

# 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 **January 25, 2006**, 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 the Zoning Ordinance to change the zoning district of the Lenthal School property at the corner of Spring and Perry Streets (Lot 8, Plat 35) from R-60 to R-20.
  - a. Recommendation of the Planning Board
  - b. Ordinance amending Chapter 17.12.020 amending the Zoning Map to change Lot 8, Plat 35, from the R-60 to the R-20 zoning district. (First Reading)
  
2. PUBLIC HEARING: Proposed amendment to the Zoning Ordinance to define "Major Recreational Event" and "Temporary Accessory Use for a Major Recreational Event" and establish the zones in which they are permitted by right; allowing temporary signage for such events; and establishing conditions for a major recreational event.
  - a. Recommendation of the Planning Board
  - b. Communication from the Bellevue Ave. Ochre Point Neighborhood Assoc. opposing the proposed changes because of the lack of a sunset provision.
  - c. Ordinance amending Chapter 17, Sections 17.08.010, Definitions; Section 17.40.020A, R-60 Residential District; Section 17.44.020A, R-120 Residential District; Section 17.48.020A, R-160 Residential District; Section 17.70.020A, Recreational District; Section 17.76.110, Signs Permitted in All Areas; Chapter 17.100, Development Standards. (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](http://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.*

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3. PUBLIC HEARING: Recommended FY 2007-2011 Capital Improvement Program.
4. PUBLIC HEARING: Proposed Amendment to the FY 2006 Water Fund Budget.
  - a) Communication # 4015/06 from the City Manager, re: Amendment to FY06 Water Fund Budget
  - b) Ordinance amending Ordinance No. 2005-015, as amended, entitled, "Appropriating Revenues of the City of Newport, for the Fiscal Year July 1, 2005, through June 30, 2006."
5. **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 December 14, 2005, Council Meeting. (Continued from Jan. 11, 2006; Approve)
  - b. Minutes of the January 11, 2006, Council Meeting (Approve)
  - c. Special Event Licenses:
    - 1) Swanhurst Chorus, Dinner Theater ("Brigadoon") at the Fenner Ave. Hall; March 3, 4, 10, 11, 2006, from 6:30 p.m. to 10:00 p.m.
    - 2) Newport Rod & Gun Club, Game Dinner at the Elks Lodge, 141 Pelham St.; April 22, 2006, from 5:00 p.m. to 10:00 p.m.
    - 3) American Diabetes Association, "America's Walk for Diabetes," October 21, 2006, from 8:00 a.m. to 4:00 p.m. (Ochre Point/ Bellevue Ave. area)
  - d. Drain Layer License, New, All Island Landscaping, 2829 East Main Rd., Portsmouth, RI.
  - e. Private Detective License, Renewal, Christian B. Donovan, 77 Ayrault St.
  - f. Tattoo License, Renewal (Parlor/Individual Artist), Bret A. Lohnes, d/b/a Captain Brets Tattoo shop, Inc., 2-4 Collins Street.

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- g. Communication from Dennis P. Sullivan, Chairman, St. Patrick's Day Parade, requesting authorization for the parade committee to issue One-day Peddler Licenses. (Approve)
- h. Communication from J. Terence Houlihan, Jr., asking to commence negotiations for the 2006-07 Lodge No. 8, Fraternal Order of Police, Collective Bargaining Agreement. (Receive and refer to the City Administration and City Solicitor.)
- i. Communication from David C. Hanos, Jr., President, Local 1080, IAFF, requesting to begin collective bargaining negotiations for the July 1, 2006, through June 30, 2007 contract. (Receive and refer to the City Administration and City Solicitor.)
- j. Communication from Turner C. Scott, Esq., re: Petition to amend Newport Zoning Ordinance to allow drive-in restaurants in shopping centers located in the Commercial-Industrial (CI) zoning district. (Receive and refer to the Planning Board for a recommendation.)
- k. City of Newport Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2005. (Receive)
- l. Resignation of Timothy Wygant from the Beach Commission (Receive with regret)
- m. Resignation of William Spooner from the Beach Commission (Receive with regret)
- n. CRMC Notice, re: Application of Capitol Construction Exchange Co., LLC, for an Assent to construct and maintain modifications to existing, approved residential timber pier at 94 Washington St. (Receive)
- o. CRMC Notice of Violation, 320 Harrison Ave. - clearing and construction activity within 200 ft. of a coastal feature. (Receive)
- p. Resolution of the Town of Gloucester in support of Congressional legislation for funding of studies pertaining to testing and treatment of Lyme disease and other tick-borne illnesses. (Receive)

- q. Annual Reports: (Receive)
  - 1) Board of Tenant Affairs
  - 2) Canvassing Authority
  - 3) Waterfront Commission
  - 4) Redevelopment Agency

### **LICENSES AND PERMITS**

- 6. Victualing License, Expansion (in conjunction with expansion of the Class BL alcoholic beverage license), Thames Street Thai Cuisine, LLC, d/b/a Thai Cuisine, 517 Thames St.
- 7. Victualing License, New, Fitzkeating, LLC, d/b/a Jack and Josie's, 107 Broadway (new owners)

### 8. **APPOINTMENT TO BOARDS AND COMMISSIONS**

- a) Newport Hospitality Commission: Reappointment of Brenda Bachman
- b) Board of Tenant Affairs: Reappointment of Thomas Phelan and Esther Lewis
- c) Waterfront Commission: Reappointment of Hank Kniskern
- d) Affirmative Action Commission: Carole Peterson (New)

### **COMMUNICATIONS AND PETITIONS**

- 9. Communication from the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA), announcing the Award of Accreditation to the Newport Police Department.

### **ORDINANCES**

\*Ordinances require two readings for adoption.

- 10. Amending Chapter 2.120.010, "General Fee Schedule, #23, Easton's Beach," to increase seasonal stickers to \$30 for residents; \$20 for residents age 65 and older; and to \$60 for non-residents and \$35 for non-residents age 65 and older; and establish a fee of not-to-exceed \$10 for daily parking. (Second Reading)

-- Communication from the Newport Beach Commission in support of the proposed changes.

11. Amending Chapter 1.14.030, Specific Penalties for Certain Violations – Violation of Chapter 8.12, Noise Abatement – increasing minimum mandatory fines for disorderly houses. (Second Reading)
12. Amending Chapter 8.12.100, Noise Ordinance – Specific Activities Prohibited, to redefine “disorderly house.” (Second Reading)
13. Amending Chapter 3.12.020, Enumeration of Classes, Supervisory Employees – N.E.A., to reclassify the position of Research & Development Administrator as Grade 13 and establish a Research & Development Admin. Assistant at Grade 1. (Second Reading)

**COMMUNICATIONS FROM THE CITY MANAGER**

14. Communication #4008/06, re: Bond Referendum for Road Improvements (with accompanying resolution) – Continued from Jan. 11, 2006.
15. Communication #4016/06, re: Bid Award for Fire Code Upgrades at the Edward King House (with accompanying resolution)
16. Communication #4017/06, re: RI Resource Recovery Corporation Agreement (with accompanying resolution)
17. Communication #4018/06, re: Ocean Ave. Water Main Project, Phase 1 – Water Fund (with accompanying resolution).
18. Communication #4019/06, re: Control Plan for CSOs – Earth Tech, Amendment #1 (with accompanying resolution).

**ADJOURN AND CONVENE AS BOARD OF LICENSE COMMISSIONERS**

## BOARD OF LICENSE COMMISSIONERS

### CONSENT CALENDAR

- Communication from Diane Finkle, Esq., Bankruptcy Counsel, re: IDC Clambakes, Inc., d/b/a The Regatta Club – status of operations relative to the corporation's Class BV Beverage License. (Receive and make part of IDC Clambakes, Inc., file)

Kathleen M. Silvia  
City Clerk

January 18, 2006