

**CITY OF NEWPORT
DOCKET OF THE COUNCIL MEETING
DECEMBER 14, 2011**

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 14, 2011, 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. Minutes of the November 9, 2011, Council Meeting (Approve)
 - b. Special Event Licenses:
 - 1) Newport Art Museum, d/b/a Winter Lecture Series, 76 Bellevue Ave.; Jan. 7, 14, 21, 28; Feb. 4, 11, 18 and 25, 2012, from 2:00 p.m. to 3:30 p.m.
 - 2) Friends of Ballard Park, d/b/a 7th Annual Illuminated Garden, Ballard Park Quarry Meadow; Feb. 24 and 25, 2012, from 6:00 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 supporting documents, 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 be available at the Newport Public Library within 48 hours of the meeting.

LIVE VIDEO CONFERENCING OF COUNCIL MEETINGS AND WORKSHOPS WILL BE AVAILABLE AT THE NEWPORT POLICE STATION, WHICH IS ACCESSIBLE AND MEETS ADA REQUIREMENTS, **BASED UPON NOTIFICATION TO THE CITY MANAGER'S OFFICE (845-5429) A MINIMUM OF 48 HOURS IN ADVANCE OF THE MEETING.** INDIVIDUALS REQUIRING INTERPRETER OR OTHER ACCOMMODATIONS MUST NOTIFY THE CITY MANAGER'S OFFICE TWO WEEKS IN ADVANCE OF THE MEETING.

to 9:00 p.m. Request for waiver of the parking closing hour
(Approve)

- 3) Newport Public Education Foundation, d/b/a Run for Education/Mother's Day 5K; beginning and ending at Rogers High School, May 12, 2012, from 7:00 a.m. to 12 Noon (route attached)
 - 4) Newport Lions Club, d/b/a Newport Lions Club Presents The Rockwell Amusements Family Carnival; Easton's Beach, May 9 and 10, 2012, from 6:00 p.m. to 10:00 p.m.; May 11, 2012, from 3:00 p.m. to 11:00 p.m.; May 12 and 13, 2012, from Noon to 11:00 p.m.
- c. Catering License, Renewal, Spark Restaurant & Catering, 12 Broadway.
 - d. Holiday Selling License, New, Candace Sherman, d/b/a C. L. Sherman's Gallery, 1 Bellevue Ave.
 - e. Arcade License, Renewal, O'Brien Music Co., Inc, d/b/a Ryan Family Amusements, 268 Thames St.
 - f. Pool Table License, Renewal, Hillside & Cappy, Inc., d/b/a Hillside & Cappy's, 8 Memorial Blvd.
 - g. Pool Table (1) License and Mechanical Amusement Device License (1), Renewals, Fastnet, Inc., d/b/a The Fastnet, 1-3 Broadway.
 - h. Pool Table/Mechanical Amusement Device Licenses, Renewals, Newport Music Co., Inc. (87 machines at 27 locations):
 - A-1 Pizza (video)
 - Billy Goode's (jukebox)
 - Brick Alley Pub (video)
 - Busker's (2 juke boxes)
 - Café 200 (2 darts; 4 pool tables; 2 videos; 1 jukebox)
 - Celtica (jukebox, dart, pool table, video)
 - Colonial Tavern (dart, jukebox, video)
 - Downtown Athletic Club (jukebox, pool table)
 - Elk's Lodge, 104 Pelham St., jukebox, video
 - Griswold's (dart, jukebox, pool table, (2) video)

Hillside Café (jukebox, foosball)
Irish American Club (jukebox, pool table, pinball, video)
Jimmy's Saloon (dart, jukebox, pinball, (2) pool tables, (4) video)
Newport Blue's Café (Pool table; video)
Newport Grand (dart, pinball, video, jukebox, 2 pool tables)
Newport Harbor Hotel (pool table)
Newport Sportsman Club (pool table, dart, jukebox)
Nikolas Pizza (video, jukebox)
O'Brien's Pub (pool table, arcade, jukebox, shuffle alley, video)
One Pelham East (2 pool tables, jukebox, video)
Pannini Grill (pinball)
Pizza Hut (crane, jukebox)
Pour Judgment (jukebox)
Rhino Bar (pool table jukebox, dart, pinball, 2 video)
Salas Restaurant (2 jukeboxes, dart, pool table)
Star Bar (jukebox, video, (2) pool tables)
Yesterday's (jukebox)

- i. Victualing License, Renewals:
 - 1) Ash Mart, Inc., d/b/a Ash Mart, 2 Carroll Ave.
 - 2) Tsunami Enterprises, LLC, d/b/a Sushi-Go, 215 Goddard Row

- j. Resignation of Patrick D. Shea from the Juvenile Hearing Board (Receive with regret)

- k. Communication from Finance Director Laura Sitrin transmitting the Actuarial Valuation Reports for the Police Pension System and Fire Pension System (Receive)

- l. Communications in opposition to the City's acceptance of the Newport Restoration Foundation Plan for Queen Anne Square:
 - 1) Kyle F. Hence
 - 2) Anne DuBose Joslin
 - 3) Andrew Segal
 - 4) Mary Shepard
 - 5) Gigi Tollefson

- m. Annual Reports: (Receive)
 - 1) Ad Hoc Committee on Wastewater and Storm Water System Improvements
 - 2) Canvassing Authority

- 3) Waterfront Commission
- n. Claims: (Receive and refer to City Solicitor)
 1. Brian R Cunha, Esq.
 2. Richard P. D'Addario, Esq.
 3. Denise Drapeau
 4. Martha Marie Grogan
 5. Edward F. Kearney, by attorney
 6. Long Wharf Seafood, Inc.
 7. Gavin C. Mathews, by attorney
 8. Connie V. Mathias, by attorney
 9. Josephine Stein, by attorney
 10. Bruce C. Weller

LICENSES & PERMITS

2. Application of Farahnaz Shobeiri, d/b/a Genie's Hookah Lounge and Traditional Middle Eastern Tea House, to expand her Annual Entertainment License (currently limited to background music) to include traditional Middle Eastern band, belly dancers, poetry readings, movies and dancing. (Second Hearing)
3. Application for a Second-hand License, New, Mint, LLC, d/b/a Mini Wish, 94 William St. (Hearing)
4. Application for a Victualing License, New, T C Meats Newport, LLC, d/b/a Schroder's, 66 Broadway
5. Application of Leinster, Inc. (d/b/a to be determined) for a Victualing License at 150-154 Broadway, first floor (in conjunction with the transfer of the liquor license of Tucker's Bistro, Inc.) .
6. Application of N.A.J. Associates, LLC, d/b/a The Pier Restaurant, for a Victualing License at 1 West Howard Wharf and outdoor patios on the north and west sides of the building (in conjunction with the transfer of the liquor license of The Pier of Newport, LLC).

COMMUNICATIONS AND PETITIONS

7. Communication from Marion Oates Charles, President, Doris Duke Monument Foundation, requesting consideration of the Foundation's offer to configure Queen Anne Square with a design by Maya Lin and Edwina VonGal, with

accompanying Agreement between the City of Newport and Foundation.
(Referenced Plans are on file in the City Clerk's Office for review)

- Memorandum from the City Manager, re: Queen Anne Square Proposal (Staff Comments)
 - Resolution approving the Agreement between the City and the Doris Duke Monument Foundation for Rehabilitation and Modification to Queen Anne Square and Maintenance Thereof.
8. Communication from Michael H. Walsh, 7 Hall Ave., transmitting petitions in support of the redesign of Queen Anne Square.

9. **APPOINTMENTS TO BOARDS AND COMMISSION**

Energy & Environment Commission (1 vacancy) – Applicant: Toni Ciany

RESOLUTIONS

- 10. Honoring Edward F. Lavallee upon his retirement from city employment – City Council
- 11. Establishing an Economic Development Working Group – N. Neville, S. Waluk, H. Winthrop, C. Duncan, Jeanne-Marie Napolitano
- 12. Imposing a moratorium on the installation of wind turbines in the City of Newport – S. Waluk
- 13. Employment Agreement with Jane Howington for the position of City Manager – City Council
- 14. Partnering with the “Real Park for Real Newport” (RPfRN) for Queen Anne Square Improvements – C. Duncan
- 15. Schedule of Council Meetings in 2012.

ORDINANCES

16. Approving the Financing of Improvements to the Newport Water System, including, but not limited to, the construction and equipping of a new treatment plant, demolition of the existing treatment plant, and construction of long-term capital improvements to a second water treatment plant, and all attendant expenses, and approving the issuance of Water Revenue Bonds and Notes therefor in an amount not to exceed \$85,000,000. (Second Reading)
17. Amending the following Sections of Title 17 of the Codified Ordinances, entitled, "Zoning": Section 17.08.010, "Definitions"; Section 17.04.050, "General Requirements"; and creating a new Chapter 17.86, "Demolition of Structures." -- Requested by Councilor Neville; Receive and Refer to the Planning Board.

COMMUNICATIONS FROM THE CITY MANAGER

18. Communication #4918/11, re: Bid Award for Parking Meter Management and Parking Meter Rate Change (with accompanying resolution and ordinance; continued from November 9, 2011)
 - Memorandum from the City Manager transmitting the Parking Meter Agreement.
19. Communication #4924/11, re: Certified Local Government Grant Application (with accompanying resolution)
20. Communication #4925/11, re: Bid Award for (3) Aluminum Sectional Garage Doors for Easton's Beach Rotunda Building (with accompanying resolution)
21. Communication #4526/11, re: Bid Award for New HVAC Units at Easton's Beach Rotunda (with accompanying resolution)
22. Communication #4527/11, re: RI League of Cities & Towns Municipal Aggregate Energy Supply Electricity Contract (with accompanying resolution)
23. Communication #4528/11, re: Regional Expenditure of Remaining 20009 Assistance to Firefighters Grant Funds – Fire Prevention Education Equipment (with accompanying resolution)

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24. Communication #4529/11, re: Request for 24-hour Residential (Sticker) Parking on School Street, between Church and Mary Streets (with accompanying ordinance)
25. Communication #4530/11, re: Purchase and Sale Agreement for Carey School Property (with accompanying resolution)
26. Communication # 4531/11, re: Broadway Streetscape Conceptual Design Endorsement (with accompanying resolution)
27. Communication #4532/11, re: Gutter Replacement Project at the Harbor Center (Newport Armory) (with accompanying resolution)
28. Communication #4533/11, re: Transfer of Funds -- Amendment of Contract for Roadway Repairs at Waite's Wharf (with accompanying resolution)
29. Communication #4534/11, re: Supplemental Agreement to Historic Paving Program for Additional Sidewalk Repair Locations (with accompanying resolution)
30. Communication #4535/11, re: Supplemental Agreement to 2011 Sidewalk Restoration Program (with accompanying resolution)
31. Communication # 4536/11, re: Waste Management Transfer Station Use Agreement (with accompanying resolution)
32. Communication # 4537/11, re: Extension of Contract with COMPLUS for Parking Ticket Management (with accompanying resolution)

ADJOURN 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.)

- Communication from O'Charley's, Inc., d/b/a 99 Restaurant, 199 Connell Highway, re: Change in Officers (Receive and make part of their record)

LICENSES & PERMITS

2. Application of Forty 1° North, LLC, d/b/a 41° North, holder of a Class BT alcoholic beverage license, through its sole members, Peter M. Borden and George W. Moore, to transfer 100% of the membership interest in Forty 1° North, LLC to 802 Partners, LLC , whose members are Dorrance H. Hamilton (97%)and PGEM, LLC (3%), whose sole members are Peter M. Borden and George W. Moore. (Hearing)

- Communication from Neil P. Galvin, Esq., re: Bill of Indebtedness of Behan Bros., Inc., in the amount of \$1,619,502.39.

3. Application of Forty 1° North, LLC, d/b/a 41° North, holder of a Class BH alcoholic beverage license, through its sole members, Peter M. Borden and George W. Moore, to transfer 100% of the membership interest in Forty 1° North, LLC to 802 Partners, LLC , whose members are Dorrance H. Hamilton (97%)and PGEM, LLC (3%), whose sole members are Peter M. Borden and George W. Moore. (Hearing)

- Communication from Neil P. Galvin, Esq., re: Bill of Indebtedness of Behan Bros., Inc., in the amount of \$1,619,502.39.

4. Application of Tucker's Bistro, Inc., d/b/a Tucker's Bistro, 150-154 Broadway, first floor and sidewalk café, to transfer its Class BV alcoholic beverage license to Leinster, Inc. (Chelynn Sheehan, sole stockholder, d/b/a to be determined, for the same premises. (Hearing)

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5. Application of The Pier of Newport, LLC, d/b/a The Pier, 1 West Howard Wharf, and outdoor patios on the north and west sides of the building, to transfer its Class BV alcoholic beverage license to N.A.J. Associates, LLC (Vincent Sandonato, sole stockholder) for the same premises. (Hearing)

ADJOURN

Kathleen M. Silvia
City Clerk

December 7, 2011