

**CITY OF NEWPORT  
DOCKET OF THE COUNCIL MEETING  
AUGUST 22, 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 August 22, 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:** Proposed Amendments to Title 17 of the Codified Ordinance, entitled, “Zoning,” to define and regulate wind energy systems.

- a. Memorandum from the Planning Board
- b. Ordinance amendment Chapters 17.08 (Definitions); 17.20; 17.24; 17.28; 17.32; 17.36; 17.64; and 17.68 - Use Regulations in Residential, Commercial-Industrial, and Traditional Maritime Districts; and Creating Chapter 17.90, entitled, “Wind Energy Systems.” (First Reading)

**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 August 8, 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](http://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) Museum of Yachting, d/b/a Moy Classic Yacht Regatta; Fort Adams State Park, Aug. 31 – Sept. 1, 2012, from 5:00 p.m. to 8:00 p.m.; Sept. 2, 2012, from 8:00 a.m. to 10:00 p.m.
- 2) Paul Hafner, Jr., d/b/a Hobo League Late Summer Wiffle Ball Classic; Morton Park, Sept. 16, 2012, from 8:00 a.m. to 6:00 p.m.
- 3) Fort Adams Trust, d/b/a Fort Adams Fundraiser; Fort Adams State Park, Sept. 22, 2012, from 6:00 p.m. to 10:00 p.m.
- 4) Monaqui Events, LLC, d/b/a Oktoberfest Crafts Festival; Newport Harbor Hotel & Marina, America's Cup Ave., Oct. 6, 2012, from 10:00 a.m. to 4:00 p.m.
- 5) Newport Saint Patrick's Day Parade Committee, d/b/a Halfway to Saint Patrick's Day Road Race; beginning at Rogers High School and ending at Wellington Ave. (route attached), October 27, 2012, from 8:30 a.m. to 10:30 a.m.

c. Holiday Selling License, Renewals:

- 1) Pat V Now, LLC, d/b/a Designer Jewelry, 3 Christies Landing (new owner)
- 2) Pat V Now, LLC, d/b/a Designer Jewelry II, 31 Bowen's Wharf

d. Solid Waste Hauler Applications:

- 1) Jason Manafort, d/b/a CWPM, LLC, 25 Norton Place, Plainville, CT 06062
- 2) M&M Disposal, d/b/a M & M Disposal, 46 Shun Pike, Johnston, RI 02919
- 3) Waste Management Inc., d/b/a Waste Management of RI, Inc., 65 Halsey St., Newport, RI 02840

- e. Communication from Marty Grimes, 111 Champlin Place North, requesting permission to close a portion of Champlin Pl. No. on September 2, 2012, from 4:00 p.m. to 9:00 p.m. for the 3<sup>rd</sup> Annual Neighborhood Block Party. (Approve subject to details being worked out with the city administration.)

- f. Communication from Anne & Charles Wright, 13 Peckham Ave., requesting permission to close Peckham Ave. to Kalif Way on September 8, 2012, from noon to 10:00 p.m. for a Neighborhood Block Party. (Approve subject to details being worked out with the city administration.)
- g. Communication from Eric Shear Sales Director, Jetlev Technologies, Inc., asking permission to use the Wellington Ave. pump station area to launch the wave runner/power supply boat for demonstrations of the “Jetlev” in the southeast corner of Newport Harbor from Sept. 13 to 16, 2012 between 10:00 a.m. and 4:00 p.m. (weather permitting) during the Newport Brokerage Boatshow. (Approve subject to details being worked out with the city administration)
- h. Communication from Newport Patch, re: requesting permission to set up a Patch tent either at Queen Anne Square or Brick Market Place in conjunction with the previously requested “Park on Patch” day. (Approve subject to details being worked out with city administration)
- i. Communication from the Cliff Walk Commission, re: Cliff Walk Restrooms (Receive)
- j. CRMC Notice of Intent to change management plans, policies, procedures and regulations – public hearing on Sept. 11, 2012. (Receive)

### **LICENSES & PERMITS**

- 3. Application for a Special Event License, Newport Brokerage Boatshow, LLC, d/b/a Newport Brokerage Boatshow; Newport Shipyard, Sept. 13 to 15, 2012, from 10:00 a.m. to 6:00 p.m.; Sept. 16, 2012, from 10:00 a.m. to 5:00 p.m. (Continued from August 8, 2012)
- 4. Application of Thames Street Licenses, LLC, d/b/a Mid-town Oyster Bar and Grill, 341-343-345 Thames Street, first & second floors, to expand its Victualing License to two roof-top decks (398 sq. ft. on the southwest side of building and 450 sq. ft. on northeast side), and increase the interior service area by 78 sq. ft.
- 5. Application of Fastnet, Inc., d/b/a The Fastnet, 1-3 Broadway, first floor, to expand its Victualing License into 5-7 Broadway, first floor, and to add a 890 sq. ft. seasonal outdoor patio in the rear of 1-7 Broadway.

## **COMMUNICATIONS & PETITIONS**

- Council Liaison Updates
- City Manager Update

### 6. **APPOINTMENTS TO BOARDS & 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, Board of Tax Appeal, 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**

7. Recognizing the 2012 Doris Duke Historic Preservation Awards – City Council
8. Creating an Information Technology (IT) Working Group – N. Neville, S. Coyne, C. Duncan, K. Leonard, J. Napolitano, H. Winthrop
9. Requesting a meeting of Newport, Middletown and Portsmouth staff representatives with National Grid regarding National Grid’s “Community Liaison System,” for major power outages. (N. Neville)

## **ORDINANCES**

10. Amending Chapter 15.0 4 of the Codified Ordinances, entitled, “Construction Regulations Generally,” Section 15.04.020, Late Filing Fee, to increase the minimum late filing fee to \$500.00, making it consistent with Chapter 2.120. (Second Reading)
11. Amending Chapter 5.12 of the Codified Ordinances, entitled, “Alcoholic Beverage Licenses., Section 5.12.040, “Number of Licenses Permitted,” to reduce the number of Class D licenses by one, to 16. (First Reading)

**COMMUNICATIONS FROM THE CITY MANAGER**

12. Action #5027, re: Collective Bargaining Agreement between the City of Newport **and** N.E.A. Contract (with accompanying resolution and Personnel Ordinance)
13. Action #5028, re: Proposed Ordinance Amendment-Taxi Cab Stands (with accompanying ordinance amendment)
14. Action #5029, re: Actuarial Services (with accompanying resolution)
15. Action #5030, re: Agreement for Use of Easton's Beach Parking Lot/Newport Yachting Center International Boat Show (with accompanying resolution)
16. Action #5031, re: Agreement for Use of Easton's Beach Parking Lot/Preservation Society Annual Food & Wine Festival Parking (with accompanying resolution)
17. Action #5032, re: Bid Award #13-014-Utility Vehicle-Easton's Beach (with accompanying resolution)
18. Action #5033, re: Bid Award #13-012-Privacy Fencing at Easton's Beach (with accompanying resolution)
19. Action #5034, re: Bid Award #13-006-Pavement Markings 2012 (with accompanying resolution)
20. Action #5035, Bid Award #13-007-Retroreflective Traffic Sign Upgrades 2012 (with accompanying resolution)
21. Action #5036, Bid Award #13-011-Road Materials (with accompanying resolution)
22. Action #5037, Bid Award #13-005-Bellevue Avenue Concrete Restoration (with accompanying resolution)

ADJOURN AS COUNCIL AND CONVENE AS BOARD OF LICENSE  
COMMISSIONERS

**BOARD OF LICENSE COMMISSIONERS**

1. **CONSENT CALENDAR**

- a) Class F-1 Daily Alcoholic Beverage License, Fort Adams Trust, Fort Adams State Park, Sept. 22, 2012, from 6:00 p.m. to 10:00 p.m.
2. Application of Thames Street Licenses, LLC, d/b/a Mid-town Oyster Bar and Grill, 341-343-345 Thames Street, first & second floors, to expand its Victualing License to two roof-top decks (398 sq. ft. on the southwest side of building and 450 sq. ft. on northeast side), and increase the interior service area by 78 sq. ft. (Hearing)
3. Application of Fastnet, Inc., d/b/a The Fastnet, 1-3 Broadway, first floor, to expand its Victualing License into 5-7 Broadway, first floor, and to add a 890 sq. ft. seasonal outdoor patio in the rear of 1-7 Broadway.

ADJOURN

Kathleen M. Silvia  
City Clerk

August 15, 2012

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**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.