

**CITY OF NEWPORT
DOCKET OF THE COUNCIL MEETING
JUNE 13, 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 June 13, 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. **PUBLIC HEARING:** Recommended FY13 Proposed Budget
 - a. Revisions to Proposed Budget, dated 5/29/2012
 - b. Ordinance Appropriating Revenues (Second Reading)
 - Revised Ordinance reflecting 5/29/2012 revisions
 - c. Ordinance Amending Title 3, Personnel (Second Reading)
 - d. Resolution, re: Omnibus Property Tax Relief & Replacement Act
 - e. Resolution, re: Authorizing Tax Levy

2. **CONSENT CALENDAR.** (THE CONSENT CALENDAR IS APPROVED IN ITS ENTIRETY UNLESS THE COUNCIL REMOVES AN ITEM FOR DISCUSSION. ALL LICENSES ARE GRANTED SUBJECT TO COMPLIANCE WITH ORDINANCES #31-80 AND #98-40.)
 - a. Minutes of the April 25, 2012, council meeting (Approve)

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. Special Event Licenses:

- (1) Prospering Christians, d/b/a Outdoor Festival; Touro Park, Bellevue Ave., June 16, 2012, from 10:00 a.m. to 3:00 p.m.
- (2) NewportFILM, d/b/a 2012 Newport FILM Outdoors & Mini Fests; June 22nd at Queen Anne Square, film at sundown; June 30th at Newport Yachting Center, live music at 7:00 p.m., film at sundown; July 12th at King's Park, film at sundown; July 20th at the International Tennis Hall of Fame, Horse-shoe Piazza, film at sundown; August 2nd at The Elms Gardens, Music for BridgeFest, with film at sundown; and August 9th at The Newport Art Museum (on the lawn), film at sundown.
- (3) Newport Art Museum & Art Association, d/b/a PM Picnics; Newport Art Museum, 76 Bellevue Ave., June 20, July 18, August 8, 2012, from 6:30 p.m. to 8:00 p.m.
- (4) HVR, Inc., d/b/a Fire House Pizza, Drum into Summer/Music; Firehouse Pizza, 5 Wellington Ave., June 20, 2012, from 6:00 p.m. to 9:30 p.m.
- (5) CNCC Holdings, LLC, d/b/a The Active Sole – Sebago Tent Sale; Newport Yachting Center Parking Lot, June 28 - July 1, 2012, and July 5 – 8, 2012, from 10:00 a.m. to 5:00 p.m.
- (6) Harbour Realty, LLC, d/b/a Ocean State Tall Ships Festival 2012 at @ The Deck; July 6-8, 2012, from 10:00 a.m. to 5:00 p.m.
- (7) International Yacht Restoration School (IYRS), D/B/A IYRS Summer Gala; IYRS Campus, 449 Thames St., July 7, 2012, from 5:30 p.m. to Midnight.
- (8) Potter League for Animals, Inc., d/b/a Tea for Tails Cocktail Party/Fundraiser; 5 Ocean Lawn Lane, July 8, 2012, from 4:00 p.m. to 6:00 p.m.
- (9) Lifespan (Newport Hospital), d/b/a Newport Hospital's Under the Tuscan Sky Dinner/Fundraising Dance; Salve Regina University, Ochre Court, July 12, 2012, from 6:30 p.m. to 11:30 p.m.

- (10) Kitt Kites, d/b/a The Newport Kite Festival; Brenton Point State Park, July 14 and 15, 2012, from 12 Noon to 5:00 p.m.
 - (11) St. Augustin Church, d/b/a/ Centennial Gala; Salve Regina University, Ochre Court, July 21, 2012, from 6:00 p.m. to 10:00 p.m.
 - (12) Newport Festivals Foundation, d/b/a Gala Fundraiser; Marble House, 586 Bellevue Ave., August 4, 2012, from 7:30 p.m. to 11:00 p.m.
 - (13) St. Peter's Lutheran Church, d/b/a Church & Community Yard Sale; St. Peter's Church, 525 Broadway, August 4 (rain date, August 5), 2012, from 9:00 a.m. to 1:00 p.m.
 - (14) Boys & Girls Clubs of Newport County, d/b/a Fundraiser—Gala; Rosecliff, 548 Bellevue Ave., August 24, 2012, from 7:00 p.m. to Midnight.
 - (15) Bucket Regattas, LLC, d/b/a 2012 Newport Bucket Regatta/Sailboat Race; Newport Shipyard, 1 Washington St., Aug. 24, 2012, from 9:00 a.m. to 9:00 p.m.; Aug. 25, 2012, from 9:00 a.m. to 11:00 p.m., and Aug. 26, 2012, from 9:00 a.m. to 12 Noon.
 - (16) Food Truck Festivals of New England, LLC, d/b/a Newport Food Truck Festival; Newport Yachting Center, October 20, 2012, from 11:00 a.m. to 4:00 p.m.
 - (17) Philip J. Rondina, Sr., d/b/a Home & Energy Show; Easton's Beach (Rotunda and Boardwalk), November 3, 2012, from 10:00 a.m. to 4:00 p.m.
- c. Drain Layer License, Renewals:
- (1) All Island Landscape, Inc., (d/b/a same), 2829 East Main Rd., Portsmouth, RI
 - (2) Brennan & Sons., Inc., d/b/a Brennan Construction Co., 89 Pools Lane, Tiverton, RI
 - (3) C.B. Utility Co., Inc. (d/b/a same), 99 Tupelo St., Bristol, RI
 - (4) DAR Construction and Services, (d/b/a same), 158 Mowlton St., Rehoboth, MA.

- (5) J.A.M. Construction Co., Inc. (d/b/a same), 1700 West Main Rd., Middletown, RI
 - (6) Joseph C. Lopes II (d/b/a same), 345 Mitchell's Lane, Middletown, RI
 - (7) Ken Gladding, d/b/a KM Gladding Excavating, 242 America Way, Jamestown, RI
 - (8) Landscaping Services, Inc. (d/b/a same), 700 Wood St., Bristol, RI
 - (9) NCD Developers, Inc., d/b/a NCD, 370 Metacom Ave., Bristol, RI
 - (10) R.J. Cawley Contracting, Inc. (d/b/a same), 110 Connell Highway, Newport, RI
- d. Entertainment License, Renewals (approve subject to all existing conditions):
- (1) LaForge Casino Restaurant, Inc. (d/b/a same), 186-188 Bellevue Ave. (Class A, indoors only)
 - (2) J.H. Enterprises, Inc., d/b/a Rhino Bar & Grille and The Mamba , Room, 337 Thames St. (Class A, indoors only)
 - (3) Marriott Hotel Services, Inc, d/b/a Newport Marriott Hotel, 25 America's Cup Ave. (Class A & B, indoor/outdoor)
- e. Fortuneteller's License, Renewal, Marie Miller, 425 Thames St.
- f. Holiday Selling Licenses, New:
- (1) Gameday Merchandising International (d/b/a same), 65 Long Wharf
 - (2) Newport Sea Foam Trading, LLC, d/b/a Newport Sea Foam Trading Co., 435 Thames St.
 - (3) Reliant IT (d/b/a same), 435 Thames St.
 - (4) Sonam, LLC, d/b/a Coral, 411 Thames St., Unit 3
 - (5) TNT Fireworks, LLC/American Promotional Events, d/b/a TNT Fireworks, 29 Long Wharf Mall
 - (6) White House/Black Market, Inc. (d/b/a same), 49 Long Wharf Mall
- g. Holiday Selling License, Renewal, Amanda J. Gallagher, d/b/a Closet Revival, 20 Broadway
- h. Second-hand License, Renewal, Amanda J. Gallagher, d/b/a Closet Revival, 20 Broadway

- i. Communication from Felicidad Zeballos on behalf of the St. Joseph's Church Spanish community requesting permission to use Braga Park for their Annual Picnic, June 17, 2012, from 12 Noon to 6:00 p.m. (Approve subject to details being worked out with the city administration.)
- j. Communication from Kris Baker on behalf of Cross Point Church asking permission to use Braga Park for their Annual Church Picnic on August 12 (rain date, Aug. 19), 2012, from 12 Noon to 6:00 p.m. (Approve subject to details being worked out with the city administration.)
- k. Communication from Jack Maytum, Benefactors of the Arts, asking permission to locate the Tour Headquarters for the Newport Secret Garden Tours in a section of Storer Park, June 29 through July 1, 2012, from 9:00 a.m. to 6:00 p.m. (Approve subject to details being worked out with the city administration.)
- l. CRMC Cease and Desist Orders:
 - (1) IDC Marina, Inc. for construction of ramp and installation of floats at Goat Island Marina;
 - (2) R. L. Brady for installation of boulders at 254 Ocean Ave.
 - (3) Verbena, LLC, filling and alteration of vegetation at 155 Ocean Ave.

LICENSES & PERMITS

3. Catering License, New, Your Kitchen Companion, LLC, d/b/a Your Kitchen Companion, 8-10 Broadway
4. Horse-drawn Carriage Licenses, Daily, New Deal Farm of Exeter, 249 Purgatory Rd., Exeter, RI:
 - a. August 5, 2012, from 10:00 p.m. to Midnight (traveling from Castle Hill Inn to the Marriott Hotel (route attached to application))
 - b. September 8, 2012, from 5:00 p.m. to 7:00 p.m. (traveling from the Chapel at Salve Regina University to Rosecliff (route attached to application))
5. Victualing License, New, Broadway Tavern, Ltd., d/b/a Sunnyside Deli, 12 Broadway

COMMUNICATIONS & PETITIONS

6. Council Liaison Updates
7. City Manager Update, re: Single Stream Recycling

RESOLUTIONS

8. Supporting Legislation establishing the East Bay Energy Consortium – J. Napolitano, H. Winthrop (Continued from May 23, 2012)
-- Communication from Benjamin C. Riggs, 15-D Harrington St., opposing the legislation
9. Requesting the Planning Board and Zoning Board to review Chapter 17.82 of the Zoning Ordinance, entitled, “Sidewalk Cafes,” for possible revision to Section 17.82.030, “Standards,” that requires the removal of all furniture and obstructions to the sidewalk by 12 Midnight – J. Napolitano
10. Requesting clarification of the intent of Section 8.08.110 of the Codified Ordinances, entitled, “Open Burning Prohibited—Exceptions” – K. Leonard
11. Recognizing the value of gaslights and their positive impact on tourism for the City of Newport and State of Rhode Island – K. Leonard

ORDINANCES

12. Amending Ordinance amending Title 17 of the Codified Ordinances, entitled, “Zoning,” specifically, Sections 17.04.050 “General Requirements” (deleting Paragraph K); “Section 17.08.010, “Definitions” (adding a definition for “Demolition”); and creating a new Chapter 17.86, “Demolition of Structures.” (Second Reading; continued from May 23, 2012)

COMMUNICATIONS FROM THE CITY MANAGER

13. Action #5004/12, re: U.S. Army Corps of Engineers File No. NAE-2012-575 & CRMC File No. 2012-03-069—Application of Aquidneck Lobster Company, 30 Bowen’s Wharf, to Construct and Maintain Commercial Float Array of Ramps/Floating Docks

14. Action #5005/12, re: Town of Middletown and City of Newport Tax Treaty (with accompanying resolution)
15. Action #5006/12, re: Contract for Assessor Services (with accompanying resolution)
16. Action #5007/12, re: Award of Contract for Audit Services (with accompanying resolution)
17. Action #5008/12, re: Agreement with Robert Potter League for Animals for Animals for Animal Shelter Services (with accompanying resolution)
18. Action #5009/12, re: A Sustainable Rhode Island -- HUD Grant Partnership Agreement (with accompanying resolution)
19. Action #5010/12, re: Agreement with the RI Department of Transportation – Funding for Ultra Violet (UV) Disinfection System (with accompanying resolution)
20. Action #5011/12, re: Bid Award for Electrical Contract Services (with accompanying resolution)
21. Action #5012/12, re: Decorative Street Lighting Maintenance Contract Amendment (with accompanying resolution)
22. Action #5013/12, re: Approval of Cliff Walk Commission’s Van Buren Grant Application (with accompanying resolution)
23. Action #5014/12, re: Funding Modification for Van Zandt Ave. Repaving – Community Development Block Grant (CDBG) – R Program (with accompanying resolution)
24. Action #5015/12, re: Inter-local Agreement/ Solid Waste & Recycling Services—Town of Middletown (with accompanying resolution)

ADJOURN AS COUNCIL AND CONVENE AS BOARD OF LICENSE COMMISSIONERS

BOARD OF LICENSE COMMISSIONERS

1. **CONSENT CALENDAR** (THE CONSENT CALENDAR IS APPROVED IN ITS ENTIRETY UNLESS THE COUNCIL REMOVES AN ITEM FOR DISCUSSION. ALL LICENSES ARE GRANTED SUBJECT TO COMPLIANCE WITH ORDINANCES #31-80 AND #98-40.)
 - a. Class F Daily Liquor License, International Tennis Hall of Fame, July 20, 2012, from 7:00 p.m. to 11:00 p.m.
 - b. Communication from Richard P. D’Addario, Esq., re: Stone Soup, LLC, change of d/b/a to “Bistro 162.” (Receive and make part of record.)

ADJOURN

Kathleen M. Silvia
City Clerk

June 6, 2012

Quick References:

d/b/a = “doing business as” (fictitious name)
LLC = Limited Liability Corporation

Liquor Licenses issued locally (Full definitions provided in the RI General Laws, Chapter 3-7)

Class F – Daily liquor license, holder is limited to sale of beer and wine; issued only to religious organizations, state non-business corporations and political organizations.

Class F-1 Daily liquor License, holder may sell all alcoholic beverages; issued only to religious organizations, state non-business corporations and political organizations.

Class A – package store

Class BH – Allows for mini bars in hotel and guest house rooms; allows for the sale and service of bottles of alcohol to registered guests in their hotel/guest house rooms.

Class BL – allows sale of only beer and wine in restaurants (“victualing houses”)

Class BT – allows for sale of all alcoholic beverages in hotels (defined in State Law as “tavern keeper” and must provide overnight accommodations).

Class BV -- allows sale of all alcoholic beverages in restaurants (“victualing houses”)

Class C – Saloon License; in Newport the one Class C License has basically the properties of Class BV; however, it must close at Midnight.

Class D – Private Club; alcoholic beverages may be consumed only by members and their guests.

Class J – Convention Hall License; holder may sell all alcoholic beverages; licensee must be able to accommodate five hundred or more persons at tables at one time.

Class K—Ancient Tavern License – issued to the owner of any building which has had a public and continuous use and license as a tavern for 10 years or more prior to 1730; basically has the same privileges of a Class BV restaurant.

State-issued Liquor Licenses (with uses in Newport)

Class G -- for passenger-carrying marine vessels and trains; sale of alcoholic beverages on marine vessels while at dock for one-half hour before scheduled departure time, up to departure, must be approved by Council.

Class P – authorizes caterers, who must be licensed by the RI Health Dept., to furnish and sell alcoholic beverages at events to which they are catering food. Caterer must purchase the alcohol at a Class A package store.