

**Date Posted: April 30, 2010**

**Date of Meeting: May 4, 2010**

**Meeting: City Council**

**Location: 145 Taunton Avenue, City Council Chambers, EP, RI 02914**

**Time: 7:30pm**

**CITY OF EAST PROVIDENCE**

**RHODE ISLAND**

**DOCKET OF REGULAR COUNCIL MEETING**

**May 4, 2010**

**7:00 p.m. Executive Session**

**7:30 p.m. Open Session**

## **I. EXECUTIVE SESSION**

**The City of Council will meet in Executive Session for the purposes of discussing Claims and Litigation pursuant to R.I.G.L. 42-46-5(a)(2)**

**A. IBPO Collective Bargaining Issues**

**B. Claims Committee**

**(see concurrently posted Claims Committee Agenda)**

## **II. CALL TO ORDER**

## **III. INVOCATION**

## **IV. SALUTE TO THE FLAG**

## **V. TO APPROVE THE CONSENT CALENDAR**

**All items under “CONSENT CALENDAR” are considered to be of a routine and noncontroversial nature by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member so requests, in which event, the item will be removed from the “CONSENT CALENDAR” and will be considered in its normal sequence on the docket.**

**A. Letters**

**1. Jamestown Town Council resolutions urging members of the General Assembly to enact legislation for bicyclist safety, in support of establishing a “Blue Alert Program” in the State of RI, in support of the return of the America’s Cup Challenge to Newport, in support of RI House bill 7014 – Bridge Safety.**

**2. West Warwick Town Council resolutions for the mandate relief program act, opposition to binding arbitration and continuous contracts.**

**3. Coastal Resources Management Council State of Rhode Island application to construct and maintain shoreline protection, Sysan Allee and Karen Krahulik 15 White Avenue (02915).**

**4. Middletown Town Council resolution in opposition to binding arbitration and continuation of expired contracts.**

**5. City of Woonsocket resolution opposing binding arbitration.**

**6. Charlestown Town Council resolutions in support of the America’s Cup Challenge return to Newport, in support of the return of the America’s Cup Challenge to Newport.**

**7. Warren Town Council resolution in support of the return of the**

**America's Cup Challenge to Newport.**

**8. Coastal Resources Management Council semi monthly meeting  
Tuesday April 27, 2010.**

**9. Richmond Town Council resolution in support of the return of the  
America's Cup Challenge to Newport.**

**10. Cranston City Council resolution in opposition to the Hess  
Liquified Natural Gas (LNG) Plant.**

**B. Alcoholic Beverage Class F**

**1. Holy Ghost Beneficial Brotherhood of RI, 51 North Phillips Street  
(02914) Annual Feast May 21-23, 2010**

**2. Holy Ghost Brotherhood Mariense, 846 Broadway (02914) Annual  
Feast July 23-25, 2010.**

**3. Holy Ghost Brotherhood of Charity, 59 Brightridge Avenue (02914)  
Annual Feast July 16-18, 2010.**

**4. St Francis Xavier, 81 North Carpenter Street (02914) Annual Feast  
June 18-20, 2010.**

**5. St Martha's Church, 2595 Pawtucket Avenue (02914) Annual Feast  
June 4- 6, 2010.**

**6. Teofilo Braga Club, 26 Teofilo Braga Way (02914) Annual Feast July  
9-11, 2010.**

**7. Trinity Brotherhood, 146 Sutton Avenue (02914) Annual Feast May  
28-30, 2010.**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

## **VI. APPOINTMENTS**

### **1. Canvassing Authority**

**Ronald Warr, 31 Elinora Street (02915)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

## **VII. LICENSES NOT REQUIRING PUBLIC HEARING**

### **A. Carnival**

**The Gordon School, 45 Maxfield Avenue (02914), May 22, 2010**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

## **VIII. PUBLIC HEARING**

### **A. Zoning Map Amendment**

**Advertised Providence Journal – April 14, 21 and 28, 2010**

**Notices sent by certified mail – April 5, 2010**

**REZONING – Recommendation for requested zoning map amendment  
requested rezoning from Commercial 1, Residential 2 and Residential  
5 to Commercial 2.**

**Petitioner: 957 Warren Ave, LLC**

**Change to: C-2**

**Lot: Map 507, Block 10, Parcel1**

**AN ORDINANCE IN AMENDMENT OF CHAPTER 19 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND 1998, AS AMENDED, ENTITLED “ZONING.”**

**THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:**

**SECTION I. Section 19-95 entitled “Districts Designated” of Article III entitled “District Regulations” is hereby amended as follows:**

**Parcel 1 on Assessors Map 507, Block 10 presently located in a Residential 2, Residential 5, and Commercial 1 District is hereby changed to be included in a Commercial 2 District subject to the following conditions:**

- 1. That the property be restricted to a maximum of 25% retail as a percentage of the total development of the property.**
- 2. That the following uses normally allowed as a right or through Special Use Permit in the C-2 district be restricted: restaurant with and without live entertainment, fast food restaurant and gasoline filling station.**
- 3. That any development proposed for the site be subject to review under the City’s Development Plan Review process at a minimum.**
- 4. That all drive through facilities, with the exception of drive through facilities associated with a bank or credit union use, be restricted on the property.**

**The Zoning Map of the City of East Providence shall be amended accordingly.**

**SECTION II. This ordinance shall take effect upon passage and all ordinances and parts of ordinances inconsistent herewith are hereby**

repealed.

Motion\_\_\_By\_\_\_2nd\_\_\_

Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_

## **IX. ORDINANCES – FINAL PASSAGE**

**A.The following ordinance would approve financing for the wastewater system through revenue bonds and notes in an amount not to exceed \$7,000,000.**

**ORDINANCE OF THE CITY OF EAST PROVIDENCE APPROVING THE FINANCING OF THE CONSTRUCTION, EQUIPPING, EXTENSION, REPLACEMENT, REPAIR AND REHABILITATION OF THE CITY’S SEWER LINES, SEWAGE COLLECTION, AND SEWAGE TREATMENT SYSTEM AND ALL PRELIMINARY AND INCIDENTAL EXPENSES AND APPROVING THE ISSUANCE OF WASTEWATER SYSTEM REVENUE BONDS AND NOTES THEREFOR IN AN AMOUNT NOT TO EXCEED \$7,000,000**

**WHEREAS, in the interest of public health and safety, the City of East Providence (the “City”) desires to make certain improvements to the City’s sewer system, including the construction, equipping, extension, replacement, repair and rehabilitation of the sewer lines, sewage collection, and sewage treatment system and all preliminary and incidental expenses in connection therewith (the “Project”);**

**WHEREAS, the City desires to issue an amount not to exceed Seven Million Dollars (\$7,000,000) wastewater system revenue bonds (the “Bonds”) or interest bearing or discounted wastewater system revenue notes (the “Notes”) in anticipation of the issue of said Bonds**

of the City, at one time, or from time to time for the purpose of evidencing the borrowing described above;

**WHEREAS, Chapter 46-12.2 of the Rhode Island General Laws, pursuant to which the Bonds or Notes will be issued, provides that in connection with a financing transaction with the Rhode Island Clean Water Finance Agency (the “Agency”) and notwithstanding any municipal charter to the contrary, all local governmental units shall have the power to issue local governmental obligations payable solely from wastewater system revenues pursuant thereto without limit as to amount, and the amount of principal and premium, if any, and interest on the obligations shall not be included in the computation of any limit on the indebtedness of the local governmental unit or on the total taxes which may be levied or assessed by the local governmental unit in any year or on any assessment, levy, or other charge made by the local governmental unit on any other political subdivision or instrumentality of the State of Rhode Island;**

**WHEREAS, notwithstanding the foregoing provisions of Chapter 46-12.2 of the Rhode Island General Laws, the City desires to comply with the requirements set forth in Section 4.27 of the City Charter with respect to the issuance of bonds to the extent possible;**

**WHEREAS, the estimated maximum cost of the Project is \$7,000,000;**

**WHEREAS, the period of usefulness of the Project is expected to be thirty (30) years; and**

**WHEREAS, the net debt of the City is not affected by the issuance of the Bonds or Notes as the Bonds and Notes will not be general**

obligations of the City but will be payable solely from wastewater system revenues.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY OF EAST PROVIDENCE that:**

**SECTION 1.** The sum of Seven Million Dollars (\$7,000,000) is appropriated for the purpose of financing the Project.

**SECTION 2.** In accordance with Chapter 46-12.2 of the Rhode Island General Laws, the Mayor and the Director of Finance are hereby authorized to borrow an amount not exceeding Seven Million Dollars (\$7,000,000) from the Agency, and to evidence such loan as required by said Chapter 46-12.2, such officers are hereby authorized to issue and refund on behalf of the City the Bonds, at one time, or from time to time in order to meet the foregoing appropriation.

**SECTION 3.** The said officers from time to time may issue and refund the Notes in anticipation of the issue of said Bonds.

**SECTION 4.** The Bonds and Notes shall be payable solely from wastewater system revenues. The City may issue bonds, notes, or other obligations on a parity with these Bonds as provided in the Trust Indenture (defined below). The manner of sale, amount, denominations, maturities, conversion or registration privileges, interest rates, medium of payment, and other terms, conditions and details of the Bonds or Notes may be fixed by the officers authorized to sign the Bonds or Notes.

**SECTION 5.** Pending the issuance of the Bonds under Section 2 hereof or pending or in lieu of the issue of Notes under Section 3 hereof, the Director of Finance, at the written direction of the City

**Council, may expend funds from funds of the City including the General Fund for the purposes specified in Section 1 hereof. Any advances made under this section shall be repaid without interest from the proceeds of the Bonds or Notes issued hereunder or from the proceeds of applicable federal or state assistance or from other available funds.**

**SECTION 6. The Mayor and the Director of Finance are also authorized, empowered and directed, on behalf of the City, to: (i) execute, acknowledge and deliver a Supplemental Trust Indenture (the “Supplemental Indenture”) amending and supplementing the Trust Indenture dated October 6, 2009 by and between the City and U.S. Bank National Association (the “Trust Indenture”), and any and all other loan agreements, documents, certificates or instruments necessary to effectuate such borrowing; (ii) amend, modify or supplement the Trust Indenture, such Supplemental Indentures, the Bonds or Notes and any and all other loan agreements, documents, certificates or instruments at any time and from time to time, in such manner and for such purposes as such officers shall deem necessary, desirable or advisable; (iii) direct the Trustee with regard to investments of trust funds pursuant to the Trust Indenture, (iv) enter into inter-municipal agreements or amend existing inter-municipal agreements with other municipalities utilizing the wastewater treatment facility and regional collection system with respect to sharing cost of the Project, and (v) do and perform all such other acts and things deemed by such officers to be necessary, desirable or advisable with respect to any matters contemplated by**

**this Ordinance in order to effectuate said borrowing and the intent hereof.**

**SECTION 7. The Mayor and the Director of Finance are hereby authorized to deliver the Bonds or Notes to the purchaser and said officers are hereby authorized and instructed to take all actions, on behalf of the City, necessary to ensure that interest on the Bonds or Notes will be excludable from gross income for federal income tax purposes and to refrain from all actions which would cause interest on the Bonds or Notes to become subject to federal income taxes.**

**SECTION 8. This Ordinance is an affirmative action of the City Council of the City toward the issuance of the Bonds and Notes in accordance with the purposes of the laws of the State. This Ordinance constitutes the City's declaration of official intent, pursuant to Treasury Regulation §1.150-2, to reimburse the City for certain capital expenditures for the Project paid on or after the date which is sixty (60) days prior to the date of this Ordinance, but prior to the issuance of the Bonds or Notes. Such amounts to be reimbursed shall not exceed Seven Million Dollars (\$7,000,000) and shall be reimbursed not later than eighteen (18) months after the later of (a) the date on which the expenditure is paid or (b) the date on which the Project is placed in service or abandoned but in no event later than three (3) years after the date on which the expenditure is paid.**

**SECTION 9. The Mayor and the Director of Finance are authorized to take all actions necessary to comply with federal tax and securities laws including Rule 15c2-12 of the Securities and Exchange**

**Commission (the “SEC Rule”) and to execute and deliver a Continuing Disclosure Certificate in connection with the Bonds or Notes in the form as shall be deemed advisable by the Mayor and the Director of Finance in order to comply with the SEC Rule. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate, as it may be amended from time to time. Notwithstanding any other provision of this Ordinance or the Bonds or Notes, failure of the City to comply with the Continuing Disclosure Certificate shall not be considered an event of default; however, any Bondholder or Noteholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section and under the Continuing Disclosure Certificate.**

**This ordinance shall take effect upon its second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

**B.The following ordinance pertains to the Water Consumption Portion – Sewer Charge.**

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
CITY OF EAST PROVIDENCE  
AN ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE  
REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,**

**RHODE ISLAND, 1998, AS AMENDED, ENTITLED "UTILITIES."**

**THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:**

**SECTION I. Subsection (c) of Sec. 17-183 entitled "Charges to be based upon water consumption; rate" of Chapter 17 of the ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled "Utilities" is amended to read as follows:**

**(c) Effective November 1, 2009, the water consumption portion of the sewer charge shall be at a rate of \$4.46 per hundred cubic feet of water used based upon the actual quarterly or monthly meter reading of water consumption less an annual exemption of 3,500 cubic feet. Such exemption shall be prorated quarterly or monthly for users of city water who are billed on a quarterly or monthly basis.**

**Effective November 1, 2010, the rate per hundred cubic feet of water will increase to \$4.90 5.35.**

**Effective November 1, 2011, the rate per hundred cubic feet of water will increase to \$4.96 5.41.**

**SECTION II. This ordinance shall take effect upon its second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

## **X. NEW BUSINESS**

### **A. Reports of Other City Officials**

**1. Claims Committee Report (by City Solicitor James Briden)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

**2. Approval for the School Department to accept the Career Technical Center from the State of RI. (by Superintendent of Schools Dr. Mario Cirillo Lonnie L. Barham Chief Operating Officer)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

**3. Antenna lease agreements for 305 Lyon Ave and 30 North Broadway. (by City Solicitor James Briden)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

**B. Council Members**

**1. EP Budget Update (by Mayor Larisa)**

**2. Report of Design Review Committee – Sign (by Councilman Cusack)**

**C. Resolutions**

**1. Resolution requesting Senators and Representatives in the General**

**Assembly from East Providence to introduce legislation to Authorize Bond Referendum in the amount of \$15,000,000**

**BE IT RESOLVED that the Senators and Representatives in the General Assembly from East Providence be requested to introduce and seek passage of an Act for a referendum in November 2010 authorizing the issuance and sale of Fifteen Million (\$15,000,000) Dollars in bonds for the purpose of effecting essential repairs to the public schools of East Providence, Rhode Island.**

**BE IT FURTHER RESOLVED that said money shall be borrowed at a subsidized 0% interest rate with at least a 48.9% reimbursement of principal by the State over a period of at least 30 years, with the resulting annual debt service less than \$250,000.**

**BE IT FURTHER RESOLVED that the City Clerk send a copy of this Resolution to the Senators and Representatives, the President of the Rhode Island Senate and the Speaker of the Rhode Island House of Representatives.**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

## **2. Resolution in support of S2704**

**WHEREAS, the City of East Providence has identified the East Providence Waterfront District as a section of the City which represents tremendous potential to bring about economic revitalization and growth to the City of East Providence and the State of Rhode Island; and**

**WHEREAS, in 2003 the General Assembly created the East**

**Providence Special Waterfront Development District Enabling Legislation as a unique State and City partnership dedicated to the implementation of the City's vision for a revitalized Waterfront District; and**

**WHEREAS, the Waterfront District Commission is comprised of members appointed by the City Council and the Governor; and**

**WHEREAS, the Waterfront District Commission has been charged with facilitating development in the Waterfront District and implementing the City's vision for revitalization; and**

**WHEREAS, the current enabling law requires a quorum of seven members versus a majority of appointed members; and**

**WHEREAS, although Commission members have been diligent and dedicated in carrying out their mission, Commission vacancies have resulted in difficulty in achieving a quorum under the current definition of a quorum; and**

**WHEREAS, the bill before the General Assembly, S 2704 would define quorum as a majority of appointed members and relieve an undue burden on the Waterfront Commission in achieving quorum in the event of vacancies occurring and allow them to better carry out their charge of economic revitalization; and**

**NOW, THEREFORE, BE IT RESOLVED, that the City Council of East Providence expresses to its Senate and House delegations, the General Assembly as a whole and the Governor its support for the pending legislation and requests that this Resolution be transmitted to each of them and the General Assembly leadership forthwith.**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

**3. A Resolution authorizing the Director of Finance to borrow \$600,000 in anticipation of City revenues**

**Pursuant to Section 45-12-4.3 of the Rhode Island General Laws and Section 4-22 of the Charter of the City, the Director of Finance is authorized to borrow during the fiscal year ending October 31, 2010 \$600,000 in anticipation of City revenues constituting sewer user charges as may be permitted by law for the purpose of meeting the current liabilities and expenses of the City and that the Director of Finance is authorized to issue the note or notes of the City therefore and to refund such note or notes and any revenue anticipation notes of a prior year to the extent permitted by law.**

**The resolution shall take effect upon its passage.**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

#### **D. Introduction of Ordinances**

**1.An ordinance ordering the assessment and collection of property tax on the ratable real estate, tangible personal property and an excise tax on registered motor vehicles and trailers.**

**THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:**

**SECTION I. That the City Council of the City of East Providence hereby orders the assessment and collection of a tax on ratable real**

**estate, tangible personal property and an excise tax on registered motor vehicles and trailers in a sum not more than Eighty-eight Million Two Hundred Twenty-one Thousand (\$88,221,000) Dollars nor less than Eighty-seven Million One Hundred Twenty-one Thousand (\$87,121,000) Dollars. Said tax is for ordinary expenses, for the payment of interest and indebtedness, in whole or in part, of said city, and for other purposes authorized by law.**

**The Tax Assessor shall assess and apportion said tax on the inhabitants and ratable property of said city as of the 31st day of December, 2009 at twelve o'clock Eastern Standard Time, according to law, and shall on completion of said assessment, date and sign same and shall make out and certify to the City Treasurer of the City of East Providence, who is charged with the duties for the collection of taxes, on or before the 15th day of June, 2010 complete list of the names of the persons taxed and of the total value of all the real estate assessed against each person, and also the amount of registered motor vehicles and trailers assessed against each person, and also the total amount assessed against each person on said real estate, personal estate and registered motor vehicles and trailers, opposite the name of the person or persons assessed. Upon receipt of the certified tax list by the City Treasurer, he shall proceed and collect said tax on the persons and estates liable thereof; said tax shall be due and payable on and between the 1st day of June 2010 and the 1st day of July, 2010 and provided further that if said tangible personal property and real estate taxes are paid in full on or before the 1st day of July, 2010, a discount of three per centum (3%) of the total taxes on**

**said tangible personal property and real estate shall be granted, and all taxes remaining unpaid on the 1st day of July, 2010 shall carry until collected a penalty at the rate of twelve per centum (12%) per annum from the 1st day of June, 2010 upon said unpaid tax, however, said taxes may be paid in four installments; the first installment of twenty-five per centum (25%) on or before the 1st day of July, 2010, the second installment of twenty-five per centum (25%) on or before the 1st day of September, 2010, the third installment of twenty-five per centum (25%) on or before the 1st day of December, 2010 and the fourth installment of twenty-five per centum (25%) on or before the 1st day of March, 2011.**

**Each installment of taxes if paid on or before the last day of each installment period successively in order shall be free from any charge of interest.**

**If the first installment or any succeeding installment of taxes is not paid by the last date of the respective unpaid balance period or periods as they occur, then the whole tax or remaining unpaid balance of the taxes as the case may be shall immediately become due and payable and carry until collected a penalty at the rate of twelve per centum, (12%) per annum.**

**The City Treasurer shall, by advertisement in the public newspaper having circulation in the City of East Providence, notify all persons assessed to pay their respective taxes at his office on and between the said 1st day of June, and the 1st day of July, 2010 both days inclusive; said City Treasurer setting forth the hours during which his office shall remain open to receive said taxes.**

**SECTION II. That any of said taxes not paid on or before the 1st day of March, 2011 shall forthwith be collected by levy upon the sale of real estate upon which it is assessed and by that or other due process of law in case of assessment upon personal property.**

**SECTION III. This ordinance shall take effect upon its second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_**

**1. An Ordinance appropriating \$1,000,000 to finance the repairs, renovations and improvements to City roads and drainage systems and authorizing \$5,000,000 bonds to finance or refinance same.**

**WHEREAS, Chapter 598 and Chapter 608 of the Public Laws of Rhode Island 2006 (collectively, the “Bond Acts”) authorize the issue of \$5,000,000 bonds and notes in anticipation thereof by the City of East Providence to finance the repairs, renovations and improvements to city roads and drainage systems (hereinafter referred to as the “Project”); and**

**WHEREAS, the Bond Acts were duly approved by a majority of those voting on the question at a special election held November 7, 2006 said election having been called and held and the question prescribed by Section 12 of the Bond Acts presented in accordance with law, and the Bond Acts are presently in full force and effect; and**

**WHEREAS, pursuant to Ordinance (Chapter 424) adopted on May 15, 2007 and the Bond Acts, the City Council appropriated an amount of**

**\$2,000,000 (the “2007 Appropriated Funds”) for the purpose of the Project, and authorized the issue of \$2,000,000 bonds or notes in anticipation thereof to meet such appropriation; and**

**WHEREAS, pursuant to such authority, the City issued its \$2,000,000 General Obligation Bond Anticipation Notes dated May 24, 2007 (the “2007 Notes”); and**

**WHEREAS, the City issued its \$2,000,000 General Obligation Bond Anticipation Notes dated May 28, 2008 (the “2008 Notes”) to refund the 2007 Notes; and**

**WHEREAS, pursuant to Resolution No. 13 adopted by the City Council on May 5, 2009, the City issued its \$2,000,000 General Obligation Bond Anticipation Notes dated May 27, 2009 (the “2009 Notes”) to refund the 2008 Notes; and**

**WHEREAS, pursuant to Ordinance (Chapter 451) adopted on May 20, 2008 and the Bond Acts, the City Council appropriated an additional amount of \$2,000,000 (“2008 Appropriated Funds”) for the purpose of the Project, including retirement of the notes at the maturity thereof, and authorized the issue of \$2,000,000 bonds or notes in anticipation thereof to meet such appropriation; and**

**WHEREAS, the City wishes to appropriate the remaining amount of \$1,000,000 authorized pursuant to the Bond Acts for the purpose of the Project; and**

**WHEREAS, pursuant to the Bond Acts, the City wishes to issue bonds in an amount not to exceed \$5,000,000 to finance or refinance the Project, in part by issuing \$2,000,000 bonds to refund the 2009 Notes and in part by issuing \$3,000,000 bonds on a new-money basis;**

and

**WHEREAS, the Project is a capital project for public improvements needed by the city;**

**THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:**

**SECTION 1. The sum of \$1,000,000 is hereby appropriated for the purpose of the Project, which \$1,000,000 when combined with the 2007 Appropriated Funds and the 2008 Appropriated Funds constitutes the full \$5,000,000 appropriation (the “Full Appropriation”) authorized pursuant to Chapter 598 and Chapter 608 of the Public Laws of Rhode Island 2006.**

**SECTION 2. The issue of \$5,000,000 bonds to meet the Full Appropriation is hereby authorized pursuant to Chapter 598 and Chapter 608 of the Public Laws of Rhode Island, 2006 and the City Charter.**

**SECTION 3. The estimated maximum cost of the Project, including retirement of the 2009 Notes at the maturity thereof, is \$5,000,000 and any unexpended sum from said appropriation shall be used for either the retirement of said bonds or for the payment of interest thereon. Prior to issuance of said bonds, funds may be advanced from the city’s general fund for Project costs.**

**SECTION 4. Bonds in an amount not to exceed \$5,000,000 shall be sold at public sale. The Director of Finance and the Mayor are hereby authorized to determine the time or times and manner at and in which said bonds shall be issued and sold including the denominations, maturities, interest rates and other terms and conditions of any such**

**bonds as they in their discretion deem necessary or desirable to implement the foregoing.**

**SECTION 5. The Director of Finance and the Mayor are also authorized, empowered and directed, on behalf of the City, to: (i) execute, acknowledge and deliver any and all other documents, certificates or instruments necessary to effectuate such borrowing; (ii) amend, modify or supplement the bonds any and all other documents, certificates or instruments at any time and from time to time, in such manner and for such purposes as such officers shall deem necessary, desirable or advisable; (iii) do and perform all such other acts and things deemed by such officers to be necessary, desirable or advisable with respect to any matters contemplated by this ordinance in order to effectuate said borrowing and the intent hereof.**

**SECTION 6. The Director of Finance and the Mayor are hereby authorized to deliver the bonds to the purchasers and said officers are hereby authorized and instructed to take all actions, on behalf of the City, necessary to ensure that interest on the Bonds will be excludable from gross income for federal income tax purposes and to refrain from all actions which would cause interest on the bonds to become subject to federal income taxes.**

**SECTION 7. This ordinance is an affirmative action of the City Council of the City toward the issuance of the bonds in accordance with the purposes of the laws of the State of Rhode Island. This ordinance constitutes the City's declaration of official intent, pursuant to Treasury Regulation §1.150(2), to reimburse the City for**

**certain capital expenditures for the Project paid on or after the date which is sixty (60) days prior to the date of this ordinance but prior to the issuance of the bonds. Such amounts to be reimbursed shall not exceed \$1,000,000 and shall be reimbursed not later than eighteen (18) months after (a) the date on which the expenditure is paid or (b) the date the Project is placed in service or abandoned but in no event later than three (3) years after the date the expenditure is paid.**

**SECTION 8. The Mayor and the Director of Finance are authorized to take all actions necessary to comply with federal tax and securities laws including Rule 15c2-12 of the Securities and Exchange Commission (the "SEC Rule") and to execute and deliver a Continuing Disclosure Certificate in connection with the bonds in the form as shall be deemed advisable by the Mayor and the Director of Finance in order to comply with the SEC Rule. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate, as it may be amended from time to time. Notwithstanding any other provision of this Ordinance or the bonds, failure of the City to comply with the Continuing Disclosure Certificate shall not be considered an event of default; however, any bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section and under the Continuing Disclosure Certificate.**

**SECTION 9. This ordinance shall take effect upon its second passage and all ordinances and parts of ordinances inconsistent herewith are**

hereby repealed.

Motion\_\_\_By\_\_\_2nd\_\_\_

Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_

## **E. Communications**

**1. Michelle Kollett, East Providence Prevention Coalition (EPPC) requesting to address the Council for a report on the reduction of youth access to alcohol in East Providence.**

## **XI. ADJOURNMENT**

Motion\_\_\_By\_\_\_2nd\_\_\_

Coogan\_\_\_Cusack\_\_\_DiTraglia\_\_\_Perry\_\_\_Larisa\_\_\_