

**CITY OF NEWPORT  
DOCKET OF THE COUNCIL MEETING  
FEBRUARY 12, 2014**

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 February 12, 2014, at 6:30 p.m.

***PLEDGE OF ALLEGIANCE TO THE FLAG***

**PROCLAMATION RECOGNIZING THE  
2011 EMPLOYEE OF THE YEAR,  
DEPUTY FIRE CHIEF BRIAN T. DUGAN**

**PROCLAMATION RECOGNIZING THE  
2012 EMPLOYEE OF THE YEAR,  
SENIOR CLERK JADE K. PHILLIPS**

**PROCLAMATION RECOGNIZING THE  
2013 EMPLOYEE OF THE YEAR,  
CITY HALL CUSTODIAN BEN P. BONA**

**PROCLAMATION RECOGNIZING  
INTERNATIONAL STUDENTS OF CLASS NO. 178  
SENIOR ENLISTED ACADEMY**

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](http://www.cityofnewport.com) – “Docket” (left side of homepage). 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 MADE AVAILABLE AT THE NEWPORT POLICE STATION, WHICH IS ACCESSIBLE AND MEETS ADA REQUIREMENTS, **BASED UPON NOTIFICATION TO THE CITY CLERK’S (845-5351) OR 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 ONE WEEK IN ADVANCE OF THE MEETING.**

**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:** Recommended 2015-2019 Capital Improvement Program
2. **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 January 22, 2014, Council Meeting (Approve)
  - b. Special Event Licenses:
    - 1) Marketing & Events and Discover Newport, d/b/a 26<sup>th</sup> Annual Newport Winter Festival, Feb. 15-23, 2014, from 10:00 a.m. to 10:00 p.m. at various locations, including: Ice Sculpting Demonstration, Feb. 15 beginning at 11:00 a.m. on Long Wharf Mall, and Festival Day at Easton’s Beach (boardwalk), Feb. 23, from 11:00 a.m. to 2:00 p.m.
    - 2) Gemstores Unveiled, d/b/a Festival of Arts at WinterFest; Marriott Hotel, 25 America’s Cup Ave., Feb. 15, 2014, from 10:00 a.m. to 5:00 p.m.
    - 3) RI Arts Foundation at Newport, Inc., d/b/a Winter Soiree: Reception & Piano Concert; Salve Regina University, Ochre Court, March 7, 2014, from 5:30 p.m. to 8:30 p.m.
    - 4) Island Moving Co., d/b/a 2014 Opening Weekend: 375<sup>th</sup>/Mother Goose/Rep Shows; Rosecliff, 548 Bellevue Ave., March 7, at 7:00 p.m.; March 8, at 3:00 p.m. and 7:00 p.m.; March 9, from 3:00 p.m. and 6:00 p.m.
    - 5) Aquidneck School PTG, d/b/a Variety Show—Fundraiser; Rogers High School, Wickham Rd., May 9, 2014, from 6:00 p.m. to 8:00 p.m.

- 6) The Museum of Newport Irish History, d/b/a “Irish Eyes Are Smiling” Benefit; Salve Regina University, Ochre Court, May 10, 2014, from 6:00 p.m. to 10:00 p.m.
  - 7) Cystic Fibrosis Foundation, d/b/a Great Strides—A Walk to Cure Cystic Fibrosis; May 17, 2014 (registration at 9:00 a.m., walk at 10:00 a.m.) beginning and ending at Brenton Point State Park. (Route on pg. 3 of application)
- c. Daily Entertainment Licenses, Ancient Order of Hibernians, 2 Wellington Ave.:
- 1) Valentine Dinner Dance, Feb. 14, 2014, from 7:00 p.m. to 12:00 a.m.
  - 2) 2014 Irish Music Events, March 2, from 1:00 p.m. to 5:00 p.m.; March 14, from 6:00 p.m. to Midnight; and March 15, from 12 Noon to 12 Midnight.
- d. Holiday Selling License, New, Swift-Morris Interiors, LLC, d/b/a Swift-Morris Interiors, 69 Mill St.
- e. Communication from Sgt. Corey Huck, Chair, Aquidneck Island National Police Parade, requesting permission for the parade route in Newport, from the One Mile Corner to Washington Square, on May 4, 2014 (stepping off at 11:50 A.M. from 317 West Main Road, Middletown), and to be the parade’s sole vendor. (Approve subject to details being worked out with the city administration.)
- f. Communication from Café Zelda’s requesting a One-day Peddler’s License on March 15, 2014 (during the St. Patrick’s Day Parade), to sell hotdogs and sandwiches from a steamer on their property adjacent to Dean Ave. (Approved subject to details being worked out with the City Administration.)
- g. Communication from the General Finance Officers Association (GFOA), re: Newport’s receipt of the “Distinguished Budget Presentation Award and recognizing Finance Director Laura Sitrin and Budget & Finance Analyst Elizabeth Sceppa for this achievement. (Receive)

- h. Communication from the Planning Board, re: Historic Stacked Stone Walls and Paper Streets (Receive)
- i. Resignation of Paul Watters from the Ad hoc Committee on Wastewater and Stormwater System Improvements (Receive with regret)
- j. CRMC Public Notice, File No. 2012-09-065, Application of Deepwater Wind Block Island, LLC, for an Assent to construct and maintain the Block Island Wind Farm (Receive)
- k. Annual Reports: (Receive)
  - 1) Cliff Walk Commission
  - 2) Energy & Environment Commission

### **LICENSES & PERMITS**

- 3. Annual Entertainment License, Class A (indoors), New, Seamen's Church Institute, 18 Market Square (First Hearing)
- 4. Annual Entertainment License, Class A (indoors), Expansion, Barking Crab Newport, LLC, d/b/a the Barking Crab Restaurant, 151 Swinburne Row, adding deejay, up to 10-12 member band, 3-5 vocalists, and additional musical instruments. (Current license is limited to background music, 2-3 musicians and vocalists, and guitars). (First Hearing)
  - Communication from B. Garvey of The Barking Crab Newport asking to revise the requested amendment to reduce the number of musicians (band) to 3-5, and limit the types of musical instruments to guitar, bass and drums.
- 5. Victualing License, Renewal, G.E.A.R. LLC, d/b/a Renewal, Rocco's Little Italy, 1 Farewell St.
- 6. Victualing License, New, Despina's Café, LLC, d/b/a Despina's Café, 258 Bellevue Ave.
- 7. Victualing License, New, Marek Chilomer & Dominick Chilomer, d/b/a The Shop, 397 Thames St., Unit 6.

8. Victualing License, New, Washington Square Café and Baking Co., LLC, d/b/a Washington Square Café and Baking Company, 22 Washington Sq.
9. Victualing License, New, ETCgroup, LLC, d/b/a ETCgroup, 112 William St.
10. Sidewalk Café Permit (Bellevue Ave. and William St.), ETCgroup, LLC, d/b/a ETCgroup, 112 William St.

11. **APPOINTMENTS TO BOARDS & COMMISSIONS**

Reappointment of Michael Conroy and Mary Jo Valdes to the Historic District Commission

**RESOLUTIONS**

12. Approving the request of the Aquidneck Island Planning Commission for a change in the governance of the Commission by increasing the number of appointments by each municipality to the Commission from two to four – H. Winthrop
13. Approving the request of the Charter Review Commission to extend submittal of their final report to May 1, 2014 – H. Winthrop
14. Review and enforcement of laws and regulations pertaining to pedestrian safety – N. Neville, J. McLaughlin, K. Leonard, M. Camacho, H. Winthrop

**ORDINANCES**

15. Amending Title 12 of the Codified Ordinances by deleting in its entirety Chapter 12.28, entitled, “Newport Harbor,” and creating a new Chapter 12.28, entitled, “Newport Harbor” – as recommended by the Waterfront Commission (Continued from 1/22/14; First Reading)  
(Amendments to Sections 12.28.073 (B)(6); 12.28.074 (B)(12) and 12.28.160, adopted on Dec. 11, 2013, are incorporated – a person aggrieved by a decision of the Harbor Master shall file an appeal to the Newport Municipal Court.)
  - Memorandum - Memorandum from the Assistant City Solicitor recommending additional changes to the Newport Harbor Ordinance recommended by the Waterfront Commission.

16. Amending Title 5 of the Codified Ordinances by deleting in its entirety Chapter 5.97, entitled, "Pedicab," and creating a new Chapter 5.97, entitled, "Pedicab," as recommended by the City Solicitor. (First Reading)
  - Memorandum from the City Solicitor, re: Proposed Revisions to Chapter 5.97 of the Codified Ordinances, entitled, "Pedicab"  
(Continued from Jan. 8, 2014 for further revision)
17. Amending Title 2 of the Codified Ordinances, Chapter 2.120.010, "Fees for Permits and Licenses," to add Pedicab Business Licenses, Replacement Decals, and Pedicab Operator Permit. (First Reading)

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

18. Action #5228/14 (**Revised**), re: Award of Contract for Statistical Update (with accompanying resolution – continued from 1/8/2014)
19. Action #5232/14, re: Bid Award for Cliff Walk Trail Head Restroom and Improvements (with accompanying resolution)
20. Action #5233/14, re: National Grid Electrical Service Agreement – Cliff Walk Restrooms (with accompanying resolution)
21. Action #5234/14, re: Meikle Avenue Parking Restriction (with accompanying ordinance)
22. Action #5235/14, re: Beach Pump Station Sewer Force Main Replacement-Change Order #1 (with accompanying resolution)
23. Action #5236/14, re: Administrative Approval and Late Filing Fees for Daily Entertainment, Special Event and Daily Liquor Licenses (with accompanying ordinances)

RECESS AS COUNCIL AND CONVENE AS BOARD OF LICENSE  
COMMISSIONERS.

## **BOARD OF LICENSE COMMISSIONERS**

### **CONSENT CALENDAR**

#### Class F Daily Liquor License:

- 1) Newport Festivals Foundation, Inc., d/b/a 2014 Newport Folk Festival; Fort Adams State Park, July 25, 26 and 27, from 12 Noon to 6:30 p.m.
- 2) Newport Festivals Foundation, Inc., d/b/a 2014 Newport Jazz Festival; Fort Adams State Park, August , from 12 Noon to 5:00 p.m.; August 2 and 3, from 12 Noon to 6:00 p.m.
- 3) RI Arts Foundation at Newport, Inc., d/b/a Winter Soiree: Reception & Piano Concert, Salve Regina University, Ochre Court, March 7, 2014, from 5:30 p.m. to 8:30 p.m.

ADJOURN AS BOARD OF LICENSE COMMISSIONERS AND RECONVENE AS COUNCIL; AND PURSUANT TO RIGL 42-46-1, and IN ACCORDANCE WITH RIGL 42-46-5 (a)(2), BASED UPON AN AFFIRMATIVE VOTE OF THE MAJORITY PRESENT, MOVE TO EXECUTIVE SESSION IN THE 2<sup>ND</sup> FLOOR CONFERENCE ROOM TO DISCUSS MATTERS PERTAINING TO PENDING LITIGATION:

(1) ISSUES RELATED TO ONE GOAT ISLAND, LLC, MARINA EXPANSION AT THE HYATT HOTEL AND THE CITY'S OBJECTIONS THERETO; AND

(2) ISSUES RELATED TO 802 PARTNERS, LLC, V. CRMC AND THE CITY OF NEWPORT, C.A. #PC2013-4940, REGARDING THE ANN ST. PIER.

Kathleen M. Silvia  
City Clerk

Feb. 5, 2014  
Feb. 10, 2014, Amended