

WORK SESSION

AUGUST 16, 2010

At a WORK SESSION of the Town Council of the Town of South Kingstown, County of Washington, in the State of Rhode Island held at the Town Hall, in and for said Town on the 16th day of August 2010 at 6:30 PM.

PRESENT: Kathleen A. Fogarty, President
Mary S. Eddy, Vice President
Carol Hagan McEntee
James W. O'Neill
Ella M. Whaley

1. A. INTERVIEW

The Town Council interviews Richard Youngken relative to his interest in serving on the Historic District Commission.

1. B. WORK SESSION

Discussion ensues relative to enhancing the application for road races to include sections in regard to police involvement and EMS Services.

Discussion ensues relative to Public Hearing 7A in regard to an application for a Class B Limited Liquor License by Phil's Kitchen, Inc. d/b/a Phil's Restaurant, 323 Main Street, Wakefield, RI 02879 by Carl J. Tetzner, President and Public Hearing 7B for public discussion relative to the need for additional liquor licenses within the community.

Discussion ensues relative to Public Hearing 7C relative to proposed amendments to the Zoning Ordinance, Article 8. Signs, Section 803: Signs prohibited in all zoning districts.

Discussion ensues relative to Communication Item 8A dated July 20, 2010 from Grady Miller, Town Manager seeking support of a resolution adopted July 6, 2010 by the Narragansett Town Council requesting the suspension of the newly adopted catch share/sector management program imposed on the fishing industry in the Northeast by the National Oceanic and Atmospheric Administration.

Discussion ensues relative to Communication Item 8B dated July 28, 2010 from Michael Schnack, President, Jamestown Committee on LNG Threat inviting Council members to a Congress of Councils on September 8, 2010 hosted by that group and the Jamestown Town Council to discuss a proposed Hess/Weaver's Cove LNG siting in Mount Hope Bay.

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Discussion ensues relative to Communication Item 8C dated August 3, 2010 from Cheryl Foster to T. Keith Richards, EMS Director, complimenting the Town's Emergency Medical Services team for their response and treatment of her husband, William Colin McCullough during a recent incident.

Discussion ensues relative to Communication Item 8D dated August 6, 2010 from Bob Silverstein, Executive Director, The EMILY Fund requesting a proclamation recognizing October as Domestic Violence Awareness Month.

Discussion ensues relative to Communication Items 8E, 8F, 8G, and 8H all submitted by Councilman O'Neill and received August 11, 2010 in regard to: a "shoreline forum" to address erosion, removing the "master lever" from the Rhode Island ballot, the RI Economic Development Corporation's high-tech and knowledge based business investment policy, and pension reform.

Convened to Regular Session.

Dale S. Holberton, CMC
Town Clerk

REGULAR SESSION

AUGUST 16, 2010

At a REGULAR SESSION of the Town Council of the Town of South Kingstown, County of Washington, in the State of Rhode Island, held at the Town Hall, in and for said Town on the 16th day of August 2010 at 7:30 PM.

PRESENT: Kathleen A. Fogarty, President
Mary S. Eddy, Vice President
Carol Hagan McEntee
James W. O'Neill
Ella M. Whaley

1. C. REGULAR SESSION

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance to the flag is given.

3. ROLL CALL

Roll Call is taken and all members are present.

4. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

A. Work Session: UNANIMOUSLY VOTED: that the minutes of the Work Session held on July 26, 2010 are accepted, approved and placed on file.

B. Regular Session: UNANIMOUSLY VOTED: that the minutes of the Regular Session held on July 26, 2010 are accepted, approved and placed on file.

C. Closed Executive Session: UNANIMOUSLY VOTED: that the minutes of the Closed Executive Session held on July 26, 2010 are accepted, approved and placed on file.

5. CONSENT AGENDA

UNANIMOUSLY VOTED: to approve the Consent Agenda as indicated by (CA) on same.

(CA) 8I. UNANIMOUSLY VOTED: that any communication added to the Agenda subsequent to this is hereby added by majority vote, in accordance with RIGL §42-46-6 (b) Notice --... "Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members.

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Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”

(CA) 13B. UNANIMOUSLY VOTED: that Civil Action No. 2010-0472 filed in Washington County Superior Court by John S. Coughlin, Esquire on behalf of his clients, William Parenteau and Joyce Power relative to an incident that occurred on or about April 18, 2010 be referred to the Town Solicitor and the Town’s insurance carrier.

(CA) 13D. UNANIMOUSLY VOTED: that any New Business added to the Agenda subsequent to this is hereby added by majority vote, in accordance with RIGL §42-46-6 (b) Notice --... “Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”

6. LICENSES

A. UNANIMOUSLY VOTED: to grant a Miscellaneous Permit to conduct the WKBC Heavenly Health 5K road race on Saturday, September 11, 2010 at 9:00 AM to WEST KINGSTON BAPTIST CHURCH subject to the execution of a hold harmless agreement indemnifying the Town, and issuance of a Certificate of Insurance naming the Town as an additional insured in the amounts specified by the Risk Manager. Application by Pastor Keith Mlyniec, 277 Waites Corner Road, West Kingston, RI 02892; New. License No. 12477.

7. PUBLIC HEARINGS

A. Notice having been duly given, a Public Hearing is opened relative to an application for a license to keep and sell alcoholic beverages in South Kingstown in accordance with the General Laws of 1956, as amended, as follows:

CLASS B LIMITED LIQUOR LICENSE

Application for a Class B Limited Liquor License by Phil’s Kitchen, Inc. d/b/a Phil’s Restaurant, 323 Main Street, Wakefield, RI 02879 by Carl J. Tetzner, President for the first floor dining area, in accordance with a Special Use Permit granted July 21, 2010 by the

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Zoning Board of Review; and as further defined in a site plan on file in the Town Clerk's Office.

Councilwoman Whaley recuses herself from participating in Public Hearings 7A and 7B, and leaves the dais until the conclusion of the application process for a new liquor license.

Attorney John Kenyon presents his clients' history of ownership of Phil's Restaurant, and discusses their request for a Class B Limited Liquor License. Ken Tetzner is present and testifies regarding the current operation of his business as a breakfast and lunch restaurant, and plans to expand their hours to include dinner.

Discussion ensues.

Larry Fish, member of the Economic Development Committee and owner of Pier Cleaners is present and speaks in support of this application and the revitalization of downtown Wakefield.

VOTED: to close the Public Hearing.

B. Notice having been duly given, a Public Hearing is held for public discussion relative to the need for additional liquor licenses within the community.

Bob Trager is present and comments on the Town's ability to regulate liquor licenses in Town.

Discussion ensues, and it is

VOTED: to close the Public Hearing.

13A. New Business Item 13A is brought forward, and discussion ensues relative to affirming or amending the Town's Liquor License Rules and Regulations to increase the number of Class B Limited liquor licenses from 2 to 3.

VOTED: to amend the Town's Liquor License Rules and Regulations, Section I. The number of licenses for each class shall be authorized as indicated below:

<u>Class</u>	<u>Number</u>
A	4 (not to exceed 1 per 6,000 inhabitants)
B – Victualler	23
B – Tavern	2

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B – Limited	2 3
B – Hotel	1
B – M	0
C	0 (not to exceed 1 per 1,000 inhabitants)
D – Club Full Privilege	2
D – Club Limited	0
F	No limit
F-1	No limit

A. The Town Council returns to a decision on Public Hearing Item 7A, and it is

VOTED: to grant an application for a license to keep and sell alcoholic beverages in South Kingstown in accordance with the General Laws of 1956, as amended, as follows:

CLASS B LIMITED LIQUOR LICENSE

Application for a Class B Limited Liquor License by Phil's Kitchen, Inc. d/b/a Phil's Restaurant, 323 Main Street, Wakefield, RI 02879 by Carl J. Tetzner, President for the first floor dining area, in accordance with a Special Use Permit granted July 21, 2010 by the Zoning Board of Review; and as further defined in a site plan on file in the Town Clerk's Office. License No. 2010-36.

Councilwoman Whaley returns to the dais.

C. Notice having been duly given, a Public Hearing is held relative to proposed amendments to the Zoning Ordinance, as follows:

Article 8. Signs

Section 803. Signs prohibited in all zoning districts.

The following signs shall not be permitted in any zoning district:

B. *Flashing signs.* Signs which incorporate in any manner any flashing or moving illumination, animation or illumination which varies in color. This shall include, but not be limited to: electronic messaging boards/centers (animated or intermittent), LED (light emitting diode) type signs, digital/programmable ink and all other electronic, changeable copy signs.

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C. Hazards to public safety: Any sign or sign support which constitutes a hazard to public safety or health, including signs which by reason of size, location, content, coloring or manner of illumination obstruct the vision of a driver or pedestrian, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets, and roads or sidewalks; or which obstruct free ingress to or egress from a fire escape, door, window or other required exit way; or which make use of words such as stop, look, one way, danger, yield, or any similar words, phrases, symbols, lights or characters, in such a manner as to interfere with, mislead or confuse traffic.

A communication dated July 14, 2010 from the Planning Board providing their recommendation for approval is referenced and placed on file.

L. Vincent Murray, Director of Planning gives a presentation of the proposed amendments, and reviews the concerns expressed by the Planning Board.

Attorney Peg Laurence is present and speaks on behalf of her client, Wakefield Prescription Center regarding their use of an LED sign at their new building on Kingstown Road.

The following members of the audience make comments:

Larry Fish, speaking as a business owner, notes his concern with this proposal adding restrictions on local businesses, and the safety of LED signs.

Bob Trager comments on other types of flashing, lighted signs.

Discussion ensues concerning the provisions of this ordinance applying to all zoning districts, and the definition of signs.

Bill White, member of the Economic Development Committee, comments on the concern over the issue of public safety.

Larry Fish states that the Economic Development Committee is not opposed to this amendment as a stopgap measure, but that it is very prohibitive, and he asks that if the regulations are adopted by the Council this evening, that they be revisited soon.

Discussion ensues relative to setting a sunset provision for Section B. of this amendment, and it is

UNANIMOUSLY VOTED: to close the Public Hearing.

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UNANIMOUSLY VOTED: to adopt amendments to the Zoning Ordinance, as amended, as follows:

Article 8. Signs

Section 803. Signs prohibited in all zoning districts.

The following signs shall not be permitted in any zoning district:

B. Flashing signs. Signs which incorporate in any manner any flashing or moving illumination, animation or illumination which varies in color. This shall include, but not be limited to: electronic messaging boards/centers (animated or intermittent), LED (light emitting diode) type signs, digital/programmable ink and all other electronic, changeable copy signs.

C. Hazards to public safety: Any sign or sign support which constitutes a hazard to public safety or health, including signs which by reason of size, location, content, coloring or manner of illumination obstruct the vision of a driver or pedestrian, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets, and roads or sidewalks; or which obstruct free ingress to or egress from a fire escape, door, window or other required exit way; or which make use of words such as stop, look, one way, danger, yield, or any similar words, phrases, symbols, lights or characters, in such a manner as to interfere with, mislead or confuse traffic.

The amendment for Section 803 B. shall expire at midnight November 22, 2010.

The Planning Board's recommendation and findings are hereby incorporated as follows:

Finding of Fact

1. It is the finding of the Planning Board that LED signs and electronic messaging boards are a distraction to motor vehicle operators and are not pedestrian oriented. The Planning Board also finds that such signs are incongruous with South Kingstown's overall small town character, community identity and community goals aimed at fostering and protecting the unique qualities of the Town's historic villages.

Findings of Fact, Consistency with the Comprehensive Community Plan

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1. The proposed amendments are consistent with the Overall Goal of the Comprehensive Plan ‘...to create, maintain and improve a high quality of life for all citizens of the Town.’
2. The proposed amendments are consistent with Goal 3 of the Land Use Element ‘To promote high standards of development so as to preserve and enhance the quality of life, to encourage a sense of community, and to protect the natural resources of the Town.’
3. The proposed amendments are consistent with Goal 7 of the Land Use Element ‘To protect the aesthetic, environmental and cultural values of the Town.’

Findings of Consistency with the Purposes of Zoning

The Planning Board finds that the proposed zoning amendments are consistent with the following general purposes of zoning ordinances per RIGL 45-24-30.

1. Promoting the public health, safety and general welfare.
5. Providing for the protection of the natural, historic, cultural and scenic character of the Town.
11. Promoting a high level of quality in design in the development of private and public facilities.

8. COMMUNICATIONS

A. UNANIMOUSLY VOTED: that a communication dated July 20, 2010 from Grady Miller, Town Manager seeking support of a resolution adopted July 6, 2010 by the Narragansett Town Council requesting the suspension of the newly adopted catch share/sector management program imposed on the fishing industry in the Northeast by the National Oceanic and Atmospheric Administration is received, placed on file, and the Town Council voted to support this request. (7/29/2010 Interim, Item E.)

B. Peter Converse, Secretary of the Town of Jamestown Committee on LNG Threat is present and speaks relative to that group’s efforts to oppose the siting of an LNG facility in Mount Hope Bay, and it is

UNANIMOUSLY VOTED: that a communication dated July 28, 2010 from Michael Schnack, President, Jamestown Committee on LNG Threat inviting Council members to a Congress of Councils on September 8, 2010 hosted by that group and the Jamestown Town Council to discuss a proposed Hess/Weaver’s Cove LNG siting in Mount Hope Bay is received and placed on file. (7/29/2010 Interim, Item F.)

Councilwoman Whaley will try to attend.

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C. UNANIMOUSLY VOTED: that a communication dated August 3, 2010 from Cheryl Foster to T. Keith Richards, EMS Director, complimenting the Town's Emergency Medical Services team for their response and treatment of her husband, William Colin McCullough during a recent incident is received and placed on file. (8/5/2010 Interim, Item C.)

D. UNANIMOUSLY VOTED: that a communication dated August 6, 2010 from Bob Silverstein, Executive Director, The EMILY Fund requesting a proclamation recognizing October as Domestic Violence Awareness Month is received, placed on file, and the Town Council further directs that October be designated as Domestic Violence Awareness Month. (8/12/2010 Miscellaneous, Item II B.)

E. UNANIMOUSLY VOTED: that a communication received August 11, 2010 from Councilman James O'Neill requesting adoption of a resolution in support of a "shoreline forum" to address erosion issues is received and placed on file. The Town Council supports a forum with the Coastal Resources Management Council, the four south shore communities and our Congressional Delegation. (8/12/2010 Miscellaneous, Item II F.)

The Town Manager will make the necessary arrangements.

F. The Town Council considers a communication received August 11, 2010 from Councilman James O'Neill requesting adoption of a resolution in support of removing the "master lever" from the Rhode Island ballot. (8/12/2010 Miscellaneous, Item II F.)

Following discussion, a motion to approve the resolution is made by Councilman O'Neill, but there is no second. The motion fails.

G. Discussion ensues, and it is

UNANIMOUSLY VOTED: that a communication received August 11, 2010 from Councilman James O'Neill requesting adoption of a resolution concerning the RI Economic Development Corporation's high-tech and knowledge based business investment policy is received, placed on file, and continued for review at the September 13, 2010 meeting. (8/12/2010 Miscellaneous, Item II F.)

H. The Town Council considers a communication received August 11, 2010 from Councilman James O'Neill requesting adoption of a resolution concerning pension reform. (8/12/2010 Miscellaneous, Item II F.)

Following discussion, there is no motion to approve the resolution.

9. COMMENTS FROM INTERESTED CITIZENS

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Council President Fogarty invites residents to come forward with comments.

Bob Trager comments on pension reform, and low water pressure in Middlebridge.

Council Vice President Eddy asks Building Official Jeff O'Hara to describe the legal placement of political signs during this election season.

10. TOWN MANAGER'S REPORT

The Town Manager's Interim Reports dated July 29, 2010 and August 5, 2010, and the Agenda and Miscellaneous Reports dated August 12, 2010 are accepted, approved and placed on file.

11. TOWN SOLICITOR'S REPORT

The Town Solicitor has no additional report this evening.

12. APPOINTMENTS

A. UNANIMOUSLY VOTED: to reappoint John Taylor Ellis, Cheryl A. Hartnett, Jean M. Johnson and John Paul Virgilio to the Affordable Housing Collaborative Committee for terms to expire August 2013.

13. NEW BUSINESS

C. UNANIMOUSLY VOTED: to authorize the Tax Assessor to abate taxes in the total amount of \$21,111.03, as shown on Tax Abatement Request #458.

UNANIMOUSLY VOTED: to adjourn at 10:27 PM.

Dale S. Holberton, CMC
Town Clerk