

**CITY OF NEWPORT
DOCKET OF THE COUNCIL MEETING
OCTOBER 24, 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 October 24, 2012, at 6:30 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

PROCLAMATION: "REMEMBER THE HOMELESS" DAY

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. Minutes of the October 10, 2012, Council Meeting (Approve)
 - b. Special Event Licenses:
 - 1) St. Augustin Church, d/b/a Christmas Bazaar; 2 Eastnor Road, December 1, 2012, from 10:00 a.m. to 3:00 p.m.
 - c. Bingo License, Park Holm Senior Center, 1 Eisenhower Road.

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.

- d. Holiday Selling License, New, Veronica V. Becroft, d/b/a N.P.T.M., 71 Long Wharf
- e. Holiday Selling License, Renewals:
 - 1) ANB International, d/b/a Claire Murray, 57 America's Cup Ave.
 - 2) Bunnies Unlimited, LLC, d/b/a Sequin, 119 Bellevue Ave.
 - 3) Bunnies Unlimited, LLC, d/b/a Sequin, 182 Bellevue Ave.
 - 4) Bunnies Unlimited, LLC, d/b/a Sequin, 474 Thames St.
- f. Daily Entertainment License, Ancient Order of Hibernians, 2 Wellington Ave., November 10, 2012, from 6:00 p.m. to Midnight.
- g. Second-hand License, Renewal, Deborah Beardsley, d/b/a Friendly Harbor Gifts & Antiques, 481 Thames St.
- h. Holiday Selling License, Renewal, Deborah Beardsley, d/b/a Friendly Harbor Gifts & Antiques, 481 Thames St.
- i. Communication from Jon Cohen, Principal, Newport Hotel Group, asking for an extension to the Parking Agreement allowing the use of Easton Beach parking spaces for overnight guests. (Receive and refer to city administration for a recommendation.)
- j. RI Dept. of Administration, Statewide Planning Council, Public Notice of Long Range Transportation Plan Draft. (Receive)
- k. CRMC Notice of intent to change management plans, policies, procedures and regulations. (Receive)

LICENSES & PERMITS

- 2. Application of BMT, LLC, d/b/a Gas Lamp Grille, 206-208 Thames Street, first and second floors, to expand its victualing license to an approximately 918 sq. ft. addition on the second floor, east side, of the building (in conjunction with expansion of its alcoholic beverage license; continued from Oct. 10, 2012)
- 3. Application for a Victualing License, The Wharf Pub Newport, LLC, d/b/a The Wharf Pub and Raw Bar, 37 Bowen's Wharf (in conjunction with transfer of the alcoholic beverage license)

4. Application for a Class A (indoor) Entertainment License, The Wharf Pub Newport, LLC, d/b/a The Wharf Pub and Raw Bar, 37 Bowen’s Wharf (in conjunction with transfer of the alcoholic beverage license)
5. Annual Victualing License Renewals - Non-liquor licensed establishments; list attached)

<u>DBA</u>	<u>Ownership</u>	<u>DBA S# DBA Street</u>
7-Eleven (with extended hours)	Zain Tariq Jakhar	95 Broadway
Bamboo	Bamboo Restaurant, Inc.	163 Connell Highway
Goodie’s by the Sea	Goodies by the Sea, LLC	22 Long Wharf
Mad Hatter Bakery	Audra Lalli	64 Broadway
New Good Friend Chinese Restaurant	Che Wen Zhang	137 Connell Highway
Panera Bread	Howley Bread Group	49 Long Wharf
Pizza Hollywood	JLPH Acquisition Inc.	397 Thames St.
Pretzel Dog	Pretzel Dog LLC	26 Broadway

6. Annual Victualing License Renewals – With alcoholic beverage licenses (List attached)

COMMUNICATIONS & PETITIONS

7. Communication from Cristina M. Offenber, Esq., requesting the removal of a restriction in the deed to Thomas and Thomas Development, Inc., for property located at 426 Spring St. (former Lenthal School) requiring one two-bedroom affordable unit.
8. Communication from Turner C. Scott, Esq., requesting the City to abandon Hayden Court, in accordance with RI General Laws, Section 24-6-1.
9. Communication from David and Kris Kososki asking to address the Council regarding duck tours in the City of Newport.
10. Council Liaison Updates
11. City Manager Update

12. **APPOINTMENTS TO BOARDS & COMMISSIONS**

Beach Commission (3 vacancies) – Applicants: Martin Gollis, Pauline McGrady, Carole D. Nicodemos (Continued from Oct. 10, 2012)

Canvassing Authority (Alternate position/Democratic Party): Thomas H. Sullivan, Barbara L. Coleman, Valerie R. Kalwak, Susan T. Perkins

Reappointment of Peter Barry, Deborah Miller, and Cris Cobaugh to the Hospitality Commission.

Reappointment of Mary Moniz to the Planning Board.

Reappointment of Mark Witcher to the Trust & Investment Commission.

Note: Vacancies currently or soon will, exist on the following boards and commissions: Affirmative Action Commission, Building Code Board of Appeals, Energy & Environment Commission, Historic District Commission, Newport Juvenile Hearing Board, North End Planning Commission, Personnel Appeals Board, Planning Board, (Board of) Tax Appeals, 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

13. Expressing appreciation to the members of the Newport Fire Department for their tireless efforts in raising funds for the Muscular Dystrophy Association – City Council
14. Requesting the City Administration to prepare recommendations regulating water sport activities in Newport Harbor, and guidelines for usage of the Perrotti Park docking facilities – K. Leonard
15. Acceptance of the Finance Director’s School Evaluation Report and implementation of the recommendations contained therein – City Council

ORDINANCES

16. Amending Title 17 of the Codified Ordinance, entitled, “Zoning,” to define and regulate wind energy systems. (Second Reading; **Continue to December 12, 2012**)
17. Amending Chapter 10.64.010, entitled, “Locations for Taxicab Stands”; and Section 10.64.020, entitled, “Parking in Taxicab and Express Stands or Bus Stops” (Second Reading)

COMMUNICATIONS FROM THE CITY MANAGER

18. Action #5062/12, re: Pension Funding Scenarios (with accompanying resolution)
19. Action #5063, re: Supplemental Agreement to Bid 12-063 – Contract for Roadway Improvement Program 2012 –CDBG Funding (with accompanying resolution)

RECESS AS COUNCIL AND CONVENE AS BOARD OF LICENSE COMMISSIONERS

BOARD OF LICENSE COMMISSIONERS

LICENSES & PERMITS

1. Application of BMT, LLC, d/b/a Gas Lamp Grille, 206-208 Thames Street, first and second floors, to expand its Class BV Alcoholic Beverage License to an approximately 918 sq. ft. addition on the second floor of the building, east side (Hearing; continued from October 10, 2012)
2. Annual Liquor License Renewals (list attached) (Hearing)
3. Application of RJJ Deli, Inc., d/b/a The Wharf Pub and Restaurant, 37 Bowen’s Wharf, first floor and outdoor deck, to transfer its Class BL alcoholic beverage license to The Wharf Pub Newport, LLC, d/b/a The Wharf Pub and Raw Bar, at the same premises. (Hearing)
Bill of Indebtedness: RI Distribution Co. \$2,823.07

ADJOURN AS BOARD OF LICENSE COMMISSIONERS; RECONVENE AS COUNCIL; AND, BASED UPON AN AFFIRMATIVE VOTE OF THE MEMBERS PRESENT AND PURSUANT TO RI GENERAL LAWS SECTION 42-46-1, AS AMENDED, AND IN ACCORDANCE WITH SECTION 42-46-5, PURPOSES FOR WHICH MEETINGS MAY BE CLOSED, “(a) (2) SESSIONS PERTAINING TO COLLECTIVE BARGAINING OR LITIGATION,” MOVE TO EXECUTIVE SESSION IN THE CONFERENCE ROOM TO DISCUSS ISSUES RELATED TO COLLECTIVE BARGAINING – LOCAL 911, COUNCIL 94, AFSCME.

October 17, 2012

Kathleen M. Silvia
City Clerk

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

2012-13 VICTUALING LICENSE RENEWALS (WITH ALCOHOLIC BEVERAGE LICENSES)

- J & A Tokyo House LLC, d/b/a Newport Tokyo House Sushi & Hibachi, 6 Equality PK
- NDC Enterprises, LLC, d/b/a Norey's, 156 Broadway
- JH Enterprises, Inc., d/b/a Rhino Bar & Grille and Mamba Room, at 337 Thames St.
- 62 Bridge Street, LLC, d/b/a Rhumblin Restaurant, 62 Bridge ST
- Billy Goode Company, Inc., d/b/a Billy Goode's, 29 Marlborough Street
- Club 200, Inc., d/b/a Café, The, 200 Broadway
- GAMAS, LTD, d/b/a Canfield House, The, at 5 Memorial Blvd.
- Griswold's, Inc., d/b/a Griswold's Tavern, 103 Bellevue Ave.
- Jimmy's Saloon LLC, d/b/a Jimmy's Saloon, 37 Memorial Blvd.
- Kelkery Food and Spirits, Inc., d/b/a Perro Salado, at 19 Charles ST
- Newport Playhouse & Cabaret Restaurant, d/b/a Newport Playhouse & Cabaret Restaurant
102 Connell Hwy
- Pier of Newport, LLC, d/b/a Pier, The West Howard Wharf
- Plumb, Inc., d/b/a Brick Alley Pub & Restaurant, at 140 Thames St.
- RJJ Deli, Inc., d/b/a Wharf Pub and Restaurant, The 37 Bowen's Wharf,
- Tri Group, LLC, d/b/a Newport Blues Café, at 286 Thames St
- Yesterday's - Newport, Inc., d/b/a Yesterday's – Newport, at 28 Washington Sq.

2012-2013 ALCOHOLIC BEVERAGE LICENSE RENEWALS

LIQUOR CLASS A

KRG Enterprises, Inc.
d/b/a Bridge Liquors
at 23 Connell Hgwy.

Newport Wine Cellar, LLC
d/b/a Newport Wine Cellar
at 24 Bellevue Ave.

Slippery Slope Spirits, LLC
d/b/a Spring Street Spirits
at 137 Spring St.

LIQUOR CLASS BL

J & A Tokyo House LLC
d/b/a Newport Tokyo House Sushi & Hibachi
at 6 Equality PK

NDC Enterprises, LLC
d/b/a Norey's
at 156 Broadway

LIQUOR CLASS BT

JH Enterprises, Inc.
d/b/a Rhino Bar & Grille and Mamba Room, The
at 337 Thames St.

LIQUOR CLASS BV

62 Bridge Street, LLC
d/b/a Rhumblin Restaurant
at 62 Bridge ST

Billy Goode Company, Inc.
d/b/a Billy Goode's
29 Marlborough Street

Club 200, Inc.
d/b/a Café, The
at 200 Broadway

GAMAS, LTD
d/b/a Canfield House, The
at 5 Memorial Blvd.

Griswold's, Inc.
d/b/a Griswold's Tavern
at 103 Bellevue Ave.

Jimmy's Saloon LLC
d/b/a Jimmy's Saloon
at 37 Memorial Blvd.

Kelkery Food and Spirits, Inc.
d/b/a Perro Salado
at 19 Charles ST

Newport Playhouse & Cabaret Restaurant
d/b/a Newport Playhouse & Cabaret Restaurant
at 102 Connell Hwy

Pier of Newport, LLC
d/b/a Pier, The
West Howard Wharf

Plumb, Inc.
d/b/a Brick Alley Pub & Restaurant
at 140 Thames St.

RJJ Deli, Inc.
d/b/a Wharf Pub and Restaurant, The
37 Bowen's Wharf

Tri Group, LLC
d/b/a Newport Blues Cafe
at 286 Thames St

Yesterday's - Newport, Inc.
d/b/a Yesterday's - Newport
at 28 Washington Sq.

LIQUOR CLASS D

Oak Street Partnership
d/b/a Kerry Hill Club
15 Oak St