

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 **APRIL 13, 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.

1. **PUBLIC HEARING**: Amendment to FY2005 Operating Budget -- General Fund Budget (Continued from March 23, 2005)
 - a. Communication #3886/05, re: Amendment to FY2005 Operating Budget.
 - b. Resolution, re: Amendment to FY2005 Operating Budget, Revenues and Appropriations.
 - c. Ordinance Amending Ordinance No. 2004-24, as amended by Ordinances 2004-45, 2004-46, and 2005-3, entitled, "Appropriating Revenues of the City of Newport for the Fiscal Year July 1, 2004, through June 30, 2005." (Second Reading)
 - d. Newport Public Schools – Revenue and Expense Changes to FY05 Budget.

2. **PUBLIC HEARING**: Proposed Amendment to Chapter 17.80 of the Zoning Ordinance, entitled, Historic District, to eliminate Lots 162, 166 and 167 of Plat 23 on Eustis Avenue from the Historic District. (Continued from March 9, 2005 – Continue to April 27, 2005)
 - a) Recommendation of the Planning Board
 - b) Ordinance amending Section 17.80.030 of the City Code to eliminate Lots 162, 166 and 167 from the Historic District. (First Reading)

**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.

-- **Communication from Vincent A. Marcello, petitioner, requesting continuation of the public hearing to April 27, 2005, in order for the matter to be considered at the April 19th meeting of the Historic District Commission.**

3. **PUBLIC HEARING**: Proposed amendment to Chapter 17.72 of the Zoning Ordinance, entitled, "Substandard Lots and Nonconforming Uses," to define nonconforming by use; dimensionally nonconforming, and to require a Special Use Permit for additions to or intensification of a nonconforming element.
- a) Recommendation of the Planning Board
 - b) Ordinance amending Chapter 17.72.030 of the Zoning Ordinance, "Alteration to Nonconforming Development, Subsection C. (First Reading)

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 March 9, 2005, Council Meeting (Approve)
 - b. Minutes of the March 23, 2005, Council Meeting (Approve)
 - c. Special Event Licenses:
 - 1) Bowen's Wharf Company, d/b/a Bowen's Wharf in Bloom, Bowen's Wharf; May 7, 2005, from 11 a.m. to 4:00 p.m.
 - 2) Emmanuel Church, 40 Dearborn Street; May 7, 2005, Dance, from 8:00 p.m. to 11:00 p.m.
 - 3) Lions Club of Newport, RI, Inc., d/b/a Carnival; Easton's Beach East Parking Lot, 175 Memorial Blvd.; May 11 and 12, 2005, from 6:00 p.m. to 10:00 p.m.; May 13, 14 and 15, 2005, from Noon to 11:00 p.m.
- Memorandum from Susan Cooper, Director of Parks, Recreation & Tourism, re: Need for Lions Club presence and oversight of the carnival operation.

DOCKET OF THE COUNCIL MEETING

April 13, 2005

Page 3

- 4) Lions Club of Newport, RI, Inc., d/b/a Youth Soap Box Derby, Memorial Blvd. (Cliff Ave. to Beach Rotunda in southbound lane); May 13, from Noon to 8:00 p.m.; May 14, from 6:00 a.m. to 2:00 p.m. (Rain date of May 15, 2005)
 - 5) Position One School of Dance, d/b/a Dance Recital, Rogers High School; June 25, 2005, from 6:00 p.m. to 10:00 p.m. and June 26, 2005, from 2:00 pm. to 6:00 p.m.
 - 6) Jesus Savior Church, d/b/a Summer Bazaar, Parking Lot at 1 Vernon Ave.; July 28, 29 and 30, 2005, from 7:00 p.m. to Midnight.
 - 7) Wooden Boat Magazine, d/b/a Wooden Boat Show, Newport Yachting Center; August 26-28, 2005, from 10:00 a.m. to 6:00 p.m.
 - 8) St. Peter's Luthern Church, d/b/a 27th Annual Aquidneck Island CROP WALK Against World Hunger; April 30, 2005, from 9:00 a.m. to 1:00 p.m.
- d. Bingo License, Jesus Savior Church, d/b/a Summer Bazaar, Church Parking Lot at 1 Vernon Ave.; July 28, 29, and 30, 2005, from 7:00 p.m. to Midnight.
 - e. Catering License, Renewal, McGrath Clambakes, Inc., d/b/a Tom McGrath Clambakes, 64 Halsey St.
 - f. Drainlayer's License, New, R.J. Carr Excavating, 17 Indian Rd./, Little Compton, RI.
 - g. Aquidneck Growers' Market, d/b/a Farmer's Market, at The Elks Club, 141 Pelham St. (Approve subject to Zoning Board approval)
 - h. Food Concession Licenses:

DOCKET OF THE COUNCIL MEETING

April 13, 2005

Page 4

- 1) Jesus Savior Church, d/b/a Holy Ghost Feast, Fenner Ave. Hall Grounds, 222 Fenner Ave.; May 22, 2005, from Noon to 7:00 p.m.
- 2) Jesus Savior Church, d/b/a Summer Bazaar, Parking Lot at 1 Vernon Ave.; July 28, 29 and 30, 2005, from 7:00 p.m. to Midnight.
- 3) Newport Kiwanis Club, Inc. at the Newport Yachting Center:
 - 31st Newport Spring Boat Show; May 19-22, 2005.
 - 24th Annual Scheppes Great Chowder Cook-Off, June 4, 2005.
 - Wooden Boat Show, August 26-28, 2005.
 - 8th Annual Newport Waterfront Irish Festival; September 3 - 5, 2005.
 - 35th Newport International Boat Show; September 15 - 18, 2005.
 - 17th Annual AquafinA Taste of RI; September 24 and 25, 2005.
 - 13th Annual NBC-10 International Oktoberfest, October 8-10, 2005.
- i. Public Entertainment License, Mary F. Callahan and Sheila M. Winter, d/b/a Gladding School of Dance, Rogers High School; May 27, 2005, from 6:00 p.m. to 10:00 p.m.; May 28, 2005, from 1:00 p.m. to 5:00 p.m.
- j. Fortuneteller's License, Annual Renewal, Pauline Miller of 221 Middle St., New Bedford, MA, at 485 Thames St.
- k. Fortuneteller's License, New, Darlene M. Vieira, P.O. Box 40086, New Bedford, MA, at 337 Thames St., Unit 11.
- l. Horse-drawn Carriage License, Annual Renewal, Fred Chesbro and Daniel Westbrook, d/b/a Freedom Farm; two horses and carriages; May 1, 2005, through April 30, 2006.
- m. Horse-drawn Carriage License, Seasonal Renewal, Fred Chesbro and Daniel Westbrook, d/b/a Freedom Farm; one horse and carriage; May 1, 2005, through September 30, 2005.

DOCKET OF THE COUNCIL MEETING

April 13, 2005

Page 5

- n. Sidewalk Café Permit, Renewal, Thomas L. Harris, d/b/a Tucker's Bistro, 150 Broadway.
- o. Secondhand License Renewals (listed at end of docket)
- p. Sunday Selling Licenses, New:
 - 1) Jennifer Hancock, d/b/a Jennifer's Variety, 31 Broadway.
 - 2) Stephanie Osterborg, d/b/a O'décor, 10 Franklin St.
 - 3) Theresa M. Stacey, d/b/a Gemstone Creations, 337 Thames St. Unit 11.
 - 4) Thames Street Shirt Co., d/b/a Thames Street Shirt Company, 410 Thames Street.
- q. Sunday Selling Licenses, Renewals (listed at end of docket)
- r. Communication Stephen A. Haire, Esq., on behalf of The Housing Authority and Trinity Newport Limited Partnerships, requesting the abandonment of eight small sections of Hillside Avenue as a result of reconfiguration of the street, in accordance with Chapter 6, Title 24 of the RI General Laws. (Receive and order advertised for hearing on May 11, 2005)
- s. Communication from Senator Paul W. Fogarty, District 23, requesting support of Senate Bill 0064 to increase state aid to education by a minimum of five percent over the previous year's funding. (Receive)
- t. Communication from the Town of Hopkinton, RI, requesting City's support of Senate Bill S-064 to increase state aid to education funding for all communities. (Receive)
- u. Communication from the Town of South Kingstown, RI, requesting support of enactment of pension benefit reform in the 2005 session of the General Assembly. (Receive)
- v. Communication from the Town of Barrington, RI, urging support for the enactment of pension benefit reform in the 2005 session of the General Assembly. (Receive)

- w. Army Corps of Engineers Public Notice, re: International Yacht Restoration School application for a permit to reconfigure and expand an existing commercial marina in Newport Harbor. (Receive and refer to Planning Board and Waterfront Commission)
- x. Claims (receive and refer to City Solicitor):
 - 1) Frederick Baillarger
 - 2) Mark Diterlizzi
 - 3) William and Inga King
 - 4) Paul Ripa

LICENSES AND PERMITS

5-A. Application for a Sound Variance, Joseph and Judy DeStefano, 20 Rovensky Avenue; Saturday, September 17, 2005, from 5:00 p.m. to Midnight. (Hearing)

5-B Application for a Second-hand License, Tierney Trading, Inc., d/b/a Tierney Trading, 302 Thames St. (Hearing)

- 6. Applications for Victualing License, New:
 - a) Oussama (Sam) Chamsedine, d/b/a The Cedar Café, 406-410 Thames St.
 - b) Carmella L. Gardner, d/b/a Tea on Thames, 221 Goddard Row.
 - c) TR Food, LLC, d/b/a Newport Pizza, 677 Thames St. (Standard restaurant; no take-out)
- 7. Application for a Victualing License, New, Vader, LLC, d/b/a Sabina Doyle's, 359 Thames St. (in conjunction with transfer of the Class BT liquor license)
- 8. Application for an Entertainment License, Class A & B, Vader, LLC, d/b/a Sabina Doyle's, 359 Thames St. (in conjunction with transfer of the Class BT liquor license; no change).

COMMUNICATIONS & PETITIONS

- 9. Communication from Wayne A. Meunier, Treasurer, Aquidneck Island Police Parade, Inc., requesting permission for the National Police Day Parade on May 1, 2005, beginning at 12:30 p.m. from Equality Park, with route changed to: south on Broadway to Washington Sq., proceeding on Thames St. and America's Cup Avenue, to east on Memorial Blvd. West, turning left onto Bellevue Ave. and ending at Touro Park (reviewing stand to be on the side of the Elks Lodge at 141 Pelham St.

Communication from Shirley A. Ripa, Parade Secretary, requesting authorization to hire a vendor to sell items during the parade (K & S Novelties with 5 runners)

10. Communication from James Reed, Executive Director, Housing Authority of Newport, requesting approval of the Phase III Cooperation Agreement – Newport Heights Development Plan (with accompanying resolution)

11. **APPOINTMENTS TO BOARDS AND COMMISSIONS**

RESOLUTIONS

*RESOLUTIONS REQUIRE ONE READING FOR ADOPTION.

12. Establishing the National Incident Management System (NIMS) as the City's standard for incident management – J. Trifero
13. Authorizing the Fire Department to participate in the Southern New England Fire Emergency Assistance Plan. – J. Trifero
14. Requesting increased funding for Group Home students. – J. Trifero
15. Supporting House Bill 5608 which provides that the separate estates within a time share facility shall be considered as hotel rooms and when occupied by the record owner of the estate shall be taxed at five (5%) percent of the fair market value of the rental value as a hotel room or suite; and when placed upon the open market, the actual cost of the rental realized shall be taxes.
– J. Napolitano
16. Thanking the City's Congressional Delegation for obtaining various grants for the benefit of the City of Newport. – J. Napolitano
17. Authorizing the Newport Redevelopment Agency to proceed with engineering analyses and planning studies/Central Newport Urban Design Plan. – S. Coyne
18. Requesting the City Administration to seek grants under the Clean Cities Program to provide assistance to business owners for the purchase of attractive outdoor ashtrays. – C. McGrath

19. Requesting the City seek means to address pedestrian public safety on congested sidewalks in front of business establishments resulting from the smoking prohibition. – C. McGrath

ORDINANCES

*ORDINANCES REQUIRE TWO READINGS FOR ADOPTION.

20. Amending Chapter 12.28, entitled, City Harbor; Section 12.28.112, Safety Ladders. (Second Reading)

COMMUNICATIONS FROM THE CITY ADMINISTRATION

21. Communication #3894/05, re: Authorization to Change Vendors for Administration of the City's IRS Section 125 (Cafeteria or Flexible Spending) Plan (with accompanying resolution)
22. Communication #3895/05, re: Purchase of Crisis Response Phone (with accompanying resolution)
23. Communication #3896/05, re: CRMC File No. 2005-02-056 – Application of the New York Yacht Club to Construct & Maintain Two 12' x 40' Floating Dock Extensions to Existing Dinghy Dock
24. Communication #3897/05, re: Bid Award for Roadway Improvement Program (with accompanying resolution)
25. Communication #3898/05, re: Bid Award for Pavement Striping (with accompanying resolution)
26. Communication #3899/05, re: Stormwater Management Program Plan (with accompanying resolution)
27. Communication #3900/05, re: Bid Award for Cliff Walk Bituminous Concrete Repair (with accompanying resolution)
28. Communication #3901/05, re: New Seasonal Job Classification – Easton's Beach (with accompanying ordinance)

ADJOURN AS COUNCIL AND CONVENE AS BOARD OF LICENSE COMMISSIONERS

BOARD OF LICENSE COMMISSIONERS

1. CONSENT CALENDAR

Applications for Class F Daily Liquor Licenses:

- a) Emmanuel Church, d/b/a Dance, 40 Dearborn St.; May 7, 2005.
- b) Jesus Savior Church, d/b/a Holy Ghost Feast, Fenner Ave. Hall Grounds, 22 Fenner Ave.; May 22, 2005, from Noon to 7:00 p.m.
- c) Jesus Savior Church, d/b/a Summer Bazaar, parking lot at 1 Vernon Ave.; July 28, 29 and 30, 2005, from 7:00 p.m. to midnight.

LICENSES & PERMITS

- 2. Application of Astor's Restaurant Inc., d/b/a Sabina Doyle's, 359 Thames St., to transfer its Class BT Liquor License to Vader, LLC (Thomas E. Whittington and Sean A. Terrell, members), d/b/a Sabina Doyle's, at the same premises.

ADJOURN TO EXECUTIVE SESSION IN ACCORDANCE WITH SECTION 42-46-5 OF THE RI GENERAL LAWS, PARAGRAPH (a)(2), AS AMENDED, TO DISCUSS COLLECTIVE BARGAINING NEGOTIATIONS AND PENDING LITIGATION.

Kathleen M. Silvia
City Clerk

April 6, 2005

SECOND-HAND LICENSE – RENEWALS

Amanda J. Gallagher
Cottage Charm, LLC
Eleanor Gobis

DBA Closet Revival 51 Marlborough
DBA Cottage Charm 26 Franklin
DBA Cottage & Garden, LLC 9 Bridge Unit C

DOCKET OF THE COUNCIL MEETING

April 13, 2005

Page 10

Dennis C. Kelley

DBA D. Kelley Fine Used Books 330 Broadway

Sean McFarlane

DBA A-cla'co.337 Thames Unit 12

Maria V. Meares

DBA Sea Horse Antiques 91 Long Wharf

Newport Art Museum and Art Association, Inc

DBA Griffon Shop 76 Bellevue Ave

Portobello LLC

DBA Portobello Jewelers 211 Goddard Row

Roger King Fine Arts LLC

DBA Roger King Fine Arts 21 Bowens Wharf

Federico Santi & John Gacher

DBA Drawing Room of Newport 152 Spring St

SUNDAY SELLING LICENSE – RENEWALS

BGS, LLC

DBA Broadway Music & Plus 318 Broadway

BGS, LLC

DBA Four Seasons Market 312 Broadway

BGS, LLC

DBA Four Seasons Market 108 Van Zandt

Bellevue Video, Inc.

DBA Bellevue Video 266 Bellevue Avenue

Cathers & Coyne, Inc.

DBA Cathers & Coyne, 18 Bowens Wharf

Ashraf Chamseddine

DBA Handy Variety Store 458 Thames Street

Jennifer Chang

DBA Black Calla Jewelry 15 Bowen's Wharf

Far Horizons, LLC

DBA Armchair Sailor Books & Charts 543 Thames

Anthony Christopher Gill

DBA Art on the Wharf 33 Bannister's Wharf

Gourmet Dog, Inc. The

DBA Gourmet Dog, The 481 Thames

Humidor, LLC

DBA Humidor Smoke Shop, 182 Thames St

JT's Chandlery, LLC

DBA JT's Chandlery 364 Thames

Gregory Jordan and Andrew Borer

DBA New Store, The 101 Swinburne Row

Gregory Jordan and Andrew Borer

DBA Souvenir Stop, The 115 Swinburne Row

Gregory Jordan and Andrew Borer

DBA Newports Best Tee Shirts, Sweatshirts,Souvenirs
107 Swinburne Row

Gregory Jordan and Andrew Borer

DBA House of Scrimshaw and Gifts 132 Thames

Gregory Jordan and Andrew Borer

DBA Souvenir Stop II, The 359 Thames Unit F2

Island Arts Center, Inc

DBA Island Arts Gallery change of address
to 3 Pelham

Dennis C. Kelley

DBA D. Kelley Fine Used Books 330 Broadway

Ki-Ra Salon Ltd.

DBA Ki-Ra Salon Ltd. 6 West Marlborough

Jane Kropp

DBA Stardust Fashion Jewelry 359 Thames

Lasalle Hotel Lessee, Inc.

DBA Hotel Viking 1 Bellevue Ave

Sean McFarlane

DBA A-cla'co.337 Thames Unit 12

Newport CVS, Inc.

DBA CVS Pharmacy #355 Bellevue Shopping Center

Nora Saunders

DBA The Nutcracker Suite Christmas Shop, 22 Mill St

Mena G. O'Connor

DBA Linen Shop, The 196 Bellevue Ave

Rising Tide Angler

DBA Saltwater Edge, The 561 Thames

Sarah Roche

DBA Bella Belly 92 William

Stop and Shop Supermarket Co.

DBA Super Stop and Shop 199 Connell Highway

T-Shirt City Corp.

DBA T-Shirt City 182 Thames Unit B

Tenley & Omne Van Der Wal

DBA Van Der Wal Gallery 1 Bannister's Wharf

Wagon Wheel Corporation

DBA Newport Best Sportswear 246 Thames

DOCKET OF THE COUNCIL MEETING

April 13, 2005

Page 11

Sandra Webb

DBA Salty Dog 431 Thames