

# 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 April 28, 2010, 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. **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. Special Event Licenses:

- 1) Jill Greenman, d/b/a Fundraiser for the American Cancer Society; 104 Broadway (Curl Up & Dye), May 2, 2010, from 2:00 p.m. to 7:00 p.m.
- 2) Newport Art Museum, d/b/a Music in the Galleries; 73 Bellevue Ave., May 9, 2010, from 2:00 p.m. to 4:00 p.m.
- 3) Newport County Community Mental Health Center, d/b/a Bike-A-thon; September 19, 2010, from 8:00 a.m. to 2:00 p.m., beginning and ending at Rogers High School (route attached)
- 4) Preservation Society of Newport County, d/b/a:

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- a) “The Newport Flower Show,” Rosecliff, Bellevue Ave.; June 25, 2010, from 9:30 a.m. to 10:30 p.m.; June 26 and 27, 2010, from 9:00 a.m. to 5:00 p.m.
  - b) “Marble House Ball,” Marble House, Bellevue Ave.; August 14, 2010, from 7:00 p.m. to 12 Midnight.
  - c) “Newport Mansions Wine & Food Festival,” Rosecliff, Bellevue Ave., Sept. 24, 2010, from 6:00 p.m. to 10:00 p.m.; Marble House, Sept. 25 and 26, 2010, from 12 Noon to 5:00 p.m.
- b. Banner License, Salve Regina University; Thames Street, between the Red Parrot and Salas’ Restaurant, June 3 - 7, 2010, advertising SRU Reunion Weekend.
  - c. Holiday Selling License, New:
    - 1) Archbeauty, LLC, d/b/a Archbeauty Skin Care Salon & Boutique, 18 Memorial Blvd. West
    - 2) Dupa Lama, d/b/a Lily, 471 Thames St.
    - 3) J Crew Group, Inc., d/b/a J Crew Retail #740, 49 Long Wharf Mall
    - 4) Lee Segal and Irene Parthenis, d/b/a All Fired Up Pottery, 452 Thames St.
    - 5) Wildfarm Endeavor, Ltd., d/b/a Wild Horsefeathers, 8 Fair St.
  - d. Holiday Selling License, Renewals:
    - 1) Betty Ann Morris, d/b/a Harbor Fine Art, 134 Spring St.
    - 2) Black Dog Tavern Co, Inc., d/b/a The Black Dog General Store, 33 Bannister’s Wharf
    - 3) Mattiace, Inc., d/b/a Smoky Topaz, 125 Swinburne Row
    - 4) Original Water Brothers, LLC, d/b/a Water Brothers, 23 Memorial Blvd.
    - 5) Thames Street Shirt Company, d/b/a Newport Shirt Company, 492 Thames St.
    - 6) Wagon Wheel Corporation, d/b/a Newport Best Sportswear, 246 Thames St.

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- e. Holiday Selling License, Trendz, LLC, d/b/a Trendz, 359 Thames St. (new location)
- f. Pedicab Business License, Renewal, Newport Pedicab, LLC, d/b/a Newport Pedicab, 270 Bellevue Ave.
- g. Pedicab Operator License:
  - 1) Conor P. Coffey, 6 Wetomachick Ave., Westerly, RI
  - 2) Robert Forster, 31 East Bowery St., Newport, RI
  - 3) Mike Kowalczyk, 9 Beechland Place, Middletown, RI
  - 4) Nicholas Reale, 1 Spring Pond Rd., Westerly, RI
  - 5) Thomas James Taylor, 107 Water St., Stonington, CT
  - 6) Samuel J. Young, 100 Ochre Point Ave., Newport, RI
- h. Mechanical Amusement Device License, Newport Music Co.; three video games and a juke box at Newport Grand, 150 Admiral Kalbfus Rd.
- i. Sidewalk Café License, Renewal, MBK, LLC, d/b/a Pour Judgement, 32 Broadway
- j. Communication from Stephanie Zwack, St. Michael's Country Day Parents Assoc., asking permission to have a small brass band play in Eisenhower Park on April 30, 2010, from 6:00 p.m. to 6:45 p.m. in conjunction with the "Evening With The Stars" event at the Jane Pickens Theater. (Approve subject to details being worked out with the city administration.)
- k. Communication from Barbara Baum, Channing Memorial Church, asking permission to use Touro Park for an after-service reception on June 13, 2010. (Approve subject to details being worked out with the city administration.)
- l. Communication from Alice Sheerin, Top of the Hill Association, asking permission to block off Francis Street, between Everett and Ayrault Sts., on June 6, 2010, for a neighborhood block party. (Approve subject to details being worked out with the city administration.)

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- m. Communication from Carla O'Rourke, Block Party Chairwoman, asking permission to close Bush Street on July 4, 2010, from 3:00 p.m. to 7:00 p.m. for a neighborhood block party. (Approve subject to details being worked out with the city administration.)
- n. Communication from the Historic District Commission, re: (1) Mission and Policy Statement; (2) amendment to existing fee structure for Certificate of Appropriateness; and (3) asking the Council to adopt a resolution promoting awareness of the Historic District Commission. (Receive and refer to the city administration for recommendations.)
- o. Communication from Clean Water Action Rhode Island, re: proposed Diesel Emissions Reduction Ordinance (Receive and refer to city administration for recommendations.)
  - Memorandum from the Energy and Environment Commission in support of the proposed ordinance (Receive)
- p. Communication from Edward S. Clement, Jr., Executive Director, Aquidneck Land Trust, and Susan Ruf, Chair, Newport Tree and Open Space Commission, re: Spencer Park and King Park Conservation project (Receive and refer to the city administration for recommendations.)
- q. Communication from Naomi Neville, Chair, Planning Board, re: Proposed Zoning Ordinance Amendment – Parking
  - Memorandum from the Director of Planning, Zoning, Development & Inspections in support of the recommended changes. (Receive and order ordinance advertised for hearing on May 26, 2010)
- r. Recommended 2010-2011 Operating Budget (Receive and order advertised for hearing on May 12, 2010)
- s. CRMC Public Notice, File No. 2010-04-014: Application of One Goat Island, LLC, for an Assent to construct and maintain a series floating docks and gangway ramp for water shuttle patrons. (Receive and refer to Waterfront Commission and Planning Board)

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### **LICENSES AND PERMITS**

2. Application of Newport Music Co., for two Pool Table Licenses at Newport Grand, 150 Admiral Kalbfus Road. (Hearing)
3. Application of @ The Deck, LLC, d/b/a @ The Deck, 1 Waites Wharf, to expand its Victualing License to a 9' x 40' patio along the south side of the building.

### **COMMUNICATIONS AND PETITIONS**

4. Communication from Mark Gervais, General Manager, Hotel Viking, requesting an ordinance amendment to allow for a Class BH alcoholic beverage license at the Hotel Viking.

### **RESOLUTIONS**

5. Opposing Senate Bill 2603, passage of which would mandate expired union contracts to continue under all the same terms and conditions of employment – J. Napolitano, J. McLaughlin, S. Coyne
6. Opposing House Bill 7561, passage of which would mandate binding arbitration on monetary matters for school teachers – J. Napolitano, J. McLaughlin, S. Coyne
7. Requesting authorization from the RI General Assembly to replace the reduced or eliminated Motor Vehicle Tax with recovery of such funds to be exempt from the tax levy limitations – J. Napolitano, J. McLaughlin

### **ORDINANCES**

8. Amending Title 10 of the Codified Ordinances, entitled, "Vehicles and Traffic," to add Chapter 10.22, entitled, "Valet Parking." (Continued from 4/14/ 2010; First Reading)

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9. Amending Chapter 5.12.040 of the Codified Ordinances, entitled, "Number of Licenses Permitted" to increase the number of Class BH alcoholic beverage licenses from one to two. (First Reading)
10. Amending Chapter 1.12.010 of the Codified Ordinances, entitled, "General Code Penalty," to authorize the suspension or revocation of a license for violation of the terms, provisions, or conditions for the granting of the license. (Second Reading)
11. Amending Chapter 3.16.060 of the Personnel Ordinance to reflect a 3.125% wage increase for members of Local 1080, International Association of Fire Fighters, effective July 1, 2006 (Second Reading)

### **COMMUNICATIONS FROM THE CITY MANAGER**

12. Memorandum from the City Manager, re: Debt Service Information
13. Memorandum from the City Manager, re: Status Report on Large Buildings in R-3 Zones – 24 High Street and 50 School Street Properties
14. Communication #4680/10, re: Agreement for Use of North Commercial Wharf (with accompanying resolution)
15. Communication #4681/10, re: Budget Amendment -- Refunding Bonds (with accompanying resolution and ordinance)
16. Communication #4682/10, re: Budget Amendment -- Water Fund (with accompanying resolution and ordinance)
17. Communication #4683/10, re: Budget Amendment -- Easton's Beach (with accompanying resolution and ordinance)
18. Communication #4684/10, re: Award of Contract for Third-party Rescue Services Billing (with accompanying resolution)
19. Communication #4685/10, re: Bid Award for Police Vehicle Printers (with accompanying resolution)

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20. Communication #4686/10, re: Agreement with Robert Potter League for Animals (with accompanying resolution)
21. Communication #4687/10, re : Bid Award for Parking Lot Striping (with accompanying resolution)
22. Communication #4688/10, re: Bid Award for Blackmer Centrifugal Pump for Lawton Valley Treatment Station (with accompanying resolution)
23. Communication #4689/10, re: Bid Award for Water Chemicals (with accompanying resolution)
24. Communication #4690/10, re: Professional Services – City Advisor for Water Utility Strategic Options and Delivery of Improvements to Water Treatment Facilities – Project #08-029-Treatment Options (with accompanying resolution)
25. Communication #4691/10, re: Financial Consulting Services Related to Water Rate and Other filings Before the RIPUC and the RIDPUC (with accompanying resolution)
26. Communication #4692/10, re: Bid Award for July 4<sup>th</sup> Fireworks (with accompanying resolution)
27. Communication #9693/10, re: Harbor Center and Ann Street Pier Project Progress (with accompanying resolution)
28. Communication #9694/10, re: Bid Award for Parking Facilities Improvements (with accompanying resolution)

RECESS AS COUNCIL AND CONVENE AS BOARD OF LICENSE COMMISSIONERS

**BOARD OF LICENSE COMMISSIONERS**

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. Class F-1 Daily Liquor License, The Preservation Society of Newport County, d/b/a:
    - 1) Newport Flower Show, Rosecliff, Bellevue Ave., June 25, 2010, from 9:00 a.m. to 10:20 p.m., and June 26 and 27, 2010, from 9:00 a.m. to 5:00 p.m.
    - 2) Marble House Ball, Marble House, Bellevue Ave., August 14, 2010, from 7:00 p.m. to 12 Midnight.
    - 3) Newport Mansion Wine & Food Festivals, Rosecliff, September 24, 2010, from 6:00 p.m. to 10:00 p.m.; Marble House, September 25 and 26, 2010, 12 Noon to 5:00 p.m.
  - b. Communication from John A. Murphy, Esq., on behalf of Conanicut Marine Services, requesting permission to serve alcoholic beverages aboard ferries while docked in Newport for a period of 30 minutes prior to their departure times, in accordance with RIGL 3-7-15. (Approve)
2. Application of @ The Deck, LLC, d/b/a @ The Deck, 1 Waites Wharf (first floor, 43.5' x 67.2 deck, and approx. 2,268 sq.ft. area on the west and south sides known as "The Lawn") to expand its Class BV alcoholic beverage license to an unlicensed 9' x 40' area along the south side of the building. (Hearing)

MOTION TO RECONVENE AS COUNCIL AND ADJOURN TO EXECUTIVE SESSION IN THE CONFERENCE ROOM, in accordance with RIGL42-46-5(a)(2), Purposes for which meetings may be closed, TO DISCUSS MATTERS PERTAINING TO COLLECTIVE BARGAINING WITH LOCAL 1080, IAFF.

Kathleen M. Silvia  
City Clerk

April 21, 2010

REVISED: April 26, 2010