

CITY OF NEWPORT

DOCKET OF THE COUNCIL

*The following items of business having been filed with the City Clerk under the rules of the Council will come before the Council at its regular meeting to be held on **December 14, 2005**, 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.

COUNCIL

1. **PUBLIC HEARING:** Proposed amendment to Chapter 17.08 of the Zoning Ordinance, entitled, "Definitions," to specify that for purposes of building height, established grade is calculated as the mean of the highest and lowest points within the building envelope (as specified within the Zoning Code), upon the natural topography on site prior to any development, filling, grading, or other land disturbance, to be calculated by examination of topographical maps repositied with the City Engineer, with the final determination of established grade to be made by the City Building Official."
 - a. Recommendation of the Planning Board
 - b. Ordinance amending Chapter 17.08 of the Codified Ordinance, Zoning, entitled, "Definitions – "Established Grade." (First Reading)

2. **PUBLIC HEARING:** Application of Ann M. Quarry for a Variance to the Noise Abatement Ordinance in conjunction with a wedding reception on the grounds of St. John's Church, corner of Washington and Poplar Streets, on June 24, 2006, from 6:00 p.m. to 11:00 p.m.

**It is the practice of the Council to meet at 6:15 pm. in the Conference Room to discuss docket items. The public is invited to attend.*

Council Dockets may be viewed on the City of Newport web page: www.ci.newport.ri.us – City Clerk's Office. Minutes of the meeting will be available on the web page prior to the next council meeting.

DOCKET OF THE COUNCIL MEETING

December 14, 2005

Page 2

3. **PUBLIC HEARING:** Application of Alexandra W. Doolan for a sound variance to the Noise Abatement Ordinance in conjunction with a private party on the grounds of Ochre Court, Salve Regina University, 100 Ochre Point Ave., on August 5, 2006, from 5:00 pm to 11:00 pm.

4. **CONSENT CALENDAR** *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 November 9, 2005, Council Meeting. (Approve)
 - b. Minutes of November 9, 2005, Executive Session. (Approve)
 - c. Special Event Licenses:
 - 1) The Leukemia & Lymphoma Society, d/b/a “The Light the Night Walk,” Brenton Point State Park/Ocean Drive; September 30, 2006, from 9:00 a.m. to 9:00 p.m.
 - 2) Newport Public Education Foundation, d/b/a “Run with Mom” 5K run/walk, beginning at Rogers High School; May 14, 2006, from 8:00 a.m. to 12:00 p.m.
 - 3) Hispanic Community of St. Joseph’s Church for a Dance at the Elks Lodge, 141 Pelham St.; December 18, 2005, from 8:00 p.m. to 12:00 A.M.
 - d. Bingo License, Annual; Five Point Club, d/b/a Pyramid Club, 32-34 Dr. Marcus F. Wheatland Blvd.
 - e. Holiday Selling License, New; David Medeiros and Robert Marshall, d/b/a Newport Jewelry, 8 Fair St.
 - f. Pedicab License, New; Boston Pedicab, Inc., d/b/a Boston Pedicab, 105 W. Newton St., Boston, MA.

-- Communication from Ben Morris, President, Boston Pedicab, Inc.
 - g. Arcade License, Renewal; O’Brien Music Co., Inc., 268 Thames St.

- h. Mechanical Amusement Device and Pool Table License Renewals:
 - 1) Friendly Sons of Newport, 3-5 Farewell St.
 - 2) Hillside & Cappy, Inc., 8 Memorial Blvd.
 - 3) Atlas Vending, Inc., 1106 No. Main St., Providence, RI
 - 4) El Dee Vending Corp., 1700 Elmwood Ave., Warwick, RI
 - 5) Newport Music Co., Inc., 849 Union St., Portsmouth, RI
- i. Victualing License Renewals (2005-06)
 - 1) The Cookie Jar Company, 29 Bowen's Wharf
 - 2) The Country Bakery, 223 Goddard Row
 - 3) Max's Market LLC, 469 Thames St.
 - 4) Sakonnet Light Enterprises, Inc., d/b/a Sandwich Board Deli, 397 Thames St.
 - 5) Mohammad A. Siddiqui, d/b/a Bishop News & Variety, 316 Broadway
 - 6) Gladiola's, LLC, d/b/a Gladiola's, 111 Bellevue Ave.
 - 7) Elizabeth's Restaurant Corp., d/b/a Elizabeth's Café, 404 Thames St.
- j. Victualing Licenses, New:
 - 1) A Little Café, Inc., d/b/a A Little Café, 27 Connell Highway
 - 2) Xia Kue, d/b/a Paris Delight, 2 Broadway
 - 3) Historic Wharves Associates., Inc., d/b/a Newport Yachting Center, 366 Thames St.
 - 4) General Store on Long Wharf, 21 Long Wharf Mall
- k. Communication from the Kay-Catherine-Old Beach Neighborhood Association thanking the council for the workshop with the Housing Authority and transmitting a copy of a letter to Governor Carcieri regarding low-income housing. (Receive)
- l. Communications from John H. Ambrogi, Ed.D., Superintendent of Schools, re:
 - 1) thanking the Council for the Chevy S-10 vehicle transferred to the School Department. (Receive)

- 2) monthly update: Berkshire Advisors School Management Study
—Action Plans. (Receive)
- m. Communication from the Newport Accessibility Advisory Committee asking the Council adopt a resolution requiring that public events receiving funding from the City be accessible to the handicap and in compliance with the Americans with Disabilities Act. (Receive)
- n. Communication from Alexander G. Walsh thanking the Council for the opportunity to serve on the Juvenile Hearing Board and advising he does not wish reappointment. (Receive)
- o. Resolution of the Town of North Kingstown requesting increased Federal funding for studies pertaining to Lyme Disease and other tick-born illnesses. (Receive)
- p. Resolution of the Town of Charlestown urging the PUC to deny the application of National Grid to increase electric utility rates. (Receive)
- q. Claims (Receive and refer to City Solicitor):
 - 1) Cindy Cassady, by attorney
 - 2) Karen Toscano

COMMUNICATIONS AND PETITIONS

5. Communication from Mrs. Jaye, 32 Edgar Court, asking to address the Council on traffic cameras.
6. Communication from Brian J. Spero, Esq., re: FLJ Acquisitions, Inc., Conservation Easement.

7. **APPOINTMENTS TO BOARDS AND COMMISSIONS**

RESOLUTIONS

*Resolutions require one reading for adoption.

8. Honoring the Rogers High School Football Team on winning the Division I Super Bowl Championship – City Council; Sponsors: S. Waluk, C. McGrath

DOCKET OF THE COUNCIL MEETING

December 14, 2005

Page 5

9. Honoring Police Officers Philip Florendo and Matthew Corcelli, for their rescue actions at Easton's Beach on October 6, 2005. – City Council; Sponsor: C. McGrath
10. RECONSIDERATION of a Resolution supporting the efforts of the Town of Middletown and Church Community Housing Corp. in securing ownership and rehabilitation of the Anchorage into a new mixed-income neighborhood and requesting the assistance of our Congressional and General Assembly Delegations and the Governor in this endeavor. – J. Napolitano
 - Communication from the Middletown Town Council in support of the resolution.
11. Requesting the city administration to schedule a council workshop with the City's Legislative Delegation to be held in January, 2006. -- C. MC GRATH
12. Requesting a council workshop with the Town Councils of Middletown and Portsmouth – C. McGrath
13. Expanding the terms of the Affirmative Action Commission members from one to three years. – J. Trifero
14. Supporting the Conceptual Plan for Broadway – J Trifero
15. Requesting the city administration to investigate the possible encroachment on the riparian right of way at Lee's Wharf. – J. Napolitano

ORDINANCES

*Ordinances require two readings for adoption.

16. Amending Chapter 8.24.060 of the Codified Ordinances, Solid Waste Management, "Time and frequency of collection," to prohibit collections earlier than 7:00 a.m. – S. Waluk (Second Reading)

COMMUNICATIONS FROM THE CITY MANAGER

17. Communication #3996/05, re: Police Department – Vice Unit Vehicle Purchases (with accompanying resolution)

DOCKET OF THE COUNCIL MEETING

December 14, 2005

Page 6

18. Communication #3997/05, re: Water Shuttle Services (with accompanying resolution)
19. Communication #3998/05, re: Sunset Hill Acquisition (with accompanying resolution)
20. Communication #3999/05, re: Bid Award for Cab & Chassis – DPW (with accompanying resolution)
21. Communication #4000/05, re: Bid Award for Ice Ban – DPW (with accompanying resolution)
22. Communication #4001/05, re: Amendment No. 1, Weston & Sampson Engineers, Inc., Engineering Services for Reservoir Road Tank Improvements (with accompanying resolution)
23. Communication #4002/05, re: Bid Award for Reservoir Road Water Storage Tank Improvements (with accompanying resolution)
24. Communication #4003/05, re: Maguire Group Contract Amendment #8 – Lawton Valley Residual Management and St Mary's Raw Water Transmission Main Project (with accompanying resolution)
25. Communication #4004/05, re: Bid Award for Parking Meter Management (with accompanying resolution)
26. Communication #4005/05, re: Bid Award for Parking Lot Management (with accompanying resolution)

ADDED 12/12/05:

27. Communication #4006/05, re: Budget Transfers (with accompanying resolution)
28. Communication #4007, re: Purchase of Custom Fire Apparatus for the Fire Department (with accompanying resolution)

RECESS AND CONVENE AS BOARD OF LICENSE COMMISSIONERS

BOARD OF LICENSE COMMISSIONERS

LICENSES AND PERMITS

Application of White House Tavern Company, d/b/a The White Horse Tavern, Corner Marlborough and Farewell Streets, to transfer 75% of its stock to O.L. Pitts. (Hearing)

-- Communication from Alexander G. Walsh, Esq., requesting a waiver from the fingerprinting requirement for Mrs. O.L. Pitts.

Kathleen M. Silvia
City Clerk

December 7, 2005

Amended December 12, 2005