

TOWN COUNCIL MEETING MINUTES- WEDNESDAY, MARCH 29, 2023

The council met on Wednesday, March 29, 2023, and called to order at 6:33 p.m. in the Town Hall, Council Chambers, Council Chairman Calouro presiding:

PRESENT: Council Chairman, Nathan Calouro
Vice-Chairwoman, Mary Parella,
Councilman, Antonio "Tony" Teixeira
Councilman, Timothy Sweeney
Councilman, Aaron Ley

ALSO PRESENT: Town Administrator, Steven Contente
Town Solicitor, Mike Ursillo, Esq
Town Sergeant, Archie Martins

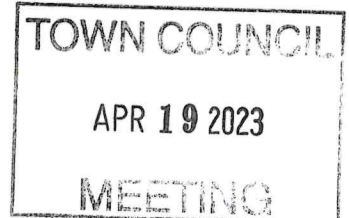
Public Service Interviews & Appointments

1. Assistant Harbormaster (terms set to expire January 2024)

a. Donald A. Fitting, Jr., 10 Woburn Street,
interest/appointment

The Council heard from Mr. Fitting who expressed his interest in becoming an Assistant Harbormaster. Discussions ensued between members of the Council and Mr. Fitting pertaining to Mr. Fitting's qualifications and experiences. Mr. Fitting also stated why he would consider himself to be a good fit for the position.

b. Samuel A. Turner, 50 Belvedere Drive,
interest/appointment



The Council heard from Mr. Turner who expressed his interest in becoming an Assistant Harbormaster. Discussions ensued between members of the Council and Mr. Turner pertaining to Mr. Turner's qualifications and experiences. Mr. Turner also stated why he would consider himself to be a good fit for the position.

Sweeney/Teixeira- Voted unanimously to
appoint Donald A. Fitting, Jr., and
Samuel A. Turner as Assistant Harbor

Master(s) with the term(s) to expire in January 2024.

At this point in the meeting, Council Chairman Calouro declared a brief recess and Council Meeting Recess from 6:45 pm until 7:03 pm.

Vote on Provisional Budget Fiscal Year 2023-2024

Sweeney/Teixeira - Voted unanimously to adopt the 2023-2024 Provisional Budget as follows:

Schedule A - (\$60,460,758)
Schedule B - (\$1,470,000 [incl. in Sched. A])
Schedule C - (\$6,848,203)
Totaling - \$67,308,961

Advertise in the local newspaper and forward same for the Public Hearing to be held on April 17, 2023.

(ADDED ITEM)

At this point in the meeting, Councilman Ley requested that the Council might add an agenda item to consider the matter of public notification of stormwater events.

Ley/Sweeney- Voted unanimously to add a non-action agenda item to allow for public notification of stormwater runoff events.

Councilman Ley provided the details of the following events focusing on conservation and pollution prevention:

- April 11, 2023, at 6:30 PM at the Rogers Free Library- Residential stormwater runoff Community Learning event
- May 13, 2023, at 10:00 AM at Bristol Parks and Recreation - Rain Barrel take and make workshop

RECOGNITION: CITIZENS POLICE ACADEMY

Councilman Sweeney recognized the success of the 2023 Citizens Police Academy program. He shared his experiences in the program and explained that over the course of the program, participants

gained valuable insight into the operations of the police department and the challenges faced by law enforcement officers on a daily basis. He explained how the academy is an important initiative that promotes and enhances relationships between the police and the community. He contributed Bristol's status as one of the safest communities in the state to the leadership of Police Chief Lynch and the dedication of our local law enforcement officers. Councilman Sweeney thanked all of the participants as well as the instructors and staff that made the program possible. Chief Lynch noted that information regarding the next Citizens Police Academy and other programs offered will be posted on the Police Department's website, through social media, advertising, and the council.

Motion RE: Consent Agenda - To Approve the Consent Agenda

Sweeney/ Teixeira - Voted unanimously to approve the Consent Agenda as prepared and presented.

A. Submission of Minutes of Previous Meeting(s)

- A1.** Town Council Special Meeting - February 1, 2023
- A2.** Town Council Special Meeting - February 15, 2023
- A3.** Town Council Meeting - March 1, 2023

Sweeney/Teixeira- -Voted unanimously to accept and approve the council meeting minutes of February 1,15 and March 1, 2023, as presented.

B. Public Hearings

C. Ordinances

- C1.** Ordinance #2023-04 Chapter 17, Article II Alcoholic Beverages Establishments, Section 17-82 - Number of Licenses (to decrease the number of Class B Limited licenses from 6-5) **(2nd reading)**

Teixeira/Sweeney-- Voted unanimously to consider this action to constitute the Second Reading for the adoption of Ordinance #2023-04. Advertise in the local newspaper.

C2. Ordinance #2023-05 - CHAPTER 25 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES - ARTICLE I. - STREETS, SIDEWALKS AND PARKS - Sec. 25-16 Seasonal outdoor seating on State Street TO BE REPEALED AND REPLACED WITH new Sec. 25-17, Seasonal use of public streets for outdoor dining by business establishments. **(2nd reading)**

- a. (draft) ordinance with red line revisions
- b. (draft) ordinance clean version

Sweeney/Parella- Voted unanimously to consider agenda item H2 at this time, in combination with C2.

Sweeney/ Parella- Voted to consider this action to constitute the Second Reading for the adoption of Ordinance #2023-05, with the following amendments:

- Sec (c) (3) shall read-"A *line drawing or plot plan stamped by a licensed professional showing the entire parking area to be used along with the number and placement or location of tables and seats thereon and approximate dimensions of each.*"
- Sec (d) shall read -" *All tables and chairs must be removed from the parking area upon order of the Town Administrator if special events require it or if a significant storm may require it. The entire sidewalk /dining area*

in front of a business establishment will be kept at all times neat, clean and with debris immediately removed so as not to cause a hazard or annoyance to pedestrians. ~~Approval to maintain the outdoor dining area during the day of the Bristol Fourth of July Celebration in any year shall also require approval by the Bristol Fourth of July Committee.~~

And advertise in the local newspaper. Voting in favor of this motion were Vice Chairwoman Parella Councilman Sweeney, Councilman Ley, and Councilwoman Parella. Voting opposed was Council Chairman Calouro and Councilman Teixeira. Motion Carries.

Prior to the vote taken, Clerk Cordiero noted that a letter of concern was received from Antone Miranda and James Dumas of Jesse James Antiques and that a copy of the letter was presented to the council a "received at meeting"

Town Solicitor Ursillo recommended a revision to section (c) (3) to insert "stamped by a licensed professional" after the word "plot plan" to read -" A line drawing or plot plan stamped by a licensed professional showing the entire parking area to be used along with the number and placement or location of tables and seats thereon and approximate dimensions of each." He explained that he recommended a licensed professional due to public safety concerns addressed by the building official. He recommended the same changes be added to the application process to include a plan by a licensed professional.

Town Solicitor Ursillo clarified that the proposed ordinance regarding the use of public streets for dining does not apply to sidewalks or business owners' own property, such as a parking lot. The General Assembly has approved a bill that extends the moratorium on zoning and other regulations until February 2024, which deals with those issues. It was also noted that the assumption is that the number of diners will remain the same, even if some tables are moved onto the street. If a business wants to increase the number of diners, they must comply with regulations such as the number of parking spaces and restrooms. It was emphasized that ADA requirements must also be followed.

Town Solicitor Ursillo explained that the guideline provided would be incorporated as part of the adoption of the ordinance.

Vice Chairwoman Parella noted her concerns about giving the Fourth of July committee jurisdiction over approval of the outdoor dining during the day of July 4th. Solicitor Ursillo noted that it was placed there to be consistent with the current ordinance found in the use of sidewalks for dining.

Town Solicitor Ursillo explained that the council could amend the draft ordinance and remove the last sentence in sec (d) of ~~"Approval to maintain the outdoor dining area during the day of the Bristol Fourth of July Celebration in any year shall also require approval by the Bristol Fourth of July Committee."~~

Chairman Calouro stated that he would not be voting for the proposal because he believes the use of public land should not be based on the ability to pay. He also expressed concern over the lack of parking spaces, with 19 spaces being removed for the summer, and the potential impact of new businesses and developments in the area. However, he reminded everyone that he did vote in favor of an engineering study to ensure that the presented proposal was done correctly. Chairman Calouro reiterated his support for local businesses but cannot support the proposal in its current form.

It was mentioned that if the proposal is approved, businesses would need to obtain a license or permit to use public land, which would need to comply with building, safety, and ADA regulations.

Vice Chairwoman Parella acknowledged that parking in the area is limited and will need to be addressed. However, everyone wants the local businesses to be successful. She stated that the lack of anticipation of the recent pandemic highlighted the issues with planning for outdoor dining areas. However, outdoor dining has become popular, especially in locations with water views. She also emphasized the need for the town to be competitive and generate revenue for restaurants and ultimately the food and beverage tax revenue. She stated that the outdoor dining ordinance was a work in progress and that improvements should be made over time.

Councilman Teixeira noted his concerns with the limited parking in the area and that the outdoor dining ordinance would further impact the lack of parking. He also notes his concerns for "fairness" to the other local business and that he could not support the proposed ordinance.

Councilman Ley noted that there may be adjustments from time to time to improve the outdoor dining but he was in support of the proposed ordinance.

Rayona Clemens, 33 Elmwood Drive, addressed the council and noted that she was the power of attorney for her son who was in a wheelchair. She addressed her concerns about the lack of accessible parking and the overall lack of ADA-compliant buildings in the downtown area. She discussed her concerns with ADA-compliant restrooms and whether preservation brief 32 was addressed during recent renovations.

Town Solicitor Ursillo clarified that subsection (C)(6) of the proposed ordinance specifies that outdoor dining must comply with all building codes, health regulations, and DBR regulations, noting that they were enforceable by the building official and ADA regulations must comply.

John Shevlin, of Pare Corporation, addressed the council. He explained guidelines clearly state that ADA accessibility must be met and that the Building Official and the Town would be reviewing as part of the process. He further explained that no plan was developed to eliminate any accessible parking spaces.

Mr. Shevlin noted that he spoke with a member of the ADA commission for clarification on the number of parking spaces required, and the commissioner explained that a spot in the middle is necessary for better accessibility. He explained that the ADA parking spaces layout was not part of the original guideline scope, and no formal plan has been submitted yet.

Councilman Sweeney clarified that an ADA parking layout plan would need to be submitted to the state to address and change the location of an ADA-accessible space for better accessibility. He noted that the requirement is for three ADA spaces that need to be submitted and approved by the state and that the town would proceed with current conditions until a plan has been approved by the state.

- C3.** Ordinance #2023-06 Chapter 11, Fees and Charges.
Section 11-1 - Comprehensive schedule of fees
(amendments to beach fees) **(1st reading)**

Teixeira/Sweeney- Voted unanimously to
consider this action to constitute the
first reading of Ordinance #2023-06.
Advertise in the local newspaper.

D. Licensing Board - New Petitions

- D1.** Susan V. Nerone, Bristol Fourth of July Committee -
Request for One-Day Dancing and Entertainment License
for Block Party/Dance located at Town Common, June 17,
2023, from 6PM - 10PM **(also see F3)**

- a. recommendation - Town Administrator and Fire Chief
- b. recommendation - Town Administrator and Chief of
Police
- c. recommendation - Town Administrator and Director of
Parks and Recreation
- d. recommendation - Town Administrator and Department
of Public Works

Teixeira/Sweeney - Voted unanimously to
grant this license based upon the
recommendations received and subject to
conformance to all laws and ordinances
and payment of all fees, levies, and
taxes.

- D2.** Paula Ferreira, Benjamin Church Manor Tenants
Association, Request for an annual Senior Citizens
Bingo License

- a. copy of Rhode Island State Police Approval
- b. copy of provisions for Senior Citizens Bingo
- c. recommendation - Town Administrator and Fire Chief
- d. recommendation -Town Administrator and Chief of
Police

Teixeira/Parella - Voted unanimously to grant this license based upon the recommendations received and subject to conformance to all laws and ordinances and payment of all fees, levies, and taxes.

Prior to the vote take, Paula Ferreira addressed the council and provided information on the bingo events scheduled to occur at the Benjamin Church Manor.

D3. Adam O'Brien, O'Brien & Brough, 500 Wood Street, Unit 112 - Request for Dancing and Entertainment License

a. recommendation - Town Administrator and Fire Chief

b. recommendation - Town Administrator and Chief of Police

Teixeira/Sweeney - Voted unanimously to grant this license based upon the recommendations received and subject to conformance to all laws and ordinances and payment of all fees, levies, and taxes; with a six-month review.

Prior to the vote taken, Adam O'Brien addressed the council and informed the council about the establishment's plans to host jazz music for its patrons.

D4. Jordan Sawyer d/b/a Brick Pizza Co., 500 Wood Street, Unit 211, re - six-month review of license to extend hours of liquor sales **(continued from 9/21/22)**

a. recommendation - Town Administrator and Fire Chief

b. recommendation - Town Administrator and Chief of Police

c. recommendation - Town Administrator and Department of Community Development

Teixeira/Ley - Voted unanimously to grant this license based upon the recommendations received and subject to conformance to all laws and ordinances and payment of all fees, levies, and taxes.

Prior to the vote taken, Jordan Sawyer addressed the council and thanked them for their consideration of extended hours and how it has been successful.

- D5.** Elisio Castro, Bristol Sports Club, 417 Wood Street - request for One-Day Dancing and Entertainment License for Diamond Anniversary Dinner, April 15, 2023, 6 PM - 11 PM

a. recommendation - Town Administrator and Fire Chief

b. recommendation - Town Administrator and Chief of Police

Sweeney/Ley- Voted to grant this license based upon the recommendations received and subject to conformance to all laws and ordinances and payment of all fees, levies, and taxes.

Voting in favor were Council Chairman Calouro, Vice Chairwoman Parella, Councilman Sweeney, and Councilman Ley. Councilman Teixeira was recused from the vote.

Prior to the vote taken, Councilman Teixeira recused himself from the vote and left the Council table.

- D6.** Kyle Michaud, Twelve Guns Brewing, 549 Metacom Avenue - Request for Dancing & Entertainment License

a. recommendation - Town Administrator and Fire Chief

b. recommendation - Town Administrator and Chief of Police

Sweeney/Teixeira- Voted unanimously to grant this license based upon the recommendations received and subject to conformance to all laws and ordinances and payment of all fees, levies, and taxes.

Prior to the vote being taken, Vice Chairwoman Parella reminded residents that all forms of dancing and entertainment license(s)

fall under one umbrella of the state code; and that the code does not provide different classifications for types of entertainment. She provided the example of a rock band and a solo acoustic guitar player falling under the same category. She stated that she found a need for legislation to further define dancing and entertainment classifications.

D7. Bristol Merchants Association (BMA) - request for One-Day Dancing & Entertainment License(s) per the 2023 Event Schedule, see attached (also see F2)

- a. recommendation - Town Administrator and Fire Chief
- b. recommendation - Town Administrator and Chief of Police

Teixeira/Sweeney- Voted unanimously to grant these licenses based upon the recommendations received and subject to conformance to all laws and ordinances and payment of all fees, levies, and taxes.

E. Licensing Board - Renewals

E1. Vatche Avedissian, Vatche Avedissian LLC, d/b/a Classic Pizza and Grill, 349 Metacom Avenue, re - relinquishing Class B Limited Liquor License (continued from 2/8/2023 - also see C1)

Teixeira/Ley-Voted unanimously to accept the relinquishment of the Class B Limited Liquor License.

E2. Cesspool License Renewals 2023-2024

- a. recommendation - Town Administrator and Water Pollution Control

Sweeney/Teixeira-Voted unanimously to grant renewal of these licenses based upon the recommendations received and the receipt of all necessary renewal paperwork from the licensees and also

subject to conformance to all laws and ordinances and payment of all fees, taxes, and levies.

E3. Tattooing License Renewals including Permanent Tattooing Licenses 2023-2024

a. recommendation - Town Administrator and Chief of Police

b. recommendation - Town Administrator and Department of Community Development

Sweeney/Teixeira-Voted unanimously to grant renewal of these licenses based upon the recommendations received and the receipt of all necessary renewal paperwork from the licensees and also subject to conformance to all laws and ordinances and payment of all fees, taxes, and levies

F. Petitions - Other

F1. Leta A. Cain, 109 Constitution Street, request for an accessible parking space **(2nd reading)**

a. recommendation - Town Administrator and Chief of Police

b. recommendation - Town Administrator and Department of Public Works

Teixeira/Sweeney- Voted unanimously to consider this action to be the second reading for the adoption of this request for an accessible parking space. Inform the Public Works Department.

F2. Bristol Merchants Association (BMA) re - request for Approval of Event Schedule for 2023 **(also see D7)**

- a. recommendation - Town Administrator and Fire Chief
- b. recommendation - Town Administrator and Chief of Police
- c. recommendation - Town Administrator and Department of Community Development
- d. recommendation - Town Administrator and Department of Public Works

Sweeney/Teixeira-- Voted unanimously to approve the petition per the recommendations received and conditions, if any, as delineated and subject to conformance to all laws and ordinances.

Prior to the vote taken, Zack Rivers, Chairman of the BMA, provided the council with a brief explanation of the scheduled events and thanked the council for their continued support.

F3. Susan V. Nerone, Bristol Fourth of July Committee re - request for Permission to use Town Common Basketball Courts and Gazebo for Block Party/Dance on June 17, 2023, from 6PM - 10PM **(also see D1)**

- a. recommendation - Town Administrator and Fire Chief
- b. recommendation - Town Administrator and Chief of Police
- c. recommendation - Town Administrator and Director of Parks and Recreation

Teixeira/Sweeney- Voted unanimously to approve the petition per the recommendations received and conditions, if any, as delineated and subject to conformance to all laws and ordinances

F4. Stephen J. Elmasian, Chairman, Armenian National Committee of Rhode Island re - request to fly Armenian Flag on April 24, 2023

a. Copy of House Resolution 2022-H 8143

b. memo from Clerk of Canvassers re qualifying signatures received

Sweeney/Teixeira- Voted unanimously to approve this petition, allowing that a 3 X 5 foot 'Armenian Flag' flag may be flown on a Town flagpole at Town Hall on April 24, 2023, with the Town assuming no responsibility for the care of this flag beyond its raising.

G. Appointments

G1. Recreation Board (1 term set to expire March 2026 and 1 term set to expire April 2026)

a. Crystal Pacheco, 54 Greylock Road, not seeking reappointment

Teixeira/Parella- Voted unanimously to accept the resignation and instruct the Clerk to send a letter of thanks for service, and to advertise in the local paper.

G2. Bristol Planning Board (2 terms set to expire April 2026) (*Persons appointed to the planning board shall hold no other office in the service of the town*)

a. Charles Millard, 620 Hope Street, interest/reappointment

b. Brian W. Clark, 31 Evelyn Drive, interest/reappointment

Parella/Teixeira- Voted unanimously to reappoint Charles Millard and Brian

Clark to the Bristol Planning Board with the term(s) to expire in April 2026.

- G3.** Police Pension Fund Board of Trustees (1 term set to expire April 2026)

a. Jeffrey Hirsh, 43 Bagy Wrinkle Cove, Warren, interest/reappointment

Sweeney/Teixeira- Voted unanimously to reappoint Jeffrey Hirsh to the Police Pension Fund Board of trustees with a term to expire April 2026.

H. Old Business

- H1.** Robert Botelho, 5 Paull Street, requesting to amend legal definition for "Adult Entertainment" in town ordinance **(continued from March 1, 2023)**

a. Memo from Solicitors re Written Opinion of for request to amend Adult Entertainment definition.

Sweeney/Ley- Voted unanimously to deny the petition to amend the adult entertainment definition.

Prior to the vote being taken Town Solicitor Ursillo provided an overall summary of the following written opinion provided by the solicitor's office.

M E M O R A N D U M

TO: *Melissa Cordeiro, Town Clerk (for distribution to Town Council)*

CC: *Hon. Steven Contente, Town Administrator*

FROM: *Amy H. Goins, Assistant Town Solicitor*

DATE: *March 23, 2023*

SUBJECT: *Petition re: Amending the Definition of Adult Entertainment*

As you know, the Council recently received a petition from Mr. Robert Botelho requesting an amendment to the definition of "adult entertainment" within the Zoning Ordinance. At the Council's request, we are providing this memorandum to offer some context and advice relative to this request.

Procedure for Zoning Ordinance Amendments

At the outset, it should be noted that although any resident may ask the Council to amend any portion of the Code of Ordinances, proposed amendments to the Zoning Ordinance are subject to the process for review and approval set forth in state law and further outlined in Article II, Division 2 of the Zoning Ordinance. Further, the Town's schedule of fees set forth at Sec. 11-1 of the Code provides that a petition for a change of zoning requires a \$1,000 application fee. Mr. Botelho's petition was not accompanied by an application fee. Consequently, the Council need not take any action on the Petition or could treat this petition as an informal request to amend the Zoning Ordinance rather than a formal request which must be referred to the Planning Board for study. Action on this request, one way or another, is at the sole discretion of the Council.

Substance of the Petition

Mr. Botelho's petition sets forth the current definition of "adult entertainment" alongside his proposed definition, as follows (in redline):

Adult entertainment means any commercial establishment or business where any individual, employee, operator, or owner exposes genitals, pubic regions, buttocks, anus, anal cleft or cleavage, or female breasts at or below the areola, or employs any device or covering which is intended to give the appearance of or simulate genitals, pubic regions, buttocks, anus, anal cleft or cleavage or female breasts at or below the areola for viewing by patrons. and/or engages in the act of entertaining with or without music by dancing moving or behaving in a manner consistent with mimicking sexual action or seduction with or without physical contact of others with the intent to amuse, please, sexually stimulate or provide sexual gratification for viewing pleasures of legal adults within or outside of the establishment.

Because adult entertainment is a constitutionally-protected form of expression, courts have held that governments may regulate adult entertainment consistent with the First

Amendment only where such activity is specifically defined. See DiRaimo v. City of Providence, 714 A.2d 554 (R.I. 1998). In DiRaimo, the Rhode Island Supreme Court noted that the United States Supreme Court had set forth the test for whether a zoning restriction on adult entertainment passes muster under the First Amendment. Id. at 563 (citing City of Renton v. Playtime Theaters, Inc., 475 U.S. 41, reh. den. 475 U.S. 1132 (1986)). "'Content neutral' time, place and manner regulations are acceptable so long as they are designed to serve a substantial governmental interest and do not unreasonably limit alternative avenues of communication." Id. (citing City of Renton, 475 U.S. at 47). The Rhode Island Supreme Court also held that the Rhode Island Constitution provides independent protections for free speech activities, including adult entertainment, stating as follows:

"We hold that when the guarantee of free speech in article 1, section 21 of the Rhode Island Constitution is implicated by an adult-entertainment ordinance which is content-neutral and allows for reasonable alternative venues for such adult entertainment, the government has the further burden of proving that the adult-entertainment activity regulated by the ordinance is a regular and substantial part of a business's course of conduct... We believe this additional state constitutional requirement will insure that such a zoning regulation is narrowly tailored to support the asserted purpose of the ordinance and to affect only those categories of activity shown to produce unwanted secondary effects and not to bring within its purview other legitimate forms of expression characterized by only occasional or incidental adult-entertainment activity." Id. at 565 n*.

The current definition of "adult entertainment" is narrowly tailored and leaves very little room for guessing what activity falls within this definition. By contrast, Mr. Botelho's proposed language contains the ambiguous phrase "consistent with mimicking sexual action or seduction." As Vice Chairwoman Parella noted during the March 1 Council meeting, this definition could conceivably extend to performances of cheerleading squads. Steven Brown, Executive Director of the Rhode Island chapter of the American Civil Liberties Union, noted in correspondence to the Council that "a vast array of classical and contemporaneous arts performances would suddenly be deemed 'adult entertainment' on par with nude dancing in a bar" under Mr. Botelho's proposed language. We agree with this assertion and interpretation.

Additional Licensing Regulations for Adult-Only Establishments

The Council should be aware that the Code presently contains additional licensing regulations for adult-only establishments. Section 5-71 of the Code defines an "adult-only establishment" as "any establishment customarily not open to the public at large but only to one or more classes of the public or which excludes any minor by reason of age as a prevailing practice." This definition extends to novelty stores, which generally do not admit minors. Section 5-96 of the Code sets forth additional licensing requirements for "adult-only establishments offering shows, exhibitions or similar forms of entertainment." This section authorizes the Council "to impose other requirements, terms and conditions on a permit, which are reasonably necessary to control the secondary effects of adult-only entertainment." Additionally, under Sec. 17-54 of the Code, nudity is not permitted on premises where alcoholic beverages are either offered for sale or allowed to be brought onto the premises for consumption.

Proximity Restrictions on Adult Entertainment

We have also been asked to offer an opinion on whether the Town can legally adopt proximity restrictions relating to adult entertainment. In fact, the Zoning Ordinance already contains such a restriction. The Permitted Use Table, found at Sec. 28-82 of the Zoning Ordinance, provides that "adult entertainment" is prohibited in all zoning districts except for the M (Manufacturing) zone, where it is permitted by right. Note 4 of the Table provides that this use is permitted in the M zone "only if not within 200 feet from a residential zone or residential use."

However, as discussed above, such proximity restrictions are only lawful to the extent that they are tied to a definition of adult entertainment that passes muster under the First Amendment.

Conclusion

As noted above, the Council has the ultimate discretion to act or not act in this matter. It is our opinion that Mr. Botelho's proposed definition of adult entertainment would likely be invalidated by a reviewing court in the event of a lawsuit. In that event, the Town would also be liable for attorney fees. Further, it is our opinion that the current definition of adult entertainment in the Zoning Ordinance is sufficient to cover the traditional establishments that municipalities seek to strictly limit. Consequently, we would not recommend changing the definition of adult entertainment as proposed.

Robert Botelho expressed his concern with the current adult entertainment language used in the town's ordinances. He explained that he believed the ordinance should be updated and aligned with neighboring communities such as Warren. He stated that disregard for changes exposes the town to vulnerabilities and asks the town to evaluate its current practices and provide a more prescribed legal definition that would limit the town's exposure to such businesses as sex-toy shops and adult-only businesses.

Mr. Botelho further expressed his disappointment and concerns regarding the recent handling of his original petition which he states was misconstrued as being about drag queen shows, rather than the need for local officials to be more responsive to concerns regarding a local issue. And that he believed political views and personal beliefs failed to address the purpose of his petition.

Vice Chairwoman Parella noted the importance that local government should be open and responsive to the concerns of citizens; and the importance of encouraging residents to petition their local government on important issues to create a more engaged and responsive democracy that truly serves the needs of the community.

Vice Chairwoman Parella further noted that she has decided to take the opinion of the long-term solicitor who has worked with the town for many years and has been dedicated to protecting the community. She explained that although she appreciated the perspectives and opinions brought forward, she trusts that the legal opinion adequately demonstrates that the ordinances in question effectively safeguard the interests of the town.

Councilman Calouro clarified that although the town council considers amendment of any portion to the town code, proposed zoning amendments are subject to state law and requires a formal request and appropriate fees to be submitted to the planning board.

Peter Hewitt, addressed the council and spoke in favor of Mr. Botelho's petition.

H2. (Councilman Sweeney) re update on the Outside Dining Status (continued from March 1, 2023)

a. (revised draft) Application Form for Outdoor Dining Permit

b. (revised draft) Outdoor Dining Design Guidelines and Manual

Sweeney/Parella- Voted unanimously to consider agenda item H2, in combination with agenda item C2.

**It is hereby noted for the record that discussion and action concerning agenda item H2 appear, with agenda item C2.*

H3. (draft) Resolution - Regarding the Rogers Free Library - Board of Trustees Appointment Process (continued from March 1, 2023)

Parella/ Teixeira- Voted unanimously to adopt the resolution as presented.

Prior to the vote taken, Vice Chairwoman Parella provided a brief explanation of the resolution noting that this would satisfy the council's request to ensure that applications for appointments to the board are presented to the council for interviews and final consideration of appointment.

I. Other New Business Requiring Town Council Action

I1. (draft) Resolution of the Bristol Town Council re - in Support of H-5472 Regionalization Bonus

Sweeney/Teixeira- Voted unanimously to adopt the resolution as presented and authorize the Clerk to send the same to the members of the General Assembly.

Prior to the vote taken, Chairman Calouro explained that the resolution would support the town's best interest by supporting legislation that would provide an increase in the state's regionalization bonus to six percent (6%) of the state's fiscal year share of the foundation education aid. He explained that the town's initial regional school district bonus had been ultimately phased out and the town currently receives 0%.

J. Bills & Expenditures

J1. RFP# 1002 - Road Resurfacing Project

Teixeira/Sweeney-Voted unanimously to refer this matter to the Town Administrator to act in the best interest of the Town.

Prior to the vote taken, Clerk Cordeiro noted the following bid(s) received:

- Cardi Corporation, in the amount of \$1,379,575.00
- T. Miozzi, LLC, in the amount of \$1,435,075.00
- Narragansett Improvement Co., in the amt. of \$2,027,602.74
- Hartford Paving Corporation, in the amt. of \$2,165,228.16
- Pawtucket Hot Mix Asphalt Inc., in the amt.of \$1,438,809.00

J2. RFP# 1004 - Bristol Town Beach Concession

Teixeira/Sweeney-Voted unanimously to refer this matter to the Town Administrator to act in the best interest of the Town.

Prior to the vote taken, Clerk Cordeiro noted the following bid(s) received:

- Peter Squatrito dba The Beach Shack in the amount:
 - o Year #1, May - September 2023 \$1,000.00
 - o Year #2, May - September 2024 \$1,250.00
 - o Year #3, May - September 2025 \$1,500.00
 - \$3,750.00

J3. RFP# 1005 - 4th of July Ball 2023

Teixeira/Sweeney-Voted unanimously to refer this matter to the Town Administrator and the Fourth of July Committee to act in the best interest of the Town.

Prior to the vote taken, Clerk Cordeiro noted the following bid(s) received:

- Blackstone Caterers in the amount of \$140.55 per. Plate cost.

J4. Operations & Economic Development Manager Dickervitz re request grant from Discover Newport to be distributed towards Tourism Partnership and allocated between Bristol Merchants Association and Explore Bristol

Teixeira/Parella-Voted unanimously to allocate the funds received from the Discover Newport grant to be distributed towards the Bristol Merchant Association in the amount of \$5,000 and Explore Bristol in the amount of \$2,500.

K. Special Reports

K1. Juan Mariscal, Acting Chairman, Bristol County Water Authority - Monthly Report February 2023

Sweeney/Teixeira-Voted unanimously to receive and file.

L. Town Solicitor

M. Executive Session

M1. Executive Session pursuant to RIGL 42-46-5 (a) (5) Lease of Real Property of Bristol Statehouse Foundation, 240 High Street

Sweeney/Teixeira - Voted unanimously to convene in Executive Session pursuant to RIGL Section 42-46-5 (a) (5) concerning Lease of Real Property of Bristol Statehouse Foundation, 240 High Street at 8:52 PM.

Teixeira/Ley - Voted unanimously to resume open session and seal the minutes of the Executive Session at 10:21 PM.

Solicitor Ursillo announced that no motion was made and no voted on in Executive Session.

**M2. Executive Session Pursuant to RIGL § 42-46-5(a)(5)-
Sale of Real Property formerly known as the Oliver
School-151 State Street (continued from January 18,
2023)**

Sweeney/Teixeira- Voted unanimously to
convene in Executive Session pursuant to
RIGL Section 42-46-5 (a) (5) concerning Sale
of Real Property formerly known as the
Oliver School-151 State Street at 8:52 PM.

Teixeira/Ley - Voted unanimously to resume
open session and seal the minutes of the
Executive Session at 10:21 PM.

Solicitor Ursillo announced that no motion was made and no
voted on in Executive Session.

Citizens Public Forum

**Persons wishing to speak during the citizens public forum must
notify the Council Clerk and sign in prior to the commencement
of the meeting.**

Consent Agenda Items:

(CA) AA. Submission of Minutes - Boards and Commissions

**Approval of consent agenda = "motion to receive and
place these items on file"**

(CA) AA1. Rogers Free Library Board of Trustees Meeting Minutes,
January 19, 2023

(CA) AA2. Board of Engineers Meeting Minutes, February 27, 2023

(CA) AA3. Commissioners of the Cemeteries, North and East Burial
Grounds Commission Meeting Minutes, January 11, 2023

(CA) AA4. Bristol Housing Authority Meeting Minutes, February 9,
2023

(CA) AA5. Conservation Commission Meeting Minutes, February 7,
2023

(CA) BB. Budget Adjustments

Approval of consent agenda = "motion to approve these adjustments"

- (CA) BB1. Tax Assessor DiMeo re Recommended Abatements & Additions - March 20, 2023

(CA) CC. Financial Reports

Approval of consent agenda = "motion to receive and place these items on file"

- (CA) CC1. Town Treasurer Hassell - re Revenue and Expenditure Statement - March 22, 2023

(CA) DD. Proclamations, Resolutions & Citations

Approval of consent agenda = "motion to adopt these Proclamations, Resolutions and Citations as prepared and presented"

- (CA) DD1. Resolution (#2023-05) re - Summer Camp Fee (signed)
- (CA) DD2. Resolution (#2023-06) in Support of Legislation Allowing the Town of Bristol to Adopt a New Tax Classification Plan to Provide Property Tax Relief to its Residents (signed)
- (CA) DD3. Resolution #2023-04 - Bristol Fourth of July Celebration - 2023 (signed)

(CA) EE. Utility Petitions

Approval of consent agenda = "motion to approve these petitions"

- (CA) EE1. Water Pollution Control Facility - Sewer Permits

(CA) FF. City & Town Resolutions Not Previously Considered

Approval of consent agenda = "motion to receive and place these items on file"

- (CA) FF1. Exeter- West Greenwich Regional School District School Committee Resolution - Resolution in Support of Full Funding of Categorical Transportation Aid as outlined in RIGL § 16-7.2-6
- (CA) FF2. Resolution of the Richmond Town Council - Town Council Resolution #2023-4 re Resolution in Support of H-5472 Regionalization Bonus

- (CA) FF3. Resolution of the Town of Burrillville Environmental, Social and Governance Investing
- (CA) FF4. Resolution of the Warren Town Council to the Rhode Island General Assembly - Home Rule Charter
- (CA) FF5. Resolution of the Town of Warren in Support of Rhode Island League of Cities and Towns 2023 Legislative Priorities
- (CA) FF6. Resolution of the Town of Warren in Support of Housing Development & Land Use
- (CA) FF7. Resolution of the Town of Warren in Support of Enabling Legislation Authorizing Tax Amnesty Periods for Municipalities (H5602, Slater)
- (CA) FF8. Resolution to the Honorable RI General Assembly Requesting an Amendment to P.L. 1991, Chapter 330 the Enabling Act Creating the Bristol-Warren Regional School District
- (CA) FF9. Town of Hopkinton Resolution in Support of H 6119 an Act Relating to Human Services - Medical Assistance

(CA) GG. Distributions/Communications

Approval of consent agenda = "motion to receive and place these items on file"

- (CA) GG1. Town Administrator Contente to Audio Solutions, re award of Bid# 998 - Stage and Sound - Bristol 4th of July Concert Series 2023
- (CA) GG2. Warrant - Albert Ferri, Sealer of Weights and Measures
- (CA) GG3. Town Clerk Cordeiro - re petition update regarding use of Town Common for Carnival (council docket agenda item F4, March 1, 2023)
- (CA) GG4. Town Clerk Cordeiro - re Thank you letter to Toore Peterson for serving on the Harbor Commission
- (CA) GG5. Annual Review of the MFE Permits
- (CA) GG6. Town Administrator Contente to Graphic Ink, Inc. re award Bid# 1003 - Souvenir Merchandise for the 238th Fourth of July Celebration

- (CA) GG7. Town Administrator Contente to Pyrotecnico Fireworks, Inc. re award Bid# 1001 - Fourth of July Celebration Fireworks Display
- (CA) GG8. Town Clerk Cordeiro re letter to businesses regarding additional licenses or permits
- (CA) GG9. Bristol County R.I. Lodge No. 1860 re Thank you letter for use of Byfield for Prom Dress Salon

(CA) HH. Distributions/Notice of Meetings
(Office copy only)

Approval of consent agenda = "motion to receive and place these items on file"

- (CA) HH1. Board of Canvassers Meeting, March 2, 2023
- (CA) HH2. Board of Tax Assessment Review Meeting, March 9, 2023
- (CA) HH3. Planning Board Meeting, March 9, 2023
- (CA) HH4. Conservation Commission Meeting, March 7, 2023
- (CA) HH5. Commissioners of the Cemeteries North and East Burial Grounds Commission Meeting March 8, 2023
- (CA) HH6. Harbor Commission Meeting, March 6, 2023
- (CA) HH7. Town of Bristol Housing Authority Meeting, March 9, 2023
- (CA) HH8. Rogers Free Library Board of Trustees Meeting, March 16, 2023
- (CA) HH9. Bristol Planning Board Technical Review Committee Meeting, March 21, 2023
- (CA) HH10. Zoning Board of Review Meeting, March 30, 2023
- (CA) HH11. Planning Board Technical Review Committee Meeting, March 21, 2023 - CANCELLED
- (CA) HH12. Bristol County Water Authority Meeting, March 23, 2023
- (CA) HH13. Historic District Commission Meeting, March 30, 2023
- (CA) HH14. Planning Board Technical Review Committee Meeting, March 28, 2023

(CA) HH15. Board of Tax Assessment Review Meeting, March 24, 2023

(CA) II. Claims (Referrals)

Approval of consent agenda = "motion to refer these items to the Insurance Committee and at its discretion to the Interlocal Trust"

(CA) JJ. Miscellaneous Items Requiring Council Approval

Approval of consent agenda = "motion to approve these items"

(CA) KK. Curb cut petitions as approved by the director of public works

Approval of consent agenda = "motion to grant these curb cuts per the recommendation of, and conditions specified by, the Director of Public Works"

(CA) KK1. James DePasquale, 114 Constitution Street - request for curb cut

a. recommendation - Town Administrator and Department of Public Works

There being no further business, upon a motion by Vice Chairwoman Parella, seconded by Councilman Ley, and voted unanimously, the Chairman declared this meeting to be adjourned at 10:22 pm.

Melissa Cordeiro, Town Clerk