, licensed daycare center, or other location where groups of minors regularly congregate; or
 3. Two thousand feet of any other compassion center.
- b. The distances specified in this subsection shall be measured by a straight line from the nearest property line of the premises on which the proposed compassion center is to be located to the nearest boundary line of a residential zoning district or to the nearest property line of any of the other designated uses set forth above.

(5) Hours of operation.

a. The proposed compassion center hours of operation shall be limited to the hours of no earlier than 7:00 a.m. and no later than 8:00 p.m.

(6) Lighting.

a. Lighting shall adequately illuminate the compassion center, its immediate surrounding area, any accessory uses, including storage areas, the parking facilities, the compassion center's front façade, and any adjoining public sidewalk.

b. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.

(7) Security.

a. The proposed compassion center shall implement appropriate security measures to deter and prevent the unauthorized entrance into areas containing marijuana and shall insure that each location has an operational surveillance system, monitored intruder alarm system and security alarm system.

(8) Parking.

a. All uses permitted under this subsection shall comply with the off-street parking and loading requirements and regulations as set forth in this chapter. **(Note: Compassion center business can potentially be defined as retail and service business establishments for the purposes of off-street parking determination)**

(9) Signage and advertising.

a. All signage and advertising for a compassion center shall comply with all applicable provisions of this Code.

b. In addition, no signage or advertising shall use the word "marijuana" or "cannabis" or any other word, phrase or symbol commonly understood to refer to marijuana unless such word, phrase or symbol is immediately preceded by the word "medical" in type and font that is at least as readily discernible as all other words, phrases or symbols on the sign. Such signage and advertising must clearly indicate that the products and services are offered only for medical marijuana patients and primary caregivers.

(10) Possession limits.

Compassion center	Inventory of seedlings, plants and usable marijuana limited to reflect the projected needs of registered qualifying patients.
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(f) *Marijuana extraction.* The use of butane, propane or other solvents used for the purposes of marijuana extraction shall be strictly prohibited.

(g) *Enforcement.*

(1) Any person or organization found to be in violation of this article shall be subject to enforcement in accordance with section ____ of this chapter and subject to violations and penalties as provided in chapter ____, general penalty; continuing violations.

(2) All use permitted under this article shall comply fully with all licensing requirements of the city and laws of the State of Rhode Island.

(h) *Documentation confidentiality.* Unless otherwise provided herein, all documentation, including but not limited to applications, approvals and permits in furtherance of any application by a cardholder shall be sealed and kept confidential by the building official and shall not be subject to review by any party other than the cardholder(s).

(i) *Declared invalid or unenforceable.* In the event that any of the terms or provisions of this act are declared invalid or unenforceable by any court of competent jurisdiction having jurisdiction over the subject matter of this act, the remaining terms and provisions that are not affected thereby shall remain in full force and effect.