

**CITY OF NEWPORT
DOCKET OF THE COUNCIL MEETING
NOVEMBER 14, 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 November 14, 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. Minutes of the October 24, 2012, Council Meeting (Approve)
 - b. Special Event Licenses:
 - 1) Newport Elks, d/b/a Newport Elks Craft Fair; Elks Lodge, 141 Pelham St., November 18, 2012, from 10:00 a.m. to 4:00 p.m.
 - 2) Bowen's Wharf Co., Inc., d/b/a 42nd Annual Bowen's Wharf Christmas Tree Lighting; Bowen's Wharf, December 1, 2012, from 4:30 p.m. to 8:00 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.

- 3) Christmas in Newport, Inc., d/b/a Christmas in Newport; various locations throughout the city; December 1 through December 31, 2012.
- 4) Monaqui Events, d/b/a Holiday Craft Show; Elks Lodge, 141 Pelham St., December 8, 2012, from 10:00 a.m. to 4:00 p.m.
- c. Holiday Selling License, New, PulseNewport, LLC, d/b/a Bellevue Barre Newport, 94 William St.
- d. Pedicab Co. License Renewal, Pirate Pedicab, LLC, d/b/a Pirate Pedicab (4 pedicabs), 18 Pallas St., Providence, RI
- e. RI Ethics Commission Public Notice of Proposed Rule-Making, re: Regulation 36-14-17009, Out-of-state Travel (Receive)
- f. Communication from Jonathan Bourne, Bourne Green, LLC, offering sponsored plantings along the America's Cup Avenue median. (Receive and refer to the city administration for recommendation.)
- g. Notice of Intent to Prepare an Environmental Impact Statement for the Disposal and Reuse of Surplus Property at Naval Station Newport and Announcement of Public Scoping Meetings. (Receive)
- h. U.S. Court of Appeals for the First Circuit, No. 10-1209, Appellate Decision, *URI Student Senate, et al, v. Town of Narragansett* – pertaining to Town of Narragansett Ordinance regarding public nuisances, unruly gatherings, notice, liability and penalties. (Receive and refer to City Solicitor for review.)
- i. CRMC Notice of Subcommittee Workshop, November 15, 2012, at the Newport Public Library, re: File No. 2010-05-070, Application of the City of Newport to construct a touch-and-go boating facility at the Ann St. Pier. (Receive)

LICENSES & PERMITS

2. Second-hand License, New, Mark Jager, d/b/a Mark Jager Antiques, 25 Mill St. (Hearing)

3. Annual Victualing License Renewals (without alcoholic beverage license)
 - a. Bellevue Coffee House, Inc., d/b/a Annie's, 176 Bellevue Ave.
 - b. Crazy Dough Newport, LLC, d/b/a Crazy Dough's Pizza, 446 Thames St.
 - c. Duckets, Inc., d/b/a Colonial Restaurant, 175 Memorial Blvd. Easton's Beach Rotunda
 - d. Sailor's Sweet Tooth, Inc. The, d/b/a Kilwin's Chocolates & Ice Cream, 262 Thames St.

4. Annual Victualing License Renewals (with alcoholic beverage licenses)
 - a. Salvation Café, Inc., d/b/a Salvation Café, 140-142 Broadway, first and second floor and rear patio.
 - b. Stone Soup, LLC, d/b/a Bistro 162, 162 Broadway & 2 Caleb Earl St., first floor

COMMUNICATIONS & PETITIONS

5. Communication from David and Kris Kososki asking to address the Council regarding duck tours in the City of Newport (Continued for October 24, 2012)

6. Council Liaison Updates

7. City Manager Updates: Engage Newport; Hurricane Sandy

8. **APPOINTMENTS TO BOARDS & COMMISSIONS**

Cliff Walk Commission – Reappointment of Robert Power, John Hirschboeck, Peter Janaros, David Downes

Historic District Commission – Appointment of Alternate Chris Fagan to full member

Historic District Commission (2 vacancies/Alternate positions) – Applicants: Nicholas Maione, Daniel Dias, Diana Sylvaria

Juvenile Hearing Board (2 full member and 2 alternate member vacancies) – Applicants: Pamela Breves, Roderick Cavanaugh

Personnel Appeals Board (3 vacancies) – Francis Donal O'Brien

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

9. Supporting efforts in securing Newport as the North American Stopover for the 2015 Volvo Ocean Race – N. Neville
10. Back-In Parking Broadway Streetscape Project – J. McLaughlin, N. Neville, H. Winthrop

COMMUNICATIONS FROM THE CITY MANAGER

11. Action #5064/12, re: Middletown-Newport Tax Treaty Amendment (with accompanying resolution)
12. Action #5065/12, re: Award of Contract for Incident Command Center (ICC) Audio/Visual Requirements (with accompanying resolution)
13. Action #5066/12, re: Bid Award for Parking Ticket Collection and Processing Services (with accompanying resolution)
14. Action #5067/12, re: CSO Program Manager #10-039 – System Master Plan Scenario (with accompanying resolution)
15. Action #5068/12, re: Bid Award for Almy Pond TMDL Management (with accompanying resolution)
16. Action #5069/12, re: Contract Extension for Community Outreach – Pilot Communication Action Plan (with accompanying resolution)
17. Action #5070/12, re: Request for Use of Perrotti Park – Interstate Navigation -- Block Island Fast Ferry (with accompanying resolution)
18. Action #5071/12, re: Personnel Ordinance Amendment – AFSCME Employee Pay Plan (with accompanying ordinance)
19. Action #5072/12, re: Lenthal School Property – Developer Request for Waiver of Deed Restriction for Affordable Housing Unit (with accompanying resolution)

RECESS AS COUNCIL AND CONVENE AS BOARD OF LICENSE
COMMISSIONERS

BOARD OF LICENSE COMMISSIONERS

CONSENT CALENDAR

Communication from Vanderbilt Grace, d/b/a Vanderbilt Hall, 41 Mary St., to change the business name to Grace Hotels (The) Vanderbilt LLC. (Approve and make part of the file)

LICENSES & PERMITS

1. Annual Liquor License Renewal, Class BV, Stone Soup, LLC, d/b/a Bistro 162, 162 Broadway & 2 Caleb Earl St., first floor. (Hearing)
2. Annual Liquor License Renewal, Class C, Salvation Café, Inc., d/b/a Salvation Café, 140-142 Broadway, first and second floors and rear patio. (Hearing)

ADJOURN AS BOARD OF LICENSE COMMISSIONERS AND 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.

Kathleen M. Silvia
City Clerk

November 7, 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