

**CITY OF NEWPORT
DOCKET OF THE COUNCIL MEETING
MARCH 28, 2012**

The following items of business, filed with the City Clerk under the Rules of the Council, will come before the Council at its regular meeting to be held on March 28, 2012, at 6:30 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

CITIZEN’S FORUM: (Speakers must sign in with the City Clerk). The Citizen’s Forum period shall be no longer than fifteen minutes and citizens may address the Council on **one subject only and for no longer than three minutes**. Issues to be discussed shall not include matters to be considered or discussed as part of the regular council agenda and must be related to substantive city business. No comments regarding personnel or job performance are allowed.

1. **CONSENT CALENDAR**

a. Special Event Licenses:

- (1) Seamen’s Church Institute, d/b/a “Tales, Treats & Tunes”; Seamen’s Church Institute, Market Square, March 31, 2012, from 4:30 p.m. to 8:00 p.m.
- (2) Newport Rugby Football Club, d/b/a NERFU Championship Rugby Tournament; Fort Adams State Park, May 19 and 20, 2012, from 8:00 a.m. to 8:00 p.m.
- (3) Newport Festivals Foundation, Inc., d/b/a Newport Jazz Festival Opening Night; International Tennis Hall of Fame, August 3, 2012, from 8:00 p.m. to 11:00 p.m.

It is the practice of the Council to meet at 6:20 p.m. in the second-floor Conference Room to discuss docket items. The public is invited to attend. The docket, along with all supporting documents, can be viewed on the City of Newport website: www.cityofnewport.com – “Current Newport City News & Announcements” – Click on “MORE NEWS.” Council Meetings can be viewed on Cox Cable, Channel 18; check local listings for dates and times. A DVD of the Council Meeting will be available at the Newport Public Library within 48 hours of the meeting.

LIVE VIDEO CONFERENCING OF COUNCIL MEETINGS AND WORKSHOPS WILL BE AVAILABLE AT THE NEWPORT POLICE STATION, WHICH IS ACCESSIBLE AND MEETS ADA REQUIREMENTS, **BASED UPON NOTIFICATION TO THE CITY MANAGER’S OFFICE (845-5429) A MINIMUM OF 48 HOURS IN ADVANCE OF THE MEETING.** INDIVIDUALS REQUIRING INTERPRETER OR OTHER ACCOMMODATIONS MUST NOTIFY THE CITY MANAGER’S OFFICE TWO WEEKS IN ADVANCE OF THE MEETING.

- b. Banner License (promoting the America's Cup World Series), RI Economic Development Corp.; America's Cup Ave. and Memorial Blvd., twenty (20) banners from May 1 to July 2, 2012.
 - Communication from Paul C. Harden, Exec. Director of America's Cup RI, asking: (1) for permission to extend the timeframe for hanging banners beyond the three-week period prior to the event; and (2) a waiver of Section 17.76 (C) of the City Code to allow utilization of more than one-half of the available poles for the banners. (Approve subject to details being worked out with the city administration.)
- c. Annual Catering License, Renewal, McGrath Clambakes, Inc., d/b/a Tom McGrath Clambakes, 64 Halsey St., #5.
- d. Food Concession License, Newport Rugby Football Club, d/b/a NERFU Championship Rugby Tournament; Fort Adams State Park, May 19 and 20, 2012, from 8:00 a.m. to 8:00 p.m.
- e. Holiday Selling License:
 - (1) Alexander Nesbitt, d/b/a Blink Gallery, 140 Spring St. (New Location)
 - (2) Sonam, LLC, d/b/a Tibet in-port, 411 Thames St., Unit 1, and d/b/a Lotus, 411 Thames St., Unit 4 (New Owner)
 - (3) Helen Mary Lauth, d/b/a Bailey T's Resortwear, LLC, 12 Long Wharf Mall (New Location)
- f. Pedicab Operator License:
 - (1) Richard J. Conte, Jr., 70 Carroll Ave., Unit 104, Newport, RI
 - (2) Norris Golberg, 97 Waite's Corner Rd., W. Kingston, RI
 - (3) John Mosher, 127 Annawamscutt Dr., Bristol, RI
 - (4) Jacob Daniel Samberg, 26 Crest St., Middletown, RI
 - (5) Amy L. Tanner, 97 Waite's Corner Rd., W. Kingston, RI
- g. Private Detective License, Renewal, Ryan P. McCormack, d/b/a Coastal Investigation Group, LLC, 61 East Bowery St.

- h. 2008-2011 Clean Ocean Access Water Quality Monitoring Summary Report (Receive)
- i. Communication from RI Senator Bethany L. Moura, District 19, re: requesting support for proposed amendment to RIGL 34-27-6 to require recording of foreclosure deeds within 30 days (currently 45 days) and a penalty of \$100/day for failing to meet the 30-day requirement (current penalty, \$40/month). (Receive)
- j. CRMC Notice of intent to change management plans, policies, procedures and regulations. (Receive)
- k. RIDEM Notice, File No. 12-012, Application of Newport Country Club for a Water Quality Certification to remove accumulated sediment from within approx. 1,588 feet of existing channels along the 17th fairway. (Receive)

LICENSES & PERMITS

- 2. Communication from John A. Murphy, Esq., Counsel for Conanicut Marine Services, Inc., holder of State-issued Class G Alcoholic Beverage Licenses, re: annual request for permission to serve alcoholic beverages aboard the vessels *The Jamestown* and *The MV Katherine* while at dockside during the period thirty minutes prior to the scheduled departure, and until departure, at their several stops in Newport Harbor.
- 3. Application for a Private Detective License, New, Brian C. O'Brien, d/b/a Investigative Consultant Services, LLC, 2 Marlborough St.
- 4. Application for a new Victualing License (new location), Newport Cookie Company, LLC, d/b/a Newport Cookie Company, 471 Thames St.
- 5. Application for a new Victualing License, N.A.J. Properties, LLC, d/b/a The Pier Restaurant, West Howard Wharf (in conjunction with transfer of the Class BV alcoholic beverage license; continued from January 11, 2012)
- 6. Communication from Addison Closson, Captain of the *MV Aquidneck Ferry*, holder of a State-issued Class G Alcoholic Beverage License, asking permission to serve alcoholic beverages aboard the vessel during the period thirty minutes prior to the scheduled departure and until departure. (Continued from March 14, 2012)

7. Special Event License: MBK, LLC, d/b/a Pour Judgement, “Newport Craft Beer festival— A Benefit for the Newport Historical Society”; Friends Meeting House, Dr. Marcus F. Wheatland Blvd./Marlborough St., April 28, 2012, from 2:00 p.m. to 6:00 p.m. (Continued from March 14, 2012)
8. Applications for Special Event Licenses, Rebecca Hanos, d/b/a Monaqui Events: (continued from March 14, 2011):
 - (a) Farmers Market/Artisan Fair; Elks Lodge, 141 Pelham St., June 5, 12, 19, 26; July 3, 10, 17, 24, 31; Aug. 7, 14, 21, 28; Sept. 4, 2012, from 2:00 p.m. to 6:00 p.m.

-- Communication from Rebecca Hanos asking to extend the dates to include Sept. 18, 25 and Oct. 2, 9, 16, 2012 – or approve the use of Touro Park on those dates. (Receive)
 - (b) Arts & Crafts Show; Elks Lodge, 141 Pelham St., July 14, 2012, from 10:00 a.m. to 4:00 p.m.
 - (c) Arts & Crafts Show; Elks Lodge, 141 Pelham St., Aug. 18, 2012, from 10:00 a.m. to 4:00 p.m.
 - (d) Newport Crafts Festival; Elks Lodge, 141 Pelham St., Sept. 8, 2012, from 10:00 a.m. to 4:00 p.m.
 - (e) Fall Crafts Festival; Elks Lodge, 141 Pelham St., Oct. 6, 2012, from 10:00 a.m. to 4:00 p.m.
 - (f) Holiday Crafts Show; Easton’s Beach Rotunda, Nov. 17, 2012, from 10:00 a.m. to 4:00 p.m.

9. **APPOINTMENTS TO BOARDS & COMMISSIONS**

Waterfront Commission – Reappointment of John Oliveira and Kim Hapgood

RESOLUTIONS

10. In support of the vision statement adopted by the Energy & Environment Commission for sustainable special event protocols – N. Neville, S. Waluk , J. Napolitano

11. Study to be conducted by City Manager in concert with the Superintendent of Schools to determine efficiencies, cost savings, and service delivery optimization that could be realized by combining School and City Facilities, Financial, and Information Technology Services. – N. Neville, H. Winthrop, J. McLaughlin, S. Waluk, J. Napolitano, C. Duncan, K. Leonard

ORDINANCES

12. Amending Chapter 5.12.040 of the Codified Ordinances, entitled, “Number of Licenses Permitted,” to add one Class T Alcoholic Beverage License. (First Reading)
13. Amending Chapter 2.120.010, entitled, “Alcoholic Beverage Licenses,” to establish a fee of \$500 per year for a Class T License. (First Reading)
14. Amending Chapter 5.97, entitled, “Pedicab,” to place authority for granting or denying pedicab operator (driver) licenses under the Police Chief or his designee. (First Reading)
15. Amending Chapter 10.20.010, entitled, “Responsibility of Owners” to implement towing of vehicles that illegally use handicapped parking spaces. (Second Reading)
16. Amending Chapter 10.40.010, entitled, “Isolated Stop Signs—Designated ,” to eliminate John H. Chafee Blvd.; and Chapter 10.44.010, entitled, “Multi-way Stop Signs—Designated,” to add the intersection of Maple Avenue and John H. Chafee Blvd. (Second Reading)

COMMUNICATIONS FROM THE CITY MANAGER

17. Action #4970, re: Community Development Block Grant Application (with accompanying resolution)
18. Action #4971, re: Statewide Planning Grant (with accompanying resolution)
19. Action #4972, re: Beverage Vending Services (with accompanying resolution)
20. Action #4973, re: Transient Boater Facility – Contract Change Orders (with accompanying resolution)
21. Action #4974, re: Memorandum of Agreement with State of Rhode Island -- Washington Square Enhancement (with accompanying resolution)

22. Action #4975, re: Bid Award for Thames Street Resurfacing (with accompanying resolution)
23. Action #4976, re: Bid Award for Reservoir Aeration System (with accompanying resolution)
24. Action #4977, re: Phase 2 Services to Contract for Water Distribution Improvements (with accompanying resolution)
25. Action #4978, re: Phase 2 Services to Contract for Sanitary Sewer Improvements (with accompanying resolution)

RECESS AS COUNCIL AND CONVENE AS BOARD OF LICENSE COMMISSIONERS.

BOARD OF LICENSE COMMISSIONERS

1. **Consent Calendar**

Class F Daily Liquor License:

- (1) Seamen's Church Institute, d/b/a "Tales, Treats & Tunes"; Seamen's Church Institute, 18 Market Sq., March 31, 2012, from 4:30 p.m. to 8:00 p.m.
- (2) Newport Rugby Football Club, d/b/a NERFU Championship Rugby Tournament; Fort Adams State Park, May 19 and 20, 2012, from 8:00 a.m. to 8:00 p.m.

LICENSES AND PERMITS

2. Application of The Pier of Newport, LLC, d/b/a The Pier, 1 West Howard Wharf, and outdoor patios on the north and west sides of the building, to transfer its Class BV alcoholic beverage license to N.A.J. Properties, LLC (Vincent Sandonato, sole stockholder) for the same premises. (Hearing; continued from January 11, 2012)
 - Bill of Indebtedness, RI Distributing Co.: \$13,418.16
 - Communication from Michael D. O'Hare, Aquidneck Hospitality Group, objecting to the transfer.

COMMUNICATIONS FROM THE CITY MANAGER

3. Communication #4949/12, re: Show Cause Hearing – NWPT, Inc., d/b/a One Eighty; Violation of Conditions of Class BV Alcoholic Beverage License and Operating Without a Current License (Continued from March 14, 2012)

ADJOURN as Board of License Commissioners and reconvene as Council to consider a motion to move to executive session in the Conference Room, in accordance with RI General Laws Section 42-46-1, as amended, and in accordance with Section 42-46-5, Purposes for Which Meetings May be Closed, to discuss issues relating to the collective bargaining agreement negotiations with Local 11, Council 94, AFSCME.

Kathleen M. Silvia
City Clerk

March 21, 2012

Amended: March 26, 2012