

Date Posted: June 3, 2016

CITY OF EAST PROVIDENCE

RHODE ISLAND

DOCKET OF REGULAR COUNCIL MEETING

June 7, 2016

**Council Chambers, City Hall, 145 Taunton Avenue, East Providence,
RI 02914**

7:00 P.M. Open Session

Executive Session, Room 101

I. EXECUTIVE SESSION

The City Council of the City of East Providence will meet in Executive Session pursuant to RI General Laws § 42-46-5 (a)(2).

A. New Claims

- 1. Peter Drago**
- 2. Jeremiah Harrison-Viera**
- 3. Paul Santos**
- 4. Krystal Lynn Waters**

B. Claims for Reconsideration

- 1. David S. Stern**

C. Litigation

1. Kent Farm RI LLC vs Steven Hazard, in his capacity as Tax Assessor for the City of East Providence

D. Sewer Charge Abatements

- 1. Thomas Correia**
- 2. Evangelical Covenant Church**
- 3. Steven LeBlanc**
- 4. Ricardo Rebelo**
- 5. Maria Rego**
- 6. Rafael Sanchez**
- 7. Bethany Solomon**

II. CALL TO ORDER

III. SALUTE TO THE FLAG

IV. 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. Resolution in support of Gun Free Schools from the Exeter-West Greenwich Regional School District.

2. Resolution Town of Exeter in support of Article 15 Relating to Municipalities of the Governor's FY 2017 Budget.

B. Cancellation/Abatements

Year Amount

2013 HS Roll \$2,221.50

2013 \$366.33

2014 \$544.88

2015 \$216,178.48

Total \$219,311.19

C. Corporate Name Change

From Tasca Automotive Group East, Inc to Tasca Automotive Group, Inc DBA Preowned Factory Auto Sales

D. Council Journals

1. Regular Council Meeting May 17, 2016

2.

Motion___By___2nd___

Britto___Capobianco___Conley___Cunha___Rose___

V. PUBLIC COMMENT

All persons wishing to make public comment shall sign a public comment sheet stating their name, address, and the subject of their comments. . Said public comment sheet shall be available on a desk at the entrance of the City Hall Chambers no later than forty-five (45) minutes before the call to order of any regularly scheduled council meeting and shall be delivered to the presiding officer no earlier than five (5) minutes before the call to order of the meeting.

VI. APPOINTMENTS

A. Traffic Control (by Assistant Mayor Cunha)

Michelle Lopes, 35 Charles Street (02914)

Motion___By___2nd___

Britto___Capobianco___Conley___Cunha___Rose___

VII. LICENSES NOT REQUIRING PUBLIC HEARING

A. Hawker – 60 Day

2 Locations:

750 Taunton Avenue and 40 Highland Avenue

Keith M. Lambert DBA Keystone Novelties Distributors, LLC, 201 Seymour Street, Lancaster, PA 17603, Keith M. Lambert, 1455 Wallum Lake Road, Pascoag (02859)

Motion___By___2nd___

Britto___Capobianco___Conley___Cunha___Rose___

B. Hawker - 60 Day

Location: 1235 Wampanoag Trail

American Promotional Events, Inc. DBA TNT Fireworks, 4511 Helton Drive, Florence AL 35630, Tatiana Rose DeJesus, 46 Douglas Avenue, 3rd Floor, Yonkers, NY 10703

Motion___By___2nd___

Britto___Capobianco___Conley___Cunha___Rose___

VIII. PUBLIC HEARING – ORDINANCES FINAL PASSAGE

A. An Ordinance in Amendment of Building Permit Fees

AN ORDINANCE IN AMENDMENT OF CHAPTER 4 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED “BUILDINGS AND BUILDING REGULATIONS”

SECTION I. Section 4-16 entitled “Building permits” of Article II entitled “Permits” of Chapter 4 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled

“Buildings and Building Regulations” is hereby amended to read as follows:

The valuation of the estimated cost of any new structure shall be established in accordance with the schedule set out in this section.

(1) All building permits, whether for new structures, repairs or alterations, and the fees for such permits are hereby fixed as follows. A \$250.00 late charge shall be added for starting work before obtaining a permit. Said late charge may be waived at the reasonable discretion of the building official as a result of work being performed due to exigent circumstances; provided said waiver is limited to one waiver per property and owner.

TABLE 1

Valuation	Fee Factor	Fee
a. From \$0 to \$5,000.00		\$95.00 Flat Fee
b. From \$5,001.00 to \$10,000.00	.019	\$95.00 Minimum
c. From \$10,001.00 to \$20,000.00		\$200.00 Flat Fee
d. From \$20,001.00 to \$50,000.00	.011	\$220.00 Minimum
e. From \$50,001.00 to \$100,000.00	.01	\$560.00 Minimum
f. From \$100,001.00 to No Limit	.0099	\$1,000.00 Minimum

TABLE 2

Building validation: The following building validation data represents average valuations of most buildings. In conjunction with the International Code Council, this data is offered as an aid for the

churches 220.19 212.38 206.76 197.31 184.87 179.04 190.14 167.5 160.
 49
 A-3 Assembly, general community halls, libraries,
 museums 183.76 175.95 169.27 160.93 147.23 142.46 153.71 129.85 123
 .9
 A-4 Assembly,
 arenas 216.99 209.18 202.5 194.17 180.35 175.59 183.94 162.97 157.04
 B
 Business 190.05 183.07 176.97 168.22 153.3 147.55 161.58 134.55 128.
 6
 E
 Educational 203.64 196.62 190.85 182.21 169.7 160.72 175.93 148.29 14
 3.47
 F-1 Factory and industrial, moderate
 hazard 114.92 109.52 103.01 98.98 88.23 84.39 94.57 72.81 68.25
 F-2 Factory and industrial, low
 hazard 113.86 108.46 103.01 98.98 88.23 83.34 93.51 72.81 67.19
 H-1 High Hazard,
 explosives 107.62 102.23 96.77 91.68 82.22 77.33 87.28 66.8 N.P.
 H234 High
 Hazard 107.62 102.23 96.77 91.68 82.22 77.33 87.28 66.8 61.17
 H-5
 HPM 190.05 183.07 176.98 168.22 153.31 151.72 161.58 134.55 128.86
 I-1 Institutional, supervised
 environment 188.42 181.79 176.51 169.01 155.08 150.99 168.67 139.16
 134.32

I-2 Institutional, hospitals 320.58 313.6 307.51 298.75 282.8 N.P. 292.11 264.03 N.P.

I-2 Institutional, nursing homes 221.94 214.95 208.87 200.1 186.26 N.P. 193.47 167.49 N.P.

I-3 Institutional, restrained 216.52 209.54 203.45 194.69 181.36 174.56 188.05 162.6 154.55

I-4 Institutional, day care facilities 188.42 181.79 176.51 169.01 155.09 150.99 168.67 139.16 134.32

M Mercantile 139.96 134.63 128.47 122.4 111.79 108.53 116.11 96.8 93.75

R-1 Residential, hotels 189.88 183.26 177.97 170.47 156.82 152.75 170.15 140.9 136.06

R-2 Residential, multiple family 159.26 152.63 147.35 139.85 126.95 122.86 139.51 111.02 106.19

R-3 Residential, one- and two-family 154.56 150.31 146.56 142.79 137.2 133.75 139.83 128.3 120.21

R-4 Residential, care/assisted living facilities 188.42 181.79 176.51 169.01 155.08 150.99 168.67 139.16 134.32

S-1 Storage, moderate hazard 106.56 101.16 94.64 90.62 80.1 76.26 86.22 64.68 60.11

S-2 Storage, low hazard 105.5 100.1 94.64 89.55 80.1 75.2 85.16 64.68 59.05

U

Utility,

miscellaneous 80.12 75.49 70.78 67.17 60.4 56.41 64.03 47.27 45.02

***Private Garages use Utility, Miscellaneous**

***Unfinished Basement (all use groups) = \$17.00 per sq. ft.**

***For shell only building deduct 20 percent**

***N.P. = Not Permitted**

a. Estimated cost \$100.00 to \$5,000.00\$50.00

b. Estimated cost \$5,001.00 to \$10,000.0075.00

**c. For each additional \$1,000.00 or fraction thereof to \$50,000.00
.....7.00**

d. \$50,000.00353.00

**For each additional \$1,000.00 or fraction thereof to \$100,000.00
.....\$7.00**

e. \$100,000.00703.00

**For each additional \$1,000.00 or fraction thereof to \$1,000,000.00
.....7.00**

f. \$1,000,000.007,003.00

Plus \$7.00 per thousand or fraction thereof, no maximum.

g. Oiled-fired burners, bBoilers, and furnaces and/or gas-fired burners, boilers and furnaces heating systems under with a rating less than 200,000 BTUs each50.00 or other mechanical permits such as pumbing and piping systems, air conditioning, etc. shall be charged the building permit fee schedule rate as outlined in Table 1.

h. Boilers, furnaces or heating systems over 200,000 BTUs or other mechanical permits, such as pumping and piping systems,

air-conditioning, elevators, etc. shall be charged the building permit fee schedule rate as outlined in this section.

ih. Demolition:

Residential 50.00 100.00

Commercial100.00

ji. Moving building200.00

kj. Tanks: install, relocate or remove each

Commercial.....125.00

Residential.....75.00

lk. Pumps: install, relocate or remove each125.00

ml. Certificate of occupancy:

Residential: \$25.00 for initial inspection and \$25.00 for each additional inspection.

Commercial: \$100.00 for initial inspection and \$100.00 for each additional inspection for existing buildings.

n. Garage: \$15.00 per square foot for attached and \$20.00 per square foot for unattached.

o. Basement: \$12.00 per square foot for unfinished and \$20.00 per square for finished.

p. Shed: \$10.00 per square foot

q. Deck: \$10.00 20.00 per square foot

r. Interior renovations: \$25.00 per square foot

sm. Wood stoves and fireplaces25.00 50.00

t n. Tents over 120 square feet20.00 50.00

uo. Swimming pools: cost of construction per fee schedule

vp. Building code board of standards and appeals100.00 200.00

wq. Minimum property standards board of review appeal100.00
200.00

xr. Temporary structures, storage containers, mobile houses or any other temporary structure50.00 100.00

ys. A fee of \$25.00 50.00 per inspection will be charged for change of occupancy, rooming houses, laundry and dry cleaners, school inspections other than public schools.

(2) Fees will be computed as follows:

a. Compute gross square footage.

b. Locate square foot construction cost in those current charts on file in the city clerk's office. The charts are referred to as Table 1 and/or 2. and adjust for height as per the notation set forth in the tables.

c. Compute construction cost: Gross square footage × square foot construction cost. × \$1.50.

(3) Plan review fee. In addition to the fees listed in this subsection, a plan review fee shall be paid at the time of application whenever any application for a building permit is made for work valued at \$200,000.00 or more. This fee shall be equal to one-third of the permit fee calculated in accordance with the schedule of permit fees listed in this subsection.

SECTION II. Section 4-17 entitled “Plumbing permits” of Article II entitled “Permits” of Chapter 4 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Buildings and Building Regulations” is hereby amended to read as follows:

Permit fees for plumbing installations are hereby fixed as follows:

- (1) Plumbing\$20.00 50.00 plus \$10.00 20.00 per fixture**
- (2) Hot water heater20.00 30.00**
- (3) Drainage, cellar bottom20.00 30.00**
- (4) Sewer connection75.00**

SECTION III. Section 4-18 entitled “Electrical permits” of Article II entitled “Permits” of Chapter 4 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Buildings and Building Regulations” is hereby amended to read as follows:

(a) The following schedule of fees shall be charged for the issuance of electrical permits for the installation or repair of all types of electrical installation. Such schedule of fees for permits shall be based on the cost of electrical equipment, materials and labor used for the installation or repair of any electrical project.

Valuation Fee Limits

- (1) \$1.00 to \$1,000.00 \$50.00 75.00**
- (2) Each additional \$1,000.00 after \$1,000.00
to \$ 11,000.00 7.00 10.00**
- (3) Each additional \$1,000.00 after \$11,000.006.00 9.00**

(b) All plants, factories, mills, machine shops and other commercial or industrial establishments employing electricians shall obtain an annual permit at a cost of \$50.00 100.00 per year.

(c) All persons applying for temporary permits for the installation of electrical systems for circuses, carnivals, used car lots, etc. shall obtain a temporary permit at a cost of \$50.00 100.00 for each permit.

SECTION IV. Subsection (a) of Section 4-19 entitled “Signs and outdoor advertising permits, fees” of Article II entitled “Permits” of Chapter 4 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Buildings and Building Regulations” is hereby amended to read as follows:

(a) Permit fees for the following signs and for the operation of an outdoor advertising business are hereby fixed as follows:

(1) Each sign up to ten square feet\$25.00 50.00

(2) Signs in excess of ten square feet, per square foot3.00 5.00

(3) Roof signs over 300 square feet100.00 200.00

Plus \$3.00 per square foot

(4) Pylons or pole signs over 15 feet in height75.00 150.00

Plus \$3.00 per square foot.

(5) Temporary signs, 30-day limit50.00 100.00

(6) Outdoor advertising, annual fee, \$50.00 for the first 100 square feet or fraction thereof and \$10.00 for every additional 100 square feet or fraction thereof, per sign per year.

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

Requested by: Mayor Rose

Motion___By___2nd___

Britto___Capobianco___Conley___Cunha___Rose___

B.An Ordinance Regarding the Kettle Point Amended TIF Plan

ADOPTING AN AMENDED EAST PROVIDENCE WATERFRONT SPECIAL DEVELOPMENT DISTRICT TAX INCREMENT FINANCING PLAN (THE "AMENDED PROJECT PLAN") AND AUTHORIZING THE ISSUANCE OF

BONDS TO FINANCE CERTAIN PUBLIC INFRASTRUCTURE AND PUBLIC IMPROVEMENTS NECESSARY IN CONNECTION WITH THE KETTLE POINT PROJECT

WHEREAS, by Ordinance No. 516 adopted October 5, 2010 and October 19, 2010 (the "2010 Redevelopment Ordinance"), the City Council adopted and approved the East Providence Waterfront Special Development District Plan (the "Redevelopment Plan") and designated the area within the City described in the Redevelopment Plan as the East Providence Waterfront Special Development District as a redevelopment area (the "Redevelopment Area") pursuant to chapters 31-33 of title 45 of the Rhode Island General Laws, the Redevelopment Act of 1956 (the "Redevelopment Act"); and

WHEREAS, pursuant to the 2010 Redevelopment Ordinance, the City Council approved the East Providence Special Waterfront Development District Tax Increment Financing (TIF) Project Plan (the "Project Plan") which designates several Special Development Sub-districts, including the Kettle Point Special Development Sub-district (the "Project Area"); and

WHEREAS, upon recommendation of the East Providence Waterfront Special Development District Commission (the "Waterfront Commission") the City Council approved Amendment No. 1 to the

Project Plan, by Ordinance No. 578 duly passed by the City Council on May 21, 2013 and June 4, 2013 (the "2013 Redevelopment Ordinance") and Amendment No. 2 to the Project Plan by Ordinance No. 609 duly passed by the City Council on June 17, 2014 and on July 15, 2014 (the "2014 Redevelopment Ordinance"), based upon the City's findings, among other things, that the projects, facilities, programs and other assistance described in the Project Plan, as amended, are needed and in the public interest; and

WHEREAS, it is the purpose and intent of the City Council to facilitate redevelopment of the Redevelopment Area to accommodate the City's redevelopment initiatives; and

WHEREAS, pursuant to the Redevelopment Act and chapter 33.2 of title 45 of the Rhode Island General Laws (the "Tax Increment Financing Act") the City desires to raise funds for such redevelopment by the issuance of tax increment financing bonds of the City or other bonds secured by a tax increment pledge ("TIF Bonds"); and

WHEREAS, the Tax Increment Financing Act requires as conditions precedent to the creation of a tax increment, that the City Council adopt a redevelopment plan and a project plan, including the designation of a tax increment area and the calculation of the tax increment to be derived from taxes levied on real and personal property situated in or otherwise assignable for purposes of property taxation in the tax increment area; and

WHEREAS, the City Council is required by the Redevelopment Act to make certain findings, determinations and declarations in connection

with the adoption of a redevelopment plan and a project plan; and
WHEREAS, Kettle Point LLC (known for a period of time as KP LLC)
has been the designated developer of certain land located in the
Kettle Point Special Development Sub-district and has been working
with the City towards the development of a mixed-use project in the
Kettle Point Special Development Sub-district and anticipates capital
expenditures of approximately \$86,000,000 for such development (the
"Kettle Point Project"); and

**WHEREAS, in order to satisfy private lender requirements it may be
necessary that one or more affiliates of Kettle Point LLC be approved
by the City's Authorized Officers (as defined below) to hold title to
portions of the Kettle Point Project and to be the City's designated
developer (the "Designated Developer") of the Kettle Point Project;
and**

**WHEREAS, in response to market conditions, Kettle Point LLC
intends to change the number of condominiums and luxury
apartments and intends to include medical office facilities in the
development and has requested other concessions from the City; and**

**WHEREAS the East Providence Waterfront Commission has
recommended that the City Council approve Amendment No. 3 to the
Project Plan which amends the Project Plan consistent with
improvements now contemplated for the Project Area; and**

**WHEREAS, pursuant to the Tax Increment Financing Act, the City
shall designate a portion of the tax increment resulting from the
Kettle Point Project for the benefit of certain projects described in the
Redevelopment Plan and the Project Plan, including the infrastructure**

and public improvements contemplated by the Kettle Point Project (the "TIF Projects"); and

WHEREAS, the City wishes to provide authorization, subject to Section 9 hereof, for the issuance of special obligation bonds and/or bond anticipation notes pursuant to the Tax Increment Financing Act in an aggregate amount not to exceed \$10,600,000 to finance and refinance the TIF Projects related to the Kettle Point Project; and

WHEREAS, TIF Bonds will be payable solely from "project revenues" as defined in the Tax Increment Financing Act; and

WHEREAS, project revenues will include tax increments, bond proceeds and special assessments; and

WHEREAS, it is intended that special assessments will be properly imposed on land and improvements comprising the Kettle Point Project and serve as additional security for the TIF Bonds issued for the benefit of the Kettle Point Project, such special assessments to be paid over the term of any TIF Bonds issued for the benefit of the Kettle Point Project; and

WHEREAS, at its meeting of April 28, 2016, the Waterfront Commission approved an assessment plan (the "Assessment Plan") to impose such assessments; and

WHEREAS, the tax increment revenues will be a credit to the payment of special assessments, all as provided in the Assessment Plan as approved by the Waterfront Commission, and further described herein; and

WHEREAS, project revenues do not include general funds of the City; and

WHEREAS, the TIF Bonds will be special obligations of the City payable solely from project revenues; and

WHEREAS, the City wishes to further amend the Project Plan to permit the development of the Kettle Point area by the Designated Developer, and approve the Assessment Plan in the District as approved by Waterfront Commission for the purposes set forth above.

NOW THEREFORE, the City Council of the City of East Providence hereby makes the following findings, determinations and declarations with regard to the East Providence Waterfront Special Development District Tax Increment Financing Plan, including Amendment Nos. 1, 2 and 3 (as so amended, the "Amended Project Plan"), which findings are required by Sections 45-32-13 through 45-32-18, Section 45-32-20 and Section 45 33.2 4(1) and (5) of the Rhode Island General Laws:

1. The Redevelopment Plan and the Amended Project Plan are feasible and conform to the comprehensive plan for the City of East Providence, and if carried out would promote the public health, safety, morals and welfare of the community, and would effectuate the purposes of the Redevelopment Act.

2. The source of funds for carrying out the TIF Projects as provided in the Redevelopment Plan and the Amended Project Plan shall be proceeds from the sale of TIF Bonds issued by the City of East Providence and any other legally available revenues contemplated by the Redevelopment Plan and Project Plan.

3. The Redevelopment Plan does not directly result in changes to streets except for the construction of Kettle Point Loop Road, the

construction of the road extending to the new parking area for the East Bay Bike path, the relocation of existing curb cuts on Veterans Memorial Parkway and internal roads within the Kettle Point Project.

4. The Redevelopment Plan and Amended Project Plan do not presently provide for acquisition by the City of property by negotiation or by eminent domain.

5. The Redevelopment Plan does not contemplate financial aid from the federal government.

6. The Redevelopment Plan provides for the retention of controls and the establishment of any restrictions or covenants which may run with the real property sold, leased, or otherwise disposed of for private or public use as are necessary to effectuate the purposes of the Redevelopment Act.

7. The findings of fact regarding "blighted and substandard conditions" set forth in the Redevelopment Plan are hereby accepted.

Based on those findings of fact, the Redevelopment Area is hereby found to be a "blighted and substandard area" as that term is defined in Section 45-31-8 of the Redevelopment Act and requires clearance, replanning, redevelopment, rehabilitation and improvement.

8. That the Project Area would not by private enterprise alone, and without either governmental subsidy or the exercise of governmental powers, be developed or revitalized in a manner so as to prevent, arrest, or alleviate the spread of blight or decay.

9. That the Amended Project Plan will afford maximum opportunity to privately financed development or revitalization consistent with the sound needs of the City as a whole.

10. The facilities and other assistance are needed and that the financing of the project in accordance with the Amended Project Plan is in the public interest.

11. There is not within the City an adequate supply of low rent housing for persons or families of low income available for rents they can afford to pay, the rents which those persons or families can afford to pay would not warrant private enterprise providing housing for them, and the financing of public improvements in accordance with the Amended Project Plan is in the public interest.

12. The City Council intends that the Project Area be redeveloped in accordance with the City's Redevelopment Plan and Comprehensive Plan and intends that such redevelopment promote the health, safety and welfare of the City.

13. Unemployment or the threat of unemployment exists in the City, and it is expected that the Amended Project Plan will create approximately 100 permanent and 757 temporary full-time equivalents jobs. It is expected that wages and benefits from such jobs will be comparable to current market rates resulting in increased personal income tax for the State of Rhode Island.

NOW THEREFORE, the City of East Providence ordains as follows:

SECTION 1. The City Manager and the Director of Finance (the "Authorized Officers") shall designate Kettle Point LLC or affiliate of Kettle Point LLC as the Designated Developer of the Kettle Point Project. Such designation shall be reported by the City Manager and the Director of Finance to the City Council prior to the execution by the Authorized Officers of the Development Agreement described in

Section 9 below.

SECTION 2. The Kettle Point Special Development Sub-district is designated as a project area for the purposes of the Tax Increment Financing Act. The Redevelopment Plan is the official redevelopment plan for the Project Area. The Amended Project Plan, incorporated herein by reference, is adopted and approved as a project plan pursuant to chapter 33.2 of title 45 of the Rhode Island General Laws, provided that references in the Amended Project Plan to Kettle Point LLC as developer shall be revised to refer to the Designated Developer, to be designated in accordance with Section 1. The public improvements shall be in the Project Area, and shall be identified as "Kettle Point TIF Project Number 2013-1."

SECTION 3. There is hereby authorized, subject to Section 9 hereof, the issuance of special obligation bonds and/or bond anticipation notes pursuant to the Tax Increment Financing Act in an aggregate outstanding amount not to exceed \$10,600,000 to finance the TIF Projects contained in the Amended Project Plan relating to the Kettle Point Project (the "Bonds").

SECTION 4. The Bonds shall be issued for the purpose of carrying out any project or projects described in the Amended Project Plan including the TIF Projects. Without limiting the generality of the foregoing the Bonds shall be issued for TIF Project costs, which may include interest prior to and during the carrying out of any such project and for a reasonable time thereafter, such costs, reimbursements and reserves as may be required by any agreement or arrangement securing the Bonds, and all other expenses with

respect thereto, including, without limitation, reimbursement of expenses previously paid from any other source, incidental to planning, carrying out and financing any such project.

SECTION 5. The Bonds shall be payable solely from "project revenues" including tax increment as defined in the Tax Increment Financing Act and shall not be deemed to be a pledge of the faith and credit or the taxing power of the City.

SECTION 6. The City hereby pledges not more than 70% of the tax increment resulting from the Project Area to the repayment of the Bonds. Notwithstanding anything contained herein to the contrary, the debt service on the Bonds shall not exceed 60% of the estimated tax increment supporting the Bonds.

SECTION 7. Each of the Bonds shall recite on its face that it is a special obligation bond or bond anticipation note, as the case may be, payable solely from "project revenues" as defined in the Tax Increment Financing Act pledged for its repayment.

SECTION 8. The Bonds shall be dated and may be made redeemable before maturity with or without premium. The Bonds may be issued in one or more series. The Authorized Officers defined below shall determine the terms, details and manner of sale and other conditions of the Bonds and the security structure therefor for each issue of Bonds in accordance with the Tax Increment Financing Act and the Amended Project Plan, including the manner in which tax increment received and to be received under the Tax Increment Financing Act and the Amended Project Plan and other "project revenues" under the Act shall be escrowed, pledged or otherwise used to secure any

such Bonds issued, and shall also determine the date or dates of the Bonds, their denomination or denominations, the place or places of payment of the principal and interest thereon, which may be at any bank or trust company within or without the state, their interest rate or rates, maturity or maturities, redemption privileges, if any, and the form and other details of the Bonds.

SECTION 9. The Authorized Officers, in consultation with the City Solicitor, are authorized to negotiate and determine the terms and provisions of such documents required for the sale and issuance of the Bonds and the documents required to complete the TIF Projects described in the Amended Project Plan, including a Development Agreement and other necessary documents and certificates, and such Authorized Officers, acting jointly, are hereby authorized to execute and deliver such documents.

SECTION 10. The Authorized Officers are authorized to prepare and deliver an Official Statement or Limited Offering Memorandum, if required, in connection with the sale of the Bonds, and the Mayor and the Director of Finance are authorized to execute and deliver the Official Statement or Limited Offering Memorandum, a Trust Indenture, one or more Series Indentures and a Bond Purchase Agreement consistent with the terms and conditions determined by the Authorized Officers in accordance with Section 8.

SECTION 11. The Bonds shall be signed by the Director of Finance, shall be countersigned by the Mayor, either manually or by facsimile, and shall bear the seal of the City or a facsimile thereof.

SECTION 12. In case any officer whose signature or a facsimile of

whose signature shall appear on any Bonds shall cease to be an officer before the delivery thereof, such signature or facsimile thereof shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery.

SECTION 13. The City may sell the Bonds in such manner, either at limited public or private sale, and for such price, as the Authorized Officers may determine will best effect the purposes of this ordinance and the Tax Increment Financing Act.

SECTION 14. Notwithstanding any provisions of any general or special law to the contrary, Bonds issued under the Tax Increment Financing Act and hereunder may provide for annual or more frequent installments of principal in equal, diminishing, or increasing amounts, with the first installment of principal to be due at any time within five (5) years from the date of the issuance of the bonds and the last installment of principal to be due not later than twenty-five (25) years from the date of the issuance of the Bonds.

SECTION 15. The Mayor and the Director of Finance are authorized to execute and deliver a Continuing Disclosure Certificate in connection with the Bonds, in such form as shall be deemed advisable by the Authorized Officers. 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 bond anticipation notes, failure of the City to comply with any Continuing Disclosure Certificate shall not be considered an event of default under such bonds or bond anticipation notes; 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 each Continuing Disclosure Certificate.

SECTION 16. From and after the issuance of the Bonds, the Authorized Officers, acting jointly, and the Mayor are authorized to execute and deliver other documents, certificates, agreements and amendments thereto, in furtherance of the development of the TIF Projects in such forms as said officers deem advisable, consistent with the best interests of the City, the execution and delivery thereof by such Authorized Officers to be conclusive evidence of such approval.

SECTION 17. This Ordinance is an affirmative action of the City Council of the City in accordance with the purposes of the laws of the State and constitutes the City's declaration of official intent, pursuant to Treasury Regulation § 1.150-2, to reimburse the City or the Designated Developer for expenditures paid prior to the issuance of the Bonds. Amounts to be reimbursed shall not exceed \$10,600,000 and shall be reimbursed in accordance with provisions of the Code.

SECTION 18. The City Council hereby accepts and approves the Kettle Point City of East Providence, Rhode Island East Providence Waterfront Special Development District Commission Assessment Plan, as heretofore adopted on April 28, 2016 by the Waterfront Commission in accordance with chapter 345 of the Public Laws of 2003.

SECTION 19. The execution and delivery of an Assessment Pledge Agreement are hereby authorized. The Authorized Officers, acting jointly, and the Mayor are hereby authorized to execute, acknowledge, and deliver the Assessment Pledge Agreement in such form as may be approved by said Authorized Officers, the execution and delivery thereof by such Authorized Officers to be conclusive evidence of such approval.

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

Requested by: Mayor Rose

Motion___By___2nd___

Britto___Capobianco___Conley___Cunha___Rose___

IX. NEW BUSINESS

A. City Manager’s Report (by City Manager, Richard Kirby)

1. Warren Avenue Culvert

Motion___By___2nd___

Britto___Capobianco___Conley___Cunha___Rose___

2. PK Rumford Tax Stabilization Application

Motion___By___2nd___

Britto___Capobianco___Conley___Cunha___Rose___

B. Council Members

1. Portuguese Flag Raising and Day of Portugal (by Assistant Mayor Cunha)

2. Beautification Commission Arbor Day Event (by Councilwoman Capobianco)

3. Revaluation Discussion (by Councilman Conley)

C. Reports of Other City Officials

1. Claims Committee Report (by City Solicitor Timothy Chapman)

Motion___By___2nd___

Britto___Capobianco___Conley___Cunha___Rose___

2. Handicap Parking Signs: 101 Ruth Avenue (by Director of Public Works Steve Coutu)

Motion___By___2nd___

Britto___Capobianco___Conley___Cunha___Rose___

D.Report of School Committee Liaison

E. Resolutions

1.RESOLUTION IN SUPPORT OF VERIZON WORKERS LOCAL 2323

WHEREAS, it has come to the attention of the East Providence City Council that approximately 36,000 Verizon workers in the company's landline and FiOS division are currently on strike; and

WHEREAS, Verizon forced the workers on strike by demanding that they allow increased off-shoring and contracting out of good jobs from communities even after Verizon has already sent thousands of formerly good union jobs overseas; and

WHEREAS, Verizon workers are fighting for good, family-supporting jobs; and

WHEREAS, residents and businesses deserve high-quality telecommunication services and state-of-the-art fixed broadband services not a network that Verizon chooses to neglect, especially in an emergency, by a low-skill, poorly-motivated replacement workforce; and

WHEREAS, Verizon has made \$39 billion in profits over the past three years and paid its top five executives more than \$230 million over the past five years.

NOW, THEREFORE, BE IT RESOLVED that the City of East Providence urges Verizon CEO Lowell McAdam to end the Verizon campaign to destroy good jobs, and that the City of East Providence go on record in support of the striking Verizon workers.

BE IT FURTHER RESOLVED that the City of East Providence finds good jobs and good telecommunications services are vital to local communities and supports striking Verizon workers in the fight for good jobs that benefit every worker and their families in our community.

This resolution shall become effective upon its passage.

Requested by: Councilman Cunha

Motion___By___2nd___

Britto___Capobianco___Conley___Cunha___Rose___

2. Resolution regarding Fire Truck Finance Agreement.

At a duly called meeting of the governing body of Finance, City of East Providence held on the 7th day of June, 2016, the following resolution was introduced and adopted.

WHEREAS, the City Council has determined that a true and very real need exists for the acquisition of the equipment described in the Finance Agreement by and between Finance, City of East Providence and Leasing 2, Inc. dated as of June 1, 2016 and presented to this meeting and has further determined that the

equipment will be used solely for essential governmental functions and not for private business use; and

WHEREAS, Financee, City of East Providence has taken the necessary steps including, without limitation to compliance with legal bidding requirements, under applicable law to arrange for the acquisition of such equipment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of East Providence that the terms of said Finance Agreement are in the best interest of Financee, City of East Providence for the acquisition of such equipment and the City Council designates and confirms the following person to execute and deliver the Finance Agreement and any related documents necessary to the consummation of the transactions contemplated by the Finance Agreement and Escrow Agreement.

_____ **Richard E. Kirby,**
City Manager
(Signature of Party to Execute Finance Agreement) (Print Name and Title)

The undersigned further certifies that the above resolution has not been repealed or amended and remains in full force and effect and further certifies that the above and foregoing Finance Agreement is

the same as presented at said meeting of the governing body of Financee, City of East Providence.

This resolution shall become effective upon its passage.

Requested by: Director of Finance

Motion___By___2nd___

Britto___Capobianco___Conley___Cunha___Rose___

X. ADJOURNMENT

Motion___By___2nd___

Britto___Capobianco___Conley___Cunha___Rose___

***If communications assistance is needed or any other accommodations to ensure equal participation please contact the City Clerk's Office at 435-7590.**