

CITY OF NEWPORT DOCKET OF THE COUNCIL

The following items of business, 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 10, 2008, 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. **CONSENT CALENDAR.** THE 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 October 22, 2008, Council Meeting (Approve)
 - b. Minutes of the November 12, 2008, Council Meeting (Approve)
 - c. Special Event Licenses:
 - 1) Newport Art Museum, 76 Bellevue Ave., d/b/a 2009 Winter Lecture Series; Jan. 10, 17, 24, 31; Feb. 7, 14, 21, 28, 2009.
 - 2) Friends of Ballard Park, d/b/a Fundraiser for Ballard Park; 11 Berkeley Ave., May 30, 2009 from 6:00 p.m. to 9:00 p.m.
 - 3) Friends of Ballard Park, d/b/a 4th Annual Illuminated Garden; Ballard Park Quarry Meadow, February 20 & 21, 2009, from 6:00 p.m. to 9:00 p.m.

It is the practice of the Council to meet at 6:20 p.m. in the second-floor Conference Room to discuss docket items. The public is invited to attend. The docket, along with all applications and communications, can be viewed on the City of Newport website: www.cityofnewport.com – "Current Newport City News & Announcements" – Click on "MORE NEWS." Council Meetings can be viewed on Cox Cable, Channel 18; check local listings for dates and times. A DVD of the Council Meeting will also be available at the Newport Public Library the day after the meeting.

- 4) Friends of Ballard Park, d/b/a Music in the Park; Ballard Park Quarry Meadow, June 26 and July 9, 2009, from 6:00 p.m. to 8:30 p.m., and July 23, 2009, from 10:00 a.m. to 11:00 a.m. and 6:00 p.m. to 8:30 p.m. (Rain dates the following nights)
 - 5) Friends of Ballard Park, d/b/a Molly Finn Battle of the Bands; Ballard Park Quarry Meadow, July 18, 2009, from 2:00 p.m. to 8:00 p.m. (Rain date July 19, 2009)
 - 6) Friends of Ballard Park, d/b/a Movies on the Rocks—Outdoor Film Series; Ballard Park Quarry Meadow, August 6, 20, and Sept. 4, 2009, from dusk to approximately 9:30-10:30 p.m. (Rain dates the following nights)
 - 7) Friends of Ballard Park, d/b/a 7th Annual Ballard Park Pumpkin Tour; Ballard Park, October 17, 2009, from 4:30 to 9:30 p.m. (pumpkin drop-off 10:00 a.m. to 3:00 p.m.)
 - 8) Vasco Da Gama Society, d/b/a Portuguese Cultural Festival; Touro Park, July 12, 2009, from 9:00 a.m. to 5:00 p.m.
 - 9) Looking Upwards, Inc., d/b/a Newport Arts Festival; Newport Yachting Center, August 29, 2009, from 10:00 a.m. to 10:00 p.m., and August 30, 2009, from 10:00 a.m. to 5:00 p.m.
- d. Arcade License, Renewal, O'Brien Music Co., 268 Thames St. (55 machines)
- e. Mechanical Amusement Device, Renewals:
- 1) Atlas Vending, Inc. (3 machines)
 - 2) El Dee Vending, Inc. (6 machines; 2 pool tables)
 - 3) Fastnet, Inc. (1 pool table)
 - 4) Friendly Sons of Newport (1 pool table)
 - 5) Hillside & Cappy, Inc. (1 pool table)
 - 6) Newport Music Co. (101 games, jukeboxes and pool tables at various locations)
- f. Communication from the Newport Canvassing Authority, re: Certification of November 4, 2008, Municipal Election results. (Receive)

- g. Resignation of Peter Martin from the Planning Board (Receive with regret)
- h. Resignation of Louise Shovelton from the Beach Commission (Receive with regret)
- i. Communication from John Shehan, Chair, Historic District Commission, re: requesting expeditious replacement of Historic Planner and appointments to the two Commission vacancies. (Receive)
- j. Communication from Naomi Neville, Chair, Planning Board, re: resolution honoring Janet Palmer's distinguished tenure on the Planning Board (Receive)
- k. Communication from Mark Horan, Chair, Historic District Zoning Ordinance Review Task Force, inviting the Council to a meeting on December 4, 2008, regarding their final report. (Receive)
- l. Communication from Jack Palazzo, Sr. Business Agent, RI Council 94, AFSCME, AFL-CIO, asking to commence negotiations for the 2009-2010 contract year. (Receive and refer to city administration)
- m. CRMC Cease and Desist Order to Carpianato Properties at 245 Ruggles Avenue (Receive)
- n. CRMC Preliminary Determination, File No. 2008-11-054, re: aquaculture permit (The Southern New England Offshore Mussel Project) (Receive)
- o. Communication from the RI Division of Public Utilities and Carriers, re: Order regarding Petition of Interstate Navigation Company (Receive)
- p. Annual Report (2008) of the Canvassing Authority (Receive)
- q. Claims (Receive and refer to City Solicitor):
 - 1) Herman L. Bender
 - 2) M. Catherine Callahan
 - 3) Anne S. Gadoury

- 4) James J. Reed
- 5) James J. Kenney, by attorney

LICENSES AND PERMITS

2. Catering License, New, Goat Island Grille, Inc., d/b/a Marina Grille, 5 Marina Plaza, Goat Island
3. Victualing License, New, Prestige Bakery & Deli, Inc., d/b/a Prestige Bakery & Deli, 198 Thames St.
4. 2008-09 Victualing License Renewals (without liquor):
 - a) 7-Eleven 32508 B, 95 Broadway
 - b) Duckets, Inc., d/b/a Colonial Restaurant, 175 Memorial Blvd.
 - c) Switzy Enterprises, Inc., d/b/a The Extreme Pita, 199 Connell Highway
 - d) George Barsom, d/b/a Pick Pockets of Newport, 190A Thames St.

***4-A. Victualing Licnese, New, Sharon Goetz, d/b/a Café Bellevue, 111 Bellevue Ave.**

***4-B. Catering Licnese, New, Sharon Goetz, d/b/a Café Bellevue, 111 Bellevue Ave.**

5. **APPOINTMENTS TO BOARDS AND COMMISSION**

Historic District Commission (2 vacancies). Applicants: William L. McQueen, Sara Meirowitz, Robert Roy Richardson, Mary Jo Valdes, Timothy Wade Jr. and Ann Zvanovec

Tree and Open Space Commission (5 vacancies). Applicants: Victor P. Vazquez

RESOLUTIONS

6. Recognizing the Friends of Touro Park – K. Leonard
7. Establishing a Newport-Kinsale Sister City 10th Anniversary Committee – S. Waluk
8. Free Parking in the Mary St. Parking Lot During the Holidays – S. Waluk

- *8-A. Requesting the City’s Legislative and Congressional Delegations to apply for Stimulus Package funding for necessary infrastructure improvements to the Newport Water Pollution Control System – K. Leonard**

ORDINANCES

9. Ordinance amending Chapter 17.88 of the Codified Ordinances, entitled, “Development” – Sections 17.88.030 (Development Plan Contents), 17.88.050 (Development Plan Preparation), 17.88.060 (Filing Procedures and Processing), and adding Section 17.88.110 (Appeals). (Second Reading)

COMMUNICATIONS FROM THE CITY MANAGER

10. Communication #4472/08, re: Professional Services as City Advisor for Water Utility Strategic Options and Delivery of Improvements to Water Treatment Facilities Project #08-028-Phase 1B (with accompanying resolution; continued from November 12, 2008)
11. Communication #4474/08, re: Designation of Loading Zone on Church Street (with accompanying ordinance)
12. Communication #4475/08, re: Bid Award for Snow Plow and Lift Gate (with accompanying resolution)
13. Communication #4476/08, re: Rotunda Coordinator Pay Rate (with accompanying ordinance)
14. Communication # 4477/08, re: Historic Paving Program – Washington Square – Phase 2 (with accompanying resolution)
15. Communication #4478 /08, re: National Grid Petition – Pole Petition -- Brenton Road, Harrison Avenue & Ruggles Ave—Installation of Stub Poles in Connection with Existing Circuit Upgrades; Support Push Brace; Relocation of Existing Pole for Driveway Access.
16. Communication #4479/08, re: J.T. Connell Redevelopment Parcel—Lease between the City of Newport and Coastal Extreme Brewing (with accompanying resolution)

DOCKET OF THE COUNCIL

December 10, 2008

Page 6

17. Communication #4480/08, re: Bid Award for Inflatable Family Entertainment Center Equipment—Easton’s Beach (with accompanying resolution)
18. Communication #4481/08, re: Creation of Aquidneck Island Re-use Planning Authority and Memorandum of Understanding with the RI Economic Development Corporation (with accompanying resolution)
19. Communication #4482/08, re: Pension, Trusts, Scholarships and OPEB Trust Custody Services (with accompanying resolution)
20. Communication #4483/08, re: Mid-year Financial Status Report
21. Communication #4484/08. re: Newport and Middletown Substance Abuse Prevention Task Forcess – Joint SPF Media Campaign – Award of Contract (with accompanying resolution)

ADJOURN AS COUNCIL AND CONVENE AS BOARD OF LICENSE COMMISSIONERS

BOARD OF LICENSE COMMISSIONERS

1. CONSENT CALENDAR

- a) Communication from Maria Elena Giusti, President, Mamma Luisa, Inc., 673 Thames St., re: transferring ten shares of stock to Maria Manuela Maragoni (Receive and make part of licensee’s record)
- b) Communication from Matthew J. McGowan, Esq., re: status of Class BV alcoholic beverage license of IDC Clambakes, Inc., d/b/a The Regatta Club (Receive)

LICENSES AND PERMITS

2. Application of Newport Wine Cellar, LLC, d/b/a Newport Wine Cellar, 24 Bellevue Ave., to renew its Class A alcoholic beverage license (Hearing)

3. Application of West Deck, Inc., d/b/a The West Deck, 1 Waite's Wharf, holder of a Class BV alcoholic beverage license requesting: (Hearing)
 - a. to amend the area of the outdoor licensed premises known as "The Lawn" to include the south and west side of the deck and lawn area, for a total outdoor lawn area of 3,904 square feet;
 - b. to amend certain restrictions placed on the licensed premises known as "The Lawn" as a condition of its approval in 1997 to remove the word "only" in condition #1, which states that (The Lawn) shall be used for dining only; and to remove in its entirety condition #4, which states, "There shall be no standing of patrons consuming alcohol"; and
 - c. to remove from the face of the license the capacity limits established by the Newport Fire Department.

ADJOURN AS BOARD OF LICENSE COMMISSIONERS, RECONVENE AS COUNCIL AND ADJOURN TO EXECUTIVE SESSION IN THE CITY MANAGER'S OFFICE PURSUANT TO RI GENERAL LAWS, SECTION 42-46-5, PURPOSES FOR WHICH MEETINGS MAY BE CLOSED, (a)(2) "SESSIONS PERTAINING TO COLLECTIVE BARGAINING OR LITIGATION..." AT WHICH TIME THE FOLLOWING WILL BE DISCUSSED: (1) NEA BARGAINING CONTRACT; (2) PENDING LITIGATION, RE: (A) NARRAGANSETT ELECTRIC CO. v. MINARDI, ET AL; AND (B) ENVIRONMENT RI, ET AL, v. CITY OF NEWPORT AND EARTH TECH, INC.

Kathleen M. Silvia
City Clerk

December 3, 2008

***Items posted 12/8/2008 for consideration as added items on December 10, 2008.**