

CITY OF NEWPORT

DOCKET OF THE COUNCIL MEETING

JULY 11, 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 July 11, 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.** (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. Special Event Licenses:

- 1) The Salvation Army, d/b/a Bass Band Concert; Eisenhower Park, Washington Sq., July 13, 2012, from 1:00 p.m. to 3:00 p.m.
- 2) Looking Upwards, Inc., d/b/a Artist Reception; 7 Dr. Marcus Wheatland Blvd., July 28, 2012 from 5:00 p.m. to 8:00 p.m.
- 3) Graceway Community Church, d/b/a Come Alive Gospel Music Fest, Queen Anne Square, August 25, 2012 from 11:00 am to 2:00 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.

- 4) St. Joseph's Church, d/b/a St. Joseph's Harvest Festival; St. Joseph's Church, 5 Mann Ave., November 3, 2012, from 10:00 a.m. to 4:00 p.m.

- b. Drain Layer License, Renewals:
 - 1) Camara Excavating, LLC, d/b/a same, 520 Fish Rd., Tiverton, RI
 - 2) Catalano Construction, Inc., d/b/a same, 10 Nate Whipple Highway, Cumberland, RI
 - 3) H. Lacerda, Jr. Landscaping and Construction, LLC, d/b/a same, 465 Oliphant Lane, Middletown, RI
 - 4) Manafort Brothers, Inc., d/b/a same, 24 Martin St., Cumberland, RI

- c. Tattoo Parlor License, Renewal, Captain Bret Tattoo Shop, Inc., 4 Collins St., Unit 4A.

- d. Food Concession License, Sig's Place LLC at Newport Gulls Food Concession, 20 America's Cup Ave.

- e. Holiday Selling License, New, Rachel Lessne, d/b/a Green Envy, 8 Franklin St.

- f. Communication from George J. Botelho, Jr., Neighborhood Rep., asking permission to close Second St., between Sycamore St. and Van Zandt Ave., for the 6th Annual Block Party on July 28, 2012, from 4:00 p.m. to 8:00 p.m. (Approve subject to details being worked out with the city administration.)

- g. Communication from the Friends of Ballard Park requesting to amend their approved Special Event License for the 3rd Annual Mad Hatter Iced Tea Party on Monday, August 6, 2012, to include a rain date of Tuesday, August 7, 2012. (Approve)

- h. Communication from the Planning Board, re: Proposed Wind Ordinance Zoning Amendment. (Receive and order advertised for hearing on August 8, 2012)

- i. CRMC Public Notice, File No. 2012-03-069, Application of Ronald Fatulli, d/b/a Aquidneck Lobster Co., for an Assent to construct and maintain a commercial float array approximately 170 linear feet (approx. 940 sq. ft., total) to support commercial fishing business, water shuttle,

taxi service, and “touch and go” recreational boat activity. (Receive and refer to Waterfront Commission and Planning Board for recommendations.)

- j. CRMC Re-Notice of Public Hearing, File No. 2010-05-070, Application of the City of Newport to construct and maintain a public “touch and go” boating facility consisting of 393 linear feet of concrete floating docks and associated pilings—July 18, 2012, at 10:00 a.m. in the Council Chambers of Newport City Hall. (Receive)

LICENSES & PERMITS

- 2. Application for a Second-hand License, New, Heather Oliveira, d/b/a Newport Pickers Gallery, 99 Spring St. (Hearing)
- 3. Application for a Sound Variance, James Sullivan, 4 Merton Road; July 28, 2012, from 12 Noon to 9:00 p.m. (for amplified guitar). (Hearing)
- 4. Application for a Sidewalk Café, Pretzel Dog LLC, d/b/a Pretzel Dog, 26 Broadway
- 5. Application of Tri-Group, LLC, d/b/a Newport Blues Café, 292 Thames St., to expand its Victualing License to an approximately 37 ft. x 65 ft. outdoor patio, with grill, on the south side of the building – in conjunction with expansion of its Class BV alcoholic beverage license. (Hearing)
(Police Chief recommends disapproval)

COMMUNICATIONS & PETITIONS

Council Liaison Updates

City Manager Updates

APPOINTMENTS TO BOARDS AND COMMISSIONS

Note: Vacancies currently or soon will, exist on the following boards and commissions: Affirmative Action Commission, Building Code Board of Appeals, Historic District Commission, Newport Juvenile Hearing Board, North End Planning Commission, Personnel Appeals Board, Sustainable RI Communities Representatives, Board of Tax Appeals, Washington Square Advisory Commission, and the Zoning Board of Review. Interested residents can obtain applications on the City's web page or by contacting the Mayor's Office.

RESOLUTIONS

6. Commending RIDOT for plans to conduct an investigation of cyclist safety issues on Memorial Boulevard and asks that the RIDOT investigation be conducted as soon as possible – J. McLaughlin, N. Neville, H. Winthrop, J. Napolitano

COMMUNICATIONS FROM THE CITY MANAGER

7. Action #5017/12, re: Agreement with ACS for Delivery of Information Technology Products and Services in Land Evidence Office (with accompanying resolution)
8. Action #5018/12, re: Bid Award-Water Division Meter Read laptop computer (with accompanying resolution)
9. Action #5019/12, re: Award of Contracts-Enterprise Resource Planning (ERP) Application Upgrade (with accompanying resolution)
10. Action #5020/12, re: Award of Contract-Application Service Provider (ASP) Services (with accompanying resolution)
11. Action #5021/12, re: Newport Maritime Center (Armory) Lease with Rose Island Lighthouse Foundation (with accompanying resolution)

RECESS 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.)

- Class F Liquor License: Looking Upwards Inc., d/b/a Artist Reception, 7 Dr. Marcus Wheatland Blvd., July 28, 2012 from 5:00 p.m. to 8:00 p.m.

LICENSES & PERMITS

1. Application of Fine Arts Newport, Inc., d/b/a Jane Pickens Theater & Event Center, for a Class T alcoholic beverage license. (Hearing)
2. Application of B.A.K.E., Inc., d/b/a Sully's Beer, Wine & Spirits, holder of a Class A alcoholic beverage license, to transfer 50% of its stock to Brian Sullivan (becoming 100% stockholder). (Hearing)
3. Application of Tri-Group, LLC, d/b/a Newport Blues Café, 292 Thames St., holder of a Class BV alcoholic beverage license, to expand its premises to an approximately 37 ft. x 65 ft. outdoor patio, with bar and grill, on the south side of the building. (Hearing)

ADJOURN as Board of License Commissioners and reconvene as Council, and based upon a majority vote of the members present, move to Executive Session in the Conference Room, pursuant to Rhode Island General Laws, Section 42-46-1, as amended, and in accordance with Section 42-46-5, Purposes for Which Meeting May be Closed, "(a) (2) Sessions pertaining to collective bargaining or litigation..." issues relating to pending litigation relative to Water Rate Filing with the PUC/Cost of Service Study.

Kathleen M. Silvia
City Clerk

July 5, 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.

Class T—Legitimate Theater

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.