# CITY OF NEWPORT
# MINUTES OF THE COUNCIL MEETING
# HELD JULY 11, 2007

*(Approved July 25, 2007)*

*The following items of business, filed with the City Clerk under the rules of the Council, came before the Council at its regular meeting held on JULY 11, 2007.*

The MAYOR called the meeting to order at 6:30 p.m.

The CITY CLERK called the roll and the following members were present:

MARY C. CONNOLLY
STEPHEN R. COYNE
CHARLES Y. DUNCAN
KATHRYN E. LEONARD
JUSTIN S. MC LAUGHLIN
JEANNE-MARIE NAPOLITANO
STEPHEN C. WALUK, MAYOR

## COUNCIL

COUNCILOR LEONARD moved that the application of IDC, Inc., d/b/a Oceancliff, for a Daily Entertainment License on August 4, 2007, that was approved at the June 27 meeting, be reconsidered at the July 25, 2007, council meeting. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

1. **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. Special Event Licenses:
   1) REMOVED: Japan America Society, d/b/a Black Ships Festival; Belle Mer,
   2) REMOVED: New England Cable & Telecommunications Association, Inc.
   3) Newport County Women's Resource Center, d/b/a A Summer Evening by the Sea; Easton's Beach Rotunda; July 20, 2007 from 8:00 p.m. to midnight.

b. Holiday Selling Licenses, New:
   1) REMOVED: Forty 1° North, LLC, d/b/a The Shop, 20 Perry Mill Wharf.
   2) Gregory Jordan & Andrew Borer, d/b/a T Shirt Town, 182B Thames St.
   3) Alexander Nesbitt, d/b/a Alexander Nesbitt Photography, 31 Bowen's Wharf

c. Holiday Selling License Renewals:
   1) Manuel Rodriques & Marwan Eldeek, d/b/a Maxx, 147 Swinburne Row
   2) Gregory Jordan & Andrew Borer, d/b/a Souvenir Stop II, 359 Unit F2 Thames St.
   3) Gregory Jordan & Andrew Borer, d/b/a The New Store, 101 Swinburne Row

4) Gregory Jordon & Andrew Borer, d/b/a Souvenir Stop, 115 Swinburne Row
5) Gregory Jordan & Andrew Borer, d/b/a Newport's Best T-Shirt & Sweatshirt, 107 Swinburne Row
6) Trappings LLC, d/b/a Trappings, 474 Thames St.

d. Second Hand License Renewal, Renaissance Antiques, Inc., d/b/a Renaissance Antique Lighting, 42 Spring Street Unit 7

e. Pedicab Operator License:
1) Dan Huntz, 16 Walnut, Newport, RI
2) Erin Carey, 2553 Kingstown Rd., Kingston, RI
3) Michael Johnson, 85 Third St., Newport, RI

f. REMOVED: Daily Entertainment Licenses, Class B (outdoor), Belle Mer, Inc.

g. REMOVED: Daily Entertainment Licenses, Class B (outdoor), IDC, Inc

h. Communication from Rec Reunion Association re: requesting permission to use the basketball court behind the Martin Luther King Center between 4:00 p.m. – 9:00 p.m. and to have Marcus F. Wheatland Blvd. between Tilden Ave. and Burnside Ave. blocked off between 9:00 p.m.- 12:00 a.m. on Friday August 10, 2007 for a "Meet and Greet". (Approve subject to details being worked out with City Administration)
- Memorandum from Susan Cooper supporting the use of the park area behind the Martin Luther King Center for a barbeque prior to the street closure.

i. Communication from George J. Botelho, Jr. re: requesting permission to hold a Neighborhood Block Party on July 28, 2007 between 4:00 p.m. to 8:00 p.m. at Second Street between Sycamore Street and Van Zandt Avenue. (Approve subject to details being worked out with City Administration)

j. Communication from Mary Jo Carr, Esq., re: Notice of Public Hearing, Newport Biodiesel, LLC, application to RIDEM for beneficial use determination for the recycling of waste vegetable oil into biodiesel- July 12, 2007 at 7:00 p.m., Newport City Hall, City Council Chambers. (Receive)

k. Communication from Transportation Land Development re: Notice to Abutter (Plat Map 5, Lots 9 and 9B) Phase IV Revitalization Area of Newport Heights Winslow Street, Hobbs Street, and Caperton Street, Newport, RI (Receive)

l. Claim of David Viveiros through Arbella Insurance Group. (Receive and refer to the City Solicitor)

COUNCILOR COYNE moved the Consent Calendar be adopted, with the exception of items a-1, a-2, b-1, f, g. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

a-1. Japan America Society, d/b/a Black Ships Festival; Belle Mer, Goat Island; July 20, 2007, from 6:30 p.m. to 10:30 p.m.

COUNCILORS CONNOLLY and NAPOLITANO recused themselves.

COUNCILOR LEONARD asked at what time the taiko drummers would play. The CITY CLERK responded from 7:45 p.m. to approximately 8:00 p.m.

COUNCILOR LEONARD moved the license be granted. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

a-2. New England Cable & Telecommunications Association, Inc. (NECTA), d/b/a Annual Dinner, Eisenhower House, Fort Adams State Park; July 18, 2007 from 5:00 p.m.- midnight.

COUNCILOR LEONARD said she would not support outdoor entertainment, which includes drums, until midnight. She said DEM should also have a policy as to what is allowed. She moved that the license be approved with the restriction that outdoor entertainment ends at 10:00 p.m. NO SECOND.

CHRISTOPHER BOYLE, ESQ., representing NECTA said the event ends at midnight and they would not want the entertainment to end at 10:00 p.m.

COUNCILOR MC LAUGHLIN moved entertainment be allowed until 11:00 p.m. Seconded by COUNCILOR NAPOLITANO.

VOTE: In favor – MAYOR WALUK; COUNCILORS CONNOLLY, COYNE, DUNCAN, MC LAUGHLIN and NAPOLITANO.

Opposed – COUNCILOR LEONARD.

b-1) Holiday Selling License - Forty 1° North, LLC, d/b/a The Shop, 20 Perry Mill Wharf.

COUNCILOR LEONARD recused herself.

MAYOR WALUK moved the license be approved. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

f. Daily Entertainment Licenses, Class B (outdoor), Belle Mer, Inc., d/b/a Belle Mer, 2 Goat Island:

1) July 12, 2007 from 6:00 p.m. - 6:30 p.m.
2) July 13, 2007 from 5 p.m. - 5:30 p.m. & 6:30 p.m. - 7:00 p.m.
3) July 14, 2007 from 6:30 p.m. - 7:00 p.m.
4) July 21, 2007 from 6:15 p.m. - 6:45 p.m.
5) July 22, 2007 from 5:00 p.m. - 5:30 p.m.

6) July 27, 2007 from 6:00 p.m. - 6:30 p.m.
7) July 28, 2007 from 11:00 a.m. – 11:30 a.m.

COUNCILOR CONNOLLY recused herself.

MAYOR WALUK moved the licenses be approved. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

g. Daily Entertainment Licenses, Class B (outdoor), IDC, Inc., d/b/a Oceancliff, 65 Ridge Rd. (current restriction limits outdoor entertainment to Sunday's and Monday's from 1:00 p.m.- 5:30 p.m. May 1 through October 15):
   1) July 20, 2007 from 6:00 p.m. – 7:00 p.m.
   2) July 21, 2007 from 11:15 a.m. – 1:00 p.m.
   3) July 21, 2007 from 6:15 p.m. – 8:00 p.m.
   4) July 22, 2007 from 10:15 a.m. – 12:00 p.m.
   5) July 22, 2007 from 5:15 p.m. – 7:00 p.m.

COUNCILOR CONNOLLY recused herself.

COUNCILOR WALUK moved the applications be tabled. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

## LICENSES AND PERMITS

2. Holiday Selling License, Scooters of Newport, Inc., d/b/a Scooters of Newport, 476 Thames St. (new location). (continued from June 27, 2007)

COUNCILOR COYNE moved the license be approved. Seconded by COUNCILOR NAPOLITANO.

COUNCILOR LEONARD said she had an issue with the business using South Baptist Street. She said she had also received a call that the business was parking the scooters on West Extension St.

TURNER C. SCOTT, ESQ, representing the applicant, said the business is a permitted use and, since the Police Department made the request, they have been trying to use Thames St. as much as they can by walking the scooters down to Thames St.; however, it is not possible for novice riders to practice on Thames St.

COUNCILOR CONNOLLY expressed concern that a rider might not see a child coming from between two parked cars on South Baptist Street.

POLICE CHIEF MICHAEL MC KENNA said he met with the owner and explained the noise problems in the neighborhood. He said the owner watches inexperienced drivers on South Baptist St. so that they can be stopped immediately if doing something wrong. COUNCILOR LEONARD said the practice of the Council is to not allow businesses in residential neighborhoods. She said the

noise of the scooters has bothered the South Baptist St. residents and if the owner cannot operate solely on Thames St. he should find another location.

KAREN MELLO of South Baptist St. said it is not just the noise of the scooters that is bothersome but also riders yelling to one another. ATTORNEY SCOTT said he has the same experiences on Haliden Terrace and throughout the City with scooter noise and riders yelling to one another.

BARRY DRESSLER, owner of Scooters of Newport, said in response to questions from the Council, that when a scooter rider has had no experience he has them drive about 20 yards on So. Baptist St. to ensure he/she can handle it and, if not, they are immediately told to get off – which he said is probably why his business has a record of zero accidents. He said of about 70 to 80 customers, four or five have not been allowed to continue with scooters. He said because of the amount of traffic on Thames St. he would rather have riders go onto So. Baptist so they can be stopped if they are having trouble.

COUNCILOR COYNE said he would not vote against granting the license but asked that the two-wheel scooters not use South Baptist St. MAYOR WALUK said he would support the license also with the restriction that So Baptist St. not be used for the initiation of rides. COUNCILOR DUNCAN said because of congestion traffic is slow on Thames St. and therefore scooters should have no problem getting onto it. COUNCILOR MC LAUGHLIN pointed out that once a scooter is rented the operator cannot be restricted from operating on So. Baptist St.

Discussion followed between COUNCILOR LEONARD and MR. DRESSLER, wherein MR. DRESSLER said that his business does not park the scooters on West Extension St. although some of the residents of So. Baptist St. who have scooters do. He said there is a parking lot on West Extension that previously had been used as a neighborhood garden and employees park there.

VOTE ON THE MOTION TO APPROVE WITH THE STIPULATION THAT SOUTH BAPTIST STREET NOT BE USED WHEN MOTOR SCOOTER RENTERS/OPERATORS LEAVE THE BUSINESS:

In favor – MAYOR WALUK; COUNCILORS CONNOLLY, COYNE, DUNCAN, MC LAUGHLIN and NAPOLITANO.

Opposed – COUNCILOR LEONARD

3. Special Event License, Construction Industries of Rhode Island, d/b/a Dinner Dance, Rosecliff, 670 Bellevue Ave., July 21, 2007, from 7:00 p.m. to 11:00 p.m. (continued from June 27, 2007)

COUNCILOR COYNE moved the license be approved. Seconded by COUNCILOR CONNOLLY.

COUNCILOR LEONARD said she has questions as to where the 200 cars will be parked and cited buses traveling through a residential neighborhood during one the Society's previous events.

CITY MANAGER ED LAVALLEE said no buses will be used for the event and cars will be parked in the Society's parking lots.

PHILIP PELLETIER, Director of Special Events for the Preservation Society, said there will be valet parking for the event for what they estimate will bring in about 80 cars. He noted that the Rosecliff property can accommodate 240 cars.

The motion to approve was VOTED UNANIMOUSLY.

4. Second Hand License, New, GameStop Inc., d/b/a Game Stop, 163 JT Connell Highway #3. (Hearing)

COUNCILOR COYNE moved the hearing be closed and the license granted. Seconded by COUNCILOR LEONARD and VOTED UNANIMOUSLY.

5. Drain Layer License, Renewals:
   1) Dare, Inc., 158 Moulton St., Unit B, Rehoboth, MA
   2) D'Libro Excavating, Inc., 5 Daisy St., West Warwick, RI

   Renewals (continued from June 27, 2007):
   1) All Island Landscape, Inc., 2829 East Main Rd., Portsmouth, RI
   2) Brennan Construction Co., 155 Schoolhouse Lane, Portsmouth, RI
   3) Camara Excavating, 48 Common Fence Blvd., Portsmouth, RI
   4) East Coast Construction, 96 Ferry Landing Circle, Portsmouth, RI
   5) JAM Construction Co., Inc., 1700 West Main Rd., Middletown, RI
   6) Mello Construction, 53 Beacon St., Middletown, RI
   7) Narragansett Improvement Co., 223 Allens Ave., Providence, RI
   8) Pond View Excavation, 1 Dexter Rd., East Providence, RI

MAYOR WALUK moved the license renewals be continued until such time as a policy has been established on road and sidewalk restoration, with the drain layers allowed to operate under their previous licenses. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

6. Victualing License Expansion, NWPT, Inc., d/b/a One Eighty°, 8-10 Broadway and 1 River Lane, first floor and basement, to include proposed function room on the second floor.

COUNCILOR COYNE moved the expansion be granted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

7. Entertainment License Expansion Class A (indoor), NWPT, Inc., d/b/a One Eighty°, 8-10 Broadway and 1 River Lane, first floor and basement, to include proposed function room on the second floor. (Hearing)

COUNCILOR COYNE moved the hearing be closed and the expansion granted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

## COMMUNICATIONS & PETITIONS

8. Communication from Chronognostic Research Foundation requesting permission to complete the excavation of the Touro Park site.

RAY PASQUARIELLO and DR. JOYCE CLEMENTS of Gray & Pape were present on behalf of Janet Barstad of Chronognostic Research Foundation. MR. PASQUARIELLO said they were asking to excavate east of the tower to complete the work that was started last year. In response to questions from the Council he said there would probably be six people working at the site, they would make arrangements for parking, and they would restore the park to its original condition.

SCOTT WHEELER, Grounds Maintenance Supervisor, said he was very pleased with the group's efforts last year, noting they were very sensitive to the trees in the park, and said he was satisfied that they could continue this year.

COUNCILOR COYNE moved permission for the excavation be granted subject to all the stipulations imposed when permission was granted last year, and that parking also be addressed. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

## RESOLUTIONS

9. Thanking Admiral Weschler for all of his work with the 2007 Tall Ships and his support of volunteer efforts in the past. (J. Napolitano, S. Waluk, K. Leonard, C. Duncan, M. Connolly, J. McLaughlin, S. Coyne)

MAYOR WALUK moved the resolution be continued to the August 8, 2007, meeting. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

10. Regulation of the posting of signs. (S. Waluk, K. Leonard, J. McLaughlin)

MAYOR WALUK introduced the resolution and moved for its adoption, with the City Administration to report back at the August 8th council meeting with recommendations. Seconded by COUNCILOR CONNOLLY.

COUNCILOR COYNE said the report should be all inclusive on what signs can be used. COUNCILOR CONNOLLY said she was concerned about Newport's authority to regulate signs on State land. COUNCILOR LEONARD said allowing private parking lot owners to identify their lots should also be considered.

The motion was VOTED UNANIMOUSLY.

11. Directing the city administration to develop a process of permitting roadway excavation projects. (S. Waluk, K. Leonard, J. McLaughlin)

MAYOR WALUK introduced the resolution and moved for its adoption. Seconded by COUNCILOR CONNOLLY.

COUNCILOR LEONARD said there should be a requirement that when an excavation is made on Bellevue Ave. the entire segment must be replaced. MAYOR WALUK said that should be the case on all streets.

The motion was VOTED UNANIMOUSLY.

## ORDINANCES

12. Amending Chapter 12.28.130, "Harbor Rules & Regulations," Paragraph D, to define "family members." (Second Reading) continued from June 27, 2007

MAYOR WALUK noted that the Waterfront Commission asked that this be continued and referred back to them. He then moved to continue the ordinance and refer it back to the Waterfront Commission for a recommendation to the Council.

COUNCILOR LEONARD said compromise language had been developed and it would be discriminatory not to vote on it. MAYOR WALUK disagreed, saying it would not be discriminatory because the recommendation is from the Council's advisory board, thus, the continuation had to do with the process. COUNCILOR NAPOLITANO agreed, saying that boards and commissions were established to make recommendations on issues.

COUNCILOR LEONARD moved that the proposed ordinance be amended to remove "significant other" and add in its place, "...and those individuals residing in the same household, jointly responsible for common welfare and financial obligations and jointly responsible for basic living expenses." Seconded by COUNCILOR DUNCAN.

COUNCILOR DUNCAN asked that the proposed ordinance amendment be sent as a directive to the Waterfront Commission. COUNCILOR MC LAUGHLIN suggested that the Waterfront Commission work with the City Solicitor in developing agreeable language. COUNCILOR COYNE said he didn't think not voting on the proposal would be discriminatory, however, Council Leonard's language was trying to bring the ordinance language into the 21st Century and it was a small step in moving forward.

MAYOR WALUK asked the City Clerk to forward the new language to the Waterfront Commission with a request that they respond for the July 25th council meeting.

The motion to continue the ordinance amendment was VOTED UNANIMOUSLY.

## COMMUNICATIONS FROM THE CITY MANAGER

13. Communication #4249/07, re: Award of Contract for Enterprise Resource Planning Software (ERP) (with accompanying resolution) Reconsideration of June 13, 2007, vote.

MAYOR WALUK said the City Manager has recommended tabling the communication. CITY

MANAGER ED LAVALLEE said that would give the Finance Department time to develop the contracts.

COUNCILOR MC LAUGHLIN moved the matter be tabled. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

14. Communication #4259/07, re: Control Plan for CSO's – EarthTech Amendment No. 3 (with accompanying resolution)- continued from June 27, 2007

COUNCILOR COYNE moved the communication be received and the resolution approved. Seconded by COUNCILOR CONNOLLY.

COUNCILOR LEONARD said she would like to continue the discussion. She discussed at length the "multipliers," saying she would like to know what they are for other companies in the area, noting that RIDOT has a maximum of $50/hour. COUNCILOR DUNCAN said he had an issue with the contract because it initially started at $93,473. He said he would vote against the amendment because he believed the work should be put out to bid.

COUNCILOR CONNOLLY responded that the decision was made in 2004 to go with the EarthTech Plan and inasmuch as this is Phase 3, the council shouldn't change horses in mid-stream. She said once the plan is completed, then the Council can go out to bid on the actual work. COUNCILOR NAPOLITANO agreed, saying information was initially provided on the multiplier effect and EarthTech's proposal was in the middle. She said she has faith in the information provided and the Council should move forward.

Following additional discussion and comment by members of the council, the following vote was recorded on the motion to approve:

In favor – MAYOR WALUK; COUNCILORS CONNOLLY, COYNE, MC LAUGHLIN, and NAPOLITANO.

Opposed – COUNCILORS DUNCAN and LEONARD.

15. Communication #4239/07, re: Definitions – Tents, Temporary Structures and Permanent Structures (with accompanying ordinance)- continued from June 27, 2007

CITY SOLICITOR JOSEPH NICHOLSON said he would circulate the newly written ordinances to the Council and to the Planning Board for a recommendation.

MAYOR WALUK moved the communication be tabled. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

16. Communication #4266/07, re: ADA Sidewalk at Miantonomi Park- Change of Vendor

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

17. Communication #4267/07, re: Award of Bid #07-063-Five (5)4WD Pick-up Trucks

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR NAPOLITANO.

Discussion followed among COUNCILOR LEONARD, CITY MANAGER LAVALLEE, COUNCILOR CONNOLLY and COUNCILOR MC LAUGHLIN on the assignment of the vehicles with the pending departmental reorganization.

The motion was VOTED UNANIMOUSLY.

18. Communication #4268/07, re: Purchase of Police Portable 800 MHz Radios under RI Master Purchase Agreement

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY.

19. Communication #4269/07, re: Easement for Lawton Valley Water Treatment Plant Residual Management and St. Mary's Raw Water Transmission Main Project- #07-019

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

20. Communication #4270/07, re: Award of Bid #07-045- Engineering Services for Seawall and Pier Evaluations

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY.

7:46 PM. ADJOURNED AS COUNCIL AND CONVENED AS BOARD OF LICENSE COMMISSIONERS

# BOARD OF LICENSE COMMISSIONERS

1. **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. Class F-1 Daily Liquor Licenses:
      1) Royal Arts Foundation, d/b/a Old School Prom, Belcourt Castle, Bellevue Ave., August 4, 2007 from 8:00 p.m. to 12: 00 a.m.
      2) Newport County Women's Resource Center, d/b/a A Summer Evening by the Sea; Easton's Beach Rotunda; July 20, 2007 from 8:00 p.m. to midnight.

COMMISSIONER COYNE moved the licenses be approved. Seconded by COMMISSIONER LEONARD and VOTED UNANIMOUSLY.

**LICENSES & PERMITS**

2. Application of SSR Corporation, d/b/a Sardella's, 78 William St./30 Memorial Blvd. to expand the hours of service of its Class BV alcoholic beverage license on the outdoor patio located on the north (Memorial Blvd.) side of the building to 1:00 a.m. (Current restriction limits use of patio to 12 midnight)

PATRICK O'N. HAYES, JR., ESQ., representing SSR Corp., said there have been no problems with the use of the patio to midnight in its 27 years of operation and asked that its hours be extended to 1:00 a.m., similar to other area restaurants.

COMMISSIONER COYNE moved the hearing be closed and the expansion granted. Seconded by COMMISSIONER CONNOLLY and VOTED UNANIMOUSLY.

3. Application of NWPT, Inc., d/b/a One Eighty°, 8-10 Broadway and 1 River Lane, first floor and basement, to expand its Class BV alcoholic beverage license to a proposed function room on the second floor.

COMMISSIONER COYNE moved the hearing be closed and the expansion granted. Seconded by COMMISSIONER CONNOLLY and VOTED UNANIMOUSLY.

7:50 P.M. COMMISSIONER COYNE MOVED THE BOARD ADJOURN AND RECONVENE AS COUNCIL AND ADJOURN TO EXECUTIVE SESSION, IN ACCORDANCE WITH RIGL 42-46-5, PURPOSES FOR WHICH MEETINGS MAY BE CLOSED, TO DISCUSS PENDING LITIGATION. Seconded by COMMISSIOIER CONNOLLY and VOTED UNANIMOUSLY.

Kathleen M. Silvia
City Clerk
July 16, 2007

# CITY OF NEWPORT
# MINUTES OF THE COUNCIL MEETING
# HELD JULY 25, 2007

*(Approved August 8, 2007)*

*The following items of business, filed with the City Clerk under the rules of the Council, came before the Council at its regular meeting held on JULY 25, 2007.*

The MAYOR called the meeting to order at 6:30 p.m.

The CITY CLERK called the roll and the following members were present:

MARY C. CONNOLLY
STEPHEN R. COYNE
CHARLES Y. DUNCAN
KATHRYN E. LEONARD
JUSTIN S. MC LAUGHLIN
JEANNE-MARIE NAPOLITANO
STEPHEN C. WALUK, MAYOR

## COUNCIL

1. **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 June 13, 2007, Council Meeting (Approve)
   b. Minutes of the June 27, 2007, Council Meeting (Approve)
   c. Minutes of the July 11, 2007, Council Meeting (Approve)
   d. Special Event Licenses:
      1) Fort Adams Trust, d/b/a Summer Luau Fundraiser; Fort Adams State Park; August 18, 2007 (Rain date August 19, 2007), from 5:00 p.m. to 10:00 p.m.
      2) Newport Brokerage Boat Show, LLC, d/b/a Newport Brokerage In-water Boat Show; 1 Washington St., September 13-16, 2007, from 10:00 a.m. to 6:00 p.m.
      3) Turning Around Ministries, d/b/a TAM Walk-a-thon; September 15, 2007, from 8:30 a.m. to 1:00 p.m. (beginning at Dearborn St., north on Spring St. to Sheffield School on Broadway; returning via Broadway, Dr. Marcus Wheatland Blvd., Marlborough St. to south on Thames to Dearborn St.)
      4) Salve Regina University, d/b/a 60th Anniversary Day Community Concert; Easton's Beach, September 24, 2007, from 6:00 p.m. to 9:00 p.m. (with 30-minute fireworks display at 8:00 p.m.)
      5) Alzheimer's Association, d/b/a Newport Memory Walk; September 30, 2007, from 12 Noon to 3:00 p.m. (beginning on Ochre Pt. Ave., to Narragansett Ave., south on Bellevue Ave., returning north on Bellevue Ave. to Leroy Ave. to Ochre Pt.)
   e. Holiday Selling Licenses, Renewal, Margaret E. Head, d/b/a The Newport Candle Company, 17 Bowen's Wharf.
   f. Pedicab Operator License:
      1) David G. Cass, 19 Stenton Ave., Westerly, RI
      2) Alexandre T. Koza, 1-1/2 Green Lane, Newport, RI

g. REMOVED: Daily Entertainment Licenses, Class B (outdoor), Belle Mer, Inc., d/b/a Belle Mer, 2 Goat Island:

h. Communication from Catherine Damaskos Jennings requesting permission to close Boughton Road for a neighborhood block party on September 15, 2007 (rain date Sept. 16), from 3:00 p.m. to 11:00 p.m. (Approve subject to details being worked out with City Administration)

i. Communication from Nancy Nelson Caswell on behalf of Channing Memorial Church requesting permission to use a section of Touro Park for a potluck picnic on August 19, 2007, from 11:30 a.m. to 2:00 p.m.
(Approve subject to details being worked out with City Administration)

j. Communication from Charles Roberts, President, Seven Rays, Inc., requesting permission for a ten-minute fireworks display on August 25, 2007, at 9:30 p.m. in conjunction with a wedding on Goat Island.
(Approve subject to details being worked out with City Administration)

k. REMOVED: Communication from Nancy Piffard, Show Director

l. Communication from Neil P. Galvin, Esq., on behalf of One Goat Island LLC, owner of Hyatt Regency Newport, Goat Island, re: (1) public vehicular and pedestrian easement; and (2) fire lanes at rear of hotel.
(Receive and refer to the City Administration)

m. Claims (Receive and refer to City Solicitor):
1) Duchess d. Colon, by attorney
2) Jania S. Jones, by attorney
3) Richard Santos, by attorney

COUNCILOR COYNE moved the Consent Calendar be adopted with the exception of Items g and k. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

g. Daily Entertainment Licenses, Class B (outdoor), Belle Mer, Inc., d/b/a Belle Mer, 2 Goat Island:
1) August 4, 2007, from 6:00 p.m. to 7:00 p.m.
2) August 5, 2007, from 5:30 p.m. to 6:00 p.m.

COUNCILOR CONNOLLY recused herself.

COUNCILOR COYNE moved the applications be considered after Item #3. Seconded by COUNCILOR NAPOLITANO AND VOTED UNANIMOUSLY.

k. Communication from Nancy Piffard, Show Director, Newport Exhibition Group, requesting permission to display boats and signage on public property promoting the

Newport International Boat Show. (Approve subject to details being worked out with City Administration)

COUNCILOR DUNCAN said he had no problem with the boats being placed in the same locations as previous years, but the approval should be granted subject to there being no A-frame signs placed on public property. MS. PIFFARD said a banner would be hung on each boat advertising the dates of the International Sailboat Show and she understood that A-frame signs are not allowed.

COUNCILOR COYNE moved permission be granted subject to details being worked out with the city administration. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

**LICENSES AND PERMITS**

2. Reconsideration: Daily Entertainment License, IDC, Inc., d/b/a Oceancliff, 65 Ridge Road, August 4, 2007, from 4:00 p.m. to 10:00 p.m.
(Approved June 13, 2007)
-- Communication from Raymond G. L'Heureux, Corporate Director of Sales & Marketing, IDC, Inc., asking to withdraw all IDC, Inc., applications for Daily Entertainment Licenses

COUNCILOR CONNOLLY recused herself.

MAYOR WALUK moved the Daily Entertainment Licenses for IDC, Inc., at Oceancliff be withdrawn. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

3. Annual Entertainment License, Class B, Belle Mer, Inc., d/b/a Belle Mer, 2 Goat Island (continued from March 28, 2007)

COUNCILOR CONNOLLY recused herself.

COUNCILOR COYNE moved the license be approved. Seconded by COUNCILOR NAPOLITANO.

COUNCILOR COYNE moved approval be subject to the stipulations that (1) music not be amplified; (2) the type of instruments to be played be only those that were granted under their previously approved daily entertainment licenses; and (3) the outside music be limited to wedding ceremonies only and not wedding receptions. Seconded by COUNCILOR LEONARD.

MAYOR WALUK said it would be unfair to place the limitations on Belle Mer when the two other establishments on Goat Island have full outdoor entertainment licenses with amplification.

COUNCILOR DUNCAN said the applicant has demonstrated he is a good neighbor and he would support the petition. COUNCILOR COYNE responded that the daily entertainment licenses were for only one-half hour periods and therefore there is no record for full entertainment. COUNCILOR NAPOLITANO said she had changed her mind since last voting against the Class B and she had spoken with several members of The Point Association who do not oppose the granting

of the Class B license. She said the business has conducted itself admirably; and given how competitive the wedding business is, it is a matter of fairness to allow them to compete with others.

BRIAN BARDORF, ESQ., representing Belle Mer, Inc., said there had been no complaints when Belle Mer had operated under numerous daily entertainment licenses. He pointed out that a wall has now been built around the facility so if music is heard coming from Goat Island it will not be from Belle Mer.

MAYOR WALUK noted that nobody was present to oppose the granting of the license. He said he understood Councilor Coyne's wanting to have a tiered process but that is not provided for under the ordinance and has not applied to any other applicant. He commented that Belle Mer is an event facility and not a bar and they should have the same entertainment rights as the other establishments.

VOTE ON THE AMENDMENT TO IMPOSE STIPULATIONS:

In favor – COUNCILORS COYNE and LEONARD.

Opposed – MAYOR WALUK; COUNCILORS DUNCAN, MC LAUGHLIN and NAPOLITANO.

MAYOR WALUK moved the Class B entertainment license be approved. Seconded by COUNCILOR NAPOLITANO.

In favor -- MAYOR WALUK; COUNCILORS DUNCAN, MC LAUGHLIN and NAPOLITANO.

Opposed – COUNCILORS COYNE and LEONARD.

4. Victualing License, New, Spring Seasons Inn, Inc., d/b/a Spring Seasons Inn Tea Room, 86 Spring St.

COUNCILOR COYNE moved the license be approved. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

5. Victualing License, New, The Original Rocco's Little Italy, LLC, d/b/a The Original Rocco's Little Italy, 109 Broadway.

COUNCILOR COYNE moved the license be approved. Seconded by COUNCILOR CONNOLLY.

JOHN T. SHEEHAN, ESQ., reprsesenting Christian LLC objected to the use of the d/b/a and said the matter was being heard in Superior Court. ASSISTANT SOLICITOR CHRISTOPHER BEHAN read the Court Order wherein it was stated the business is not to open before August 31, 2007, on which date a hearing would be held. COUNCILOR MC LAUGHLIN pointed out there had been a similar issue regarding the use of the d/b/a Christie's and the Council approved the license and stated the parties could have the d/b/a decided in court.

JWEINAT ADNAN (a/k/a) Rocco) asked that the license be approved because the business will not open until after the Court hearing.

COUNCILOR COYNE moved the license be granted to The Original Rocco's Little Italy, LLC< with a d/b/a to be determined in the future. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

## 6. APPOINTMENTS TO BOARDS AND COMMISSIONS

Charter Review Commission (9 vacancies) – Applicants: John Abong, Robert Bailey, Ronald I. Becker, David W. Brown, George E. Bunnewith, Lynn Ceglie, Stephen J. Coaty, Sandra J. Flowers, Paul W. Gagne, Dr. O. William Hilton, Jr., Mary J. Hoene, Joan Johnson-Freese, Amanda Frye Leinhos, Matthew H. Leys, David P. Martland, Thomas M. Nichols, Casper Roos, Teresa Trifero, Bonnie J. Watson.

MAYOR WALUK moved John Abong, Lynn Ceglie, Stephen Coaty, Paul Gagne, Dr. O. Hilton, Amanda Fry-Leinhos, Matthew Leys, Teresa Trifero and Bonnie Watson be appointed to the Charter Review Commission. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

Tree Commission (1 vacancy) – Applicant: Robert W. Currier

MAYOR WALUK moved Robert Currier be appointed to the Tree Commission. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

Climate Control Task Force (7 vacancies) – Applicants: Roger L. Buck, M. Catherine Coyne, SSJ, Tina Dolen, Jane L. Dyer, Martin O. Grimes, Jr., Beth P. Milham.

MAYOR WALUK moved Roger Buck, Tina Dolen, Jane Dyer, Martin Grimes and Beth Milham be appointed to the Task Force. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

MAYOR WALUK moved Catherine Coyne, SSJ, be appointed to the Task Force.
COUNCILOR COYNE recused himself.
The motion was seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

MAYOR WALUK said the first meeting of the Charter Review Commission would be August 15th at 6:30 p.m. in the Council Chambers, and the first meeting of the Task Force would also be held on August 15th at 6:00 in the conference room of City Hall.

MAYOR WALUK cited the need for volunteers to serve on a committee to plan the Newport-Shimoda 50th Sister City Anniversary in 2008. He said the Committee will consist of past and present City officials and delegates to the Shimoda City Black Ships Festivals, members of the Japan-America Society, tourism officials, and interested businesses, taxpayers and residents of Newport, to plan a schedule of celebratory events, educational programs and exhibitions, from May through July, 2008, of the Newport-Shimoda 50th Sister City Anniversary. Persons interested in participating can obtain applications on the City's web page or by contacting the Mayor's Office.

## ORDINANCES

7. Amending Chapter 12.28.130, "Harbor Rules & Regulations," Paragraph D, to define "family members." (Second Reading; continued from July 11, 2007)
   -- Communication from the Waterfront Commission recommending against changes to existing ordinance that allows transfer of moorings to immediate family members.

MAYOR WALUK moved the ordinance be tabled for further review. Seconded by COUNCILOR CONNOLLY.

COUNCILOR LEONARD said she had several questions for the Waterfront Commission and discussion then followed among COMMISSIONER LEONARD, NEILL GRAY of the Waterfront Commission, and Harbor Master TIM MILLS. COMMISSIONER LEONARD asked about the requirement that one person must own 51% of a boat in order to qualify for a mooring; if the City could drop more moorings that the City could then rent out; for information on the CRMC requirement for a one-time only transfer of a mooring; and wording for the definition of "significant other" because she said it was unfair that a mooring can be transferred to a spouse but not a significant other. COUNCILOR COYNE asked about the appeal process and how many transfers have been declined. HARBOR MASTER TIM MILLS responded that they have never declined a transfer to a family member. He said transfer of moorings to friends have been declined because that is prohibited by ordinance. He noted, however, and it was confirmed by Assistant Solicitor CHRISTOPHER BEHAN, that groups are now setting up Limited Liability Corporations (LLC's) for ownership of moorings which makes it difficult to determine an individual owner.

MAYOR WALUK moved the concerns be forwarded by the City Clerk to the Waterfront Commission and Harbor Master for comment and recommendations back to the Council at the September 26, 2007 council meeting, at which time a workshop will be scheduled for some time in October to address the various issues.

Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

## COMMUNICATIONS FROM THE CITY MANAGER

8. Communication # 4271/07, re: Interdepartmental Traffic Committee Recommended Ordinance Changes: (1) Motorcycle Parking; (2) No Parking on Waits Wharf; (3) Fifteen-minute Parking on Thames St. south of Hammond St. (With accompanying ordinances)

COUNCILOR COYNE moved the ordinances be adopted on first reading. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

9. Communication #4272 /07, re: Sole Source Purchase – Mutt Mitt Supplies

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY.

COUNCILOR DUNCAN said sponsorship should be explored more strongly and cited as an example that he would be willing to pay to have his company name as a sponsor on the dispenser.

The motion was VOTED UNANIMOUSLY.

10. Communication #4273/07, re: Bid Award for Catch Basin Separation Improvements

COUNCILOR CONNOLLY moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY.

COUNCILOR LEONARD said that when roads are excavated they are to be restored to their original condition. COUNCILOR MC LAUGHLIN noted that at a November workshop 26 catch basins were discussed, in January it was 28 locations, and now it is 25.

KEN MASON, Deputy Utilities Director, said 25 were identified by EarthTech, plus three locations the city had identified, for a total of 28. COUNCILOR MC LAUGHLIN asked if he could be provided a list of all 28 locations since this bid is for only 13 of them. JULIA FORGUE, Utilities Director, said work would be done in the next year, beginning with the 13 being approved at this meeting. She said the work is to start in September and with an anticipated completion the first of the year; however, weather would be a factor. COUNCILOR MC LAUGHLIN said he was disappointed that finances keep the city from moving forward and said he was sure there would be a future bond.

COUNCILOR LEONARD expressed concern regarding the catch basin disconnections around Morton Park and Kerins Terrace, and the disconnections at Marchant & Connection and Marchant & Atlantic, which had had extensive flooding in the past and she did not want to see the houses undergo flooding again. DIRECTOR FORGUE said the park is lower than the street and had not yet been disconnected. She said she would look into the possibility of a drain across the park to Morton Ave., which she believed would have a significant cost. MAYOR WALUK said the problem has gone on for decades and this council and the previous one and the city staff have ben moving forward on the catchbasin issue with the objective of cleaning up Newport Harbor.

The motin to approve was VOTED UNANIMOUSLY.

11. Communication #4274/07, re: Conservation Easement from Newport Auto Center to Newport Water Division (with accompanying resolution)

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

7:37 p.m. ADJOURNED AS COUNCIL AND CONVENED AS BOARD OF LICENSE COMMISSIONERS

# BOARD OF LICENSE COMMISSIONERS

1. **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.

   Application for a Class F-1 Daily Liquor License, Fort Adams Trust, d/b/a Summer Luau Fundraiser; Fort Adams State Park, August 18, 2007, from 5:00 p.m. to 10:00 p.m.

COMMISSIONER COYNE moved the license be granted. Seconded by COMMISSIONER CONNOLLY and VOTED UNANIMOUSLY.

7:38 p.m. ADJOURNED

Kathleen M. Silvia
City Clerk
August 3, 2007

# NEWPORT CITY COUNCIL

## MEETINGS AND WORKSHOPS

## JULY - AUGUST 2007

WEDNESDAY, July 11th

| | | |
|---|---|---|
| *5:30 p.m. | Interviews - Boards and Commissions - Charter Review Commission | Mayor's Office |
| 6:15 p.m.<br>6:30 p.m. | Council Pre-meeting<br>Regular Council Meeting | Conference Room<br>Council Chamber |
| 6:45 p.m. or as soon as the Council Meeting concludes | Executive Session in accordance with RIGL Section 42-46-1 and Section 42-6-5 paragraph (a)(2) Pending Litigation | City Manager's Office |

WEDNESDAY, July 25th

| | | |
|---|---|---|
| 6:15 p.m.<br>6:30 p.m. | Council Pre-meeting<br>Regular Council Meeting | Conference Room<br>Council Chamber |

WEDNESDAY, August 8th

| | | |
|---|---|---|
| 6:15 p.m.<br>6:30 p.m. | Council Pre-meeting<br>Regular Council Meeting | Conference Room<br>Council Chamber |

WEDNESDAY, August 22nd

| | | |
|---|---|---|
| 6:15 p.m.<br>6:30 p.m. | Council Pre-meeting<br>Regular Council Meeting | Conference Room<br>Council Chamber |

*Four or more Council Members might attend.

Posted: 7/09/07 (paf)

# NEWPORT CITY COUNCIL

## MEETINGS AND WORKSHOPS

## JULY - AUGUST 2007

**WEDNESDAY, July 18th**

| | | |
|---|---|---|
| *5:20 p.m. | Interviews - Boards and Commissions - Charter Review Commission | Mayor's Office |
| 6:30 p.m. | Council Workshop with Ad Hoc Committee on Wastewater and Stormwater System Improvements RE: Interim Report of the Committee | Council Chamber |

**THURSDAY, July 19th**

| | | |
|---|---|---|
| *6:30 p.m. | Sister City Mayor's Welcome Dinner - Shimoda Delegation | Canfield House Memorial Blvd. |

**FRIDAY, July 20th**

| | | |
|---|---|---|
| *10:30 a.m. | Opening Ceremony/Black Ships Festival Opening Reception | Touro Park Bellevue Avenue Newport Art Museum |
| *6:30 p.m. | Black Ships Gala | Island House at Belle Mer, Goat Island |

WEDNESDAY, July 25th

| | | |
|---|---|---|
| 6:15 p.m. | Council Pre-meeting | Conference Room |
| 6:30 p.m. | Regular Council Meeting | Council Chamber |

WEDNESDAY, August 8th

| | | |
|---|---|---|
| 6:15 p.m. | Council Pre-meeting | Conference Room |
| 6:30 p.m. | Regular Council Meeting | Council Chamber |

WEDNESDAY, August 22nd

| | | |
|---|---|---|
| 6:15 p.m. | Council Pre-meeting | Conference Room |
| 6:30 p.m. | Regular Council Meeting | Council Chamber |

***Four or more Council Members might attend.**

Posted: 7/09/07 (paf)
**Revised: 7/16/07 (paf)**

# NEWPORT CITY COUNCIL

## MEETINGS AND WORKSHOPS

## SEPTEMBER - OCTOBER 2007

WEDNESDAY, September 12th

| | | |
|---|---|---|
| *5:30 p.m. | Interviews - Board of Directors - Newport County Convention and Visitors Bureau | Mayor's Office |
| **6:20 p.m.** | Council Pre-meeting | Conference Room |
| 6:30 p.m. | Regular Council Meeting | Council Chamber |

WEDNESDAY, September 26th

| | | |
|---|---|---|
| **6:20 p.m.** | Council Pre-meeting | Conference Room |
| 6:30 p.m. | Regular Council Meeting | Council Chamber |

WEDNESDAY, October 10th

| | | |
|---|---|---|
| **6:20 p.m.** | Council Pre-meeting | Conference Room |
| 6:30 p.m. | Regular Council Meeting | Council Chamber |

WEDNESDAY, October 24th

| | | |
|---|---|---|
| **6:20 p.m.** | Council Pre-meeting | Conference Room |
| 6:30 p.m. | Regular Council Meeting | Council Chamber |

***Four or more Council Members might attend.**

Posted: 9/10/07 (paf)
**Revised: 9/11/07 (paf)**

# NEWPORT CITY COUNCIL

## MEETINGS AND WORKSHOPS

## NOVEMBER - DECEMBER 2007

SATURDAY, November 3rd

| | | |
|---|---|---|
| **11:30 a.m.** | Council Workshop<br>RE: Council Goal Setting | Rotary Board Room<br>Public Library<br>300 Spring Street |

**NOTE: THE TIME OF THE ABOVE WORKSHOP HAS BEEN CHANGED TO 11:30 A.M.**

WEDNESDAY, November 7th

| | | |
|---|---|---|
| *5:45 p.m. | Interviews - Boards and Commissions - Housing Authority | Mayor's Office |
| 6:00 p.m. | Council Workshop<br>RE: Proposed Historic District Ordinance Amendments | Council Chamber |

MONDAY, November 12th

| | | |
|---|---|---|
| *11:00 a.m. | Veteran's Day Ceremony | Front Lawn<br>City Hall |

WEDNESDAY, November 14th

| | | |
|---|---|---|
| 6:20 p.m. | Council Pre-meeting | Conference Room |
| 6:30 p.m. | Regular Council Meeting | Council Chamber |

WEDNESDAY, December 12th

| | | |
|---|---|---|
| 6:20 p.m. | Council Pre-meeting | Conference Room |
| 6:30 p.m. | Regular Council Meeting | Council Chamber |

**NOTE: ONLY ONE MEETING PER MONTH WILL BE HELD DURING THE MONTHS OF NOVEMBER AND DECEMBER.**

***Four or more Council Members might attend.**

Posted: 10/30/07 (paf)
**Revised: 11/02/07 (paf)**

# NEWPORT CITY COUNCIL

## MEETINGS AND WORKSHOPS

## DECEMBER 2007 - JANUARY 2008

WEDNESDAY, December 12th

| | | |
|---|---|---|
| 5:15 p.m. | Executive Session in accordance with RIGL Section 42-46-1 and Section 42-6-5 paragraph (a)(1) Personnel Matters Discussion of Annual Performance Evaluation of the City Manager | City Manager's Office |
| 6:20 p.m.<br>6:30 p.m. | Council Pre-meeting<br>Regular Council Meeting | Conference Room<br>Council Chamber |

FRIDAY, December 14th

| | | |
|---|---|---|
| *10:00 a.m. | City Council Strategic Planning Subcommittee | Conference Room |

THURSDAY, December 20th

| | | |
|---|---|---|
| *7:00 p.m. | Televised Public Forum on Newport Issues Co-sponsored by Newport Daily News and NCTV Access Group | Cox Communications offices, 137 Chase Rd. Portsmouth |

THURSDAY, December 27th

| | | |
|---|---|---|
| 6:00 p.m. | Council Workshop RE: Future of Sheffield School Property | Council Chamber |

WEDNESDAY, January 9th

| | | |
|---|---|---|
| 6:20 p.m.<br>6:30 p.m. | Council Pre-meeting<br>Regular Council Meeting | Conference Room<br>Council Chamber |

WEDNESDAY, January 23rd

| | | |
|---|---|---|
| 6:20 p.m.<br>6:30 p.m. | Council Pre-meeting<br>Regular Council Meeting | Conference Room<br>Council Chamber |

**NOTE: ONLY ONE MEETING WILL BE HELD DURING THE MONTH OF DECEMBER.**

***Four or more Council Members might attend.**

Posted: 12/12/07 (paf)

# NEWPORT CITY COUNCIL

## MEETINGS AND WORKSHOPS

## DECEMBER 2007 - JANUARY 2008

THURSDAY, December 20th

| | | |
|---|---|---|
| *7:00 p.m. | Televised Public Forum on Newport Issues Co-sponsored by Newport Daily News and NCTV Access Group | Cox Communications offices, 137 Chase Rd. Portsmouth |

**NOTE:** **THE WORKSHOP ON THE FUTURE OF THE SHEFFIELD SCHOOL PROPERTY HAS BEEN RESCHEDULED FROM DECEMBER 27, 2007 TO JANUARY 3, 2008 AT 6:30 P.M. (see posting below)**

**THURSDAY, January 3rd**

| | | |
|---|---|---|
| **6:30 p.m.** | **Council Workshop**<br>**1. Future of Sheffield School Property**<br>**2. City Council Strategic Planning Subcommittee Summary of Preliminary Findings** | **Council Chamber** |
| **6:45 p.m. or as soon thereafter as the Council Workshop concludes** | **Executive Session in accordance with RIGL Section 42-46-1 and Section 42-6-5 paragraph (a)(1) Personnel Matters Discussion of Annual Performance Evaluation of the City Manager** | **City Manager's Office** |

WEDNESDAY, January 9th

| | | |
|---|---|---|
| 6:20 p.m. | Council Pre-meeting | Conference Room |
| 6:30 p.m. | Regular Council Meeting | Council Chamber |

WEDNESDAY, January 23rd

| | | |
|---|---|---|
| 6:20 p.m. | Council Pre-meeting | Conference Room |
| 6:30 p.m. | Regular Council Meeting | Council Chamber |

***Four or more Council Members might attend.**

Posted: 12/12/07 (paf)
**Revised: 12/18/07 (paf)**

# NEWPORT CITY COUNCIL

## MEETINGS AND WORKSHOPS

## FEBRUARY 2008

**WEDNESDAY, February 6th**

| | | |
|---|---|---|
| *10:00 a.m. | City Council Strategic Planning Subcommittee | Conference Room |
| *5:30 p.m. | Interviews - Boards and Commissions - Historic District Ordinance Review Task Force & Planning Board | Mayor's Office |
| 7:00 p.m. | Council Workshop Recommended 2009-2013 Capital Improvement Program | Council Chamber |

**WEDNESDAY, February 13th**

| | | |
|---|---|---|
| 6:20 p.m. | Council Pre-meeting | Conference Room |
| 6:30 p.m. | Regular Council Meeting | Council Chamber |

**WEDNESDAY, February 27th**

| | | |
|---|---|---|
| 6:20 p.m. | Council Pre-meeting | Conference Room |
| 6:30 p.m. | Regular Council Meeting | Council Chamber |

*Four or more Council Members might attend.

Posted: 2/4/08 (paf)

# NEWPORT CITY COUNCIL

## MEETINGS AND WORKSHOPS

## FEBRUARY - MARCH 2008

| | | |
|---|---|---|
| **WEDNESDAY, February 27th** | | |
| 6:20 p.m. | Council Pre-meeting | Conference Room |
| 6:30 p.m. | Regular Council Meeting | Council Chamber |
| **WEDNESDAY, March 5th** | | |
| 6:30 p.m. | Joint City Council/School Committee Meeting<br>RE: Pre-Budget Consultation | Council Chamber |
| **FRIDAY, March 7th** | | |
| *8:30 a.m. | City Council Strategic Planning Subcommittee<br>RE: City Department Budgets | Conference Room |
| 6:30 p.m. | Reception for Chefs of Kinsale Fine Food Festival | One Eighty Restaurant<br>8 Broadway |
| **WEDNESDAY, March 12th** | | |
| 6:20 p.m. | Council Pre-meeting | Conference Room |
| 6:30 p.m. | Regular Council Meeting | Council Chamber |
| **THURSDAY, March 13th** | | |
| *7:30 p.m. | Welcome Dinner - Kinsale, Ireland - Sister City Delegation | Spiced Pear Restaurant at the Chanler Hotel<br>33 Memorial Boulevard |
| **FRIDAY, March 14th** | | |
| *Noon | Sister City Luncheon | Carnegie Abbey, Corys Lane, Portsmouth |
| *6:30 p.m. | Welcome Reception - Kinsale, Ireland-Sister City Delegation | Newport Yacht Club<br>Long Wharf |
| **SATURDAY, March 15th** | | |
| *9:00 a.m. | St. Patrick's Day Mass | St. Joseph Church<br>Broadway & Mann Ave. |
| *10:00 a.m. | Irish Breakfast | Council Chamber |
| *11:00 a.m. | St. Patrick's Day Parade | Broadway . . . |
| **SUNDAY, March 16th** | | |
| *6:00 p.m. | Farewell Reception Kinsale, Ireland - Sister City Delegation | Brick Alley Pub<br>140 Thames Street |
| **WEDNESDAY, March 26th** | | |
| 6:20 p.m. | Council Pre-meeting | Conference Room |
| 6:30 p.m. | Regular Council Meeting | Council Chamber |

***Four or more Council Members might attend.**

Posted: 2/27/08 (paf)

# NEWPORT CITY COUNCIL

## MEETINGS AND WORKSHOPS

## MARCH 2008

| | | |
|---|---|---|
| **WEDNESDAY, March 5th** | | |
| 6:30 p.m. | Joint City Council/School Committee Meeting<br>RE: Pre-Budget Consultation | Council Chamber |
| **FRIDAY, March 7th** | | |
| *8:30 a.m. | City Council Strategic Planning Subcommittee<br>RE: City Department Budgets | Conference Room |
| 6:30 p.m. | Reception for Chefs of Kinsale Fine Food Festival | One Eighty Restaurant<br>8 Broadway |
| **WEDNESDAY, March 12th** | | |
| 6:00 p.m. | Newport Substance Abuse Prevention Task Force Presentation to City Council and School Committee | Council Chamber |
| 7:00 p.m.<br>7:15 p.m. | Council Pre-meeting<br>Regular Council Meeting | Conference Room<br>Council Chamber |
| **THURSDAY, March 13th** | | |
| *7:30 p.m. | Welcome Dinner - Kinsale, Ireland - Sister City Delegation | Spiced Pear Restaurant at the Chanler Hotel<br>33 Memorial Boulevard |
| **FRIDAY, March 14th** | | |
| *Noon | Sister City Luncheon | Carnegie Abbey, Corys Lane, Portsmouth |
| *6:30 p.m. | Welcome Reception - Kinsale, Ireland-Sister City Delegation | Newport Yacht Club<br>Long Wharf |
| **SATURDAY, March 15th** | | |
| *9:00 a.m. | St. Patrick's Day Mass | St. Joseph Church<br>Broadway & Mann Ave. |
| *10:00 a.m. | Irish Breakfast | Council Chamber |
| *11:00 a.m. | St. Patrick's Day Parade | Broadway . . . |
| **SUNDAY, March 16th** | | |
| *6:00 p.m. | Farewell Reception Kinsale, Ireland - Sister City Delegation | Brick Alley Pub<br>140 Thames Street |
| **WEDNESDAY, March 26th** | | |
| 6:20 p.m.<br>6:30 p.m. | Council Pre-meeting<br>Regular Council Meeting | Conference Room<br>Council Chamber |

***Four or more Council Members might attend.**

Posted: 3/04/08 (paf)

# NEWPORT CITY COUNCIL

## MEETINGS AND WORKSHOPS

## MARCH - APRIL 2008

WEDNESDAY, March 26th

| | | |
|---|---|---|
| 6:20 p.m. | Council Pre-meeting | Conference Room |
| 6:30 p.m. | Regular Council Meeting | Council Chamber |

MONDAY. March 31st

| | | |
|---|---|---|
| 5:30 p.m. | Executive Session in accordance with RIGL Section 42-46-1 and Section 42-6-5 paragraph (a)(2) Pending Litigation | City Manager's Office |
| 6:30 p.m. | Council Workshop with CDM Inc., the City Advisor for Water Utility Strategic Options and Delivery of Improvements to Water Treatment Facilities, under their Scope of Services - Phase 1A (utility ownership/governance strategy) - Presentation and Discussion of the Intended Approach | Council Chamber |

MONDAY, April 7th

| | | |
|---|---|---|
| 6:30 p.m. | Council Workshop with Charter Review Commission RE: Review of Proposed Revisions | Council Chamber |

WEDNESDAY, April 9th

| | | |
|---|---|---|
| 6:20 p.m. | Council Pre-meeting | Conference Room |
| 6:30 p.m. | Regular Council Meeting | Council Chamber |

WEDNESDAY, April 23rd

| | | |
|---|---|---|
| 6:20 p.m. | Council Pre-meeting | Conference Room |
| 6:30 p.m. | Regular Council Meeting | Council Chamber |

***Four or more Council Members might attend.**

Posted: 3/26/08 (paf)

# NEWPORT CITY COUNCIL

## MEETINGS AND WORKSHOPS

### APRIL - MAY 2008

WEDNESDAY, April 23rd

| | | |
|---|---|---|
| 6:20 p.m. | Council Pre-meeting | Conference Room |
| 6:30 p.m. | Regular Council Meeting | Council Chamber |
| 6:45 p.m. or as soon thereafter as the Council Meeting concludes | Executive Session in accordance with RIGL Section 42-46-1 and Section 42-6-5 paragraph (a)(5) Disposition of Publicly Held Property | City Manager's Office |

THURSDAY, April 24th

| | | |
|---|---|---|
| 6:00 p.m. | Council Workshop RE: Overview of FY 2008/09 Municipal Budget | Council Chamber |

TUESDAY, April 29th

| | | |
|---|---|---|
| 6:30 p.m. | Council Workshop RE: FY 2008/09 Municipal Budget - Public Library Civic Support Budgets | Council Chamber |

TUESDAY, May 6th

| | | |
|---|---|---|
| 6:00 p.m. | Council Workshop RE: FY 2008/09 Municipal Budget - Departmental Budgets: City Council; City Solicitor; Canvassing; City Clerk; City Manager/Human Resources, Grants; Finance/Unallocated, Recreation; Planning, Zoning, Development & Inspection | Council Chamaber |

WEDNESDAY, May 7th

| | | |
|---|---|---|
| 6:20 p.m. | Council Pre-meeting | Conference Room |
| 6:30 p.m. | Regular Council Meeting | Council Chamber |

(NOTE: COUNCIL MEETING DATE CHANGED FROM MAY 14 TO MAY 7 PER COUNCIL RESOLUTION NO. 2008-58, DATED APRIL 9, 2008)

THURSDAY, May 8th

| | | |
|---|---|---|
| 6:00 p.m. | Council Workshop RE: FY 2008/09 Municipal Budget - Departmental Budgets: Police; Fire; Public Services/Equipment Operations; Utilities/Water Fund/ Water Pollution Fund; Special Events; Economic Development/Harbor Maritime Fund/ Beach Fund/Parking Fund | Council Chamber |

WEDNESDAY, May 21st

| | | |
|---|---|---|
| 6:30 p.m. | Council Workshop with School Committee RE: FY 2008/09 Municipal Budget - School Department Budget | Council Chamber |

WEDNESDAY, May 28th

| | | |
|---|---|---|
| 6:20 p.m. | Council Pre-meeting | Conference Room |
| 6:30 p.m. | Regular Council Meeting | Council Chamber |

***Four or more Council Members might attend.**

Posted: 4/21/08 (paf)

City Clerk

# NEWPORT CITY COUNCIL

## MEETINGS AND WORKSHOPS

## MAY - JUNE 2008

WEDNESDAY, May 28TH

| | | |
|---|---|---|
| 6:20 p.m.<br>6:30 p.m. | Council Pre-meeting<br>Regular Council Meeting | Conference Room<br>Council Chamber |
| 6:45 p.m. or as soon thereafter as the Council Meeting concludes | Executive Session in accordance with RIGL Section 42-46-1 and Section 42-6-5 paragraph (a)(2) Pending Litigation Regarding the City of Newport Sewer System | City Manager's Office |

FRIDAY, May 30th

| | | |
|---|---|---|
| *8:30 a.m. to 12:30 p.m. | Youth Government Day Students from Rogers High School visit City Government Offices & Assume Supervisory and Leadership Positions Including Participation in a Mock City Council Meeting | Various City Department Offices and Council Chamber |

WEDNESDAY, June 11th

| | | |
|---|---|---|
| 6:20 p.m.<br>6:30 p.m. | Council Pre-meeting<br>Regular Council Meeting | Conference Room<br>Council Chamber |

WEDNESDAY, June 18th

| | | |
|---|---|---|
| 6:30 p.m. | Council Workshop with CDM Inc., the City Advisor for Water Utility Strategic Options and Delivery of Improvements to Water Treatment Facilities, under their Scope of Services - Results of Phase 1A (Utility Ownership/Governance Strategy) | Council Chamber |

WEDNESDAY, June 25th

| | | |
|---|---|---|
| 6:20 p.m.<br>6:30 p.m. | Council Pre-meeting<br>Regular Council Meeting | Conference Room<br>Council Chamber |

***Four or more Council Members might attend.**

Posted: 5/27/08 (paf)

# CITY OF NEWPORT
# MINUTES OF THE COUNCIL MEETING
# HELD AUGUST 8, 2007

*(Approved September 12, 2007)*

*The following items of business, filed with the City Clerk under the rules of the Council, came before the Council at its regular meeting held on AUGUST 8, 2007.*

The MAYOR called the meeting to order at 7:03 p.m.

The CITY CLERK called the roll and the following members were present:

MARY C. CONNOLLY
STEPHEN R. COYNE
CHARLES Y. DUNCAN
KATHRYN E. LEONARD
JUSTIN S. MC LAUGHLIN
JEANNE-MARIE NAPOLITANO (arrived 7:08 P.M.)
STEPHEN C. WALUK, MAYOR

## COUNCIL

**CITIZENS FORUM:**

Mr. Fred Baillargeron of 63 Malbone Road addressed the Council on traffic safety.

MR. FAGAN of 56 Ayrault Street spoke on the lack of stormwater retention plans for new parking lots.

COUNCILOR COYNE moved Item k be added to the Consent Calendar. Seconded by COUNCILOR LEONARD and VOTED UNANIMOUSLY.

1. 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 July 25, 2007, Council Meeting (Approve)
   b. Special Event Licenses:
      1) Friends of Ballard Park, d/b/a Fundraiser for Friends of Ballard Park; "Wyndham," 30 Brenton Rd., August 17, 2007, from 7:00 p.m. to 11:00 p.m.
      2) REMOVED: Newport Art Museum and Art Association, d/b/a "Wet Paint";
      3) REMOVED: Vectrix Corporation, d/b/a Grand Opening; 17 Touro Street,
      4) Maureen F. McEvoy, d/b/a "Friends of Hannah" Spaghetti Dinner and Silent Auction Fundraiser; Elks Lodge, 141 Pelham St., August 18, 2007, from 6:00 p.m. to 10:00 p.m.
      5) St. Joseph of Cluny School, Inc., d/b/a Cluny Fair 2007; 75 Brenton Road, September 23, 2007, from 10:00 a.m. to 4:00 p.m.
   c. Food Concession License, St. Joseph of Cluny School, Inc., d/b/a Cluny Fair 2007; September 23, 2007, from 10:00 a.m. to 4:00 p.m.

   d. Holiday Selling License, New, Anchor Bend Glassworks, LLC, d/b/a Anchor Bend Glassworks, 31 Bowen's Wharf.

e. Pedicab Operator License, New, Alexander C. Walsh, 22 Carroll Ave.
f. REMOVED: 2007 Report of the Newport Housing Authority (Receive)
g. REMOVED: Communication from Jack McVicker, President, Off-Broadway Neighborhood Association.
h. Communication from Mary Page in support of Daily Entertainment License for day of St. Patrick's Day Parade at Rhino Bar. (Receive)
i. REMOVED: CRMC Cease and Desist Order to IDC, Inc., d/b/a Goat Island Marina
j. Claims (Receive and refer to City Solicitor):
   1) Sandra Gaines, by attorney
   2) Richard G. Duncan
   3) Margaret O'Hara
   4) Glenn Ziemba

ADDED: k. Communication from Matthew J. Shea, General Sales Manager, Atlas PyroVision Productions, re: Fireworks Display (15 min. max.) – in conjunction with a wedding on August 18, 2007, at 9:45 p.m. from a barge off Castle Hill. (Approve subject to details being worked out with city administration)

COUNCILOR COYNE moved the Consent Calendar, with the exception of Items b-2, b-3, f, g and i, be adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

b-2 Newport Art Museum and Art Association, d/b/a "Wet Paint"; 76 Bellevue Ave., August 17, 2007 (preview party), from 7:00 p. m. to 10:00 p.m., and August 18, 2007 (auction), from 12:00 Noon to 5:00 p.m.

BONNIE WATSON, ESQ., said the parking barrier was removed on Downing Street to allow catering trucks and vehicles to park on Art Museum property and on Downing Street and submitted a picture of such.

COUNCILOR COYNE moved the document be received. Seconded by COUNCILOR DUNCAN and VOTED UNANIMOUSLY.

ATTORNEY WATSON said invitations to events at the Art Museum should state that parking is limited and the Museum should use other lots, hire a police officer to direct the vehicles to the lot, or otherwise have people park at the Visitors Center and trolley them to the Museum.

COUNCILOR MC LAUGHLIN commented on two events held at the Museum that did not obtain licenses and said the ordinance should be reviewed to remove any ambiguities.

ATTORNEY TURNER SCOTT, representing the Art Museum, agreed that the ordinance needs to be reviewed as to when a license is or is not required. He said on the night of the Gala at the Art Museum there was valet parking, using four parking lots. He cited additional work to be done at the museum, and said he wasn't sure that all the cars parked on Downing Street were related to the Art Museum event.

MAYOR WALUK cited a memorandum from the Zoning Officer in which he states there is a Consent Order that resolves the zoning violations.

COUNCILOR COYNE moved the license be approved. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

b-3 Vectrix Corporation, d/b/a Grand Opening; 17 Touro Street, August 17, 2007, from 6:00 p.m. to 11:00 p.m., and August 18, 2007, from 10:00 a.m. to 11:00 p.m.
-- Communication from Ray Alexander, Jr., Flagship Store Manager, Vectrix Corp., asking permission to use areas of Touro St., Washington Sq., and Eisenhower Park for display of Vectrix Maxi Scooters, logo, seating and entertainment.

COUNCILOR LEONARD said that while she supports new businesses she had a problem with using public property to promote the business. RAY ALEXANDER of Vectrix said he was changing his request to have the event on Saturday only and to use only the cement island on Washington Square to display the motor scooters, similar to the boat being placed there to promote the International Boat Show. He said the event itself would be inside the store. COUNCILOR COYNE said he shared Councilor Leonard's concerns, and he did not believe it to be a valid comparison with regard to the use of the cement island because the Boat Show is a large four-day event that brings in a substantial amount of money to the city.

COUNCILOR COYNE moved the license be granted for August 18th only from 10 a.m. to 11 p.m. and the use of the island for display of the motor scooter approved for that date as well. Seconded by COUNCILOR NAPOLITANO.

IN FAVOR – MAYOR WALUK; COUNCILORS CONNOLLY, DUNCAN, LEONARD, MC LAUGHLIN and NAPOLITANO.

OPPOSED – COUNCILOR COYNE.

f. 2007 Report of the Newport Housing Authority (Receive)

COUNCILOR LEONARD said the report mentions nothing about property taxes to the city although she recalled an agreement regarding trash collection.

CITY SOLICITOR JOSEPH NICHOLSON said the Housing Authority has never paid property taxes; rather, there was a payment for in lieu of taxes. MAYOR WALUK responded that the City Manager could look into what the City receives. COUNCILOR NAPOLITANO commented that although the Housing Authority doesn't pay property taxes Newport Heights does.

COUNCILOR COYNE moved the report be received. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

g. Communication from Jack McVicker, President, Off-Broadway Neighborhood Association, requesting permission to use Equality Park for a community picnic on August 28, 2007, from 5:00 p.m. to 8:00 p.m. (Approve subject to details being worked out with the city administration)

COUNCILOR MC LAUGHLIN commended the Association for the improvements they've made to Equality Park; COUNCILOR DUNCAN agreed.

MAYOR WALUK moved the communication be received and use of the park for a community picnic approved subject to details being worked out with the city administration. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

i. CRMC Cease and Desist Order to IDC, Inc., d/b/a Goat Island Marina, for failure to obtain authorization for the tent located within 200 feet of a coastal feature.

COUNCILOR CONNOLLY recused herself.

COUNCILOR LEONARD questioned why CRMC issued the Cease and Desist Order when the State Fire Marshal issued a permit. She asked that the city administration contact the State Fire Marshal to find out why the two agencies have different findings.

MAYOR WALUK moved the the communication be received. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY (6-0).

**LICENSES AND PERMITS**

2. Victualing License, New, White Pearl, Inc., d/b/a Kio's Asian Stir, 82 Broadway.

COUNCILOR COYNE moved the license be approved. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

3. Victualing License, New, Linda Smith, d/b/a Bahra Mart, 445 Broadway.

COUNCILOR COYNE moved the license be approved. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

4. Victualing License, Tri Group, LLC, d/b/a Newport Blues Café, 286 Thames St. (in conjunction with liquor license transfer)

COUNCILOR COYNE moved the license be granted with use of the second floor subject to Zoning Board approval. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

5. Entertainment License, Class A, Tri Group, LLC, d/b/a Newport Blues Café, 286 Thames St. (in conjunction with liquor license transfer)

COUNCILOR COYNE moved the license be granted with use of the second floor subject to Zoning Board approval. Seconded by COUNCILOR DUNCAN and VOTED UNANIMOUSLY.

6. Holiday Selling License, New, Linda Smith, d/b/a Bahra Mart, 445 Broadway.

COUNCILOR COYNE moved the license be approved. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

7. **APPOINTMENTS TO BOARDS AND COMMISSIONS**

Hospitality Commission (2 vacancies) – Applicant: Sandra J. Flowers

MAYOR WALUK moved Sandra Flowers be appointed to the Hospitality Commission. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

**RESOLUTIONS**

8. Expressing appreciation to Admiral and Mrs. Thomas Weschler and Captain and Mrs. Eric Williams and the many volunteers for a successful Tall Ships 2007 event – Newport City Council (Continued from July 11, 2007)

MAYOR WALUK moved the resolution be continued to August 22, 2007. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

**ORDINANCES**

9. Amending Chapter 10.24.010, "Parking Prohibited at All Times in Designated Places," to add: Waites Wharf, either side, from Thames Street to its terminus.

MAYOR WALUK moved the ordinance be adopted on second reading. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

10. Amending Chapter 10.24.030, "Special Parking Limits during Certain Hours on Certain Streets," to add: Thames St., east side, beginning ten feet south of Hammond St. – one space designated as 15-minute parking, from 8:00 a.m. to 6:00 p.m.

MAYOR WALUK moved the ordinance be adopted on second reading. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

11. Amending Chapter 10.12.060, "Parking Regulations" – Parking for Motorcycles and Motorbikes."

MAYOR WALUK moved the ordinance be tabled. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

12. Amending Chapter 10.24.050, "Two, Three and Four-hour Parking Limits," implementing year-round motorcycle parking and adding designated motorcycle parking areas on Thames St., Broadway, and Memorial Blvd. West.

MAYOR WALUK moved the ordinance be adopted on first reading. Seconded by COUNCILOR CONNOLLY.

MAYOR WALUK asked that the city administration install the appropriate signage immediately as a trial period before second reading.

The motion was VOTED UNANIMOUSLY.

13. Amending Chapter 12.32.100, "Prohibition of Skateboards, Bicycles, Roller Skates and Roller Blades," to add: King's Park bandstand and picnic area, and on all benches, seating, and tables located on city property, including in parks and beaches and along sidewalks, streets and the Cliff Walk."

14. COUNCILOR LEONARD moved the ordinance be adopted on first reading. Seconded by COUNCILOR CONNOLLY.

COUNCILOR COYNE noted for clarification purposes that bicycles and rollerblades are not being eliminated from the Cliff Walk but eliminating them from riding on benches and tables on the Cliff Walk. COUNCILOR MC LAUGLIN commented on the verbiage of the ordinance.

VOTE: In favor – MAYOR WALUK; COUNCILORS CONNOLLY, COYNE, DUNCAN, LEONARD and NAPOLITANO.

Opposed – COUNCILOR MC LAUGHLIN, stating he did not understand it.

**COMMUNICATIONS FROM THE CITY MANAGER**

14. Communication #4236/07, re: Bid Award for Police HVAC Improvements/Replacements (with accompanying resolution; tabled on April 25, 2007, for further review)

COUNCILOR COYNE moved the communication be received and the resolution adopted. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

15. Communication #4275/07, re: Progress Report on Proposed Sign Ordinance Amendments.

MAYOR WALUK thanked the Planning Director for the report and suggested a workshop be scheduled to discuss the recommendations.

MAYOR WALUK moved the communication be received and a workshop scheduled. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

16. Communication #4276/07, re: Bid Award for Parking Lot Equipment Upgrade (with accompanying resolution)

COUNCILOR LEONARD questioned only one bid being submitted. CITY MANAGER ED LAVALLEE said there are only three companies that make the software. COUNCILOR MC LAUGLIN asked why the bid award was being made at this time of year and also if the same equipment can be installed at Easton's Beach. COUNCILOR NAPLITANO commented that the Council was presented information on the equipment upgrades and as the current equipment is failing the Council needed to move forward. She also agreed that similar equipment should be installed at the beach and asked that the cost for such be explored. CITY MANAGER LAVALLEE

said the upgrade at the beach is scheduled for next year. MAYOR WALUK said the parking lots at the beach are in terrible condition and the cost of repaving them should also be looked into.

The motion to approve was VOTED UNANIMOUSLY.

17. Communication #4277/07, re: Restoring Residential Sticker Parking on Marchant St., between Connection St. and W. Narragansett Ave., to 6:00 p.m. to 6:00 a.m. and eliminating 24-hour Sticker Parking (with accompanying ordinance)

COUNCILOR COYNE moved the communication be received and the ordinance adopted on first reading. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

18. Communication #4278, re: Class K Liquor License (with accompanying ordinance)

COUNCILOR COYNE moved the communication be received and the ordinance adopted on first reading. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

19. Communication #4279, re: Award of contracts for Enterprise Resource Planning (ERP) Software (with accompanying resolutions)

COUNCILOR COYNE moved the communication be received and the accompanying three resolutions adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

Following discussion between COUNCILOR LEONARD and FINANCE DIRECTOR LAURA SITRIN, during which Councilor Leonard expressed concerns, COUNCILOR DUNCAN moved the communication be continued. The motion was seconded by COUNCILOR MC LAUGHLIN.

COUNCILOR MC LAUGHLIN asked the impact of delaying approval. FINANCE DIRECTOR SITRIN responded that the vendors are waiting to begin and it would take fifteen months to fully implement the software. MAYOR WALUK said he was curious about the Human Resource—Absence Management and Applicant Tracking—software.

COUNCILORS CONNOLLY noted that the process of selecting software and a vendor began three years ago after a workshop and said she didn't think it should be delayed any longer. She commended Finance Director Sitrin and Financial Analyst Elizabeth Sceppa for their diligence, and said they have the expertise to make the decision and the City Solicitor had advised that the contracts should not be pulled apart. COUNCILOR NAPOLITANO said the City has been looking for a system since 2000 and it was time to move forward.

COUNCILOR LEONARD said she wanted to ensure all bases were covered and commented on a past system purchased that never worked properly. COUNCILOR MC LAUGHLIN said he and two other members of the Council had not received the information until 1:00 p.m. and they should not be expected to vote on a two-million-dollar contract until there has been sufficient time to review it and have questions answered. COUNCILOR CONNOLLY said based upon Councilor McLaughlin's comments she would reluctantly vote to continue.

VOTE ON MOTION TO CONTINUE:
In favor – MAYOR WALUK; COUNCILORS CONNOLLY, COYNE, DUNCAN, LEONARD and MC LAUGHLIN.
Opposed – COUNCILOR NAPOLITANO.

8:05 P.M. ADJOURNED AS COUNCIL AND CONVENED AS BOARD OF LICENSE COMMISSIONERS

# BOARD OF LICENSE COMMISSIONERS

1. Application for a Class F Daily Liquor License, Newport Art Museum & Art Association, 76 Bellevue Ave.; August 17 and 18, 2007.

COMMISSIONER COYNE moved the license be approved. Seconded by COMMISSIOINER CONNOLLY and VOTED UNANIMOUSLY.

2. Application of Kinsley's Ltd., d/b/a Newport Blues Café, 286 Thames St., first and second floors, to transfer its Class BV alcoholic beverage license to Tri Group, LLC, d/b/a Newport Blues Café, for the same premises. (Hearing)
   Bills of indebtedness
   Johnson Brothers: $144.81
   Charles Fradin: $1,907.49

COMMISSIONER COYNE moved the hearing be closed. Seconded by COMMISSIONER NAPOLITANO and VOTED UNANIMOUSLY.

COMMISSIONER COYNE moved the transfer be granted, with use of the second floor subject to Zoning Board approval, and subject to payment of all bills of indebtedness. Seconded by COMISSIONER NAPOLITANO and VOTED UNANIMOUSLY.

8:06 P.M. ADJOURNED

Kathleen M. Silvia
City Clerk
August 27, 2007

# CITY OF NEWPORT
# MINUTES OF THE COUNCIL MEETING
# HELD AUGUST 22, 2007

*(Approved September 12, 2007)*

*The following items of business, filed with the City Clerk under the rules of the Council, came before the Council at its regular meeting held on AUGUST 22, 2007.*

The MAYOR called the meeting to order at 6:30 p.m.

The CITY CLERK called the roll and the following members were present:

MARY C. CONNOLLY
STEPHEN R. COYNE
CHARLES Y. DUNCAN
KATHRYN E. LEONARD
JUSTIN S. MC LAUGHLIN
JEANNE-MARIE NAPOLITANO
STEPHEN C. WALUK, MAYOR

**CITIZENS FORUM:** Harley Tinney of Belcourt Castle spoke on her fifty years in Newport, noting that Belcourt Castle was opened on August 3, 1957, as a museum by Harold and Ruth Tinney and their son, Donald. She thanked the Council for recognizing Newport's heritage and welcoming visitors.

COUNCILOR COYNE moved Items #6 and #9 be moved to the beginning of the agenda. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY. (See #6 and #9)

1. **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. Special Event Licenses:
      1) Newport Restoration Foundation, d/b/a Doris Duke Historic Preservation Awards; Rough Point, 680 Bellevue Ave., September 14, 2007 from 6:00 p.m. to 8:00 p.m.
      2) Friends of Hasbro Children's Hospital, d/b/a An Evening to Savor; Belcourt Castle, 657 Bellevue Ave., September 15, 2007, from 6:00 p.m. to 9:00 p.m.
   b. Holiday Selling License, New, DESTINATION: Chocolate, LLC, d/b/a DESTINATION: Chocolate, 15 Bowen's Wharf.
   c. Holiday Selling License, New, Coastal Gifts, Inc., d/b/a Mole Hole Newport, 21A Long Wharf.
   d. Horse-Drawn Carriage License, Daily, New Deal Farm of Exeter; Friday, September 14, 2007, from 3:00 p.m. to 6:00 p.m. (Route: from Hotel Viking to Kay Chapel on Church St., to Touro Park via Mill St., returning to the Hotel Viking via Bellevue Ave.)
   e. Horse-Drawn Carriage License, Daily, Royal Arts Foundation, September 9, 2007 from 10:00 a.m. to 7:00 p.m. (Route: from Belcourt Castle, 659 Bellevue Ave. to Narragansett Ave., to Ochre Point Ave., to Victoria Ave., and returning to Belcourt Castle via Bellevue Ave.)

f. Private Detective License, Renewal, William J. Gearon, Jr., d/b/a DeBeers Investigative Services, 25 Catherine St.
g. Pedicab Operator License, New, Todd Spiegel, 36 Manor Lane, South Windsor, CT.
h. Annual Public Entertainment License, Renewal, Red Parrot, Inc., d/b/a The Red Parrot Restaurant, 344-348 Thames St. (Approve subject to all existing conditions)
i. REMOVED: Communication from Susan Reed requesting permission to use Toppa Field for "Tailgate Party – a Tribute to Coach John Toppa" on October 27, 2007
j. Communication from Community Baptist Church, re: Requesting the street closure of Dr. Marcus F. Wheatland Blvd. and Burnside Ave. on Saturday, August 25, 2007 from 11:30 a.m. to 5:00 p.m. for a neighborhood cookout. (Approve subject to details being worked out with the city administration.)
k. Communication from Martin Douglas, re: Requesting the street closure of Loyola Terrace on Sunday, September 2, 2007 from 4:00 p.m. to 10:00 p.m. for an annual block party. (Approve subject to details being worked out with City Administration)
l. Communication from Frederick C. Williamson, State Historic Preservation Officer, re: National Register of Historic Places – nomination of St. Mary's Church Complex, 14 William St., to the Register. (Receive)
m. Communication from the RI Department of Environmental Management, re: insignificant Alteration Permit issued to A.L. Ballard for subdrain at wetlands located approx. 400 feet north of Beacon Hill Rd. (Receive)
n. Communication from the United States Coast Guard, re: Public Notice 1-056-Proposed replacement of a vehicular bridge to the Newport Naval Station between Newport and Coasters Harbor Island, Rhode Island. (Receive)

COUNCILOR COYNE moved the Consent Calendar, with the exception of Item (i) be adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

i. Communication from Susan Reed requesting permission to use Toppa Field for "Tailgate Party – a Tribute to Coach John Toppa" on October 27, 2007, from 4:00 p.m. to 8:00 p.m., and for permission to have alcoholic beverages at Toppa Field. (Approve subject to details being worked out with the city administration)

COUNCILOR COYNE moved the communication be withdrawn at the request of Ms. Reed. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

## LICENSES AND PERMITS

2. Public Entertainment License, Expansion (to second floor), One Eighty°, 8-10 Broadway (Second Hearing)

COUNCILOR COYNE moved the hearing be closed and the license granted subject to doors and windows being closed. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

3. Victualing License, Expansion (to outdoor patio), Lecade Investments, LLC, d/b/a The White Horse Tavern, 16 Farewell St.

COUNCILOR COYNE moved the expansion be granted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

4. Victualing License, New, JM Espresso, Inc., d/b/a Spring Street Espresso, 382 Spring St.

COUNCILOR COYNE moved the license be approved. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

## COMMUNICATIONS AND PETITIONS

5. Communication from Dave McLaughlin, Clean Ocean Access, re: 2006-2007 Water Testing Results, Easton's Bay, Aquidneck Island, Rhode Island.

MAYOR WALUK moved the communication be received. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

## APPOINTMENTS TO BOARDS AND COMMISSIONS

Climate Control Task Force (1 vacancy) - applicant: Al Lowe

MAYOR WALUK moved Al Lowe be appointed to the Task Force. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

Newport Juvenile Hearing Board (2 vacancies) – applicant: Tracy L. Shea

MAYOR WALUK moved Tracy Shea be appointed to the Hearing Board. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

Newport Cultural Commission (6 vacancies) – applicant: Tom C. Erb

MAYOR WALUK moved Tom Erb be appointed to the Cultural Commission. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

Zoning Board of Review (1 vacancy) – Mary Joan Hoene Seiter

MAYOR WALUK moved Mary Seiter be appointed to the Zoning Board of Review. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

MAYOR WALUK moved Peter O'Connell be reappointed Chairman of the Board. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

## RESOLUTIONS

6. Expressing appreciation to Admiral and Mrs. Thomas Weschler and Captain and Mrs. Eric Williams and the many volunteers for a successful Tall Ships 2007 event – Newport City Council (Continued from August 8, 2007)

COUNCILOR NAPOLITANO read the resolution, moved for its adoption and presented certified copies to Admiral & Mrs. Weschler and Captain & Mrs. Williams. The motion was seconded by MAYOR WALUK and VOTED UNANIMOUSLY. COUNCILOR LEONARD presented the Weschlers and Williamses with City of Newport Medals of Honor.

ADMIRAL WESCHLER thanked the Council and made note that Captain Williams and he were Co-chairs as it was a joint effort on their part.

MAYOR WALUK and COUNCILORS NAPOLITANO and COYNE commented on the successful Tall Ships event and thanked the Adm. & Mrs. Weschlers and Capt. and Mrs. Williams.

7. First Annual Doris Duke Historic Preservation Award – K. Leonard

MAYOR WALUK moved the resolution be continued to September 12. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

8. Extended hours of operation in City Hall - S. Waluk, M. Connolly

MAYOR WALUK introduced the resolution, saying the extended hours for certain offices on a trial basis are to make City Hall more accessible, and moved for its adoption. Seconded by COUNCILOR CONNOLLY.

COUNCILOR DUNCAN moved the resolution be amended to include the installation of a steel drop box for mail at the ground level. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

The resolution, as amended, was UNANIMOUSLY ADOPTED.

9. Recognizing those who formulated and produced the First Annual Newport Antiques Show- K. Leonard

COUNCILOR LEONARD read the resolution and presented certified copies with thanks to William Vareika and Ann Hamilton, and recognition of the Newport Historical Society and Newport Boys and Girls Clubs. She then moved for its adoption. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

10. Requesting City Administration to investigate the possible use of Sheffield School as workforce housing-S.Coyne

COUNCILOR COYNE introduced the resolution and said it is frustrating to the young people of Newport to try to remain because of the high cost of housing and the intent of the resolution is for the city administration to look into the feasibility of creating moderate-income housing. He said he would like a workshop no later than January, 2008. He moved for adoption of the resolution. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

## ORDINANCES

11. Amending Chapter 10.24.030, "Special Parking Limits During Certain Hours on Certain Streets," designating 30-minute parking on Broadway, east side, beginning approx. 47' north of Bull St. and proceeding north a distance of sixty feet.

COUNCILOR DUNCAN introduced the resolution and moved for its adoption on first reading. Seconded by COUNCILOR CONNOLLY.

COUNCILOR DUNCAN suggested verbiage be put on the sign that the spaces are for people visiting city hall.

The motion to adopt was VOTED UNANIMOUSLY.

12. Amending Chapter 10.52.010, "Weight-restricted Streets—Signs Required" to add Webster St., from Bellevue Ave. to Ochre Point Ave. (First Reading)

COUNCILOR LEONARD moved for adoption of the ordinance on first reading. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

13. Amending Chapter 5.12.040, "Alcoholic Beverage Licenses," to decrease the number of Class BV licenses by one and add in lieu thereof a Class K license.

MAYOR WALUK moved the ordinance be adopted on second reading. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

14. Amending Chapter 10.24.050, "Two, Three and Four-hour Parking Limits," implementing year-round motorcycle parking and adding designated motorcycle parking areas on Thames St., Broadway, and Memorial Blvd. West.

MAYOR WALUK moved the ordinance be adopted on second reading. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

15. Amending Chapter 10.32.110, "Designated Residential Parking Streets," to delete 24-hour resident parking on Marchant St., between Connection St. and West Narragansett Ave. )

MAYOR WALUK moved the ordinance be adopted on second reading. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

16. Amending Chapter 12.32.100, "Prohibition of Skateboards, Bicycles, Roller Skates and Roller Blades," to ban the riding of skateboards in the King's Park bandstand and picnic area, and on all benches, seating and tables located on city property, including those tables and benches in parks and beaches and along sidewalks, streets and the Cliff Walk." (Second Reading)

MAYOR WALUK moved the ordinance be adopted on second reading. Seconded by COUNCILOR COYNE.

COUNCILOR MC LAUGHLIN moved the ordinance be amended to state: "... including those tables and benches located in parks..." Seconded by COUNCILOR LEONARD and VOTED UNANIMOUSLY.

The ordinance, as amended, was UNANIMOUSLY ADOPTED.

## COMMUNICATIONS FROM THE CITY MANAGER

17. Communication #4279/07, re: Award of contracts for Enterprise Resource Planning (ERP) Software (with accompanying resolutions) – Continued from August 8, 2007.

COUNCILOR COYNE moved the communication be received and the three accompanying resolutions adopted. Seconded by COUNCILOR NAPOLITANO.

COUNCILOR MC LAUGHLIN thanked the Finance Director for meeting with him and Councilor Leonard to provide background information. He then moved the following amendment to the first resolution: 1) within thirty (30) days of contract execution, the ERP project manager will provide to the City Council a summary of the ERP implementation schedule, milestones, and budget; (2) the Finance Director will provide to the City Council an explanation of the expected cost savings that are anticipated as a consequence of ERP implementation; and (3) the City Manager will provide written quarterly reports to the City Council that detail ERP implementation status. These reports will include expenditure and schedule information and achievement of implementation milestones. The first report will be made in January, 2008; subsequent reports will be made in April, July and October of 2008. The amendment was seconded by COUNCILOR LEONARD. The motion to amend was VOTED UNANIMOUSLY.

The motion to adopt the first resolution, as amended, was VOTED UNANIMOUSLY.
The motion to adopt the second resolution was VOTED UNANIMOUSLY.
The motion to adopt the third resolution was VOTED UNANIMOUSLY.

18. Communication #4280/07, re: Amendment to Contract with Fuss & O'Neill for Professional Services Bid No. 07-027-Girard Ave. Sidewalk/Girard Ave. Extension (with accompanying resolution)

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

19. Communication #4281/07, re: Re-Award of Bid Number 2007-131; Gasoline and Low Sulfur Diesel Fuel (with accompanying resolution)

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

20. Communication #4282/07, re: Senate Legislative Grant Application-Tall Ships 2007 Security Costs (with accompanying resolution)

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

21. Communication #4283/07, re: Award of Bid #08-008-Water Chemicals, Copper Sulfate (with accompanying resolution)

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY.

COUNCILOR LEONARD asked that the administration look into using ozone gas to treat algae as an alternative as some communities are doing.

The motion was VOTED UNANIMOUSLY.

22. Communication #4284/07, re: Award of Bid #07-066-Sodium Hydroxide Feed System Project (with accompanying resolution)

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

23. Communication #4285/07, re: Award of Bid #07-071-Solid Waste Master Contract (with accompanying resolution)

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

24. Communication #4286/07, re: Award of Bid #07-036-Fire Code Upgrades and Improvements (with accompanying resolution)

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY.

COUNCILOR LEONARD commented on Fire Code upgrades being proposed by the State and asked if the City would still need to do this work if the Fire Code is changed. CITY MANAGER ED LAVALLEE responded that the upgrades and improvements proposed in this communication would be necessary regardless of changes to the Fire Code. He said the City would not undertake any improvements that are being reconsidered under the State Fire Code.

The motion was VOTED UNANIMOUSLY.

25. Communication #4287/07, re: Award of Bid Number 07-037-Building Upgrades and Structural Repairs (with accompanying resolution)

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

26. Communication #4288/07, re: Petition for Expansion of Historic District to include West Broadway Area

COUNCILOR COYNE moved the communication be received. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

7:12 p.m. ADJOURNED AS COUNCIL AND CONVENED AS BOARD OF LICENSE COMMISSIONERS

# BOARD OF LICENSE COMMISSIONERS

1. Communication from Patrick O'N. Hayes, Jr., on behalf of Lecade Investments, LLC, re: surrender of Class BV alcoholic beverage license for a Class K (Ancient Tavern) alcoholic beverage license.

COMMISSIONER COYNE moved the communication be received and surrender of the Class BV alcoholic beverage license for the Class K alcoholic beverage license be approved. Seconded by COMMISSIONER CONNOLLY and VOTED UNANIMOUSLY.

2. Application of Lecade Investments, LLC, d/b/a The White Horse Tavern, 16 Farewell St., to expand its Class K Alcoholic Beverage License to a 15' x 23' patio on the southwest corner of the premises. (Hearing)

COMMISSIONER COYNE moved the hearing be closed and the expansion approved. Seconded by COMMISSIONER NAPOLITANO and VOTED UNANIMOUSLY.

7:14 P.M. COMMISSIONER COYNE moved the Board adjourn, reconvene as Council and adjourn to Executive Session in the City Manager's Office in accordance with RIGL 42-46-1 to discuss the possible disposition of publicly held property. Seconded by COMMISSIONER CONNOLLY and VOTED UNANIMOUSLY.

Kathleen M. Silvia
City Clerk
August 31, 2007

# CITY OF NEWPORT
# MINUTES OF THE COUNCIL MEETING
# HELD SEPTEMBER 12, 2007

*(Approved September 26, 2007)*

*The following items of business, filed with the City Clerk under the rules of the Council, will came before the Council at its regular meeting held on September 12, 2007.*

The MAYOR called the meeting to order at 6:30 p.m.

The CITY CLERK called the roll and the following members were present:

MARY C. CONNOLLY
STEPHEN R. COYNE
CHARLES Y. DUNCAN
KATHRYN E. LEONARD
JUSTIN S. MC LAUGHLIN
JEANNE-MARIE NAPOLITANO
STEPHEN C. WALUK, MAYOR

COUNCILOR COYNE moved Item #7 be moved to the front of the docket. Seconded by COUNCILOR MC LAUGHLIN and VOTED UNANIMOUSLY. (See #7)

1. **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 August 8, 2007, Council Meeting (Approve)
   b. Minutes of the August 22, 2007, Council Meeting (Approve)
   c. Special Event Licenses:
      1) Salve Regina University, d/b/a Salve Regina 5K Mansion Run; September 22, 2007, from 7:00 a.m. to 9:30 a.m. (Beginning at Rodgers Rec Center, Ochre Pt. Ave., to Webster St., to south on Spring St., Coggeshall Ave., east on Lakeview to Bellevue Ave, returning to Ochre Pt. via Ruggles Ave.)
      2) Island Moving Co., d/b/a "Newport Stories," Great Friends Meeting House, Marlborough St.; September 22, 2007, from 4:00 p.m. to 7:30 p.m.; September 23, 2007, from 2:00 p.m. to 4:30 p.m.
      3) Newport Yacht Club, d/b/a SCI Reception; Seamen's Church Institute, Market Square; September 30, 2007, from 2:00 p.m. to 5:00 p.m.
      4) Newport Festa Italiana, d/b/a Italian Marketplace, Touro Park; October 6, 2007, from 11:00 a.m. to 4:00 p.m. (tent set-up, Oct. 5)
      5) REMOVED: Newport Community Garden, by Nicole Vazquez, d/b/a Newport Community Garden Arts Fair
      6) REMOVED: Bowen's Wharf Co., d/b/a Bowen's Wharf Seafood Festival
      7) Brigid E. Kelly Memorial Fund, Inc., d/b/a Brigid E. Kelly Memorial Walk/Run; October 13, 2007, from 8:00 a.m. to 4:00 p.m. (Beginning at Gooseberry Beach, west along Ocean Ave. to Brenton Rd., onto Wickham Rd. to Carroll Ave. and back to Gooseberry Beach)
   d. Holiday Selling License, Renewal, Amanda J. Gallagher, d/b/a Closet Revival, 51 Marlborough St.

e. Second-hand License, Renewal, Amanda J. Gallagher, d/b/a Closet Revival, 51 Marlborough St.
f. REMOVED: Communications from the Friends of Ballard Park requesting the following (Approve subject to details being worked out with city administration):
g. REMOVED: Communication from Newport Brokerage Boat
h. REMOVED: Communication from Salve Regina University requesting permission to hang banners
i. Communication from Newport Festa Italiana requesting permission to place banners in Touro Park promoting the Italian Marketplace in Touro Park, scheduled for October 6, 2007, and for the Annual Columbus Day Parade, October 8, 2007, at 12 Noon. (Approve subject to details being worked out with city administration)
j. Communication from Robert A. Beaver, Chairman, Planning Board, re: comprehensive revision of "Nonconforming Development" section of the Zoning Ordinance. (Receive and refer to a workshop)
k. Resignation of Peter Barry from the Hospitality Commission (Receive with regret)
l. Resignation of Marion Robertson from the Hospitality Commission (Receive with regret)
m. Communication from Federico Santi, 152 Spring St., re: Newport Historic District Issues. (Receive)
n. Resolution of the Town of Gloucester requesting support of their opposition to Senate Bill 461 and House Bill 5661, adopted in the 2007 session of the General Assembly, that authorize school committees to retain the services of independent legal counsel as they deem necessary and convenient. (Receive)
o. Notice of the Coastal Resources Management Council of intent to change management plans, policies, procedures and regulations regarding CRMC's planning and management of coastal resources of the State. (Receive)
p. RIDEM, Office of Water Resources, Notice of Proposed Permit Actions under the RI Pollutant Discharge Elimination System Regulating Discharges into the Waters of the State – Newport Water Pollution Control Plant (Receive)
q. Claim of Rosemary M. Lord (Receive and refer to City Solicitor)

COUNCILOR COYNE moved the Consent Calendar, with the exception of items b-5, c-6, g, g and h, be adopted. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

b-5. Newport Community Garden, by Nicole Vazquez, d/b/a Newport Community Garden Arts Fair, Waites Wharf; October 6 and 7, 2007, from 10:00 a.m. to 5:00 p.m.

COUNCILOR DUNCAN stressed the need for toilet facilities at outdoor events.
responded that either the outdoor facilities at the West Deck or port-a-johns would be used.

COUNCILOR COYNE moved the license be approved. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

b-6) Bowen's Wharf Co., d/b/a Bowen's Wharf Seafood Festival, Bowen's Wharf; October 13 and 14, 2007, from 11:00 a.m. to 5:00 p.m.

COUNCILOR COYNE recused himself.

MAYOR WALUK moved the license be approved. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

f. Communications from the Friends of Ballard Park requesting the following (Approve subject to details being worked out with city administration):
   1) Date change for third outdoor movie, from Sept. 20, 2007, to Sept. 21 (rain date, Sept. 22), 2007, beginning at dusk, and waiver of Section 12.32.010 of City Code that requires park to close at dusk.
   2) Concert featuring Bloody Knuckles on Saturday, Sept. 15, 2007, from 6:30 to 8:30 p.m., and waiver of Section 12.32.010 of City Code that requires park to close at dusk.
   -- Memorandum from the Director of Parks, Recreation & Tourism in support of the requests.

COUNCILOR LEONARD said her questions were addressed before the start of the meeting with regard to a detail police officer being assigned for the event. She then moved the requests be approved subject to details being worked out with the city administration. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

g. Communication from Newport Brokerage Boat Show requesting sign locations promoting the International Boat Show (Approve subject to details being worked out with the city administration)

COUNCILOR LEONARD cited a memorandum from the City Administration saying there are alternatives to using A-frame signs and moved that approval be granted subject to the alternative signs, rather than A-frame, being used and adherence to all zoning regulations. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

h. Communication from Salve Regina University requesting permission to hang banners from light poles on the west side of Ochre Point Ave., from September 2007 through October 2008, banners commemorating SRU's 60th anniversary. (Approve subject to National Grid approval and details being worked out with city administration)

COUNCILOR LEONARD questioned the one-year length of time for the banners. MARY EDWARDS of SRU responded that the seven banners, to be hung on Ochre Point Ave., would be in celebration of Salve's 60th anniversary. COUNCILOR LEONARD moved permission be granted subject to approval of National Grid and details being worked out with the city administration. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

## COMMUNICATIONS & PETITIONS

3. Communication from Jennifer McCann, US Team Leader, URI Coastal Resources Center/RI Sea Grant, asking to make a five-minute PowerPoint presentation on the Aquidneck Island Special Area Management Plan (SAMP)

--Memorandum from the Director of Planning, Zoning, Development & Inspections and Draft Resolution in support of pursuing the West Side Special Area Management Plan.

JIM BOYD, Policy Analyst for Coastal Resources Management Council, provided an update on SAMP through a PowerPoint presentation and provided a hand-out. COUNCILOR CONNOLLY moved the information be received. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

During discussion, MR. BOYD said the first element of the SAMP would be the West Side Master Plan, and they were looking for Newport to send a letter of support to the Chair of the CRMC. SUE KENNEDY of RI Sea Grant and URI Coastal Resources Center, said the requested letter to CRMC should state Newport welcomes the SAMP process and will work with the parties.

MAYOR WALUK moved the SAMP process be endorsed. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

4. Communication from the Historic District Commission asking to address the ordinance on Demolition Through Owner Neglect and petitioning the Council to take immediate action on three specific properties.

DONALD ROY of the Newport Historic District Commission, said the HDC reviewed the properties on behalf of a group of neighbors concerned about the state of the properties and the purpose of the Commission's request was to stop their further deterioration.

CHRISTINE ROYALE, Chair of the HDC's sub-committee and project review committee, said they were asking that the Council take action to require by the end of the year rehabilitation of the properties. COUNCILOR NAPOLITANO noted that the information presented by the HDC on the properties was very comprehensive, and said she did have questions with regard to their ownership. COUNCILOR LEONARD said there is a safety issue to the nearby properties and said the City needs to know the actual status of the buildings and then determine where to go. COUNCILOR DUNCAN, citing the public safety issue, said the matter should go to the city administration for inspections by the Building Inspector and Fire Department.

COLLEEN HASTINGS, Assistant City Solicitor, said the owners, the Twomeys, are being prosecuted in Municipal Court and a fine has been imposed on 62 Mill St. and the owners ordered to remedy the property. She said the matter has been appealed in Superior Court and pre-hearings scheduled. She said they will be prosecuted on the upcoming Monday on the remaining two properties and she expected the city would also win these cases.

FEDERICO SANTI, an abutting neighbor on Spring St., read a statement and submitted a petition, signed by 50 residents, in support of the Historic District Commission's proposal.

COUNCILOR COYNE moved the statement and petition be received. Seconded by COUNCILOR MC LAUGHLIN and VOTED UNANIMOUSLY.

MAYOR WALUK noted that remediation costs to the City could be over $400,000 and moved the communication from the HDC be received and the City Administration conduct a comprehensive review of the public safety hazards and report back to the Council. Seconded by COUNCILOR CONNOLLY.

COUNCILOR COYNE asked that the administration look into possible funding from the federal and/or state governments if the City were to undertake rehabilitation of the properties. COUNCILOR MC LAUGHLIN moved the Mayor's motion be amended to provide that the city administration's report on public safety hazards be submitted at the council's first meeting in October. Seconded by COUNCILOR CONNOLLY.

ASSISTANT SOLICITOR HASTINGS said the trials in Municipal Court on the properties should be over with, and she was scheduled to meet at the end of September on the property in Superior Court.

COUNCILOR LEONARD asked that information also be submitted on what liens or mortgages are outstanding on the properties.

The motion, as amended, was VOTED UNANIMOUSLY.

5. Communication from Frank A. Lombardi, Esq., asking to address the Council on municipal trash pick up for condominium unit owners.

COUNCILOR CONNOLLY recused herself.

MAYOR WALUK moved the communication be received and referred to the City Solicitor. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

6. **APPOINTMENTS TO BOARDS AND COMMISSIONS**

Henderson Home Commission: Applicant – Barbara A. Mureddu

MAYOR WALUK moved Barbara A. Mureddu be appointed to the Henderson Home Commission. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

Newport-Shimoda 50th Anniversary Committee: Applicant – Mary Ann Sullivan

MAYOR WALUK moved Mary Ann Sullivan be appointed to the Newport-Shimoda 50th Anniversary Committee. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

Newport Tree Commission: Applicant – William S. Steeves, Jr.

MAYOR WALUK moved William Steeves, Jr., be appointed to the Tree Commission. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

## RESOLUTIONS

7. Recognizing the recipients of the First Annual Doris Duke Historic Preservation Awards – K. Leonard

MAYOR WALUK read the resolution and moved for its adoption. COUNCILOR LEONARD recused herself. The motion was seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY by the remainder of the Council.

Certified copies of the Resolution, and congratulatory Citations forwarded by Congressman Patrick Kenney from the Congressional Delegation, were presented to the award recipients. COUNCILOR LEONARD thanked the award recipients and the Newport Restoration Foundation for their work in the area of historic preservation.

PIETER ROOS of the Newport Restoration Foundation, noting this was the first time for a joint award with the City, said the Foundation was thrilled to be a part of the process. He commented on the inauguration of the Newport Historic District commission forty years ago and commended the City Planner and Historic Preservation Planner for their work. He said that with regard to the two proposed amendments to the Historic Zoning Ordinance, proposed later in the docket, he would urge the Council to not amend the ordinance piecemeal but instead bring together all the stakeholders.

## ORDINANCES

8. Amending Chapter 8.08.100, "Fire Lanes," to reconfigure the fire lanes at the Hyatt Regency on Goat Island. (First Reading)

COUNCILOR COYNE moved the ordinance be adopted on first reading. Seconded by COUNCILOR CONNOLLY.

COUNCILOR DUNCAN expressed concern regarding the pedestrian easements on the original deed and said he believed the new construction would violate the easements.

NEILL GALVING, ESQ., representing the Hyatt Hotel, said the easement was not being changed and the change in the fire lanes was the only item before the Council for consideration.

Following discussion between COUNCILOR LEONARD and ATTORNEY GALVIN, the motion to approve the change in the fire lanes on first reading was VOTED UNANIMOUSLY.

9. Amending Chapter 2.120.010, "Fees for permits and licenses,," to increase the annual fee for outside fire alarm services from $300 to $400, and implementing certain other fees for Fire Dept. permits and/or inspections. (First Reading)
    - Memorandum from Fire Chief Edward W. McCarthy proposing the revised fee schedule.

MAYOR WALUK moved the ordinance be adopted on first reading. Seconded by COUNCILOR CONNOLLY.

COUNCILOR MC LAUGHLIN questioned the Plan Review Inspection fees. FIRE MARSHAL ROBERT SULLIVAN said the Fire Department is obligated to inspect one, two and three family houses when sold or newly constructed, the current fee for which is $30.00 no matter how many units. COUNCILOR LEONARD asked if the new fee schedule for the inspections is mandated by the State; FIRE MARSHAL SULLIVAN responded that the State passed a law to allow the fees but they are not mandated. COUNCILOR LEONARD expressed concern regarding the increase, from $30 for a one, two or three family house, to $75, $125 and $175, respectively. MAYOR WALUK asked if other communities were using the new fee schedule; FIRE MARSHAL SULLIVAN said he didn't know but research was being done. He said the inspections are done only on sold buildings and on new buildings, which require three on-site inspections.

T.R. MC GRATH of McGrath Clambakes, questioned the new fee for tent inspections, saying they already pay fees for building permits and fire plan review. FIRE MARSHAL SUL.LIVAN responded that the current fee is for review of the plan, while the new fee is for the on-site inspection of tents now required under the new Code. He said in the current calendar year the Department has had to inspect over 400 tents, which has required 1.45 personnel to do nothing but tent inspections for four months. He said the fee should be adjusted because small and large tents would be charged the same, and often with the larger tents they are required to go back several times because of violations found on the initial inspection. COUNCILOR COYNE suggested that the $50 fire inspection fee not be imposed unless the Fire Dept. is required to do a re-inspection if a violation is found initially. MAYOR WALUK asked that a graduated inspection fee be developed prior to second reading of the ordinance.

COUNCILOR LEONARD said she thought the fees were two steep for the smoke and carbon monoxide inspections and she would not support the ordinance.

MAYOR WALUK moved the ordinance be adopted on first reading. Seconded by COUNCILOR CONNOLLY.

VOTE: In favor – MAYOR WALUK; COUNCILORS CONNOLLY, COYNE, DUNCAN, MC LAUGHLIN and NAPOLITANO.

Opposed – COUNCILOR LEONARD

10. Amending Chapter 10.24.030, "Special Parking Limits During Certain Hours on Certain Streets," designating 30-minute parking on Broadway, east side, beginning approx. 47' north of Bull St. and proceeding north a distance of sixty feet. (Second Reading)

MAYOR WALUK moved the ordinance be adopted on second reading. Seconded by COUNCILOR CONNOLLY.

COUNCILOR DUNCAN asked that wording be added to the 30-minute parking sign that it is for people doing business at City Hall.

The motion to adopt was VOTED UNANIMOUSLY.

11. Amending Chapter 10.52.010, "No Through Streets Listed," to add Webster St., from Bellevue Ave. to Ochre Point Ave. (Second Reading)

MAYOR WALUK moved the ordinance be adopted on second reading. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

## COMMUNICATIONS FROM THE CITY MANAGER

12. Communication #4214/07, re: Show Cause Hearing – Sig's Market & Catering, Violation of Fire Code (Continued from June 13, 2007; DISMISS)

MAYOR WALUK moved the hearing be dismissed. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

13. Communication #4216/07, re: Show Cause Hearing – Cumberland Farm, Inc. Violation of Fire Code (Continued from June 13, 2007; DISMISS)

MAYOR WALUK moved the hearing be dismissed. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

14. Communication #4219/07, re: Show Cause Hearing – Newport Chocolates, Inc. – Violation of Fire Code (Continued from June 13, 2007; DISMISS)

MAYOR WALUK moved the hearing be dismissed. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

15. Communication #4220/07, re: Show Cause Hearing – Pereira Pizza, Inc., d/b/a Ronzio Pizza – Violation of Fire Code (Cont'd from June 13, 2007; DISMISS)

MAYOR WALUK moved the hearing be dismissed. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

16. Communication #4289/07, re: Restoration of Gooseneck Cove Salt Marsh and Repair of Hazard Road (with accompanying resolution)

MAYOR WALUK moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY.

COUNCILOR DUNCAN questioned the breakdown of the costs; CITY MANAGER LAVALLEE responded that the project has three components, the costs cited are estimates, and some of the grants require matching funds from the City. He said the first component, which is before the Council, is for an engineering assessment.

COUNCILOR MC LAUGHLIN questioned the use of road bond money. MAYOR WALUK responded that the resolution does not cite the source of funding so there would not be a commitment to use road bond money.

COUNCILOR NAPOLITANO cited an August 30th meeting on the project and commended all the agencies involved for their participation, citing as well City staff personnel, the Director of Planning, Zoning, Development & Inspections, Paige Bronk, and the Redevelopment Agency Executive Director/Grants Writer, Bruce Bartlett. She said she also was surprised road bond money was mentioned as a possible funding source and said money sitting in the Parking Fund should be considered.

COUNCILOR LEONARD, stating this is a very important project, said she wanted it on the record that the Council at this time was only voting on the engineering study.

The motion to approve was VOTED UNANIMOUSLY.

17. Communication #4290/07, re: Conservation Easements – Gooseneck Cove and Morton Park (with accompanying resolution)

COUNCILOR COYNE moved the communication be received and the resolution adopted. Seconded by COUNCILOR CONNOLLY.

COUNCILOR COYNE noted there is an easement on the Gooseneck property and asked if this would be a second easement. PAIGE BRONK, Director of Planning, Zoning, Development & Inspections, said this would be a secondary easement because after acquisition of the property from the Ballards the RI Department of Environmental Management placed the primary easement, and they have advised there is no issue with this secondary issue.

The motion was VOTED UNANIMOUSLY.

18. Communication #4291/07, re: Bid Award for VAX Hardware/ Software/ Peripheral Support (with accompanying resolution)

COUNCILOR COYNE moved the communication be received and the resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

19. Communication #4292/07, re: Prohibition of Horses on Sports Fields and Easton's Beach (with accompanying ordinance)

COUNCILOR COYNE moved the communication be received and the accompanying ordinance adopted on first reading. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

20. Communication #4293/07, re: Bid Award for Water Trench and Sidewalk Restoration (with accompanying resolution)

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

21. Communication #4294/07, re: Re-award of Bid for Laboratory Testing Services—Cryptosporidium (with accompanying resolution)

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

22. Communication #4295/07, re: Bid Award for Recycling Containers (with accompanying resolution)

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

23. Communication #4296/07, re: Establishing Penalties for Late Issuance of Liquor and Victualing Licenses (with accompanying ordinance)

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

24. Communication #4297/07, re: Amendments to the Historic District Zoning Ordinance (with accompanying ordinance)

COUNCILOR COYNE moved the communication be received, referred to the Planning Board and ordered advertised for hearing on October 10, 2007.

COUNCILOR MC LAUGHLIN asked if the Historic District Commission had reviewed the proposed changes. CITY SOLICITOR NICHOLSON responded that changes to the zoning ordinance go to the Planning Board. COUNCILOR NAPOLITANO suggested that the proposed changes not be advertised until the Planning Board makes a recommendation in the event there are substantial changes which would require readvertising.

COUNCILOR CONNOLLY said it was her understanding that the Planning Department was conducting a review of the entire ordinance and perhaps this proposal should be delayed until then. CITY SOLICITOR NICHOLSON responded that the Council could go ahead with this amendment, which would be incorporated into the entire ordinance under review. COUNCILOR COYNE said it might make more sense to advertise now to solicit public participation, including at the Planning Board's review of the proposal. PAIGE BRONK, Director of Planning, Zoning, Development & Inspections, said the agenda for the Sept. 17th Planning Board Meeting was already prepared and the packets sent out to the Board members. MAYOR WALUK then suggested that the matter might be heard by the Planning Board at its October meeting and advertised for hearing on November 14th.

MAYOR WALUK moved the communication be continued to the September 26, 2007, Council Meeting. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

25. Communication #4298/07, re: Middletown Wastewater Treatment Agreement (with accompanying resolution)

COUNCILOR COYNE moved the communication be received and the resolution adopted. Seconded by COUNCILOR CONNOLLY.

COUNCILOR LEONARD expressed concern regarding the duration of the agreement to 2023 and asked if it was retroactive. CITY SOLICITOR NICHOLSON responded it was retroactive to July 1, 2006.

Discussion followed between COUNCILOR LEOANRD and CITY MANAGER LAVALLEE wherein CITY MANAGER LAVALLEE said if Middletown's volume of wastewater increases then they would pay more proportionately.

RAYMOND SMEDBERG, Chair of the Ad Hoc Committee on Wastewater System Improvements, addressed the Council on the proposed agreement and said there were very few changes from the original agreement, one being that it does reference a waste stream at the Lawton Valley Plant. He said it does not address the issue of Middletown exceeding capacities and nor does it address flow limits. He said he did not believe it should be locked in for 19 years and there should be a process to reopen the contract based on certain factors, as well as some reference on how the cost sharing will be affected if Middletown requires additional capacity in Newport. He also said there should be a provision requiring Middletown to notify Newport when they see the need coming for additional capacity so that it can be planned for. He said the City has an opportunity to address the issues in he contract, which should be for a shorter term, and which, as currently written, he did not believe was in the best interest of either party.

COUNCILOR LEONARD said she would not support the contract as written and wanted Mr. Smedberg's recommendations included in the contract. CITY MANAGER LAVALLEE agreed that the contract should have a re-opener or be for a shorter term. He said Middletown, however, was adamant that they would not agree to a certain reduction in their flow by a certain date. MAYOR WALUK asked if there were any implications if the contract were continued for two weeks; CITY MANAGER LAVALLEE responded the two-week continuance would have no impact.

COUNCILOR MC LAUGHLIN asked what penalty would be imposed if Middletown exceeded their daily or monthly flow. CITY MANAGER LAVALLEE responded that there would be no penalty as Middletown was resistant to such; however, increased flows woulde result in Middletown paying a higher proportionate share.

MAYOR WALUK moved the communication be continued for two weeks. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

COUNCILOR LEONARD restated that she wanted Mr. Smedberg's recommendations included in the contract.

The motion was VOTED UNANIMOUSLY.

8:45 p.m. ADJOURNED

Kathleen M. Silvia
City Clerk
September 17, 2007

# CITY OF NEWPORT
# MINUTES OF THE COUNCIL MEETING
# HELD SEPTEMBER 26, 2007

*(Approved 10/10/2007)*

*The following items of business, filed with the City Clerk under the rules of the Council, came before the Council at its regular meeting held on September 26, 2007.*

The MAYOR called the meeting to order at 6:30 p.m.

The CITY CLERK called the roll and the following members were present:

STEPHEN R. COYNE
CHARLES Y. DUNCAN
KATHRYN E. LEONARD
JUSTIN S. MC LAUGHLIN
STEPHEN C. WALUK, MAYOR

ABSENT: MARY C. CONNOLLY
JEANNE-MARIE NAPOLITANO

The MAYOR opened the meeting with a tribute to and moment of silence for Representative Paul W. Crowley who had passed away on September 24th.

## COUNCIL

1. **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 September 12, 2007, Council Meeting (Approve)
   b. Special Event Licenses:
      1) Trinity Church, d/b/a Cocktail Party/Live Auction; Seaman's Church Institute, Market Square, October 13, 2007, from 6:30 p.m. to 9:30 p.m.
      2) Redwood Library & Athenaeum, d/b/a "A Moveable Feast,"; Redwood Library, 50 Bellevue Ave. and residences at Mill St., Pelham St. and Touro Park West; October 13, 2007, from 5:00 p.m. to 10:00 p.m.
      3) The Landing Restaurant, d/b/a The Landing Restaurant Seafood Fest; 30 Bowen's Wharf, October 13 and 14, 2007, from 9:00 a.m. to 6:30 p.m.
      4) Vasco da Gama Society, d/b/a Portuguese Cultural Festival; Touro Park, July 13, 2008, from 11:00 a.m. to 4:00 p.m.
   c. Food Concession License, Vasco da Gama Society, d/b/a Portuguese Cultural Festival; Touro Park, July 13, 2008, from 11:00 a.m. to 4:00 p.m.
   d. Holiday Selling License, New, Ihabch654, Inc., d/b/a C.H. Charles 5 & 10¢ Store, 232 Broadway.

e. Holiday Selling License, Renewal, Mohammad Siddiqui, d/b/a/ Bishop's News & Variety.
f. REMOVED: Pedicab Operator License, New, James Underwood, Jr., 8 Sullivan St.
g. REMOVED: Communication from the Norman Bird Sanctuary requesting permission to place directional signs promoting the 33rd Annual Harvest Fair
h. Communication from the Waterfront Commission, re: Commission Comments Regarding (Proposed) Harbor Ordinance Revisions as Requested in the City Council Meeting of 25 July 2007. (Receive)
i. Communication from Adnan Jweinat and Mai Jweinat, re: advising of new d/b/a: "Uncle Rocky's American Italian Cuisine," at 109 Broadway. (Receive)
j. Claims: (Receive and refer to City Solicitor)
   1) Linda Jenkins, by attorney
   2) Alice Cassia Lessard, by attorney

COUNCILOR COYNE moved the Consent Calendar, with the exception of Items f and g, be adopted. Seconded by COUNCILOR LEONARD and VOTED UNANIMOUSLY.

f. Pedicab Operator License, New, James Underwood, Jr., 8 Sullivan St.

COUNCILOR MC LAUGHLIN asked that the company be notified that the small blue lights on the rear of the pedicabs are not adequate when it's dark.

COUNCILOR COYNE moved the license be approved. Seconded by COUNCILOR MC LAUGHLIN and VOTED UNANIMOUSLY.

g. Communication from the Norman Bird Sanctuary requesting permission to place directional signs promoting the 33rd Annual Harvest Fair

COUNCILOR DUNCAN asked how many signs would be put up and at what locations. Following discussion, COUNCILOR COYNE moved the request be received and referred to the City Administration. Seconded by COUNCILOR LEONARD and VOTED UNANIMOUSLY.

**LICENSES & PERMITS**

2. Victualing License, New, Little Crane Partnership, LLC, d/b/a Trio of Newport, 111 Bellevue Ave.

COUNCILOR COYNE moved the license be approved. Seconded by COUNICLOR MC LAUGHLIN.

A representative of the restaurant asked that the hours be amended to allow food service from 6 a.m. to 12 Midnight.

COUNCILOR DUNCAN moved the amended hours be approved. Seconded by COUNCILOR MC LAUGHLIN and VOTED UNANIMOUSLY.

The motion to approve the license, as amended, was VOTED UNANIMOUSLY.

MAYOR WALUK moved the ordinance be adopted on first reading. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

13. Amending Chapter 2.120.010, "Fees for Permits and Licenses,," to increase the annual fee for outside fire alarm services from $300 to $400, and implement certain other fees for Fire Dept. permits and/or inspections. (Second Reading)

MAYOR WALUK moved second reading of the ordinance be continued to the next meeting. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

14. Amending Chapter 8.08.100, "Fire Lanes," to reconfigure the fire lanes at the Hyatt Regency on Goat Island. (Second Reading)

MAYOR WALUK moved second reading of the ordinance be continued to the next meeting. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

15. Amending Chapter 6.08.050, "Restraint of Animals," to prohibit horses on public beaches, athletic fields, running tracks, and within Cardines Field and Freebody Park.

MAYOR WALUK moved the ordinance be adopted on second reading. Seconded by COUNCILOR LEONARD and VOTED UNANIMOUSLY.

16. Amending Chapter 12.32.060, "Easton's Beach—Regulations," to prohibit horses at all times on Easton's Beach.

MAYOR WALUK moved the ordinance be adopted on second reading. Seconded by COUNCILOR LEONARD and VOTED UNANIMOUSLY.

17. Amending Chapter 12.32.080, Miantonomi Park; and 12.32.090, "Athletic and Recreational Facilities," Paragraphs A. and B, and ADDING Paragraph C to prohibit horses.

MAYOR WALUK moved the ordinance be adopted on second reading. Seconded by COUNCILOR LEONARD and VOTED UNANIMOUSLY.

## COMMUNICATIONS FROM THE CITY MANAGER

18. Communication #4297/07, re:. Amendments to the Historic District Zoning Ordinance (with accompanying ordinance; continued from September 12, 2007)

MAYOR WALUK moved the communication be continued to October 24. Seconded by COUNCILOR COYNE.

COUNCILOR DUNCAN said that before October 15th the Planning Department is to present a report on comprehensive changes to the Historic District Zoning. CITY MANAGER LAVALLEE responded that a draft will be submitted to Council prior to the October 24th meeting. COUNCILOR MC LAUGHLIN asked that the City Administration communicate with Council as

to their concerns with the Historic District zoning because there may be some practical recommendations.

The motion was VOTED UNANIMOUSLY.

19. Communication #4298/07, re: Middletown Wastewater Treatment Agreement (with accompanying resolution; continued from September 12, 2007.

MAYOR WALUK moved the communication be tabled. Seconded by COUNCILOR COYNE.

Comments by CITY MANAGER LAVALLEE regarding the intent to reintroduce to Middletown the City's original proposals, including specified dates for a reduction in Middletown's flow to the Newport system.

COUNCILOR MC LAUGHLIN said he was more concerned about the 20-year duration of the contract which does not provide Middletown any motivation to address the City's concerns. He asked that it be on the record that there is no record that the Council ever voted on "Modification #2."

COUNCILOR LEONARD agreed that 20 years is too long, and if the contract for modification #2 was not approved by the Council it is not valid.

The motion to table was VOTED UNANIMOUSLY.

20. Communication #4299/07, re: Physical Alteration Permit (PAP) Request to State Traffic Commission - for traffic signal at the J.T. Connell Highway/John H. Chafee Blvd. Intersection (with accompanying resolution)

COUNCILOR COYNE moved the communication be received and the resolution adopted. Seconded by COUNCILOR MC LAUGHLIN and VOTED UNANIMOUSLY.

21. Communication #4300/07, re: Bid Award for Bellevue Avenue Concrete Repair (with accompanying resolution)

COUNCILOR COYNE moved the communication be received and the resolution adopted. Seconded by COUNCILOR LEONARD.

Discussion followed regarding the bid price, based on quantities ordered, during which CITY MANAGER LAVALLEE and PUBLIC WORKS DIRECTOR JULIA FORGUE said the contractor had said he would hold the bid price for larger quantities that may be needed. COUNCILOR COYNE asked if there was anything in writing from the contractor stating that. CITY MANAGER LAVALLEE said he would get a letter from the contractor indicating such. COUNCILOR MC LAUGHLIN commented on the $50/hr. rate cited for detail officers when in fact there is a minimum payment requirement of four hours for each detail officer, or $200. He also asked what money would be used for this project; CITY MANAGER LAVALLEE responded road bond money would be used.

COUNCILOR COYNE withdrew his original motion to approve and moved that the communication be continued to the next meeting. Seconded by COUNCILOR LEONARD and VOTED UNANIMOUSLY.

22. Communication #4301/07, re: RI Resource Recovery Corporation Agreement - for Solid Waste and Recycling (with accompanying resolution)

COUNCILOR COYNE moved the communication be received and the resolution adopted. Seconded by COUNCILOR LEONARD and VOTED UNANIMOUSLY.

23. Communication #4302/07, re: CRMC Adopt –An-Access Program – Ruggles Avenue right-of-way at Cliff Walk (with accompanying resolution)

COUNCILOR COYNE moved the communication be received and the resolution adopted. Seconded by COUNCILOR LEONARD.

COUNCILOR MC LAUGHLIN said he had no financial interest in this matter, nor would there be financial gain for his son, rather, his son was taking on a burden as the volunteer coordinator, and he wanted to express his pride in his son.

COUNCLOR LEONARD thanked David McLaughlin for taking on the project.

The motion was VOTED UNANIMOUSLY.

7:12 P.M. ADJOURNED AS COUNCIL AND CONVENED AS BOARD OF LICENSE COMMISSIONERS

## BOARD OF LICENSE COMMISSIONERS

Application for a Class F Daily Liquor License, Trinity Church; Seaman's Church Institute, October 13, 2007, from 6:30 p.m. to 9:30 p.m.

COMMISSIONER COYNE moved the license be approved. Seconded by COMMISSIONER LEONARD and VOTED UNANIMOUSLY.

7:13 p.m. ADJOURNED

Kathleen M. Silvia
City Clerk
September 28, 2007

# CITY OF NEWPORT
# MINUTES OF THE COUNCIL MEETING
# HELD OCTOBER 10, 2007

*(Approved 10/24/2007)*

*The following items of business, filed with the City Clerk under the rules of the Council, came before the Council at its regular meeting held on October 10, 2007.*

The Mayor called the meeting to order at 6:30 p.m.

The City Clerk called the roll and the following members were present:

MARY C. CONNOLLY
STEPHEN R. COYNE
CHARLES Y. DUNCAN
KATHRYN E. LEONARD
JUSTIN S. MC LAUGHLIN
JEANNE-MARIE NAPOLITANO
STEPHEN C. WALUK

1. **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 September 26, 2007, Council Meeting (Approve)
b. Special Event Licenses:
   1) Newport International Film Festival, d/b/a Newport International Film Festival; Mrs. Astor's Beechwood, Bellevue Ave., October 19, 2007, from 6:00 p.m. to 10:00 p.m.
   2) Newport Lodge of Elks, d/b/a Craft Bazaar; Elks Lodge, 141 Pelham Pelham St., October 20 and 21, 2007, from 10:00 a.m. to 4:00 p.m.
   3) Royal Arts Foundation, d/b/a The Halloween Party; Belcourt Castle, 657 Bellevue Ave., October 26 and October 27, 2007, from 8:00 p.m. to Midnight.
   4) The Newport Daily News, d/b/a The President's Own Marine Band; Rogers High School, October 30, 2007, from 7:30 p.m. to 10:00 p.m.
   5) Rhode Island Civic Chorale & Orchestra, d/b/a Holiday Gala-Choral Concert; Rogers High School, Nov. 25, 2007, from 1:00 p.m. to 6:00 p.m.
   6) Royal Arts Foundation, d/b/a New Year's Eve Ball; Belcourt Caste, 657 Bellevue Ave., December 31, 2007, from 7:00 p.m. to 1:00 a.m.
c. Bingo License, Annual, Park Holm Senior Citizens Center, 1 Eisenhower Road.
d. Holiday Selling License, Renewal, The Humidor, LLC, d/b/a The Humidor Smoke Shop, 182 Thames St.
e. REMOVED: Horse-drawn Carriage License, Commonwealth Farm & Carriage Co
f. Communication from the Historic District Commission, re: commission vacancy resulting in postponement of hearings because of lack of quorum. (Receive)
g. REMOVED: Communication from the Historic District Commission, re: support of creation of a panel to review proposed changes to the Historic Zoning Ordinance.
h. Communication from Neil P. Galvin, Esq., re: revised drawing reflecting the addition of a sign at turn-around, Hyatt Hotel, Goat Island. (Receive)

i. Communication from the Town of Little Compton Zoning Board of Review, re: Notice of Public Hearing on October 17, 2007, regarding the proposed subdivision (Receive)

j. Claims: (Receive and refer to City Solicitor)
   1) Liora Amitai, by attorney
   2) Nancy Keramas, by attorney

COUNCILOR COYNE moved the Consent Calendar, with the exception of Items e and g, be adopted. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

e. Horse-drawn Carriage License, Commonwealth Farm & Carriage Co., LLC; October 28, 2007, from 3:30 p.m. to 6:00 p.m. (Route: St. John's Church, south on Washington St. to Goat Island, returning to Willow St.)

COUNCILOR LEONARD asked if the Police Department had any public safety issues with the hayride. POLICE CHIEF MICHAEL MC KENNA said the route had been adjusted with the applicant and he had no safety issues with the granting of the license.

COUNCILOR LEONARD moved the license be approved. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

g. Communication from the Historic District Commission, re: support of creation of a panel to review proposed changes to the Historic Zoning Ordinance. (Receive)

COUNCILOR McLaughlin pointed out that the original ordinance establishing the Historic District Commission provides that the HDC is to submit to the Council for approval rules and regulations necessary to carry out its functions and standards of review in harmony with the Secretary of Interior's Standards and Guidelines for Rehabilitation Historic Buildings, but this had never been done.

COUNCILOR MC LAUGHLIN moved the communication be received. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

## COMMUNICATIONS & PETITIONS

2. Communication from Anthony DeLuca, North Kingstown Coastal Preservation Assoc., re: asking to address the Council on concerns regarding a proposed fishing pier to run parallel to the Jamestown-Verrazzano Bridge.

ANTHONY DE LUCA of North Kingstown submitted information to the council regarding the proposed recreational fishing pier and addressed the council regarding the N.K. Coastal Preservation Association's objections to it, saying it could damage the Jamestown-Verrazzano Bridge and cause traffic flow problems throughout the entire state.

COUNCILOR COYNE moved the information be received. Seconded by COUNCILOR LEONARD and VOTED UNANIMOUSLY.

DON KERN of North Kingstown, who identified himself as an engineering graduate of MIT, said his concerns were based on personal experiences, having lived through three hurricanes and three typhoons. He said in high winds the recreational pier could batter and damage the Jamestown Bridge and, therefore, it should not be constructed.

MAYOR WALUK said the Council would review the information and if in agreement they would take action.

3. Communication from the Historic District Commission, re: Demolition Through Owner Neglect (Continued from September 12, 2007)
   -- Status Report from the City Manager on Condition of Properties

COUNCILOR MC LAUGHLIN cited the reports submitted by the City Clerk, Planning Director, Fire Marshal, and Assistant Solicitor and said the Council should wait until the issues are solved in court before taking any action.

ASSISTANT CITY SOLICITOR COLLEEN HASTINGS reviewed the status of each property. She said 62 Mill St. had been appealed to Superior Court and in the most recent status report with Judge Thunberg, the owners were directed to file applications to the Historic District Commission. She said another meeting with the judge was scheduled for later this month. She that with regard to 166 Spring Street, the Municipal Court Judge has asked that the parties attempt to resolve the issues rant than go to Superior court and the owners were given thirty days to make preliminary repairs to the property. She said once the report on 166 Spring St. is received they will move on to 23 Sherman St. She said DSM Realty, Corp., which basically has given the Twomeys life tenancy, has also been subpoenaed to appear. She the historic significance of the properties is understood and they are willing to work with the HDC as all are hoping for the same end results.

COUNCILOR MC LAUGHLIN said the HDC is asking the City to make the repairs if the owners do not, whereas the action in court is to get the owners to pay; therefore, the matter should first play out in court.

COUNCILOR CONNOLLY cited the area of a roof at 166 Spring St. that had been damaged in a fire and asked it could be repaired. ASST. SOLICITOR HASTINGS responded that the Twomeys were directed to have an expert examine it and report on whether or not the structure, which is an addition to the original house, is salvageable and if not, then they will have to work with the HDC to maintain the integrity of the house if it is removed.

COUNCILOR NAPOLITANO asked if the properties are insured, to which ASST. SOLICITOR HASTINGS said she didn't know by whom but someone would have insurance. She said she was trying to bring in all parties that would contribute to the cost of repairs. COUNCILOR NAPOLITANO expressed concern regarding the properties putting the neighborhood in jeopardy, as well as the Fire Dept. personnel if there were another fire.

FEDERICO SANTI, 148-160 Spring St., cited the concerns in the communication from the Fire Marshal regarding the risk to the neighborhood and fire personnel if the property were to have another fire. He said that based upon a conversation with an insurance adjuster it was his understanding that only the contents of the house were insured. He also said the only thing done in

response to the Municipal Court demand was the Twomeys have placed new brass numbers on the buildings. He said this issue has gone on for too many years and he would like to see someone who appreciates its historic value living the house.

CHRISTINE ROYAL of the Historic District Commission said action should not be delayed. She said the properties need stabilization and the HDC was looking for the Council's support.

COUNCILOR MC LAUGHLIN moved the communications be received. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

COUNCILOR MC LAUGHLIN said he would like to receive a status report in November.

4. **APPOINTMENTS TO BOARDS AND COMMISSIONS**

Shimoda 50th Anniversary Committee. Applicant: Colleen McGrath
(No action taken)

Newport Sports Advisory Commission. Applicant: Paul S. Manning

MAYOR WALUK moved Paul Manning be appointed to the sports Advisory Commission. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

Newport Hospitality Commission. Applicant: Linda S. Manning

MAYOR WALUK moved Linda Manning be appointed to the Hospitality Commission. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

**RESOLUTIONS**

**5.** Directing the City Administration to Investigate Options for the Re-establishment of Access to Easton's Pond Walking Path – J. McLaughlin

COUNCILOR MC LAUGHLIN read the resolution and moved for its adoption. Seconded by COUNCILOR COYNE.

COUNCILOR CONNOLLY said she understood that people are still walking on the moat and recently the sandbags reinforcing the embankment were sliced open. She asked if there are signs at the moat. PUBLIC WORKS DIRECTOR JULIA FORGUE said there are "Do Not Enter" signs, and the bridge crossing the moat was removed. However, people have been moving rocks to make a walkway, which when observed are removed by the department's crews. She pointed out that with the lack of rain people wearing boots can walk across the moat.

COUNCILOR CONNOLLY asked if there also are signs at Gardner Pond. DIRECTOR FORGUE responded that the signage there states, "Protect your water supply" and "Pick up after your pets." She said there have been no studies as yet on Gardner Pond and the impact of walkers.

COUNCILOR LEONARD suggested "No Trespassing" signs be installed and enforced by the Police Department.

The motion to adopt was VOTED UNANIMOUSLY.

6. Establishing a Council Subcommittee on Strategic Planning – S. Waluk

MAYOR WALUK introduced the resolution and moved for its adoption. Seconded by COUNCILOR CONNOLLY.

COUNCILOR NAPOLITANO asked if the subcommittee, which would include three council members, would be subject to the Open Meetings Act and open to the public. MAYOR WALUK responded that since there were only three council members he did not believe it would be subject to the Open Meetings Act. CITY SOLICITOR JOSEPH J. NICHOLSON said he concurred with the Mayor but would raise the question with the Attorney General. MAYOR WALUK said he did not believe staff meetings need to be open. COUNCILOR CONNOLLY said the Council needs to be proactive with the budget and she did not see it as meetings but working in conjunction with the city administration.

The motion was VOTED UNANIMOUSLY.

7. Study of City's Wastewater System – S. Coyne

COUNCILOR COYNE introduced the resolution wherein he said if anything should occur, such as separating Newport's waste water system from Middletown and the Navy, it would be ten or fifteen years out. He then moved for its adoption. Seconded by COUNCILOR CONNOLLY.

COUNCILOR COYNE moved the resolution be amended to provide that the Task Force on Waste Water System Improvements shall conduct the analysis rather than establishing a new task force. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

COUNCILOR MC LAUGHLIN said he would vote for the resolution reluctantly because he believed it to be premature. He said he was sure the committee would do a thorough job, but he did not want to eliminate negotiations with the Town of Middletown. COUNCILOR LEONARD said the resolution would allow new eyes to look into the issue of Newport's wastewater system which is not easy to maintain given Newport's approximate population of only 25,000.

The resolution, as amended, was UNANIMOUSLY ADOPTED.

8. Valet Parking in Downtown Newport – K. Leonard

COUNCILOR LEONARD introduced the resolution and moved for its adoption. Seconded by COUNCILOR COYNE.

COUNCILOR COYNE spoke in favor of the resolution and said that, when done correctly, valet parking significantly alleviates traffic congestion. COUNCILOR MC LAUGHLIN asked the time

frame for the study; KEITH STOKES, Executive Director of the Newport County Chamber of Commerce, said it would be done in 90 days.

The motion to adopt was VOTED UNANIMOUSLY.

## ORDINANCES

9. Amending Chapter 2.120.010, "Fees for Permits and Licenses," to impose a penalty of $5.00 per day on liquor and victualing license holders who do not pick up their licenses by the December 1st deadline. (Second Reading)

MAYOR WALUK moved the ordinance be adopted on second reading. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

10. Amending Chapter 3.16.060, "Pay Plan for Classified Employees," by deleting the Pay Plan for the International Association of Firefighters, Local 1080, Effective June 1, 2005, and ADDING IN LIEU THEREOF a new pay plan, implementing an across-the-board increase of 3.5%, effective July 1, 2005. (Second Reading)

MAYOR WALUK moved the ordinance be adopted on second reading. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

11. Amending Chapter 2.120.010, "Fees for Permits and Licenses," to increase the annual fee for outside fire alarm services from $300 to $400, and implement certain other fees for Fire Dept. permits and/or inspections. (Second Reading; continued from Sept. 26, 2007)

MAYOR WALUK cited the amendments since first reading. COUNCILOR LEONARD said she did not object to the current $30 inspection fee with the new $50 fee for reinspection, but she did not support the proposed increased fees. COUNCILOR MC LAUGHLIN questioned what constituted one-, two- and three-family dwellings as to how apartments and condominiums are factored in. FIRE MARSHAL ROBERT SULLIVAN responded that a condominium is considered a one-family dwelling, and buildings with more than three dwelling units are covered under other sections of the Fire Code.

COUNCILOR COYNE questioned the fees for tent reinspections based on square footage when in the current schedule the fees are based on value. FIRE MARSHAL SULLIVAN responded that the fees are computed in the same manner and this ordinance could eliminate square footage and instead provide that the fees will be based on the amount of the permit fee plus 25%.

WILLIAM CORCORAN, Newport Tent Company, cited the currentl fees that come under the site plan review. MAYOR WALUK suggested the ordinance be amended to eliminate the section pertaining to tents, #71, at this time. COUNCILOR CONNOLLY said that on first reading it was said there are no fees for inspections, when there is under the tent plan review. FIRE MARSHALL SULLIVAN said the new amendment before the Council is only for re-inspections as a result of violations. He said the current tent plan review covers the initial inspection, and if when initially inspected there is no problem that would required fire personnel to return for a reinspection, then

there would be no additional fee. He said the amendment also now provides that the reinspection fee would be charged to the event holder.

COUNCILOR MC LAUGHLIN moved Item #70 be amended to state, "Plan review and inspection for installation of smoke and/or carbon monoxide detection **in any new private dwelling and any existing dwelling at the time of sale or transfer:"** Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

VOTE ON THE MOTION to adopt the ordinance, with amendments, including the elimination of #71, on second reading:

In favor – MAYOR WALUK; COUNCILORS CONNOLLY, COYNE, DUNCAN, MC LAUGHLIN and NAPOLITANO.

Opposed – COUNCILOR LEONARD

12. Amending Chapter 8.08.100, "Fire Lanes," to reconfigure the fire lanes at the Hyatt Regency on Goat Island. (Second Reading; continued from Sept. 26, 2007)

MAYOR WALUK moved the ordinance be adopted on second reading. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

## COMMUNICATIONS FROM THE CITY MANAGER

13. Communication #4300/07, re: Bid Award for Bellevue Avenue Concrete Repair (with accompanying resolution; continued from Sept. 26, 2007)
-- Memorandum from the City Manager, re: confirmation letter from contractor

COUNCILOR COYNE moved the communication be received and the resolution adopted. Seconded by COUNCILOR NAPOLITANO.

COUNCILOR MC LAUGHLIN said the administration's request for action provides that funding for the project would come from the road bond. He said 72% of those voting supported the $12 million bond referendum, which, during initial discussions, was to cover 150-175 roads but was later reduced to half the roads in Newport. He said he also had been unaware at the time that the bond included $5 million for lower Thames Street. He cited the need for a plan and said he would not support the expenditure of road bond funds until there is such a plan.

COUNCILOR MC LAUGHLIN moved the resolution be amended to add that the funding for this project will be taken from the Parking Fund. Seconded by COUNCILOR LEONARD.

COUNCILOR LEONARD said the plan should also include a list of the streets to be paved. She said she would like to know what streets were originally on the list and if the voters know $5 million was to be used for Thames St.

# BOARD OF LICENSE COMMISSIONERS

## CONSENT CALENDAR

1. Communication from Turner C. Scott, Esq., re: Status of Class BV Alcoholic Beverage License / Sea Fare's American Café, Inc. (Receive and make part of the record)

2. Communication from S. Michael Levin, Esq., re: Status of liquor license, IDC Clambakes, Inc., d/b/a The Regatta Club (Receive and make part of the record)

COMMISSIONER COYNE moved the Consent Calendar be adopted. Seconded by COMMISSIONER NAPOLITANO and VOTED UNANIMOUSLY.

7:43 P.M. ADJOURNED

Kathleen M. Silvia
City Clerk

October 13, 2007

**MINUTES OF A COUNCIL WORKSHOP**
**HELD OCTOBER 17, 2007**

Council Members present at the workshop were:

MAYOR STEPHEN C. WALUK
COUNCILOR MARY C. CONNOLLY
COUNCILOR STEPHEN C. COYNE
COUNCILOR CHARLES Y. DUNCAN
COUNCILOR KATHRYN E. LEONARD
COUNCILOR JUSTIN S. MC LAUGHLIN

COUNCILOR JEANNE-MARIE NAPOLITANO arrived at 6:20 P.M.

MAYOR WALUK opened the meeting at 6:00 p.m. (The discussion was reversed from the posting because the attorney for the water rate filing was not yet present.)

UTILITIES DIRECTOR JULIA FORGUE said that on October 24, 2007, there would be before the Council a request to amend the contract with Camp Dresser & McKee for short-term improvements to the water treatment plant. She because of the challenge of dealing with lead and copper and THMs, the course of action needs to change, citing it as the Chloramines Conversion Project. She cited a letter from the EPA supporting the City's project and their willingness to be a part of it.

JACK KEENEY of CDM made a ten-minute power-point presentation.

CAROL REGO of CDM provided a history of water treatment, saying in the 1980's there was an increase in regulations for drinking water supplies. She said the high level of chlorine led to high levels of THMs, which are potential carcinogens; therefore chloramines were looked at as an alternate choice. She said lead and copper are regulated at the customer's tap, as opposed to in the distribution system, and samples are regularly collected and tested.

She cited the change in regulations, which on January 1, 2002, changed the amount of THMs allowed, from 100 parts per billion to 80 parts. She said in 2013 samples will be taken from each site rather than at the origin, resulting in eight samples being taken from throughout the city. She said if the water is disinfected it will create THMs. She said the major influences are naturally-occurring organics, such as leaves. She said lead was commonly used in the distribution pipes until the 1940's, and if the chloramines are used for treatment, the THMs will go down, however, the lead and copper will go up. She said the expanded study will identify corrective solutions so that both will go down simultaneously. She said the EPA has sent a letter of commitment and is assisting by providing in-kind services valued at $703,000. In addition, CDM has committed $67,000 of its research money to this project. Therefore, to date, the non-city funding of the $1.3 project is 58%.

She cited Newport is one of the known cities facing this problem of disinfectants vs. THM because of the old pipes lined with lead; however, Washington, DC, and Cleveland, Ohio, have also been identified. She said there could be many more; however, the pipes would have to be dug up and the insides inspected. She said Newport's drinking water is safe and currently meets the standards, when the tests become site-specific there will be problems.

ATTORNEY JOSEPH KEOUGH reported on the City's water rate proceedings before the Public Utilities Commission. He went over the filing process, in which the Town of Portsmouth and the US Navy can intervene as wholesale purchasers. He explained that the Division of Public Utilities and Carriers represents the rater payers at the hearing, while the Public Utilities Commission, the members of which can be likened to serving as judges, makes the ultimate decision.

ATTORNEY KEOUGH said the City originally asked for $10,318,000 but reduced it to $9,528,422, with the Public Utilities Commission ultimately reducing that amount by $581,759. He said the result is a rate change for the customers, from $4.07 per 1,000 gallons to $4.54. In addition, billing will be increased from three to four times a year, resulting in an additional billing charge which will go into a restricted fund for studies of the water system finances. He said the need for the water rate increase is not a case of overspending; rather, it is because not enough money has been collected due to water consumption being down.

UTILITIES DIRECTOR JULIA FORGUE discussed the need for a new water plant. She said the City would be going out to bid for Owner Advisory Services for Lawton Valley, which would provide a detailed analysis. She said it was her hope that the RFP would go out at the end of the month, the selection of a consultant in the spring, and the report submitted by the end of 2008.

ADJOURNED: 7:50 p.m.

# CITY OF NEWPORT
# MINUTES OF THE COUNCIL MEETING
# HELD OCTOBER 24, 2007

*The following items of business, filed with the City Clerk under the rules of the Council, came before the Council at its regular meeting held on October 24, 2007.*

The Mayor called the meeting to order at **5:30 p.m.**

The City Clerk called the roll and the following members were present:

MARY C. CONNOLLY
STEPHEN R. COYNE
CHARLES Y. DUNCAN
KATHRYN E. LEONARD
JUSTIN S. MC LAUGHLIN
JEANNE-MARIE NAPOLITANO
STEPHEN C. WALUK

COUNCILOR COYNE moved the Council recess to Executive Session in the City Manager's Office in accordance with Section 42-46-5 (a)(5) of the RI General Laws to discuss the disposition of publicly held property wherein advanced public information would be detrimental to the interest of the public. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

6:11 P.M. COUNCILOR COYNE moved the Executive Session be adjourned, the Minutes sealed, and the Council recess until the regular meeting at 6:30 p.m. in the Council Chambers. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

6:30 P.M. COUNCILOR COYNE moved the Council reconvene. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

**CITIZEN'S FORUM**

1. Fred Baillargeron, 63B Malbone Rd., addressed the Council regarding what he saw as problems with the construction work at the Recreation Dept. Cottage.

2. Diana Coderre, 144 Spring St., discussed the moat at Easton's Bond and asked if there were a plan and a schedule for reopening the area to walkers.

3. Peter Fagan, 56 Ayrault St., commented on King Park beach and cited a study of the Harbor by the International Yacht Restoration School. He asked if there were a plan and schedule to reopen the beach to swimmers.

# COUNCIL

1. **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 October 10, 2007, Council Meeting (Approve)

b. REMOVED: Selling License, Renewal, Cathers & Coyne, Inc.
c. Private Detective License, New, Raymond Maine, 51 Harrison Ave.
d. REMOVED: Communication from the Planning Board, re: Proposed Zoning Amendment – Temporary Structures and Tents (Receive)
e. REMOVED: Communication from Charlotte Yeomans, Chair, Newport Redevelopment Agency, re: requesting a workshop with the Council
f. REMOVED: Communications in Support of Historic District Commission and Examination of the Historic District Ordinance for Improvements.
g. Claim of Myles Standish (Receive and refer to City Solicitor)

COUNCILOR COYNE moved the Consent Calendar, with the exception of Items b, d, e and f, be adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

1-b. REMOVED: Selling License, Renewal, Cathers & Coyne, Inc.

COUNCILOR COYNE recused himself.

MAYOR WALUK moved the license be approved. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

1-d. REMOVED: Communication from the Planning Board, re: Proposed Zoning Amendment – Temporary Structures and Tents (Receive)

COUNCILOR LEONARD said the issue of temporary structures and tents has been going on for probably six years and the Planning Board has asked that the Council not act on the proposed ordinance until November. She then moved that the communication be received. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

1-e. Communication from Charlotte Yeomans, Chair, Newport Redevelopment Agency, re: requesting a workshop with the Council to review design and development concepts for the Mary St. Parking Lot and Broadway/Marlborough St. Intersection. (Receive and refer to a workshop)

COUNCILOR LEONARD said she was somewhat confused on what the workshop would entail and, although she would move to receive the communication, she wanted a synopsis of what would be discussed at a workshop. The motion to receive the communication was seconded by COUNCILOR NAPOLITANO and VOTE D UNANIMOUSLY.

1-f. Communications in Support of Historic District Commission and Examination of the Historic District Ordinance for Improvements: Alexandra Allardt, ArtCare Resources; Robert Cagnetta, Heritage Restoration, Inc.; Peter Goff, President, Hill Association; Isabel Griffith, President, Point Association; John K. Grosvenor, Newport Collaborative Architects; Eric Hertfelder, Exec. Director, Fort Adams Trust; Tom Perkins and Jerry Kirby, Kirby-Perkins Construction; Paul Leys and Christina West, Gustave White Sotheby's International; Jack McVicker, President, Alliance for a Livable Newport; James E. Moore, Co-Chair, Bellevue Ochre Point Neighborhood Assoc.; Pieter Roos, Newport Restoration Foundation; Turner C. Scott, Esq.; Valerie Talmadge, Exec. Director, PreserveRI; Ruth S.

Taylor Exec. Director, Newport Historical Society; Bonnie J. Watson, Esq.; Paul A. Watters, RE/MAX Professionals of Newport; Ann Zvanovec, President, Castle Hill Neighborhood Assoc. (Letters on file in City Clerk's Office)

COUNCILOR LEONARD commented that the Historic District Ordinance calls for an inventory or list of appurtenances which has never been submitted for council approval because there is a need for a specific definition of such. PAIGE BRONK, Director of Planning, Zoning, Development & Inspections, said the staff realizes there is ambiguity in the language referring to inventory and a new definition of appurtenances has been proposed. MAYOR WALUK said this discussion would be more appropriate under Item #13.

COUNCILOR COYNE moved the communications be received. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

**LICENSESE & PERMITS**

2. Application for a Victualing License, RIQC, LLC, d/b/a Rhode Island Quahog Company, 250 Thames St. (in conjunction with Liquor License Transfer)

COUNCILOR COYNE moved the license be approved. Seconded by COUNCILOR CONNOLLY.

ATTORNEY DAVID DALBASHIAN came forward on behalf of the licensee.

The motion to approve was VOTED UNANIMOUSLY.

3. Application for an Entertainment License, Class A (indoor), RIQC, LLC, d/b/a Rhode Island Quahog Company, 250 Thames St. (in conjunction with Liquor License Transfer)

COUNCILOR COYNE moved the license be approved. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

4. Victualing License Renewals, 2007-08, Non-liquor Establishments (List attached - #1)

COUNCILOR COYNE moved the license renewals be approved subject to existing conditions with the exception of The Harborview Restaurant. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

COUNCILOR DUNCAN said he would like the City to look into licensing delivery vehicles for those that have take-out delivery service.

Annual Victualing License Renewal, J.W.T.B.H., LLC, d/b/a The Harborview Restaurant, 5 Marina Plaza, Unit A

COUNCILOR CONNOLLY recused herself.

COUNCILOR COYNE moved the license be approved. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

## COMMUNICATIONS & PETITIONS

5. Communication from Beth Milham, Step It Up Aquidneck Island, requesting the Council's endorsement of November 3, 2007, event to inspire awareness of and action on the looming climate crisis.

BETH MILHAM, 108 Champlin Place No. cited an upcoming event on November 3rd and asked for the Council's endorsement. She also commended the Council for appointing a Task Force on Climate Control.

6. Communication from John Vitkevich, 119 Hummock Ave., Portsmouth, RI, requesting a Council resolution in support of an increased weight limit on the new Sakonnet River Bridge.

JOHN VITKEVICH asked the Council to adopt a resolution in support of increasing the tonnage on the new Sakonnet River Bridge and asking that its construction be expedited.

7. Communication from James C. Sattel, Director of Community Health Projects, re: Community Action for Renewed Environment Program – "Building a Healthy Newport Environment Coalition."

JAMES SATTEL, noting that Newport is one of only ten project sites in the nation, said the goal of the coalition is to prioritize health issues facing Newport. He thanked the Council for the providing him the opportunity to provide information on the program.

8. **APPOINTMENTS TO BOARDS AND COMMISSIONS**

**Historic District Commission**. Applicants: William G. Dawley, William L. McQueen, Sara Meirowitz, Robert Roy Richardson, Stephen N. Rous, John M. Shehan

MAYOR WALUK moved John M. Shehan be appointed to the Historic District Commission. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

**Trust & Investment Commission**. Reappointment of Richard G. Webb

MAYOR WALUK moved Richard G. Webb be reappointed to the Trust & Investment Commission. Seconded by CUONCILOR MC LAUGHLIN and VOTED UNANIMOUSLY.

**Council Appointments to Strategic Planning Sub-Committee:** Mary C. Connolly, Justin S. McLaughlin, Jeanne-Marie Napolitano

MAYOR WALUK moved Councilors Connolly, McLaughlin and Napolitano be appointed to the sub-committee. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

## RESOLUTIONS

9. Requesting the RI General Assembly to Override the Governor's Veto of House Bill 5941, An Act Relating to the RI Real Estate Time-Share Act – J. Napolitano, et als

COUNCILOR NAPOLITANO introduced the resolution and moved for its adoption. Seconded by COUNCILOR LEONARD.

STEPHEN COATY of Red Cross Avenue, cited the importance of restructuring the method of taxing time-share units and urged the Council to unanimously adopt the resolution.

The motion to adopt was VOTED UNANIMOUSLY.

10. Establishing a Task Force to Explore Options for Undergrounding Overhead Utility Wires – K. Leonard, J. McLaughlin

COUNCILOR LEONARD introduced the resolution and said the task force can continue on the investigation done several years ago on putting utilities underground on Thames St. She then moved for adoption of the resolution. Seconded by COUNCILOR MC LAUGHLIN.

COUNCILOR CONNOLLY congratulated Councilors Leonard and McLaughlin on the resolution; she said that given the tax cap the Council however needs to keep focused on the major issues of water, sewers and roads.

COUNCILOR MC LAUGHLIN pointed out that there is no limit on the membership of the task force and anyone who wants to serve would be welcome. COUNCILOR LEONARD, citing a program in Massachusetts for underground utilities, noted that Senator M. Teresa Paiva Weed has volunteered to look into what other states are doing to implement and pay for underground utilities.

The motion was VOTED UNANIMOUSLY.

## ORDINANCES

11. Amending Chapter 2.120.010, "Fees for Permits and Licenses," adding "#71, Fire Dept. Repeat Tent Inspection," the fee for which shall be 25% of the cost of the tent permit, with payment the responsibility of the event holder. (First Reading)

MAYOR WALUK moved the ordinance be adopted on first reading. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

12. Amending Chapter 10.20.170, "Towing by Police Division," to include the towing of unauthorized vehicles parked in the designated parking space on Bull St. for Council members, and any space designated for courthouse personnel. (Second Reading)

MAYOR WALUK moved the ordinance be adopted on second reading. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

## COMMUNICATIONS FROM THE CITY MANAGER

13. Communication #4297/07, re: Amendments to Historic District Zoning Ordinance (with accompanying Ordinance)
    -- Memoranda from the City Manager and Director of Planning, Zoning, Development & Inspections, re: Proposed Amendments to Historic District Ordinance

MAYOR WALUK moved the communication be continued to the November 14th meeting; and, prior to that meeting and forwarding the recommendations of the Planning Director to the Planning Board, a workshop be held on November 7, 2007, at 6:00 P.M.

TERRY DICKINSON, Special Assistant to the CEO of the Preservation Society of Newport, submitted a letter on behalf of the Society.

COUNCILOR COYNE moved the letter be received. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

MR. DICKINSON said the Historic District Ordinance is critical given the number of historic structures in Newport and the Society fully supports the content of the letter submitted at this time. COUNCILOR LEONARD asked if the Society's letter had been written before or after the changes had been proposed by the Planning Department. MR. DICKINSON responded said it was written prior to the new proposals.

MARK HORAN of Horan Building Company, 174 Bellevue Ave., asked about the ordinance before the Council relating to walls and air conditioning units. MAYOR WALUK responded that the Council had asked for a more comprehensive proposal and those issues will be addressed in that proposal. COUNCILOR DUNCAN concurred that the changes should all be done at once.

COUNCILOR MC LAUGHLIN said that on November 14th, which will be after a workshop is held, the final proposed changes will be received and forwarded to the Planning Board, which will have a hearing on the proposed changes, and the Board's recommendations will be submitted to the Council, at which time the Council will advertise a public hearing and have two readings of the ordinance.

The motion to continue the matter to November 14th was VOTED UNANIMOUSLY.

14. Communication #4306/07, re: Revisions to Newport Harbor Ordinance – Mooring Fees (with accompanying Ordinance)

MAYOR WALUK moved the communication be continued and in the interim a workshop held with the Waterfront Commission. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

15. Communication #4307/07, re: Newport Harbor Center – Federal Grant Application by RIDEM.

MAYOR WALUK moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

16. Communication #4308/07, re: Short-term Improvements at Water Treatment Plants 05-013 – CDM Amendment No. 3

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

17. Communication #4309/07, re: Maguire Group Amendment #12—Lawton Valley Residual Management and St. Mary's Raw Water Transmission Main Project

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

18. Communication #4310/07, re: Contract Amendment – 2006 Roadway Improvement Project – Water

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

19. Communication #4311/07, re: Bid Award for Easton Pond Dam and Moat Study – Amendment #2A

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY.

COUNCILOR LEONARD said it is very costly to operate the lighting and if it is determined that the method being used doesn't appear to be successful, the City should then look into other methods, such as ozone treatment and microwaves.

The motion to approve was VOTED UNANIMOUSLY.

20. Communication #4312/07, Bid Award for Repair and Painting of City Hall Cupola and Window Glazing and Painting

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY.

COUNCILOR MC LAUGHLIN asked that when the work is done on the cupola the direction of the weathervane be corrected.

CITY MANAGER ED LAVALLEE pointed out that the gold leaf on the dome is not being redone.

The motion to approve was VOTED UNANIMOUSLY.

7:18 P.M. COUNCILOR COYNE moved the Council recess and convene as the Board of License Commissioners. Seconded by COUNCILOR CONNOLLY and voted unanimously.

7:24 P.M. The Council adjourned from sitting as the Board of License Commissioners and reconvened as Council.

# COUNCIL

2007-08 Victualing License Renewals – Liquor Establishments (List Attached)

COUNCILOR COYNE moved the licenses be renewed subject to all existing conditions, with the exception of: Forty 1° North, LLC, d/b/a Christie's at Forty 1° North; Belle Mer, Inc., d/b/a Belle Mer; Goat Island Grill, Inc., d/b/a The Marina Grille; IDC Clambake, Inc., d/b/a The Newport Regatta Club and Newport Time Resorts, Inc., d/b/a Oceancliff. Seconded by COMMISSIONER CONNOLLY and VOTED UNANIMOUSLY.

MAYOR WALUK moved the victualing licenses of: Belle Mer, Inc., d/b/a Belle Mer; Goat Island Grill, Inc., d/b/a The Marina Grille; IDC Clambake, Inc., d/b/a The Newport Regatta Club; and Newport Time Resorts, Inc., d/b/a Oceancliff, be approved subject to all existing conditions. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

MAYOR WALUK moved Forty 1° North, LLC, d/b/a Christie's at Forty 1° North; and Forty 1° North, LLC, d/b/a The Grill at Forty 1° North;

7:25 p.m. ADJOURNED

Kathleen M. Silvia
City Clerk
October 26, 2007

# CITY OF NEWPORT
7:18 P.M. **BOARD OF LICENSE COMMISSIONERS**

**LICENSES & PERMITS**

1. Application of RI Quahog Co. Restaurant, LLC, d/b/a Rhode Island Quahog Company, 250 Thames St., 1st floor, to transfer its Class BV alcoholic beverage license to RIQC, LLC, D/B/A Rhode Island Quahog Company, at the same premises. (Hearing)
   -- Bill of Indebtedness – RI Distributing: $1,032.99

COMMISSIONER COYNE moved the hearing be closed and the transfer granted subject to payment of all bills of indebtedness. Seconded by COMMISSIONERS CONNOLLY and NAPOLITANO, respectively, and VOTED UNANIMOUSLY.

2. Application of Dockside North, LLC, d/b/a Riptides, Waites Wharf, to transfer 33-1/3% membership to Jill Abruzesse and Orlando Papaleo, resulting in 50% membership each. (Hearing)
   -- Bill of Indebtedness – RI Distributing: $2,810.56

COMMISSIONER COYNE moved the hearing be closed and the transfer granted subject to payment of all bills of indebtedness. Seconded by COMMISSIONERS CONNOLLY and NAPOLITANO, respectively, and VOTED UNANIMOUSLY.

3. **Application for Renewal of Class D Liquor License, D.I.I.K. Club, Inc., d/b/a Newport Sportsman Club, 110 Connell Highway – by Receiver in Bankruptcy. (Hearing)**
   - **Communications from Diane Finkle, Esq., Counsel to Receiver for DIIK Club, Inc.**
     a) **Transmitting the application and Court Order Appointing a Temporary Receiver**
     b) **Transmitting a Court-approved Management Agreement for the Club's operation pending a sale of the business and assets.**

COMMMISSIONER COYNE moved the hearing be closed and the renewal approved. Seconded by COMMISSIONERS CONNOLLY and NAPOLITANO, respectively, and VOTED UNANIMOUSLY.

4. **2007-08 Liquor License Renewals (Hearing)**
   (List Attached - #2)

COMMISSIONER COYNE moved the hearing be closed and the licenses renewed, subject to all existing conditions, with the exception of: Class A - Spring Wharf Smoothies (incorrectly listed with liquor) and Rum Runner, Inc., d/b/a Rum Runner; Class D - Fleet Reserve Club; Columbus Club, d/b/a Knights of Columbus and Ancient Order of Hibernians; Class BL – Forty 1° North, LLC, d/b/a Christie's at Forty 1° North; Class BV - RI Quahog Company Restaurants, LLC; Belle Mer, Inc., d/b/a Belle Mer; Goat Island Grill, Inc., d/b/a The Marina Grille; IDC Clambake, Inc., d/b/a The Newport Regatta Club; Forty 1° North, LLC, d/b/a The Grill at Forty 1° North; and Class

BT – Newport Time Resorts, Inc., d/b/a Oceancliff. Seconded by COMMISSIONER CONNOLLY and VOTED UNANIMOUSLY.

Class A Renewal - Rum Runner, Inc., d/b/a Rum Runner, Inc.
COMMISSIONER CONNOLLY recused herself.

MAYOR WALUK moved the renewal be approved. Seconded by COMMISSIONER NAPOLITANO and VOTED UNANIMOUSLY.

Class D Renewal – Fleet Reserve Club

CHAIRMAN WALUK moved the renewal be continued to the next meeting. Seconded by COMMISSIONER NAPOLITANO and VOTED UNANIMOUSLY.

Class D Renewals - Columbus Club, d/b/a Knights of Columbus; Ancient Order of Hibernians
COMMISSIONERS CONNOLLY and DUNCAN recused themselves.

CHAIRMAN WALUK moved the renewals be approved. Seconded by COMMISSIONER NPOLITANO and VOTED UNANIMOUSLY.

Class BL Renewal: Forty 1° North, LLC, d/b/a Christie's at Forty 1° North
COMMISSIONER LEONARD recused herself.

CHAIRMAN WALUK moved the renewal be approved. Seconded by COMMISSIONER CONNOLLY and VOTED UNANIMOUSLY.

Class BV Renewals: Belle Mer, Inc., d/b/a Belle Mer; Goat Island Grill, Inc., d/b/a The Marina Grille; and IDC Clambake, Inc., d/b/a The Newport Regatta Club
COMMISSIONER CONNOLLY recused herself.

CHAIRMAN WALUK moved the renewals be approved. Seconded by COMMISSIONER COYNE and VOTED UNANIMOUSLY.

Class BV Renewal: Forty 1° North, LLC, d/b/a The Grill at Forty 1° North
COMMISSIONER LEONARD recused herself.

CHAIRMAN WALUK moved the renewal be approved. Seconded by COMMISSIONER COYNE and VOTED UNANIMOUSLY.

Class BT Renewal: Newport Time Resorts, Inc., d/b/a Oceancliff.
COMMISSIONER LEONARD recused herself.

CHAIRMAN WALUK moved the renewal be approved. Seconded by COMMISSIONER COYNE and VOTED UNANIMOUSLY.

7:24 P.M. ADJOURNED AS BOARD OF LICENSE COMMISSIONERS AND RECONVENED AS COUNCIL.

# 2007-08 VICTUALING LICENSE RENEWALS – NON-LIQUOR

| DBA | Ownership | DBA S# | DBA Street |
|---|---|---|---|
| 7-Eleven #23880 | Milan Mlakar | 29 | Memorial Blvd |
| A Little Café | A Little Café, LLC | 27 | Connell Highway |
| A Market Newport | Nutrition House Inc. | 181 | Bellevue Ave. |
| A-1 Pizza | Carrissalex, Inc. | 306 | Broadway |
| Aloha Cafe | Seamen's Church Institute | 18 | Market SQ |
| Bagel Boys | Bagel Barn, Inc. | 178 | Connell Hwy |
| Belle's | American Shipyard Co., LLC aka Newport Shipyard | 1 | Washington ST |
| Ben & Jerry's | Dockside Scoops, LLC | 359 | Thames ST Unit C |
| Ben & Jerry's | Dockside Scoops, LLC | 33 | Bannister's WF |
| Ben's Chili Dogs | Gerald F. Bienvenue | 158 | Broadway |
| Burrito Shop | Martla Inc | 406 | Thames Street |
| Canteen @ CCRI Newport | Compass Two LLC 16613 | 1 | John H. Chafee Blvd |
| China Star III | Bao Jian Chen | 110 | William ST |
| Cilantro Mexican Grill | CMG, LLC | 163 | Connell Highway |
| Coffee Grinder, The | Clarke Cooke, Inc. | 33 | Bannister's WF |
| Cookie Jar Company | Cookie Jar Co, The | 29 | Bowen's WF |
| Corner Cafe, The | FitzSimoes LLC | 110 | Broadway #3A |
| Cumberland Farms #1150 | Cumberland Farms, Inc. | 125 | Broadway |
| Deli Bob's Ices and Slices | Bob and Gerry's Ices and Slices, LLC | 436 | Thames ST |
| Dunkin Donuts | Broadway Donuts, Inc. | 137 | Broadway |
| Dunkin Donuts | TECS Donuts Inc | 199 | Connell Highway |
| Dunkin Donuts | Aquidneck Donuts, Inc. | 7 | Memorial Blvd |
| Dunkin Donuts | TECs Donuts, Inc. | 23 | America's Cup Avenue |
| Dunkin Donuts | Aquidneck Donuts, Inc. | 194 | Connell Hwy |
| Empire Tea & Coffee | Newport Bubble Tea LLC | 22 | Broadway |
| Espresso Yourself Café | Vienna Coffee Company | 337 | Thames ST |
| Everyday Gourmet | JPK, LLC | 677 | Thames St. |
| Firehouse Pizza | H V R, Inc. | 595 | Thames ST |
| Franklin Spa | Franklin Spa, Inc. | 229 | Spring ST |
| Gladiola's | Gladiola's, LLC | 111 | Bellevue Av. |
| Goodie's by the Sea | Goodie's by the Sea, LLC | 22 | Long Wharf Mall South |
| Grilled Pizza on Thames | Newport Grilled Pizza LLC | 397 | Thames Street |
| Handy Lunch | Gary Hooks | 460 | Thames ST |
| Harborview Restaurant, The | J.W.T.B.H., LLC | 5 | Marina Plaza, Unit A |
| Hendricka's Café | Hendricka's Café Inc. | 2 | Broadway |
| Hill Mart | Hill Mart, Inc | 295 | Connell Hwy. |
| Jack and Josie's | Fitzkeating LLC | 111 | Broadway |
| JD Convenience | Shivam, Inc. | 202 | Thames ST |
| Jonathan's Ocean Coffee Roasters | JNR LLC | 22 | Washington SQ |
| Katrina's Bakery | Katrina's, Inc. | 1 | Casino TE |
| Kio's Asian Stir | White Pearl, Inc. | 82 | Broadway |
| La Balandra | Marcia & Jason Viteri | 1 | Farewell St. |
| Lemon Corner II | Longade, LLC | 337 | Thames ST Unit 16 |
| Long Wharf Seafood | Long Wharf Seafood, Inc. | 17 | Connell Hwy |
| Lucia Italian Restaurant/Pizza Lucia | North Italian Restaurant Brio, Inc. | 186 | Thames ST #B |
| Mad Hatter Bakery | Audra Lalli | 64 | Broadway |
| Ma's Donuts and More | Leite Donuts, Inc. | 138 | Connell Hwy |
| Mel's Lunch | Mel's Lunch, Inc. | 25 | Broadway |
| Newport Chocolates | Newport Chocolates Inc | 82 | William ST |

| | | | |
|---|---|---|---|
| Newport Creamery | Newport Creamery, LLC | 181 | Bellevue AV |
| Newport Fudgery | Fudgery, Inc., The | 359 | Thames ST |
| Newport Fudgery | Fudgery, Inc., The | 168 | Thames ST |
| Newport Xtra Mart | Drake Petroleum Co., Inc. | 27 | Memorial Blvd |
| Ocean Breeze Cafe | Ocean Breeze Cafe, Inc. | 580 | Thames ST |
| Panera Bread | Howley Bread Group, Ltd. | 49 | Long Wharf Mall |
| Panini Grill | Bartlebe, Inc. | 186 | Thames ST |
| Paris Delight | Paris Delight, LLC | 198 | Thames Street |
| Peaceable Market | Peaceable Market, LLC | 520 | Thames ST |
| Pizza Hut #613008 | MITA Enterprises of Rhode Island, LLC | 202 | Connell Hwy |
| Portabella | Portabella Restaurant of Newport, Inc. | 136 | Broadway |
| Roba Dolce | i Dolce Inc | 450 | Thames Street |
| Roberto's of Newport /Bristol | Vangela Inc. | 472 | Thames St |
| Ronzio Pizza | Pereira Pizza, Inc. | 88 | Broadway |
| SAPO burritos | Sapora Newport, LLC | 16 | Broadway |
| Sig's Market | Maurice Margolis | 7 | Carroll Avenue |
| Sodexho Services Cliff Walk Cafe | Sodexho Operations LLC | 36 | Ochre Point Avenue |
| Sodexho Services Global Cafe | Sodexho Operations LLC | 51 | Lawrence Ave |
| Sodexho Services Miley Cafe | Sodexho Operations LLC | 7 | Ochre Point Avenue |
| Spark | Spark LLC | 12 | Broadway |
| Spring Seasons Inn, Inc. Tea Room | Susan Farrell | 86 | Spring St |
| Spring Street Espresso | JM Espresso Inc. | 382 | Spring St |
| Spring Wharf Smoothies | SWS Newport LLC | 4 | Spring Wharf |
| Sprinkles Ice Cream | Mackinnon Enterprises, Inc. | 9 | Bowens Wharf |
| Starbucks Coffee # 7229 | Starbucks Coffee Company | 212 | Thames ST |
| Stop & Shop Supermarket #701 | Stop & Shop Supermarket Co, The | 250 | Bellevue AV |
| Subway | RySav Inc. | 129 | Swinburne Row |
| Subway Newport | Subway Newport, Inc. | 188 | Connell Hwy |
| Sumo Sushi | Sumo Sushi, Inc. | 198 | Thames ST |
| Super Stop and Shop | Stop and Shop Supermarket, The | 199 | Connell Hwy |
| Sushi-Go! | Tsunami Enterprises LLC | 215 | Goddard RW |
| Tea on Thames | Carmella L. Gardner | 221 | Goddard Row |
| Via Via II | 3M & J, Inc. | 372 | Thames ST |
| Wal-Mart Store #2885 | Wal-Mart Stores East, LP | 199 | Connell Highway |

# 2007-08 LIQUOR LICENSE RENEWALS - by Class

## *Class A*

| DBA | Ownership | Street Location |
|---|---|---|
| Aidinoff's Wine and Spirits | Anderson, Bock and Bulmer, LLC | 16 Warner ST |
| Andrew's Liquors | JACE Enterprises, Inc. | 493 Broadway |
| Bahra Mart | Linda Smith | 445 Broadway |
| Bellevue Wine & Spirits | Bellevue Wine & Spirits LLC | 181 Bellevue AV |
| Bridge Liquors | KRG Enterprises, Inc. | 23 Connell Hwy |
| Bucci Combination Store | Bucci Combination Store LLC | 1 Thames ST |
| Downtown Liquors | Shiva Corporation | Cottons CT |
| Fifth Ward Liquor | Fifth Ward Liquor, Inc. | 695 Thames ST |
| Harry's Liquor Store | Harry S. Karanikolas, Inc. | 199 Connell Hwy |
| Island Liquors | Newport Prescription Center, Inc. | 291 Broadway |
| Rex Liquors | Hoan, Inc. | 126 Broadway |
| Rum Runner | IDC Rum Runner, Inc. | 5 Marina Plaza Unit B |
| Spring Street Spirits | Spring Street Spirits LTD | 137 Spring ST |
| Spring Wharf Smoothies | SWS Newport LLC | 4 Spring Wharf |
| Sully's Beer Wine & Liquor | B.A.K.E., Inc. | 25 Bliss RD |
| Vickers' Liquors | Vickers' Liquors LLC | 274 Bellevue AV |
| Wellington Square Liquors | Amor, Inc. | 580 Thames ST |

## *Class BH*

| DBA | Ownership | Street Location |
|---|---|---|
| Cliffside Inn | Target Two, Inc. | 2 Seaview Avenue |

## *Class BL*

| DBA | Ownership | Street Location |
|---|---|---|
| Area | Unity 3, LLC | -- |
| Christie's at Forty 1 North | Forty 1 North, LLC | 14 Perry Mill Wharf |
| Mama Leones | JR Pizza Corporation | 150 Connell Hwy |
| Mamma Luisa Italian Restaurant | Mama Luisa, Inc. | 673 Thames ST |
| Newport Tokyo House Sushi & Hibachi | Newport Tokyo House Sushi & Hibachi, Inc. | 6 Equality PK |
| Nikolas Pizza | Nick's Fine Foods, Inc. | 38 Memorial Blvd West |
| Norey's | NDC Enterprises, LLC | 156 Broadway |
| Pronto | West End Harbor, Inc. | 464 Thames St. |
| Puerini's Italian Specialties | Puerini's Italian Specialties, Inc. | 24 Memorial Blvd West |
| Sea Shai Hibachi Garden Restaurant | Sea Shai Hibachi Garden, Inc. | 10 Long Wharf Mall South #A |
| Thai Cuisine | Thames Street Thai Cuisine LLC | 517 Thames ST |
| Wharf Pub and Restaurant, The | RJJ Deli, Inc. | 37 Bowen's WF |

## *Class BT*

| DBA | Ownership | Street Location |
|---|---|---|
| Best Western Mainstay Inn | Mainstay Inn, LTD, The | 151 Admiral Kalbfus RD |
| Castle Hill Inn and Resort | Castle Hill, Inc. | 590 Ocean Ave |
| Chanler at Cliff Walk, The | Chanler, Inc., The | 117 Memorial Blvd |

| | | |
|---|---|---|
| H2O | Vader, LLC | 359 Thames ST |
| Hotel Viking | LaSalle Hotel Lessee, Inc. | 1 Bellevue AV |
| Hyatt Regency Newport | DHC Food & Beverage Corporation | 1 Goat Island |
| Newport Marriott Hotel | Marriott Hotel Services, Inc. | 25 America's Cup AV |
| Oceancliff | Newport Time Resorts, Inc. | 65 Ridge Road |
| Pier 49 Seafood & Spirits | Shaner Rhode Island LLC | 49 America's Cup AV |
| Rhino Bar & Grille and Mamba Room, The | JH Enterprises, Inc. | 337 Thames ST |
| Vanderbilt | VH Holdings, Inc. | 41 Mary ST |

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***Class BV***

| **DBA** | **Ownership** | **Street Location** |
|---|---|---|
| 22 Bowen's Wine Bar and Grille | BWR, LLC | 22 Bowen's WF |
| 99 Restaurant and Pub | 99 West, Inc. | 199 Connell Hwy |
| Asterisk & Obelisk | A&O, Inc. | 599 Thames ST |
| Belle Mer | Belle Mer, Inc. | 2 Goat Island |
| Billy Goode's | Billy Goode Company, Inc. | 29 Marlborough ST |
| Black Pearl, The | N T Corporation | Bannister's WF |
| Boat Dockside, The | Waite's Wharf Grille LLC | 25 Waite's WF #A |
| Brick Alley Pub & Restaurant | Plumb, Inc. | 140 Thames ST |
| Buskers | Pale, LLC The | 178 Thames ST |
| Cafe 200 | Club 200, Inc. | 200 Broadway |
| Cafe Zelda | Rudder, Inc. | 528 Thames ST |
| Canfield House, The | GAMAS, LTD | 5 Memorial Blvd |
| Celtica | Celtica, LLC | 95 Long WF |
| Clarke Cooke House, Cooke House, Candy | Clarke Cooke House, LLC | 26 Bannister's WF |
| Colonial Tavern | Colonial Tavern, Inc. | 18 Broadway |
| Fastnet, The | Fastnet, Inc. | 1 Broadway |
| Fifth Element, The | 2paddysandacanuck LLC | 509 Thames ST |
| Fluke Wine Bar & Kitchen | Partner's In Wine, Inc. | 41 Bowen's WF |
| Gas Lamp Grille, The | BMT, LLC | 206 Thames ST |
| Grill at 41 North, The | Forty 1 North, LLC | 351 Thames St. |
| Griswold's Tavern | Griswold's, Inc. | 103 Bellevue AV |
| Hillside Cafe | Hillside & Cappy, Inc. | 8 Memorial Blvd West |
| Jimmy's Saloon | Memorial Boulevard Associates, Inc. | 37 Memorial Blvd |
| La Forge Casino Restaurant | La Forge Casino Restaurant, Inc. | 186 Bellevue AV |
| Landing, The | Newport Waterfront Landing, Inc. | 30 Bowen's WF |
| Loca | Reliance Services, LLC | 109 Long WF |
| Marina Grille, The | Goat Island Grille, Inc. | 5 Goat Island |
| Mooring Seafood Kitchen & Bar, The | Mooring LTD, The | 2 Sayer's WF |
| Mudville Pub | BSL Distinguished Dining Assoc, Inc. | 8 West Marlborough ST |
| Newport Blues Cafe | Tri Group, LLC | 286 Thames ST |
| Newport Grand | Newport Grand Jai Alai LLC | 150 Admiral Kalbfus RD |
| Newport Playhouse & Cabaret Restaurant | Newport Playhouse & Cabaret Restaurant | 102 Connell Hwy |
| Newport Regatta Club | IDC Clambakes, Inc. | -- |
| O'Brien's Pub | Five Tempus LTD | 501 Thames ST |

| | | |
|---|---|---|
| One Eighty | NWPT, Inc. | 8 Broadway |
| One Pelham East & Studio 3 | Brownstone, Inc. | 270 Thames ST |
| Pasta Beach | Pasta Beach LLC | 7 Memorial Blvd |
| Perro Salado | Kelkery Food and Spirits, Inc. | 19 Charles ST |
| Poor Richard's-Benjamins | Mermaids Newport, LLC | 254 Thames ST |
| POP | POB, LLC | 162 Broadway |
| Pour Judgement | MBK LLC | 32 Broadway |
| Red Parrot Restaurant, The | Red Parrot, Inc., The | 348 Thames ST |
| Restaurant Bouchard | Restaurant Bouchard, Inc. | 505 Thames ST |
| **Rhode Island Quahog Company** | **Rhode Island Quahog Company Restaurants,** | **250 Thames** ST |
| **Rhode Island Quahog Company** | **Rhode Island Quahog Company RIQC, LLC** | **(same)** |
| Rhumbline Restaurant | 62 Bridge Street, LLC | 62 Bridge ST |
| Riptides | Dockside North, LLC | 25 Waite's WF #B |
| Salas' | Tropical Restaurant, Inc. | 341 Thames ST |
| Sambar | MACH, LLC | 515 Thames Street |
| Sardella's Restaurant | S S R Corporation | 30 Memorial Blvd West |
| Scales & Shells | BKA Industries, Inc. | 527 Thames ST |
| Sea Fare's American Café | Sea Fare's American Café, Inc. | -- |
| Smokehouse Cafe | Mooring LTD, The | 31 Scott's WF |
| StarBar Bistro | Ella Terrace, Inc. | 212 Thames ST |
| Tucker's Bistro | Tucker's Bistro, Inc. | 150 Broadway |
| Vincent's On The Pier | N.A.J. Associates, LLC | West Howard WF |
| West Deck, The | West Deck, Inc. | 1 Waite's WF |
| Yesterday's - Newport | Yesterday's - Newport, Inc. | 28 Washington SQ |

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***Class C***

| **DBA** | **Ownership** | **Street Location** |
|---|---|---|
| Salvation Cafe | Salvation Cafe, Inc. | 140 Broadway |

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***Class D***

| **DBA** | **Ownership** | **Street Location** |
|---|---|---|
| Ancient Order of Hibernians | Ancient Order of Hibernians Division #1 in | 2 Wellington Ave |
| Bailey's Beach | Spouting Rock Beach Association | 34 Ocean AV |
| Columbus Club | Columbus Club of Newport RI, Inc. | 60 Halsey ST |
| Elk's Club | Newport Lodge #104 Benevolent & Protective | 141 Pelham ST |
| Fleet Reserve Club | Fleet Reserve Club | 155 Connell Highway |
| Friendly Sons of Newport Social Club | Friendly Sons of Newport Social Club, Inc. | 3 Farewell ST |
| Ida Lewis Yacht Club | Ida Lewis Yacht Club | Lime Rock - Wellington AV |
| Irish American Athletic Club | Irish American Athletic Club | 642 Thames ST |
| New Portuguese Benefit Association | Portuguese Benefit Association Vasco Da Gama | 15 Fenner AV |
| New York Yacht Club Harbour Court | New York Yacht Club | Harbour Court - 5 Halidon |
| Newport Country Club | Newport Country Club | 280 Harrison AV |
| Newport Reading Room | Newport Reading Room | 29 Bellevue AV |
| Newport Yacht Club | Newport Yacht Club | City Wharf - Long Wharf |
| Protective Club | Protective Club, The | 596 Thames ST |

| | | |
|---|---|---|
| Pyramid Club | Pyramid Club | 30 Dr. Marcus Wheatland Blvd |
| Thames Street International Yacht & | Thames ST Int'l Yacht & Athletic Club | 536 Thames ST |
| Trinity Lodge of Elks #183 | Improved BPO of Elks of the World | 15 Oak ST |

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***Class E***

| **DBA** | **Ownership** | **Street Location** |
|---|---|---|
| Newport Prescription Center | Newport Prescription Center, Inc. | 289 Broadway |

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***Class J***

| **DBA** | **Ownership** | **Street Location** |
|---|---|---|
| Newport Yachting Center | Historic Wharves Associates, Inc. | Commercial Wharf |

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***Class K***

| **DBA** | **Ownership** | **Street Location** |
|---|---|---|
| White Horse Tavern | | |

# 2007-08 VICTUALING LICENSE RENEWALS – LIQUOR ESTABLISHMENTS

| DBA | Ownership | DBA S# | DBA Street |
|---|---|---|---|
| 22 Bowen's Wine Bar and Grille | BWR, LLC | 22 | Bowen's WF |
| 99 Restaurant and Pub | 99 West, Inc. | 199 | Connell Hwy |
| Area | Unity 3 | -- | |
| Asterisk & Obelisk | A&O, Inc. | 599 | Thames ST |
| Belle Mer | Belle Mer, Inc. | 2 | Goat Island |
| Best Western Mainstay Inn | Mainstay Inn, LTD, The | 151 | Admiral Kalbfus RD |
| Billy Goode's | Billy Goode Company, Inc. | 29 | Marlborough ST |
| Black Pearl, The | N T Corporation | | Bannister's WF |
| Boat Dockside, The | Waite's Wharf Grille LLC | 25 | Waite's WF #A |
| Brick Alley Pub & Restaurant | Plumb, Inc. | 140 | Thames ST |
| Buskers | Pale, LLC The | 178 | Thames ST |
| Cafe 200 | Club 200, Inc. | 200 | Broadway |
| Cafe Zelda | Rudder, Inc. | 528 | Thames ST |
| Canfield House, The | GAMAS, LTD | 5 | Memorial Blvd |
| Castle Hill Inn and Resort | Castle Hill, Inc. | 590 | Ocean Ave |
| Celtica | Celtica, LLC | 95 | Long WF |
| Chanler at Cliff Walk, The | Chanler, Inc., The | 117 | Memorial Blvd |
| Christie's at Forty 1 North | Forty 1 North, LLC | 14 | Perry Mill Wharf |
| Clarke Cooke House, Cooke House, Candy | Clarke Cooke House, LLC | 26 | Bannister's WF |
| Colonial Tavern | Colonial Tavern, Inc. | 18 | Broadway |
| Fastnet, The | Fastnet, Inc. | 1 | Broadway |
| Fifth Element, The | 2paddysandacanuck LLC | 509 | Thames ST |
| Fluke Wine Bar & Kitchen | Partner's In Wine, Inc. | 41 | Bowen's WF |
| Gas Lamp Grille, The | BMT, LLC | 206 | Thames ST |
| Grill at 41 North, The | Forty 1 North, LLC | 351 | Thames St. |
| Griswold's Tavern | Griswold's, Inc. | 103 | Bellevue AV |
| H2O | Vader, LLC | 359 | Thames ST |
| Hillside Cafe | Hillside & Cappy, Inc. | 8 | Memorial Blvd West |
| Hotel Viking | LaSalle Hotel Lessee, Inc. | 1 | Bellevue AV |
| Hyatt Regency Newport | DHC Food & Beverage Corporation | 1 | Goat Island |
| Jimmy's Saloon | Memorial Boulevard Associates, Inc. | 37 | Memorial Blvd |
| La Forge Casino Restaurant | La Forge Casino Restaurant, Inc. | 186 | Bellevue AV |
| Landing, The | Newport Waterfront Landing, Inc. | 30 | Bowen's WF |
| Loca | Reliance Services, LLC | 109 | Long WF |
| Mama Leones | JR Pizza Corporation | 150 | Connell Hwy |
| Mamma Luisa Italian Restaurant | Mama Luisa, Inc. | 673 | Thames ST |
| Marina Grille, The | Goat Island Grille, Inc. | 5 | Goat Island |
| Mooring Seafood Kitchen & Bar, The | Mooring LTD, The | 2 | Sayer's WF |
| Mudville Pub | BSL Distinguished Dining Assoc, Inc. | 8 | West Marlborough ST |
| Newport Blues Cafe | Kinsley's LTD | 286 | Thames ST |
| Newport Grand | Newport Grand Jai Alai LLC | 150 | Admiral Kalbfus RD |
| Newport Marriott Hotel | Marriott Hotel Services, Inc. | 25 | America's Cup AV |
| Newport Playhouse & Cabaret Restaurant | Newport Playhouse & Cabaret Restaurant | 102 | Connell Hwy |
| Newport Regatta Club | IDC Clambakes, Inc. | -- | |
| Newport Tokyo House Sushi & Hibachi | Newport Tokyo House Sushi & Hibachi, Inc. | 6 | Equality PK |
| Newport Yachting Center | Historic Wharves Associates, Inc. | | Commercial Wharf |
| Nikolas Pizza | Nick's Fine Foods, Inc. | 38 | Memorial Blvd West |
| Norey's | NDC Enterprises, LLC | 156 | Broadway |
| O'Brien's Pub | Five Tempus LTD | 501 | Thames ST |

| | | | |
|---|---|---|---|
| Oceancliff | Newport Time Resorts, Inc. | 65 | Ridge Road |
| One Eighty | NWPT, Inc. | 8 | Broadway |
| One Pelham East & Studio 3 | Brownstone, Inc. | 270 | Thames ST |
| Pasta Beach | Pasta Beach LLC | 7 | Memorial Blvd |
| Perro Salado | Kelkery Food and Spirits, Inc. | 19 | Charles ST |
| Pier 49 Seafood & Spirits | Shaner Rhode Island LLC | 49 | America's Cup AV |
| Poor Richard's-Benjamins | Mermaids Newport, LLC | 254 | Thames ST |
| POP | POB, LLC | 162 | Broadway |
| Pour Judgement | MBK LLC | 32 | Broadway |
| Pronto | West End Harbor, Inc. | 464 | Thames ST |
| Puerini's Italian Specialties | Puerini's Italian Specialties, Inc. | 24 | Memorial Blvd West |
| Red Parrot Restaurant, The | Red Parrot, Inc., The | 348 | Thames ST |
| Restaurant Bouchard | Restaurant Bouchard, Inc. | 505 | Thames ST |
| Rhino Bar & Grille and Mamba Room, The | JH Enterprises, Inc. | 337 | Thames ST |
| **Rhode Island Quahog Company** | **Rhode Island Quahog Company Restaurants, LLC** | **250** | **Thames ST** |
| **Rhode Island Quahog Company** | **RIQC, LLC** | | " |
| Rhumbline Restaurant | 62 Bridge Street, LLC | 62 | Bridge ST |
| Riptides | Dockside North, LLC | 25 | Waite's WF #B |
| Salas' | Tropical Restaurant, Inc. | 341 | Thames ST |
| Salvation Cafe | Salvation Cafe, Inc. | 140 | Broadway |
| Sambar | MACH, LLC | 515 | Thames Street |
| Sardella's Restaurant | S S R Corporation | 30 | Memorial Blvd West |
| Scales & Shells | BKA Industries, Inc. | 527 | Thames ST |
| Sea Fare's American Café | Sea Fare's American Café, Inc. | | -- |
| Sea Shai Hibachi Garden Restaurant | Sea Shai Hibachi Garden, Inc. | 10 | Long Wharf Mall South #A |
| Smokehouse Cafe | Mooring LTD, The | 31 | Scott's WF |
| StarBar Bistro | Ella Terrace, Inc. | 212 | Thames ST |
| Thai Cuisine | Thames Street Thai Cuisine LLC | 517 | Thames ST |
| Tucker's Bistro | Tucker's Bistro, Inc. | 150 | Broadway |
| Vanderbilt | VH Holdings, Inc. | 41 | Mary ST |
| Vincent's On The Pier | N.A.J. Associates, LLC | | West Howard WF |
| West Deck, The | West Deck, Inc. | 1 | Waite's WF |
| Wharf Pub and Restaurant, The | RJJ Deli, Inc. | 37 | Bowen's WF |
| White Horse Tavern | Lecade Investments, LLC | 26 | Marlborough ST |
| Yesterday's - Newport | | | |

# CITY OF NEWPORT
# MINUTES OF THE COUNCIL MEETING
# HELD NOVEMBER 14, 2007

*The following items of business, filed with the City Clerk under the rules of the Council, came before the Council at its regular meeting held on November 14, 2007.*

**CITIZENS FORUM: Tim Garrold, 2C Jackson Road, Scout Leader, said he was there with BSA Troop 22 because the Scouts are working on their Citizenship Badge. He also recognized Councilor Duncan as an Eagle Scout.**

## COUNCIL

1. **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 October 24, 2007, Council Meeting (Approve)

   b. Special Event Licenses:

      1. REMOVED: Bowen's Wharf Co., Inc., d/b/a Bowen's Wharf Christmas Tree Lighting; Bowen's Wharf, December 1, 2007, from 4:30 p.m. to 8:00 p.m.

      2. REMOVED: Melanie B. Cahill, d/b/a 24th Christmas Run/Walk for Women & Infants Hospital Program in Women's Oncology; December 9, 2007

      3. Newport Art Museum, d/b/a Holiday Sale; 76 Bellevue Ave., November 16, 2007, from 5:00 p.m. to 7:30 p.m.; November 17, 2007, from 10:00 a.m. to 4:00 p.m.

      4. Newport Art Museum, d/b/a Holiday Tables; 76 Bellevue Ave., November 30, 2007, from 6:00 p.m. to 8:00 p.m.

      5. Newport Art Museum, d/b/a Puppet Show; 76 Bellevue Ave., December 15, 2007, from 1:00 p.m. to 3:00 p.m.

      6. REMOVED: First Night Newport, Inc., d/b/a First Night Newport 2008;

      7. Stage Door Dance, Inc., d/b/a Dance Recital; Rogers High School, June 26 and 28, 2007, from 4:00 p.m. to 11:00 p.m.

   c. Food Concession License, Daily, First Night Newport; Newport Yachting Center, December 31, 2007, from 5:00 p.m. to 9:00 p.m.

*It is the practice of the Council to meet at 6:20 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.cityofnewport.com – City Clerk's Office.*

d. Annual Catering License, New, JPK, LLC, d/b/a Everyday Gourmet, 677 Thames St.

e. REMOVED: Horse-drawn Carriage License, Daily, New Deal Farm of Exeter

f. Tattoo Parlor and Individual License, Renewal, Anchor Steam, Inc., Jennifer Clinch Guertin, owner/operator, d/b/a Anchor Steam Tattoo Gallery, 44 Broadway.

g. Tattoo License Renewal, Individual, Peter S. Fortune, Jr., operating at Anchor Steam Tattoo Gallery, 44 Broadway.

h. REMOVED: Communication from the Planning Board, re: Proposed Zoning Amendment—Temporary Structures and Tents (Receive)

i. Communication from Steven G. Cundy, re: Armory at 365 Thames St. (Receive)

j. REMOVED: Communication from the Alliance for a Livable Newport

k. REMOVED: Report of the RI Public Expenditures Council, Aquidneck Island Study

l. Resolution of the Town of Portsmouth in support of the City of Newport's opposition to the expansion of gambling at Newport Grand (Receive)

m. REMOVED: CRMC Cease and Desist Order to 802 Partners, LLC, Forty 1° North

n. Claims: (Receive and refer to City Solicitor)
   1) Dale G. Rudgers (by T. A. Crean)
   2) Nationwide Property & Casualty Insurance Co., subrogee of Diane Thomas, by attorney
   3) Catherine Papa Sousa
   4) Alison Martin

COUNCILOR COYNE moved the Consent Calendar be adopted with the exception of Items b-1,2,6; e, h, j, k, and m. Seconded by CUONCILOR CONNOLLY and VOTED UNANIMOUSLY.

1. Bowen's Wharf Co., Inc., d/b/a Bowen's Wharf Christmas Tree Lighting; Bowen's Wharf, December 1, 2007, from 4:30 p.m. to 8:00 p.m.

COUNCILOR COYNE recused himself.
MAYOR WALUK moved the license be approved. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

2. Melanie B. Cahill, d/b/a 24th Christmas Run/Walk for Women & Infants Hospital Program in Women's Oncology; December 9, 2007, from 6:00 a.m. to Noon, beginning and ending at Rogers High School (Ocean Ave. area, route attached)

COUNCILOR LEONARD expressed concern that it would be dark at 6:00 a.m. and dangerous to those running/walking on Ocean Avenue and she suggested that detail officers be required to lead and follow them until the sun rises. COUNCILOR DUNCAN also if there would be protable restrooms along the race route.

CITY MANAGER ED LAVALLEE responded that because it is a short race there would be no need for restrooms along the route. The CITY CLERK also noted that registration is a 6:00 a.m. daybreak would probably occur before the runners are on the road.

COUNCILOR COYNE moved the license be approved. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

6. First Night Newport, Inc., d/b/a First Night Newport 2008; various locations throughout the City (list attached), December 31, 2007, from 5:00 p.m. to 1:00 a.m.
   -- Communication from Charles Roberts, Exec. Director, First Night Newport, re: Additional Services/Events

COUNCILOR DUNCAN asked about portajohn locations during the event. MAYOR WALUK pointed out that the numerous facilities being used, such as city hall, the theater, bank, etc., all have facilities that will be available to the public.

COUNCILOR NAPOLITANO moved the license be approved. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

e. Horse-drawn Carriage License, Daily, New Deal Farm of Exeter; December 22, 2007, from 3:30 p.m. to 5:00 p.m. (traveling to and from the Kay Chapel on Church St. from the Hotel Viking).

COUNCILOR LEONARD expressed concern regarding the use of Division St. and asked if the Police Dept. had approved the request. CITY MANAGER LAVALLEE said the Police Chief had approved the request and advised that he didn't believe the use of Division St. would be a problem. JOHN KLIEVER, applicant, said inasmuch as cars don't have a problem using the street it would not be a problem for the horse and carriage.

ZEE ANOLIK, a resident of Division St., said there might be a better street than Division St. because of the large number of barking dogs that may frighten the horses.

COUNCILOR COYNE moved the license be approved. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

h. Communication from the Planning Board, re: Proposed Zoning Amendment—Temporary Structures and Tents (Receive)

COUNCILOR LEONARD said she want to see the matter tabled and brought back with consideration of establishing a task force to look into the issue.

COUNCILOR LEONARD moved the communication be received. Seconded by CUONCILOR CONNOLLY and VOTED UNANIMOUSLY.

j. Communication from the Alliance for a Livable Newport, re: Newport's Troubled Financial Future (Receive)
k. Report of the RI Public Expenditures Council, "Aquidneck Island Study: Revenue and Expenditure Forecast for Middletown, Newport, and Portsmouth." (Receive)

COUNCILOR MC LAUGHLIN suggested that the Council meet with the School Department to discuss how they must work together to do whatever possible in addressing the challenges ahead and post-employment retirement benefits.

COUNCILOR MC LAUGHLIN moved both reports be received. Seconded by COUNCILOR CONNOLLY and VOTEDUNANIMOUSLY.

m. CRMC Cease and Desist Order to 802 Partners, LLC, d/b/a Forty 1° North, 351 Thames St. (Receive)

COUNCILOR LEONARD recused herself.

MAYOR WALUK moved the communication be received. Seconded by COUNICLOR CONNOLLY and VOTEDUNANIMOUSLY.

**LICENSESE & PERMITS**

2. Victualing License Renewals, 2007-08:
   a. Kashif Siddiqui, d/b/a 7-Eleven 32508-B, 95 Broadway
   b. Muhamad Tariq Rashid, d/b/a 7-Eleven 25854-D, 135 JT Connell Highway
   c. Bellevue Coffee House, Inc., d/b/a Annie's, 176 Bellevue Ave.
   d. Ash Mart, c., d/b/a Ash Mart, 2 Carroll Ave.
   e. Bliss Natural Grocer and Café, Inc., 311 Broadway
   f. Totally Cold, LLC, d/b/a Coldstone Creamery, 258 Bellevue Ave.
   g. Ducket's Inc., d/b/a Colonial Restaurant, Easton's Beach Rotunda
   h. Che Wen Zhang, d/b/a New Good Friend Chinese Restaurant, 137 Connell Highway
   i. Christian LLC, d/b/a Rocco's Little Italy, 124 Broadway
   j. The Original Rocco's Little Italy, LLC, d/b/a Uncle Rocky's, 109 Broadway
   k. W&C Partnership, d/b/a Pick Pockets of Newport, 190A Thames St.

MAYOR WALUK moved the Victualing License Renewals be approved. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

**COMMUNICATIONS & PETITIONS**

3. Communication from Zee Anolik, re: 85 Touro St., a/k/a The Levi-Gale House

MS. ANOLIK thanked the Council for allowing her the opportunity to address the issue. She said she was very concerned regarding the expansion of the Congregation Jesuat Israel up to their lot lines without getting the necessary approvals. She said despite restrictions of the Zoning Board, the parking lot was a mess during the summer months. She cited comments from a transcript of the Zoning Board hearing that described each floor of the Levi Gale House and which stated that the chapel use was sometimes in the rabbi's office and sometimes in the classroom; however, an article in the Newport Daily News said a a chapel was being built. and it had come to her attention that it was being rented out, all of which, she said, constitutes a change in use which was not presented to the Zoning Boad or Historic District Commission. She said there is an enormous amount activity at the Levi Gale house with caterers, buses, etc., and she was also opposed to the proposed visitors center being constructed on Spring Street. She said she was not given a fair hearing before any of the city's boards.

4. Communication from the Waterfront Commission, re: Proposed Increase in Mooring Fees (will be forwarded 11/9/2007)

MAYOR WALUK moved the communication be continued to the January 23, 2008, meeting. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

5. Communication from Janet F. Barstad, President, Chronognostic Research Foundation, re: Newport Tower Project – preliminary findings.

JANET BARSTAD thanked the Council for allowing her the opportunity to continue the work in Touro Park, and said they had completed work the day before on an 18' x 20' area east of the tower. She went over some of their findings and made note that Miantonomi Hill is directly north of the tower and the north star is visible when looking through a tower window. She said on one day of the year there is a spectacular sunset visible from Windmill Hill in Jamestown, and she believed the tower was built deliberately for solestial observations. She said it could have been built in 1125, or in 1457 at the latest. She said the tower is definitely not 15th Century Chinese, nor was it built by the Portuguese, nor built in the 17th Century. She said while it may have been used by Benedict Arnold, it had already been built. She also noted that the tower is brittle and said the cracks need to be addressed and serious consideration must be given to its preservation. She said the Foundation's final report will be submitted in April.

6. **APPOINTMENTS TO BOARDS AND COMMISSIONS**

Historic Cemetery Advisory Commission. Applicant: Kathleen Ennis Jenkins

MAYOR WALUK moved Kathleen Ennis Jenkins be appointed to the Historic Cemetery Advisory Commission. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

Housing Authority of Newport. Applicants: Cheryl L. Abney, Theresa C. Hayes, Theresa Guzman Stokes, Harry Winthrop

MAYOR WALUK moved Cheryl Abney be appointed to the Housing Authority. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

Shimoda 50th Anniversary Committee. Applicants: Mary Ann Marin, Peggy Phelan

MAYOR WALUK moved Mary Ann Marin be appointed to the Shimoda 50th Anniversary Committee. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

Waterfront Commission. Applicants: Edith Cowley, Brian O'Keefe

MAYOR WALUK moved Brian O'Keefe be appointed to the Waterfront Commission, effective January 11, 2008. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

**RESOLUTIONS**

7. Thanking the RI General Assembly for Overriding the Governor's Veto of House Bill 5941, An Act Relating to the RI Real Estate Time-Share Act – Newport City Council

COUNCILOR DUNCAN introduced the resolution and expressed special thanks for the override to Senate Majority Leader M. Teresa Paiva Weed and the other members of the city's legislative delegation, particularly Reprsentative J. Russell Jackson. COUNCILOR NAPOLITANO also cthanked the delegation and said the new method of taxation will be beneficial to the taxpayers. COUNCILOR COYNE said he had spoken with the Tax Assessor who had also been working for passage of the legislation since 1982.

REPRESENATIVE J. RUSSELL JACKSON thanked the council and noted that the fight had begun 25 years ago for the legislation. He said Tax Assessor Allan Booth has crusaded for its passage since he became Assessor and he thanked him and the council, and especially the Mayor, and Councilors Coyne, Leonard and Napolitano who had testified in favor of its passage.

8. Authorizing the Mayor to Sign the Stage 1 Request of the Newport School Committee to the RI Department of Education for School Housing Aid Funds – J. McLaughlin

COUNCILOR MC LAUGHLIN introduced the resolution and said as part of the new regulations of the Department of Education a School Construction Committee is required as well as a letter signed by a member of the council. He said it does not commit the city to a building site or building, but starts the process. He then moved the resolution be adopted. Seconded by COUNCILOR CONNOLLY.

COUNCILOR LEONARD said she would not support the resolution

9. Accepting the Gift of the Hamilton Newport Improvement Foundation to Fund the Restoration of the Common Burial Ground Fence, and Expressing the Council's Appreciation to the Foundation for the Generous Donation – Newport City Council

10. Requesting the Governor to Increase the Maximum Weight Allowed on the Sakonnet River Bridge – J. Napolitano

## ORDINANCES

11 Amending Chapter 2.120.010, "Fees for Permits and Licenses," adding "#71, Fire Dept. Repeat Tent Inspection," the fee for which shall be 25% of the cost of the tent permit, with payment the responsibility of the event holder. (Second Reading)

12. Amending Chapter 2.120.010, "Fees for Permits and Licenses – #6, Building Permits; Plumbing Permits, Electrical Permits…" to grant authority to the City Manager to waive fees for properties owned by the City that serve a public benefit. (First Reading)

13. Amending Chapter 12.16, "Street Use Regulations" to prohibit the use of permanent markings on roadways in conjunction with events. (First Reading)

## COMMUNICATIONS FROM THE CITY MANAGER

14. Communication #4297/07, re: Amendments to Historic District Zoning Ordinance (with accompanying ordinance; continued from October 24, 2007) -- Memoranda from the City Manager and Director of Planning, Zoning, Development & Inspections, re: Proposed Amendments to Historic District Ordinance (Continued from October 24, 2007)

15. Communication #4313/07, re: UDAG Loan with East Bay Community Action Program (with accompanying resolution)

16. Communication #4314/07, re: Bid Award for Voice-Data Maintenance and Support (with accompanying resolution)

17. Communication #4315/07, re: Amendment to FY2008 Water Fund Budget (with accompanying ordinance)

18. Communication #4316/07, re: RI Dept. of Health Certificate of Approval – Drinking Water; State Revolving Fund/Clean Water Finance Agency Loan (with accompanying resolution and ordinance)

19. Communication #4317/07, re: Easton Pond Dam Repair – Bonding (with accompanying ordinance)

20. Communication #4318/07, re: Ordinance Amendment for Isolated Stop Sign – West Evans Street at Girard Avenue (with accompanying ordinance)

21. Communication #4319/07, re: Public Safety Detail Rate of Pay (with accompanying ordinance)

ADJOURN AS COUNCIL AND CONVENE AS BOARD OF LICENSE COMMISSIONERS

# BOARD OF LICENSE COMMISSIONERS

## LICENSES & PERMITS

Application of the Fleet Reserve Club to renew its Class D alcoholic beverage license.

-- Communication from Paul Rigby, Finance Officer, Fleet Reserve Club, requesting a six-month extension for picking up the license.

Kathleen M. Silvia
City Clerk

November 7, 2007

# CITY OF NEWPORT
# MINUTES OF THE COUNCIL MEETING
# HELD DECEMBER 12, 2007

**(Approved 1/23/2008)**

*The following items of business, filed with the City Clerk under the rules of the Council, came before the Council at its regular meeting held on December 12, 2007.*

The Chairman called the meeting to order at 5:15 p.m.

The City Clerk called the roll and the following members were present:

MARY C. CONNOLLY
STEPHEN R. COYNE
CHARLES Y. DUNCAN
JUSTIN S. MC LAUGHLIN
JEANNE-MARIE NAPOLITANO
STEPHEN C. WALUK, MAYOR

ABSENT: KATHRYN E. LEONARD

COUNCILOR COYNE moved the Council recess to Executive Session in the City Manager's Office, in accordance with RIGL 42-46-5, "Purposes for Which Meetings May Be Closed," to discuss the annual performance evaluation of the City Manager. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

*6:30 P.M. The Council reconvened in the Council Chambers.*

**CITIZEN'S FORUM:** Bob Carey of 12 Elliott Place addressed the Council regarding the City's Resurfacing Plan.

## COUNCIL

1. **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 November 14, 2007, Council Meeting (Approve)

   b. Arcade License, Renewal, O'Brien Music Company, d/b/a Ryan Family Amusements, 268 Thames Street.

   c. Mechanical Amusement Device License, Renewals:
      1) El Dee Vending Corp. (8 machines)
      2) Atlas Vending, Inc. (3 machines)
      3) Newport Music Co., Inc. (104 machines)
      4) Hillside & Cappy, Inc. (1 machine)

   d. Holiday Selling Licenses, New:
      1) Colbea Enterprises, LLC, d/b/a Thames St. Shell, 560 Thames St.
      2) Colbea Enterprises, LLC, d/b/a Rotary Shell, 138 JT Connell Highway

e. Communication from the Newport Charter Review Commission requesting a 60-day extension (to March 1, 2008) in which to make recommendations to the Council. (Approve)

f. Communication from Charles Roberts, Exec. Director, First Night Newport, asking permission to hang a banner promoting First Night Newport from the balcony of City Hall. (Approve subject to details being worked out with the city administration)

g. Communication from Stephen K. Chapman, 18 Meeting St., asking for elimination of the parking meter across from his driveway just south of River Lane, and designation of "Resident Parking." (Receive and refer to city administration)

h. Communication from Frank J. Alfano, Warren Town Council President, asking the Council to petition the Congressional Delegation to provide long-term health care for our veterans and provide post-combat job training. (Receive)

i. CRMC Cease and Desist Order to Karen Vaughan, 227 Coggeshall Ave. for cutting on a coastal feature and failure to establish the required 50' buffer zone. (Receive)

j. CRMC Notice of intention to change management plans, policies, procedures and regulations of the agency regarding planning and management of coastal resources (Receive)

k. Communication from Paul C. Dolan, Deputy Chief, RIDEM Division of Forest Environment, re: requesting applications for Tree City USA (Receive and refer to city administration)

l. Mary Street Parking Garage Schematic Design Project Report, by Taylor & Partners for the Newport Redevelopment Agency (Receive)

m. Traffic Island at Broadway and Marlborough St. Schematic Design Project Report, by Taylor & Partners for the Newport Redevelopment Agency (Receive)

COUNCILOR COYNE moved the Consent Calendar be adopted. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

**LICENSESE & PERMITS**

2. Victualing License Renewals, 2007-08:
   a. Bishop's 4th Street Diner, Inc., d/b/a Bishop's 4th Street Diner, 184 Admiral Kalbfus Road
   b. Max's Market, LLC, d/b/a Max's Market, 469 Thames Street
   c. Newport Fruit & Smoothie Co., Inc., d/b/a Newport Fruit & Smoothie, 30 Bowen's Wharf
   d. Elizabeth's Restaurant Corp., d/b/a Elizabeth's Café, 404 Thames St.

COUNCILOR COYNE moved the victualing license renewals be approved. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

3. Second-hand License, New, Sandra Gaines, d/b/a Vintage to Vogue, 70 Broadway (Hearing)

COUNCILOR COYNE moved the hearing be closed. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

COUNCILOR COYNE moved the secondhand license be granted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

4. Holiday Selling License, New, Sandra Gaines, d/b/a Vintage to Vogue, 70 Broadway

COUNCILOR COYNE moved the license be granted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

## COMMUNICATIONS & PETITIONS

5. Communication from David McLaughlin, Clean Ocean Access, requesting funding for water testing in 2008.

DAVID MC LAUGHLIN asked the Council for $8,000 in funding to test waters in Newport locations. He said the City made great strides in 2007 and he would like the program expended to include the waters off Ochre Point and the Van Zandt Pier, as well as King Park, which he said he hoped could be reopened for swimming. COUNCILOR DUNCAN asked if the waters off the Elm St. Pier could also be included; MR. MC LAUGHLIN responded that it could be included at an additional cost of about $1,300. MAYOR WALUK thanked the Clean Water Access group for their hours of volunteer work, said it would make sense to know the water quality at the subject areas, and asked the City Manager if funds could be identified. CITY MANAGER ED LAVALLEE said he believed he would be able to identify $9,300 for the program.

COUNCILOR CONNOLLY moved the communication be received. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

6. Communication from Michael Sigourney, President & CEO, Avtech Software, asking to address the Council regarding future plans for the Sheffield School property.

MICHAEL SIGOURNEY said he understood the Council would be having a workshop at which time his questions could be addressed.

MAYOR WALUK moved the communication be received. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

## RESOLUTIONS

7. Schedule of Regular Council Meetings – 2008.

MAYOR WALUK moved the resolution be adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

8. Extending Charter Review Commission Reporting Time to February 27, 2008 – S. Waluk

MAYOR WALUK introduced the resolution and moved for its adoption. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

9. Requesting City Administration Prepare a Long-range Roadway Repair and Maintenance Plan – J. McLaughlin

COUNCILOR MC LAUGHLIN moved the resolution be considered after Item #23. Seconded by COUNICLOR NAPOLITANO and VOTED UNANIMOUSLY.

Following discussion under #23, COUNCILOR MC LAUGHLIN moved the resolution be withdrawn. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

11. Requesting City Administration to Review Cost and Logistic Issues Related to Live Cable and/or Web-based Broadcasts of City Council Meetings and Workshops – J. McLaughlin

COUNCILOR MC LAUGHLIN introduced the resolution and moved for its adoption, noting that a report is to be submitted by the first meeting in March on the status of an implementation plan. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY. COUNCILOR CONNOLLY said live cable or web-based broadcasts would be very helpful to handicapped persons who have difficulty attending meetings. The motion was UNANIMOUSLY ADOPTED.

10. Posting of City Documents (plans, reports, presentations) on City Website in Searchable, Electronic Format – J. McLaughlin

COUNCILOR MC LAUGHLIN introduced the resolution, noting that the City's budget on the website is searchable; however, the Comprehensive Land Use Plan is not. He said all documents in this modern age should be searchable, and moved for adoption of the resolution. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

12. Establishing the HDZO (Historic District Zoning Ordinance) Review Task Force – J. McLaughlin, C. Duncan, K. Leonard

COUNCILOR MC LAUGHLIN introduced the resolution, saying there are opportunities to improve the Historic District Ordinance, and moved for its adoption. Seconded by COUNCILOR CONNOLLY.

COUNCILOR MC LAUGHLIN moved the ordinance be amended to increase the membership on the task force to nine. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

The resolution, as amended, was UNANIMOUSLY ADOPTED.

## ORDINANCES

13. Approving the Financing of Improvements to the Newport Water System, Including, But Not Limited to, Reservoir Repair and All Attendant Expenses and Approving the Issuance of Water Revenue Bonds and Notes Therefore in an Amount Not to Exceed $6,650,000. (Second Reading)

MAYOR WALUK moved the ordinance be adopted on second reading. Seconded by COUNCILOR CONNOLLY.

COUNCILOR NAPOLITANO asked how the $6.6 million figure was determined. UTILITIES DIRECTOR JULIA FORGUE responded that the $6 million for design and construction came from the study of the moat. She said the remaining would be the escrow account and the bond issuance costs.

The motion to approve was VOTED UNANIMOUSLY.

14. Approving the Financing of Improvements to the Newport Water System, Including, But Not Limited to, the Construction of a New Treatment Plant, Purchase and Installation of Remote Radio Read Equipment, and Construction of Distribution Improvements and All Attendant expenses and Approving the Issuance of Water Revenue Bonds and Notes Therefor in an Amount Not to Exceed $8,252.000. (Second Reading)

MAYOR WALUK moved the ordinance be adopted on second reading. Seconded by COUNCILOR CONNOLLY.

COUNCILOR NAPOLITANO, citing a tight budget, said she had asked in the past to meet with the City's consultant. UTILITIES DIRECTOR JULIA FORGUE said the project and costs were part of the last PUC rate filing. She said the debt service is included in the rate, and the PUC asked for the installation of the radio read equipment. Following additional discussion, during which DIRECTOR FORGUE said the RFP is out now for a consultant who will help determine the options on building a new plant, the motion was UNANIMOUSLY ADOPTED.

15. Amending Chapter 2.120.010, "Fees for Permits and Licenses – #6, Building Permits; Plumbing Permits, Electrical Permits…" to grant authority to the City Manager to waive fees for properties owned by the City that serve a public benefit. (Second Reading)

MAYOR WALUK moved the ordinance be adopted on second reading. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

16. Amending Chapter 10.40, "Isolated Stop Signs" to add West Evans Street at Girard Avenue. (Second Reading)

COUNCILOR NAPOLITANO moved the ordinance be adopted on second reading. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

17. Amending Chapter 12.16, "Street Use Regulations" to prohibit the use of permanent markings on roadways in conjunction with events. (Second Reading)

COUNCILOR NAPOLITANO moved the ordinance be amended to add to the second paragraph, "This section shall not apply to utility companies, public, private, or municipal, or their designees, when street and sidewalk markings become necessary in the course of carrying out their work, nor to markings placed by the city for any other municipal purpose." Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY. COUNCILOR NAPOLITANO moved the ordinance, as amended, be adopted. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

## COMMUNICATIONS FROM THE CITY MANAGER

18. Communication #4297/07, re: Amendments to Historic District Zoning Ordinance (with accompanying ordinance; continued from October 24, 2007)
    -- Memoranda from the City Manager and Director of Planning, Zoning, Development & Inspections, re: Proposed Amendments to Historic District Ordinance (Continued from November 12, 2007)

COUNCILOR MC LAUGHLIN moved consideration of the ordinance be postponed indefinitely. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

19. Communication #4315/07, re: Amendment to FY2008 Water Fund Budget (continued from November 12, 2007)
    - Memorandum from Laura Sitrin, Finance Director, re: Water Fund Budget Proposed Amendments.

COUNCILOR COYNE moved the communications be received and the accompanying ordinance adopted on first reading. Seconded by COUNCILOR CONNOLLY.

COUNCILOR MC LAUGHLIN said it would have been helpful to show what the old CIP items were and the new CIP items.

The motion to adopt was VOTED UNANIMOUSLY.

20. Communication #4319/07, re: Public Safety Detail Rate of Pay (with accompanying ordinance)

MAYOR WALUK moved the communication be postponed indefinitely. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

STEPHEN DIOMANDES, Burdick Avenue, asked if one member of a detail is ordered in at time and one-half do the others then get paid time and one-half. CITY MANAGER ED LAVALLEE responded they do not. He said if it is a conventional detail, such as the large details for the jazz festival and tall ships, those that are ordered in are also paid the detail rate. He noted that the vendor is the one that pays for the detail.

21. Communication #4314/07, re: Bid Award for Voice-Data Maintenance and Support (continued from November 12, 2007; Revised)

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

22. Communication #4320/07, re: Easton's Beach Improvements – Seaweed Control; Algae Harvester Equipment

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY.

COUNCILOR MC LAUGHLIN asked in what water depth the harvester will operate; CITY MANAGER LAVALLEE responded between 18-inches and three feet, but he didn't know if there were limitations based on the height of waves, and it can operate up to five miles per hour. He said that during the warm weather it will be stored in a fenced area in the northeast parking lot, but moved to an indoor site during the off-season. He said it is guaranteed for three years, but engineers have said it will probably last for twenty years. He said it will be inexpensive to operate and the main cost will be associated with hauling away the seaweed. He said that while the money is now coming from the Parking Fund, it will be paid back by the Beach Fund. COUNCILOR CONNOLLY asked if the seaweed, which will be considered clean coming right from the water, can be sold as fertilizer. CITY MANAGER LAVALLEE responded that it could; he also pointed out that there won't be a cost at the landfill because it is considered yard waste. COUNCILOR NAPOLITANO questioned Middletown's sharing the expense since Johnny's Beach in Middletown should be included so that seaweed there doesn't move westward to Easton's Beach. CITY MANAGER LAVALLEE said Middletown would be approached about Johnny's Beach and sharing the cost.

The motion to approve was VOTED UNANIMOUSLY.

23. Communication #4321/07, re: Roadway Bond Plan

COUNCILOR COYNE moved the communication be received. Seconded by COUNCILOR CONNOLLY.

COUNCILOR MC LAUGHLIN said he was concerned about moving forward based on a decision that was made two years ago. He said at the time of the bond referendum it was said that with the bond proceeds one-half of the city's roads would be done in a hurry; now the figure is up to $47

million in the current year, and the City is having difficulty coming up with $1 million in the current budget for road repairs. He said the School Committee is looking at constructing a new school, for

which he said there is a dire need and which will result in another bonding cost. He said current reports say the City could have a $3-1/2 to $5 million deficit and, therefore, he didn't think the bonds should be sold for a cost of $925,000/year over twenty years.

COUNCILOR DUNCAN said he believed 74% of the people supporting the bond were thinking of their streets and not $4 million being spent on Spring Street for commercial businesses. He said he would like a definite plan outlining the residential streets to be repaired.
COUNCILOR NAPOLITANO agreed that there needs to be a plan for the future but she believed the City could no longer continue to neglect the streets. She said she didn't believe the city would be using all of the $12 million at once; however, there is a plan to spend the $12 million and the city needs to start somewhere.

COUNCILOR CONNOLLY said she was very much in favor of the road bond and, although the costs are now a lot greater because of the significant increase in fuel costs, the city needs to move forward with step one.

COUNCILOR COYNE said he agreed with COUNCILOR CONNOLLY but he was under the impression through workshops and meetings that either Thames St. or Spring St. would be done. He said a substantial majority of the voters supported the bond and he will support having a plan and using the road bond funds.

BOB CAREY, 12 Elliott Place, said the residents should know where their streets fall in the plan and when they are going to be paved. He said the condition of a street affects the property value and those with streets in poor condition, such as his, should have a reduction in taxes.

STEVE DIOMANDES, Burdick Avenue, said it was his understanding the first phase would be all or part of 17 roads; plus a million would be for an engineering study of Lower Thames St.. He said in the end the Bellevue Ave. repairs and Thames St. work will use more than half the money, leaving about $2.5 for neighborhood streets. He said when he voted for the road bond he had never heard anything about Thames St., only neighborhood streets, and he found it difficult to believe that more than one-half a million is to be spent on engineering work for .8 of a mile on one street.

JACK MC VICKERS, Gould St., said there was a presentation before a citizen's advisory committee at which the members were told the $12 million bond would get the city over the hump. He said the city manager also advised at the time that the money in the budget to keep the roads in good shape would not be cut. He said if the city goes forward now it could be dumping $12 million into a system that doesn't work and he urged the Council hold off.

COUNCILOR NAPOLITANO responded that when the bond was approved it was well before the fuel and asphalt costs skyrocketed, and she pointed out that there is a small window of time during which road work can take place because of weather and the high volume of summer traffic.

COUNCILOR MC LAUGHLIN said $600,000 had been put in the General Fund for the paving, which he believed had not yet been spent. He said the bond was based on getting work done in a hurry and fixing one-half of the city's roads. He said the taxpayers should be told that the city

doesn't have the money and it would do no good to go out and spend the $12 million bond since things have changed since the referendum was approved.

MAYOR WALUK, noting he had opposed the road bond, said he was not sure people knew what they were voting on; but, however, the voters have clearly spoken and they want something done. He said he doesn't necessarily agree that Thames Street should be included, pointing out that the $800,000 is for engineering work.

MAYOR WALUK moved that the matter be continued to January and the administration provide a plan that doesn't include Thames Street.

COUNCILOR MC LAUGHLIN suggested postponing this item for one month, to the first meeting in January.

Discussion followed between MAYOR WALUK and CITY MANAGER ED LAVALLEE, wherein CITY MANAGER LAVALLEE said the RFP was not yet out for the road work and the staff and contractors would not go through the process if the Council is not yet ready to go forward. COUNCILOR COYNE asked if they would be running the risk of prolonging the project if approval of the plan were postponed until January.

COUNCILOR DUNCAN moved the matter be tabled until January. No second.

COUNCILOR MC LAUGHLIN asked if the RFP would be for 2.7 miles of roads; CITY MANAGER LAVALLEE responded it would. He said the engineering work would be done by city staff except for that on Thames Street.

MAYOR WALUK moved the plan be approved with an amendment to eliminate the $800,000 for Thames Street. Seconded by COUNCILOR NAPOLITANO.

VOTE: In favor – MAYOR WALUK; COUNCILORS CONNOLLY, COYNE, and NAPOLITANO.

Opposed – COUNCILORS DUNCAN and MC LAUGHLIN.

Vote on the Plan, as amended:

COUNCILOR MC LAUGHLIN said he not believe it a wise decision to move forward and would not support it.

In favor – MAYOR WALUK; COUNCILORS CONNOLLY, COYNE, and NAPOLITANO.

Opposed – COUNCILORS DUNCAN and MC LAUGHLIN.

COUNCILOR MC LAUGHLIN then moved that Item #9 be withdrawn. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

24. Communication #4322/07, re: RIDEM Passive and Historic Park Grant Application – King Park

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

25. Communication #4323/07, re: RIDEM Passive and Historic Park Grant Application – Miantonomi Park Tower

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

26. Communication #4324/07, re: RIDEM Conservation Easement – Sunset Hill Park

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

27. Communication #4325/07, re: RIDEM Consent Agreement No. RIA-381 – Lawton Valley Water Treatment Plant – RIPDES Permit

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

28. Communication #4326/07, re: Award of Contract for Gardiner's Pond Sluice Gate Improvements

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

29. Communication #4327/07, re: Award of Contract for Goulart Lane Water Storage Tank Improvements

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

30. Communication #4328/07, re: Bid Award for Snow Plows and Bed Liners

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

31. Communication #4329/07, re: Bid Award for Ice Ban Solution

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY.

COUNCILOR MC LAUGHLIN asked the difference between ice ban and rock salt; UTILITIES DIRECTOR JULIA FORGUE responded that ice ban is more environmentally friendly and works at lower temperatures.

The motion to approve was VOTED UNANIMOUSLY.

32. Communication #4330/07, re: Bid Award for Sodium Chloride (Rock Salt)

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

33. Communication #4331/07, re: Award of Contract for Statistical Reappraisal of Taxable Real Property

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY.

COUNCILOR MC LAUGHLIN questioned the percentage of assessments made in the last appraisal that were appealed. TAX ASSESSOR ALAN BOOTH responded that about 500 out of 10,000 properties appealed their assessments.

The motion to approve was VOTED UNANIMOUSLY.

34. Communication #4332/07, re: Personnel Ordinance Change – Employee Classification Study, Council 94 Local 911, AFSCME (with accompanying ordinance)

MAYOR WALUK moved the communication be continued to the January 9, 2008, meeting. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

7:45 P.M. ADJOURNED AS COUNCIL AND CONVENED AS BOARD OF LICENSE COMMISSIONERS

# BOARD OF LICENSE COMMISSIONERS

1. **CONSENT CALENDAR**

   a. Communication from Russell J. Hall, Jr., President, Kelkery Food & Spirits, Inc., d/b/a Perro Salado, 19 Charles St., re: transfer of 19% of stock to Daniel J. Hall. (Receive and make part of file)

   b. Communication from Harry Karanikolas, Inc., d/b/a Harry's Liquor Store, 199 Connell Highway, re: transfer of 45% of stock to Katherine Karanikolas, President (Receive and make part of file)

   c. Communication from Richard P. D'Addario, Esq., re: transfer of stock, Vader, LLC, d/b/a H2O, 379 Thames St., 25% to Antonio B. Caruolo and 25% to Dorothy V. Caruolo. (Receive and make part of file)

   d. Communication from Turner C. Scott, Esq., re: requesting a six-month extension in time in which to pick up the Class BV alcoholic beverage license of Sea Fare's American Café, Inc., d/b/a Sea Fare, 151 Swinburne Row. (Approve and make part of the file)

COMMISSIONER COYNE moved the Consent Calendar be adopted. Seconded by COMMISSIONER NAPOLITANO and VOTED UNANIMOUSLY.

**LICENSES & PERMITS**

2. Application of Allan M. Shine, Receiver for D.I.I.K., Inc., d/b/a Newport Sportsman Club, 110 Connell Highway, to transfer the Class D alcoholic beverage license to NSC, Inc. (Mary Belden, President; Neal Belden, Vice President; Alicia Garcia, Secretary) , d/b/a The Newport Sportsman Club, for the same premises. (Hearing)

COMMISSIONER COYNE moved the hearing be closed and the transfer approved. Seconded by COMMISSIONER CONNOLLY and VOTED UNANIMOUSLY.

7:46 P.M. ADJOURNED

Kathleen M. Silvia
City Clerk

January 7, 2008

# CITY OF NEWPORT
# MINUTES OF THE COUNCIL MEETING
# HELD JANUARY 23, 2008

*(Approved 2/13/2008)*

*The following items of business, filed with the City Clerk under the rules of the Council, came before the Council at its regular meeting held on January 23, 2008, at 6:30 p.m.*

The Mayor called the meeting to order at 6:30 p.m.

The City Clerk called the roll and the following members were present:

MARY C. CONNOLLY
STEPHEN R. COYNE
CHARLES Y. DUNCAN
KATHRYN E. LEONARD
JUSTIN S. MC LAUGHLIN
JEANNE-MARIE NAPOLITANO
STEPHEN C. WALUK

NOTE: Items 10, 11 and 12 were heard first.

1. Public Hearing: Recommended 2009-2013 Capital Improvement Program

RON BECKER, 189 Rhode Island Ave., representing the Alliance for a Livable Newport expressed disappointment in the CIP as it did not contain the recommendations the Alliance had made. He said was not viable but rather a wish list because the funding requirements exceed revenues by more than 2% with no suggestions on where the revenue could be raised. He urged the Council to return the document to the city administration for a redrafting into a viable program.

JOHN BIRD, 363 Gibbs Ave., said he voted for the road bond and believes the inclusion of Lower Thames St. is important to the commercial future of the City. Noting that he does not own property or a business in that area nor does any relative, he said many people don't go to Lower Thames because it is not attractive. He asked that the roadway program also include putting in sidewalks where there currently are none.

BOB CAREY, 12 Elliott Place, said his street currently has a pavement index of four out of 100 and he had difficulty understanding the method used in the City Manager's plan. He said that if the gas tax can be used for Lower Thames then all the bond money should be used for residential streets. He said the roadway improvement portion of the CIP should be returned to the city manager until a full plan is development, which should include specifics on the methodology used.

CATHERINE PETRIE, 14 Summer St., said she was speaking on behalf of the Broadway Improvement Association and urged implementation of at least some of the projects that were identified in a charrette. She said the Association had hoped for at least the installation of period lights. Noting that Broadway is a main entrance to the City, she said it needs to be fixed up.

ALEXANDER WALSH, ESQ., commented that when Bellevue Avenue was reconstructed a number of years back a task force was appointed to review traffic issues during the work, and he encouraged the Council to appoint a similar task force.

Hearing no further comments from the floor, COUNCILOR COYNE moved the public hearing be closed. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

COUNCILOR LEONARD said she likes to see long-term plans, and if a significant amount of the bond money is to be spent on Thames Street, then it's imperative that water, sewer, and underground utilities be looked at so that the road will not be torn up after the work is done. She cited Page 27 of the CIP and questioned the $450,000 for a machine to wash vehicles, suggesting a power washer costing $199 could be used instead; and the inclusion of $25 million for a new school on Page 13. She said she had been told the State doesn't have the money to help build the school and, therefore, it should be removed from the CIP. She also cited Page 22, the Broadway corridor, and said for traffic-calming purposes other communities put relatively inexpensive diamonds with plantings in the center of roadways.

MAYOR WALUK noted that a public workshop on the CIP will be held on February 6, 2008, at 7:00 p.m.

2. **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 12, 2007, Council Meeting (Approve)
b. Minutes of the January 9, 2008, Council Meeting
c. Special Event License:
   1) REMOVED: Friends of Ballard Park (for various events)
      -- Communication from Susan Cooper, Director, Recreation Department, in support of the events, and asking for a waiver of Section 12.32.010 of the City Code (Closure of parks between sunset and sunrise). (Approve)
   2) Newport Public Education Foundation, d/b/a Mother's Day 5K Fun Run/Walk; May 11, 2008, from 7:00 a.m. to 12 Noon (Ocean Drive/Bellevue area; beginning and ending at Rogers High School)
   3) Parallax Group, LLC, d/b/a Source Newport (exhibition and trade show); Newport Yachting Center, October 24-26, 2008, from 8:00 a.m. to 5:00 p.m.

d. REMOVED: Daily Entertainment Licenses, MACH II, d/b/a Sambar (3 dates)

e. Tattooing License, Renewal, Captain Bret's Tattoo Shop, Inc., Bret A. Lohnes, owner and individual operator, 2 Collins Street.

f. Communication from Dennis P. Sullivan, Chairman, St. Patrick's Day Parade Committee, asking permission to issue vendor permits, as in past years, for the St. Patrick's Day Parade, March 15, 2008. (Approve subject to details being worked out with the city administration.)

g. REMOVED: Communication from the Golden Hill Neighborhood Assoc.

h. REMOVED: Communication from the Waterfront Commission, re: Brown & Howard Wharf

i. Resignation of Jeffrey H. Sammis from the Waterfront Commission (Receive with regret)

j. Communication from L. Neill Gray requesting reappointment to the Waterfront Commission. (Receive)

k. Annual Reports: (Receive)
   1) Juvenile Hearing Board
   2) Climate Control (a/k/a Newport Goes Green) Task Force
   3) Waterfront Commission

l. REMOVED: Claim of Rosemarie Regine, by attorney.

COUNCILOR COYNE moved the Consent Calendar, with the exception of Items c-1, d, g, h and m, be removed. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

c-1 Special Event Licenses, Friends of Ballard Park, Ballard Park Quarry Meadow:
   a) 3rd Annual Illuminated Garden, February 22 and 23, 2008, from 6:00 p.m. to 9:00p.m.
   b) Music in the Park, June 26 and July 10, from 6:00 to 8:30 p.m.; and July 24, from 9 a.m. to 10 a.m. and 6:00 p.m. to 8:30 p.m. (Rain dates the following day)
   c) 2nd Annual Molly Finn Battle of the Bands, July 19, 2008 (rain date 7/20), from 2:00 p.m. to 8:00 p.m.
   d) Movies on the Rocks, August 7, 21 and Sept. 5, 2008, from dusk to 9:30/10:00 p.m.

COUNCILOR LEONARD thanked Colleen McGrath, Exec. Director, for the improvements to Ballard Park and the many activities, but said she had received some complaints from neighbors regarding long days of loud music. She said the decibel levels need to be reviewed and the location of the speakers so that there is less impact on the neighbors.

COUNCILOR LEONARD moved the licenses be approved. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOSLY.

d. Daily Entertainment Licenses:
   1) Mach, LLC, d/b/a Sambar, 515 Thames St.; February 6, 2008, from 7:00 p.m. to 12 Midnight
   2) Mach, LLC, d/b/a Sambar, 515 Thames St.; March 5, 2008, from 7:00 p.m. to 12 Midnight
   3) Mach, LLC, d/b/a Sambar, 515 Thames St.; April 9, 2008, from 7:00 p.m. to 12 Midnight

COUNCILOR LEONARD said it was her understanding that the restaurant is in a Limited Business zone and as such it should not be as intense as those in the General Business zone.

ALEXANDER WALSH, Esq., representing Mach, LLC, said he believed the restaurant to be in the Waterfront District and numerous other businesses in the area have entertainment licenses. He said an annual entertainment license was denied his client last year, but they have now established a good reputation and they would like to begin with daily entertainment licenses.

COUNCILOR LEONARD expressed concern regarding drums and bass, saying it is a small establishment and the noise would carry outside when the door opens as patrons arrive and leave. MARK LESTER, applicant, responded that there is a doorman on duty Thursdays, Fridays and Saturdays, the doors are self-closing, and, as there is air conditioning, and the doors and windows would be closed during entertainment. MAYOR WALUK pointed out that closed doors and windows during entertainment is a requirement for all establishments.

COUNCILOR LEONAD said she would be willing to give the business a chance.

COUNCILOR COYNE said he had suggested the daily licenses, thanked Mr. Lester for showing he truly wants to work with the neighbors, and moved for approval.

COUNCILOR CONNOLLY seconded the motion, saying she felt strongly that this business should be allowed to have what others in the area have. She thanked Mr. Lester for his patience and for trying entertainment on a daily basis.

COUNCILOR DUNCAN said this would be a litmus test prior to Mr. Lester's applying for an annual license.

The motion to approve was VOTED UNANIMOUSLY.

g. Communication from the President and Vice President of the Golden Hill Neighborhood Assoc., re: 106-108 and 110-112 William Street. (Receive and refer to the city administration.)

COUNCILOR LEONARD said the property owners have now spoken with the Association and will be submitting a plan to the city for the building. She then moved the communication be received. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

h. Communication from the Waterfront Commission, re: Brown & Howard Wharf—Recommendations regarding modification to planned right-of-way easement design. (Receive)

TURNER C. SCOTT, ESQ., representing the owners of Brown & Howard Wharf, said the Waterfront Commission has made certain recommendations, and submitted a revised plan to the Council.

COUNCILOR NAPOLITANO moved the plan be received. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

MAYOR WALUK said the matter will now be referred to the staff for review and recommendations back to the Council by the February 27th Council Meeting, at which time the Council will make a decision.

JIM PERRIER of Friends of the Waterfront commented and said after reviewing the information the position of the Friends of the Waterfront is that the right of way granted in perpetuity in the May 13, 1988, agreement must be free of any encroachments or obstructions as depicted.

LIZ MATHINOS, Washington St., asked that the 5/13/88 agreement not be broken. She said the plan presented obstructs the right-of-way with parking spaces, when in fact the parking area to the north is fine as is. She said if the plan as currently presented is allowed it would be breaking that agreement and setting a precedent for others to take city land.

MAYOR WALUK moved the communication be referred to the staff for a recommendation back at the February 27th council meeting. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

m. REMOVED: Claim of Rosemarie Regine, by attorney

MAYOR WALUK moved the claim be forwarded to the Town of Middletown. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

**COMMUNICATIONS & PERMITS**

3. Communication from Stephen J. Gauthier, Director, Technical Services Center, Government Finance Officers Association announcing the City of Newport's receipt of the Distinguished Budget Presentation Award for the current fiscal year and recognizing Laura Sitrin, Director of Finance, and Elizabeth J. Sceppa, Budget & Finance Analyst.

MAYOR WALUK recognized Ms. Sitrin and Ms. Sceppa and moved the communication be received. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

4. Communication from Terence Fracassa, re: Assignment and Assumption Agreement – Harbour Realty and City of Newport: Assigning dinghy docks and riparian rights in the West Extension St. channel to the City of Newport, with the City in return to support Harbour Realty's petition to CRMC that these dinghy docks satisfy its obligation under the Paul Sullivan Assent to have dinghy docks in the J-Pier Marina.

TERENCE FRACASSA, Esq., cited the 2000 Consent Judgment and said his client has certain assets, being the riparian rights in West Extension Street and the dinghy dock floating dock system, both of which, as stated in the accompanying resolution, they will assign to the City of Newport. CITY SOLICITOR JOSEPH J. NICHOLSON, JR., said he thought the matter was executed when the court issued the decision; however, it would be in proper form to record.

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

5. **APPOINTMENTS TO BOARDS AND COMMISSIONS**

MAYOR WALUK moved Naomi Neville and Deborah Melino-Wender be reappointed to the PLANNING BOARD (first full terms: 2006-2009). Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

MAYOR WALUK moved Linda Manning be reappointed to the HOSPITALITY COMMISSION. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

MAYOR WALUK moved Sister Catherine Coyne be appointed to the NEWPORT-SHIMODA 50th ANNIVERSARY COMMITTEE. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

**RESOLUTIONS**

6. Opposing any increase in tolls on the Pell Bridge – M. Connolly

COUNCILOR CONNOLLY, thanked Mr. Croft of the Turnpike and Bridge Authority for having met with her on the issue. She then read the resolution and moved for its adoption. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

7. Authorizing the Tree Commission to review and recommend amendments to the Tree Ordinance that would expand the Commission's purview to matters of open space protection – S. Waluk

MAYOR WALUK introduced the resolution, stating there are many open space parcels, including public parks, in Newport that need to be protected, and moved for its adoption. Seconded by COUNCILOR CONNOLLY.

COUNCILOR LEONARD commended the work of the Tree Commission, but said she thought their plate was full, particularly since they have been working on compiling an inventory of all the trees. She suggested that open space protection instead be sent to the Critical Area Review Committee because a lot of the parcels identified are part of large estates in the Critical Area.

COUNCILOR MC LAUGHLIN said the Planning Department has done an inventory and the Comp Plan has considerable information as well, all of which will be helpful to the Tree Commission. He also asked that a deadline be set for a response. MAYOR WALUK suggested July.

COUNCILOR MC LAUGHLIN moved the resolution be amended to provide a response back to the Council at the second meeting in July. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

The Resolution, as amended, was UNANIMOUSLY ADOPTED.

8. In support of legislation that would define an extension of gambling hours as an expansion of gambling in order to prevent any expansion of gambling in Newport – S. Waluk, J. McLaughlin

MAYOR WALUK introduced the resolution in support of House Bill 7161, which would define an extension of hours as an expansion of gambling and thus require voter approval in both the host community and statewide. He then moved for adoption of the resolution, directing that copies be forwarded to all the communities in Rhode Island. Seconded by COUNCILOR COYNE.

COUNCILOR MC LAUGHLIN, noting that the organization known as Concerned Citizens Against Casino Gambling (CCACG) is in its 31st year, said CCACG has an agreement with the Speaker of the House that a hearing will be conducted in Newport at the Colony House on the bill to expand gambling to 24-house-a-day, which will be sometime during the first or second week of February, at which time residents can testify for or against it. He said that 24-hour gambling will alsothen lead to 24-hour liquor licenses.

The motion to adopt was VOTED UNANIMOUSLY.

9. Designating Lot 305 on Tax Assessor's Plat 41 as No. 17 Beacon Hill Road.

MAYOR WALUK moved the resolution be adopted. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

(The following three resolutions were heard first on the agenda)

10. Expressing Appreciation to the Screening Committee for the Selection of the Director of Economic Development.
11. Expressing Appreciation to the Screening Committee for the Selection of the Director of Public Services.
12. Expressing Appreciation to the Screening Committee for the Selection of the Fire Chief.

MAYOR WALUK introduced each of the three resolutions and moved for their adoption. He had those present come forward for receipt of certified copie. The motion to adopted was seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

## ORDINANCES

13. Amending Chapter 12.28.130 of the Codified Ordinances, entitled, "Harbor Rules and Regulations, Paragraph D, to increase the mooring fees to:
    Resident/private, $.50/lb; Non-resident, $1.00/lb.; and Commercial, $1.50/lb. (Second Reading)
    -- Communication from the Waterfront Commission, re: Proposed Increase in Mooring Fees (Continued from November 14, 2007)

MAYOR WALUK, noting that first reading had occurred and subsequent to that a workshop held, asked the city manager to give a briefing.

CITY MANAGER ED LAVALLEE said the mooring fees had not been changed since FY2003. He said the Waterfront Commission has expressed agreement for the need to increase the fees but wanted it done more proportionately. He said the current budget contains $379,450 for mooring fees, which is an increase of $103,000 over the previous year, and a 30% increase to each class, plus the fees

collected for transients, would generate the amount needed. COUNCILOR MC LAUGHLIN asked the number of transient moorings and the rates. HARBOR MASTER TIM MILLS responded that there are 23, plus 9 for tall ships. He said the rate mirrors that for commercial moorings, with a minimum of $40 and then $1.00 a foot.

MATT GINEO, General Manager, Old Port Marine, said Old Port, which has existed for many years, was instrumental in making the harbor what it is today. He agreed there should be an increase, but felt it should be limited to 15% to 20% and distributed across the board. He said the city needs to find other ways to raise revenue for capital projects because the increased mooring fees will be passed on to the boat owner who will then be forced to look elsewhere for a mooring. He cited the mooring fees at various other cities and towns and said Newport's fees run from three to six times higher.

MAYOR WALUK asked when Old Port last raised their fees; MR. GINEO responded that last year they increased by about 5% because of increases in fuel and steel, and this year, when their bills were sent out last month, there was an increase of about $5/foot or 15%. MAYOR WALUK responded that that was an increase of 20% in the last two years by Old Port when the City had no increases. He said the proposed increase is to cover costs and make ends meet. He said the City is trying to provide good services in the harbor and looking to compromise. He also said that the seawall repairs are part of the Harbor budget, saying that if a seawall falls into the Harbor, it is then part of the Harbor.

COUNCILOR DUNCAN said he would go along with the compromise, although he would have preferred the originally proposed higher fees. He said he wanted to point out that 587 people in Newport have asked for heating fuel assistance and there is no way the residents should have to subsidize the harbor. He said he also agreed that the seawalls are part of the Harbor.

COUNCILOR LEONARD said she would not support the increase. She said she owns a boat and was not convinced how much of the harbor costs are necessary. She said there is also supposed to be a ratio of one non-resident mooring for every three resident moorings, but it is now about one to one.

COUNCILOR NAPOLITANO, noting that the harbor has come a long way since the early 1990's, said it may be time to look at how the moorings are distributed and also to consider subletting. She said the City needs to cover the Harbor expenses and she would therefore support the 30% increase.

COUNCILOR MC LAUGHLIN said although he didn't vote for the budget last June it is the responsibility of the entire Council to deal with the budget concerns. He said the City needs to raise $355,000 on billable moorings to cover that which was included in the adopted budget, and suggested a fee schedule of $.63 for resident moorings, $.95 for non-resident, and $1.26 for commercial be implemented.

MAYOR WALUK moved the ordinance be amended to provide a 30% across the board increase to each class, resulting in residents going from $.40 to .52; non-residents, from $.80 to $1.04; and commercial, from $1.00 to $1.30, be adopted. Seconded by COUNCILOR CONNOLLY.

VOTE: In favor – MAYOR WALUK; COUNCILORS CONNOLLY, COYNE, DUNCAN, MC LAUGHLIN and NAPOLITANO.

Opposed—COUNCILOR LEONARD

MAYOR WALUK moved the ordinance, as amended, be adopted. Seconded by COUNCILOR CONNOLLY.

VOTE: In favor – MAYOR WALUK; COUNCILORS CONNOLLY, COYNE, DUNCAN, MC LAUGHLIN and NAPOLITANO.

Opposed—COUNCILOR LEONARD

**COMMUNICATIONS FROM THE CITY MANAGER**

14. Communication #4306/07, re: Revision to Harbor Ordinances—Mooring Fees (Continued from October 24, 2007, until after a workshop is held with the Waterfront Commission)

MAYOR WALUK moved the communication be received. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

15. Communication #4332/07, re: Personnel Ordinance Change – Employee Classification Study, Local 911, Council 94, AFSCME , with accompanying ordinance. (TABLE until refinement of ordinance is completed)

MAYOR WALUK moved the communication and ordinance be postponed indefinitely. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

16. Communication #4337/08, re: CRMC File No. 2007-11-043, Application of 802 Partners, LLC, 315 Thames St., for Floating Docks and Marina Perimeter Limit

COUNCILOR LEONARD recused herself.

COUNCILOR COYNE moved the communication be received and the project approved subject to the conditions recommended by the Planning Board and Waterfront Commission. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY (6-0)

17. Communication #4338/08, re: Personnel Ordinance Amendment – Youth Recreation Workers

COUNCILOR COYNE moved the communication be received and the accompanying ordinance adopted on first reading. Seconded by COUNCILOR CONNOLLY.

COUNCILOR LEONARD asked if the city would have any added liability as a result of the ordinance allowing 14 and 15 year olds to work in the Recreation Dept.. CITY SOLICITOR NICHOLSON responded the City would not.

The motion to approve the ordinance on first reading was UNANIMOUSLY ADOPTED.

18. Communication #4339/08, re: Bid Award for Miantonomi Park Fence Replacement

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

19. Communication #4340/08, re: Bid Award for Road Materials

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

20. Communication No. 4341/08, re: Bid Award for Replacement of the Seven-Passenger Mini Van in the Recreation Department

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY.

MAYOR WALUK pointed out that the van will have the ability to use ethanol; however, there are no hybrid caravans.

The motion was VOTED UNANIMOUSLY.

21. Communication #4342/08, re: RI Department of Health Consent Agreement

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

22. Communication #4343/08, re: Award of Bid for King Park Mobile Food Concession

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

23. Communication #4344/08, re: Bid Award for Re-powering of the Boston Whaler

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

8:00 P.M. ADJOURNED

Kathleen M. Silvia
City Clerk
January 28, 2008

# CITY OF NEWPORT
# MINUTES OF THE COUNCIL
# HELD JANUARY 9, 2008

*The following items of business, filed with the City Clerk under the rules of the Council, came before the Council at its regular meeting held on January 9, 2008.*

The Mayor called the meeting to order at 6:30 p.m.

The City Clerk called the roll and the following members were present:

MARY C. CONNOLLY
STEPHEN R. COYNE
CHARLES Y. DUNCAN
KATHRYN E. LEONARD
JUSTIN S. MC LAUGHLIN
JEANNE-MARIE NAPOLITANO
STEPHEN C. WALUK

## COUNCIL

**CITIZENS FORUM**: Peter Fagan, 56 Ayrault St., addressed rainwater retention and said the City should have a policy that addresses pollution of the harbor and beaches by rainwater, and an ordinance that requires all developers to provide a rainwater retention plan.

COUNCILOR COYNE moved Item #6 be moved forward and heard prior to the Consent Calendar. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY. (See #6)

1. **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. Special Event License:
      1) Green Bridge Sportsman's Assoc., d/b/a Green Bridge Game Dinner, Elks Lodge, 141 Pelham St.; February 25, 2008, from 12 Noon to 6:00 p.m.
      2) Friends of Ballard Park, d/b/a 6th Annual Ballard Park Pumpkin Tour; October 18, 2008, from 4:30 p.m. to 9:30 p.m. (set up from 8:30 a.m. to 4:00 p.m.)

   b. Annual Entertainment License, Class A (indoor), Renewal, RJJ Deli, Inc., d/b/a The Wharf Pub and Restaurant, 37 Bowen's Wharf.

   c. Pool Table License, Renewal, The Fastnet, Inc., d/b/a The Fastnet, 1-3 Broadway.

   d. REMOVED: Annual Financial Report of the City of Newport and Management Letter for fiscal year 2007

   e. REMOVED: Semi-annual Report of the Ad Hoc Committee on Wastewater System Improvements. (Receive)

f. REMOVED: Interim Report of the Climate Control Task Force (Receive)

g. REMOVED: Communication from James J. Reed, Executive Director, The Housing Authority of Newport, re: 2007 Resident Commissioner Election (Receive)

h. Communication from Patrick O'N. Hayes, Jr., Esq., requesting the designation of an unnamed area at the corner of Harrison Avenue and Beacon Hill Road as #17 Beacon Hill Road. (Receive and refer to city administration for a resolution)

i. Resignation of Christy Chestnut Phillips from the Cultural Commission. (Receive with regret)

j. Resolution of the Town of Warren urging Congress to provide long-term health care, job training and shelter for veterans. (Receive)

k. CRMC Public Notice, File No. 2007-11-043, Application of 802 Partners LLC for an Assent to authorize "as-built" 6' x 130' floating dock and modify/expand and revise the approved "marina perimeter limit." (Receive)
-- Communication from CRMC approving an extension in the comment period to January 28, 2008)

l. CRMC Notice of intention of CRMC to change the management plans, policies, procedures and regulations of the agency (Receive)

m. Claims: (Receive and refer to the City Solicitor)
1. Patricia Montagnino, RN
2. Gary Jenkins

n. REMOVED: Recommended FY2009-2013 Capital Improvement Program (Receive and order advertised for hearing on January 23, 2008)

COUNCILOR COYNE moved the Consent Calendar be adopted with the exception of Items d, e, f, g and n. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

d. Annual Financial Report of the City of Newport and Management Letter for fiscal year 2007 (Receive; on file in City Clerk's Office for review)

COUNCILOR MC LAUGHLIN asked if the City Manager would address at the next council meeting the under-performing community development loans cited in the Management Letter. He then moved that the communication and audit be received. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

e. Semi-annual Report of the Ad Hoc Committee on Wastewater System Improvements. (Receive)

COUNCILOR MC LAUGHLIN cited the work of the committee, particularly with regard to working with the Town of Middletown, which is now renegotiating an agreement with the City. He

then moved the communication be received. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

f. Interim Report of the Climate Control Task Force (Receive)

COUNCILOR DUNCAN commended the task force for identifying alternative sources of energy and transportation and said when the final report is submitted the City should work towards implementing as many changes as possible. He then moved that the communication be received. Seconded by COUNCILOR CONNOLLY.

MAYOR WALUK said he had met with the task force a few weeks back and they are making great strides.

The motion to receive the communication was VOTED UNANIMOUSLY.

g. Communication from James J. Reed, Executive Director, The Housing Authority of Newport, re: 2007 Resident Commissioner Election (Receive)

YVETTE HARRIS, 8 Park Holm, asked that the Council not make any appointments because the election did not involve the Resident Council, which she said is a requirement of HUD. She asked that the previously-elected persons currently sitting on the Authority remain while an appeal to HUD is pending.

CITY SOLICITOR JOSEPH J. NICHOLSON, JR., said state law requires that the two members come from the master list resulting from an election, which is what has been submitted.

COUNCILOR NAPOLITANO asked if every resident had the opportunity to participate and run for a seat. MS. HARRIS responded they did; she her objection was that usually the resident council runs the election but the Housing Authority took this election out of the residents' hands. CITY SOLICITOR NICHOLSON said the issue should be taken up with HUD, which has a review process, rather than the City Council. COUNCILOR COYNE agreed that it appeared to be an internal matter between the Authority and the Residents Council.

RICHARD O'NEILL, Canvassing Clerk, at the request of the Mayor, commented on his involvement with the election at the request of the Housing Authority Executive Director, which he said was to unlock the ballot boxes and count the ballots.

MAYOR WALUK moved the communication from the Housing Authority be received. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

n. Recommended FY2009-2013 Capital Improvement Program (Receive and order advertised for hearing on January 23, 2008)

COUNCILOR MC LAUGHLIN cited page 22 of the document and said it appears nothing is appropriated in the current fiscal year for Broadway Improvements and asked if the $450,000 listed in previous years was encumbered. CITY MANAGER EDWARD LAVALLEE said he did not believe the money was encumbered and would bet back with more definite information.

COUNCILOR MC LAUGHLIN moved the Recommended FY2009-2013 Capital Improvement Program be received and ordered advertised for public hearing on January 23, 2008. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

## COMMUNICATIONS & PETITIONS

2. Communication from Turner C. Scott, Esq., representing Stonestreet Corp., successor owner of the condominium development and marina on Brown & Howard Wharf, re: Brown & Howard Wharf/Public Right of Way

MAYOR WALUK said the matter should be referred to the Waterfront Commission. TURNER C. SCOTT, ESQ., responded that he had asked the Waterfront Commission to include the project on the agenda for the January 10th meeting. He said Brown & Howard Wharf is basically unnoticed and ignored by the public and the new landscaping design is to attract people to the wharf.

COUNCILOR LEONARD asked if there were a rainwater retention plan; ATTORNEY SCOTT responded that rainwater goes into a catch basin for treatment and then into the harbor, which is accordance with the RI Department of Environmental Management's present day standards. COUNCILOR COYNE asked if there would be public restrooms in the marina area; ATTORNEY SCOTT said he didn't know but would check and advise the Council. COUNCILOR NAPOLITANO said she went to the site and there is a fence across an area identified on the plan as a pedestrian public access point. ATTORNEY SCOTT responded that the subject area is a peninsula which will be connected, noting it was on the original plan as a pedestrian access in case the access to the north is available.

LIZ MATHINOS, 111 Washington St., said Attorney Scott failed to mention that the plan is to put parking spaces in the last one-third of the right of way, which she said was a radical change. She said a public right of way should not include parking spaces.

COUNCILOR COYNE moved the communication be received and sent to the Waterfront Commission. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

## 3. APPOINTMENTS TO BOARDS AND COMMISSIONS

MAYOR WALUK moved Frank McCauley and Constance Vergowven be appointed to the Housing Authority as a result of the resident election. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

## RESOLUTIONS

4. In support of a proposed $15 Million Open Space Bond Referendum on the November, 2008, Ballot. – K. Leonard

COUNCILOR LEONARD introduced the resolution, saying she understood financial times are tough but because land values have gone down it would be an important use of money. She

commended the Aquidneck Land Trust for their efforts, and moved for adoption of the resolution. Seconded by COUNCILOR NAPOLITANO.

MR. TED CLEMENT, Executive Director of the Aquidneck Land Trust, noted that the island lost many acres to development, and he submitted a letter from the Rhode Island League of Cities & Towns in support of the bond referendum. He said the Middletown Council had unanimously adopted a similar resolution, and the same would be presented to the Town Counicl of Portsmouth at their next meeting.

COUNCILOR COYNE moved the communication from the League of Cities & Towns be received. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

The motion to adopt the resolution was VOTED UNANIMOUSLY.

5. Requesting an ordinance to require a contractor to notify neighbors prior to any blasting or drilling – K. Leonard

COUNCILOR LEONARD introduced the resolution and moved for its adoption. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

6. Commending Ronald McDonald for the holiday displays erected for the benefit of the community – C. Duncan, J. McLaughlin, et als

COUNCILOR DUNCAN read the resolution, thanked Mr. McDonald for the beautiful holiday display, and moved for the resolution's adoption. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

A certified copy of the resolution was presented to Mr. McDonald's son, Kevin, and his family.

**ORDINANCES**

7. Amending Chapter 1.12.010, General Penalty, to include the advertisement or promotion of an activity prohibited in the Codified Ordinances or state law as illegal and subject to the maximum fine allowable in Newport Municipal Court (First Reading) – C. Y. Duncan

COUNCILOR DUNCAN moved the ordinance be continued (no date specified). Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

8. Amending Ordinance No. 2007-22, "Appropriating Revenues of the City of Newport for the Fiscal Year July 1, 2007, through June 30, 2008" – Parking Facilities Fund (Second Reading)

MAYOR WALUK moved the ordinance be adopted on second reading. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

9. Amending Ordinance No. 2007-22, "Appropriating Revenues of the City of Newport for the Fiscal Year July 1, 2007, through June 30, 2008" – Water Fund (Second Reading)

MAYOR WALUK moved the ordinance be adopted on second reading. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

## COMMUNICATIONS FROM THE CITY MANAGER

10. Communication #4332/07, re: Personnel Ordinance Change – Employee Classification Study, Local 911, Council 94, AFSCME (with accompanying ordinance)

MAYOR WALUK moved the communication be continued. Seconded by COUNCILOR CONNOLLY.

COUNCILOR LEONARD asked the City Manager to provide at the next meeting the bottom line dollar difference in salaries, comparing what is in the current budget and what it will be with the job reclassifications.

The motion to continue was VOTED UNANIMOUSLY.

11. Communication #4333/08, re: Purchase of Document Printing Software

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

12. Communication #4334/08, re: Bid Award for Lawton Valley WTP Sediment Basin #1 Repairs

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

13. Communication #4335/08, re: Transfer of Funds from the Council Contingency – funding for: (1) water testing in 2008; and special election costs

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY.

COUNCILOR LEONARD commended the volunteers of Clean Water Access for their work, and questioned the testing of Easton's Point in Middletown as part of the City's cost.

DAVID MC LAUGHLIN, 21 Dearborn St., said he was concerned about circulation, and testing Ochre Point, Easton's Beach and Easton's Point would give a baseline figure. He said the testing cost is about $1,300 for each location and suggested the City ask Middletown to share the cost, as was done last year. COUNCILOR MC LAUGHLIN pointed out that the money for the testing goes directly to the RI Department of Health. MAYOR WALUK thanked the organization and said there is great value to maintaining the data.

The motion to adopt was VOTED UNANIMOUSLY.

**14.** Communication #4336/08, re: Harbor Ordinance – Mooring Fees

MAYOR WALUK cited a workshop to be held on Wednesday, January 16, 2008, at 7:00 p.m. in the Council Chambers on the proposed mooring fee increase.

MAYOR WALUK moved the communication be received and the accompanying ordinance adopted on first reading so as to maintain the option of increasing the fees in the current fiscal year. Seconded by COUNCILOR COYNE.

COUNCILOR LEONARD said if the mooring fees are increased the use of the money should be related to items in the Harbor Enterprise Fund. She questioned the use of the fees to maintain the Harbor Master's Office, public restrooms, and tourism, and said in the past the creation of more dinghy docks was discussed. She said she wanted numbers as to how much money comes in and where it is being spent. She also said large yacht clubs that sponsor regattas and races should be invited to the workshop.

COUNCILOR MC LAUGHLIN said it was his understanding the increased fees, in the amount of $105,000, were approved with the adoption of the current budget and asked if the funds had been spent. CITY MANAGER LAVALLEE noted that the City is halfway through the current fiscal year; however, he said he couldn't specifically say offhand what has been spent. COUNCILOR CONNOLLY said she understood the mooring bills must go out in January and, therefore, it was necessary to proceed at this time with first reading of the ordinance.

Vote on the motion to adopt the ordinance:

In favor – MAYOR WALUK; COUNCILORS CONNOLLY, COYNE, DUNCAN, MC LAUGHLIN and NAPOLITANO.

Opposed – COUNCILOR LEONARD.

MAYOR WALUK recognized Boy Scout Troop 77, which was in attendance at the meeting.

7:25 P.M. COUNCILOR COYNE moved the Council adjourn to Executive Session in the City Manager's Office, pursuant to RI General Laws, Section 42-46-1, as amended, and in accordance with Section 42-46-5, Purposes for Which Meetings May be Closed, to discuss the annual performance evaluation of the City Manager, and to discuss matters pertaining to collective bargaining – the upcoming IAFF negotiations. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

Kathleen M. Silvia
City Clerk

January 14, 2008

# *CITY OF NEWPORT*
# *MINUTES OF THE COUNCIL MEETING*
# *HELD FEBRUARY 13, 2008*

The following items of business, filed with the City Clerk under the rules of the Council, came before the Council at its regular meeting held on February 13, 2008, at 6:30 p.m.

The Mayor called the meeting to order at 6:30 p.m.

The City Clerk called the roll and the following members were present:

MARY C. CONNOLLY
STEPHEN R. COYNE
CHARLES Y. DUNCAN
KATHRYN E. LEONARD
JUSTIN S. MC LAUGHLIN
JEANNE-MARIE NAPOLITANO
STEPHEN C. WALUK

## ***PROCLAMATION HONORING THE 2008 CITY OF NEWPORT EMPLOYEE OF THE YEAR ELIZABETH J. SCEPPA***

Mayor Waluk read the proclamation and presented a copy to Ms. Sceppa.

1. Public Hearing: Recommended 2009-2113 Capital Improvement Program
   - Resolution Adopting (in concept) the FY 2009-2113 Capital Improvement Program

Hearing no comment from the floor, COUNCILOR COYNE moved the public hearing be closed. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

COUNCILOR MC LAUGHLIN moved the CIP be amended to remove $465,000 for School Dept. building renovations, suggesting funds be taken from the School Dept. surplus. Seconded by COUNCILOR LEONARD and VOTED UNANIMOUSLY.

COUNCILOR MC LAUGHLIN moved the CIP be further amended to remove the $24.88 million designated to build new schools since at this time the Council has not been asked to address money for new schools. Seconded by COUNCILOR LEONARD and VOTED UNANIMOUSLY.

Discussion followed between COUNCILOR MC LAUGHLIN and CITY MANAGER EDWARD LAVALLEE regarding money for roadway maintenance and improvements, wherein COUNCILOR MC LAUGHLIN expressed concern with regard to the proposal to eliminate $1.1 million for road improvements from the CIP and increase the roadway maintenance budget to $1 million in the upcoming Operating Budget. He said that two years ago it was said $2 million a year must be invested to keep up with roadway maintenance, and currently the estimate is $47 million for needed for road repairs. He said at the end of three years, when the $12 million road bond has been spent, there still will be a need for $35 million in roadway repairs. CITY MANAGER LAVALLEE said that while he agreed with Councilor McLaughlin's concerns, it is a matter of choices this year and he believed the proposed changes to be the best choice.

COUNCILOR MC LAUGHLIN cited the City Manager's recommended amendments to eliminate the vehicle washing bay ($450,000), window repairs at the Police Station ($110,000), air conditioning for the council chambers ($40,000). He further commented on General Fund and CIP money being used for seawall repairs, and the need for the playground improvements for safety and to meet ADA standards itemized on page 40, for which he said he hoped Community Development Block Grant money can be used so that the improvements can done be at an accelerated rate. CITY MANAGER LAVALLEE responded that all of the ADA improvements cannot be made in a short time period so the door at The Hut and the chairlift at City Hall were selected as the first projects.

COUNCILOR MC LAUGHLIN cited proposed reductions in the Economic Development CIP: $200,000 for Gateway Center site development; $50,000 in the signage program, and $100,000 for public restrooms. CITY MANAGER LAVALLEE said the $250,000 for Easton's Beach improvements has also been deferred because money in the current year's budget will be used to repave the parking lot and the dredging in the Harbor has been returned to the FY10 CIP.

COUNCILOR MC LAUGHLIN cited the three-year project in the Water Pollution Fund CIP for the Easton Pond Dam & Moat UV Project. He said he wanted to show the community that the Council wants to get the work completed as quickly as possible and moved that the $1 million in the '09 CIP be increased to the total project cost of $3.8 million. Seconded by MAYOR WALUK.

CITY MANAGER LAVALLEE said there is a question has to how long the RFP and bid process will take during FY'09.

In response to COUNCILOR LEONARD'S concern of the impact on the tax rate, MAYOR WALUK said there would be no impact because the funds would come from the Water Pollution Enterprise Fund. He pointed out that adoption of the CIP is in concept and if funding is not available when the Operating Budget is being considered, the money can be removed.

COUNCILOR DUNCAN suggested the city administration contact Middletown and request they share the cost since they contribute to the problem. COUNCILOR LEONARD said the RI Dept. of Transportation should also be contacted because their drain also is a source of the problem.

COUNCILOR NAPOLITANO said she was hestitant on spending $3.8 million in this environment and, although it could be removed when the operating budget is adopted, the Council needs to set priorities. COUNCILOR CONNOLLY said that since the CIP proposals are conceptual at this time and can be refined when the '09 Operating Budget is considered, she would support the motion.

MAYOR WALUK said the UV Project is a #1 priority because it concerns Easton's Beach and they should make sure the funds are made available in the budget to move the project forward.

VOTE ON MOTION to increase UV Project to $3,800,000 in the '09 CIP:

In favor: MAYOR WALUK; COUNCILORS CONNOLLY, COYNE, DUNCAN and MC LAUGHLIN.

Opposed: COUNCILORS LEONARD and NAPOLITANO.

MAYOR WALUK moved the $1,003,500 in reductions in the General Fund proposed by the City Manager be approved. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

MAYOR WALUK moved the Capital Improvement Program, as amended, be adopted. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

NOTE: $1,003,500 reductions: (220,000) for roadway maint.; (450,000) for washing bay; (110,000) for NPD window repairs; (13,000) City Hall Exterior Building Sealing & Parking Lot Sealcoating/Striping; (20,500) Fire Dept. HQ Maintenance; (14,000) Old Fort Rd. Fire Station Maintenance; (40,000) for air conditioning in council chambers; and (136,000) Hut Floor Replacement.

2. **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 January 23, 2008, Council Meeting (Approve)
b. Special Event License:
   1) Mary Lou Browning, d/b/a Fundraiser for Martha Soto; Elks Lodge, 141 Pelham St., Feb. 16, 2008, from 6:00 p.m. to Midnight.
   2) Lions Club of Newport, RI, d/b/a Carnival; Easton's Beach Parking Lot; May 7-11, 2008: May 7 and 8, 2008, from 6:00 p.m. to 10:00 p.m.; May 9, from 3:00 p.m. to 11:00 p.m.; May 10, from 12 Noon to 11:00 p.m. and May 11, from 12 Noon to 9:00 p.m.
   3) Lions Club of Newport, RI, d/b/a Youth Soap Box Derby; May 9, 2008, Picnic at Easton's Beach Rotunda; May 10, 2008 (Rain date May 11), Soap Box Derby on Memorial Blvd., eastbound lanes, from Cliff Ave. to Rotunda
   4) St. Peter's Lutheran Church, d/b/a Church & Community Yard Sale; St. Peter's Church, 525 Broadway; June 28, 2008, from 9:00 a.m. to Noon.
   5) Looking Upwards, Inc., d/b/a 2008 Aquidneck Island Arts Festival; Newport Yachting Center, August 23, 2008, from 10:00 a.m. to 9:00 p.m., and August 24, 2008, from 11 a.m. to 6:00 p.m.
   6) **REMOVED:** Daniel Gough, d/b/a 2008 Amica Insurance Breakers Marathon; October 18, 2008, beginning at Newport Yachting Center
c. **REMOVED:** Daily Entertainment License, JH Enterprises, d/b/a The Rhino Bar & Grille, 337 Thames St.; March 15, 2008, from 10:00 a.m. to 1:00 a.m. (Annual License hours: 6:00 p.m. to 1:00 a.m.)
d. **REMOVED:** Holiday Selling License, New, Museum of Yachting, Inc.
e. Holiday Selling License, Renewal, International Yacht Restoration School, 449 Thames. St.
f. **REMOVED:** Pedicab License, Andrew Croan, 11 Broadway, d/b/a Pedi-Power
g. Communication from Zambelli Fireworks Mfg. Co., Inc., d/b/a Zambelli Fireworks Internationale; requesting permission for fireworks on Monday, June 23, 2008, from approx. 9:30 p.m. to 9:43 p.m., fired from a barge in the waters adjacent to The Breakers. (Approve subject to details being worked out with city administration)
h. **REMOVED:** Communication from Lawrence E. Gotch, 1 Lee's Wharf, re: Planning Board's approval of 10 Brown & Howard Wharf development. (Receive)

i. Notification from the Executive Director, Public Human Resource Certification Council, that Michael J. Coury, City of Newport Human Resources Administrator, has achieved the international recognition of attaining the IPMA-CP credential from the International Public Management Assoc. for Human Resources. (Receive)

j. Communication from the President of Local 1080, International Association of Fire Fighters, asking to commence collective bargaining for the July 1, 2008 – June 30, 2009, contract year. (Receive)

k. Public Notice from the State Planning Council, re: Transportation Improvement Program for FY 2009-2012 (Receive)

l. Annual Reports: (Receive)
   1) Charter Review Commission
   2) Cliff Walk Commission
   3) Henderson Home Commission
   4) Historic District Commission
   5) Tree Commission

m. Claim of Marie Pattison (Received and refer to City Solicitor)

COUNCILOR COYNE moved the Consent Calendar, with the exception of Items b-6, c, d, f and h, be adopted. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

b-6) Special Event License: Daniel Gough, d/b/a 2008 Amica Insurance Breakers Marathon; October 18, 2008, beginning at Newport Yachting Center at 7:45 a.m. and ending at Easton's Beach Parking Lot at 2:00 p.m. (Race route through Newport and Middletown)

COUNCILOR LEONARD asked if Ocean Drive would be closed during the marathon; CITY MANAGER ED LAVALLEE said there would be no street closures and additional police will be on duty to ensure vehicles can get through.

COUNCILOR LEONARD moved the license be approved. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

COUNCILOR NAPOLITANO pointed out that funds raised will be donated to the Ronald MacDonald House.

c. **REMOVED:** Daily Entertainment License, JH Enterprises, d/b/a The Rhino Bar & Grille, 337 Thames St.; March 15, 2008, from 10:00 a.m. to 1:00 a.m. (Annual License hours: 6:00 p.m. to 1:00 a.m.)

JOSEPH PALUMBO, Esq., was present on behalf of the licensee.

COUNCILOR LEONARD commented on the past history of violations of Rhino Bar and asked the City Solicitor if the suspensions had been served. CITY SOLICITOR JOSEPH NICHOLSON responded that the last suspension had been upheld by the State Liquor Control Administration and it is now on appeal in Superior Court.

COUNCILOR LEONARD asked how much would be donated to charity, as indicated by the manager, if the hours were extended. HEATHER BURKE, Manager, responded they want to donate 100% of the cover charges so the total donation would be based on how many people come to the establishment and pay the charge. She also said she asked that the application be amended to have entertainment begin at 12 Noon.

Discussion and questions by Attorney Palumbo and Members of the Council to MS. BURKE followed. Durning discussion, CITY SOLICITOR NICHOLSON made note of the City's policy that a radio, stereo, etc., played loudly for the benefit of the patrons would constute public entertainment and require a license.

COUNCILOR NAPOLITANO said during her time on the Council the Rhino Bar has been cited a number of times and every sanction has been appealed. She said of the three suspensions the Council has imposed for violations, Rhino has served none and, therefore, she did not believe they understand the seriousness of their actions.

COUNCILOR LEONARD said she would not support the daily license because of past violations.

MAYOR WALUK noted the establishment has not been cited for a violation for over two years and since they amended their request to start music at 12 noon they should not be punished for what he believed was a flawed decision in the past.

COUNCILOR COYNE said he concurred with Mayor Waluk that it has been over two years since the establishment has been cited.

COUNCILOR CONNOLLY noted the request would entail extending entertainment from noon to 6:00 p.m., when entertainment can begin under their annual license.

COUNCILOR MC LAUGHLIN questioned POLICE CHIEF MIKE MC KENNA, who said he had disapproved the request because of the 10 a.m. start for entertainment.

COUNCILOR DUNCAN said that although the police may have been called to other establishments a comparable number of times, the other businesses have not been cited to appear before the Board of License Commissioners.

COUNCILOR MC LAUGHLIN said he would approve the license but would like no alcohol served until the parade is over.

MAYOR WALUK moved the license be amended to have entertainment start at 12 Noon. Seconded by COUNCILOR CONNOLLY.

VOTE: In favor – MAYOR WALUK; COUNCILORS CONNOLLY, COYNE and MC LAUGHLIN

Opposed – COUNCILORS DUNCAN, LEONARD and NAPOLITANO

MAYOR WALUK moved the license, as amended, be approved. Seconded by COUNCILOR CONNOLLY.

VOTE: In favor – MAYOR WALUK; COUNCILORS CONNOLLY, COYNE and MC LAUGHLIN

Opposed – COUNCILORS DUNCAN, LEONARD and NAPOLITANO

d. Holiday Selling License, New, Museum of Yachting, Inc., d/b/a Museum of Yachting, Fort Adams.

COUNCILOR LEONARD raised questions regarding sales tax, after which MAYOR WALUK moved the license be approved. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

f. Pedicab License, Andrew Croan, 11 Broadway, d/b/a Pedi-Power (2 Pedicabs)

COUNCILOR LEONARD moved the license be approved with the condition operators not drive on sidewalks and pedestrian rights of way. Seconded by COUNICLOR COYNE.

COUNCILOR MC LAUGHLIN said there had been a problem last year with the lights on the pedicabs which were not very visible. POLICE CHIEF MICHAEL MC KENNA responded that it was brought to the company's attention and they corrected them. COUNCILOR DUNCAN, citing the "Newport Goes Green" report, said he would support the license.

The motion was VOTED UNANIMOUSLY.

h. Communication from Lawrence E. Gotch, 1 Lee's Wharf, re: Planning Board's approval of 10 Brown & Howard Wharf development. (Receive)

COUNCILOR NAPOLITANO asked if notice of the hearing before the Planning Board was provided to the abutters. CITY SOLICITOR JOSEPH NICHOLSON, JR., said it was not required. ZONING OFFICER GUY WESTON said there is no notification to the neighbors other than posting the agenda.

COUNCILOR NAPOLITANO moved the communication be received. Seconded by COUNCILOR LEONARD and VOTED UNANIMOUSLY.

**LICENSES & PERMITS**

3. Application for a Victualing License, Mohamed Badr, d/b/a Chicken on Fire, 266 Bellevue Avenue.

MARY JO CARR, ESQ., representing the applicant, submitted various documents pertaining to State enabling legislation and the City's Codified Ordinances relating to Victualing Licenses.

MAYOR WALUK moved the documents be received. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

MOHAMED BADR, applicant, was questioned by ATTORNEY CARR regarding his having owned restaurants since 1978 and having had no violations. He said the Zoning Board turned down his request to have a fast food restaurant so he is now applying for a standard restaurant, with take-out constituting no more than 25% of the total sales. He said he has purchased an odor control system which will eliminate at least 85% of the cooking odors. COUNCILOR LEONARD said she recalled that there was a show cause hearing in the past for a violation. ATTORNY CARR later concurred that there was a hearing, however, it was dismissed because the finding was that there was no basis to punish the license holder because of (rowdy) people in the street.

MR. BADR, noting that Stop & Shop and the ice cream business in the shopping center are open until 11 p.m., said he would like to operate the restaurant until 11 p.m., with deliveries occurring until midnight. He said there would be two delivery vehicles and after 9 p.m. they would be required to park in front of the restaurant and the drivers would use the front entrance. He said he would stay out of the residential neighborhood to the extent possible.

COUNCILOR MC LAUGHLIN questioned the diagram and window locations facing East Bowery St. He then moved to receive the diagram. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

DAVID MARTLAND, Esquire, representing neighbors, noted the testimony before the Zoning Board focused on take out and delivery service. MR. BADR responded that that was because he was asking for fastfood.

COUNCILOR NAPOLITANO asked if notification was sent to abutters; ZONING OFFICER WESTON responded that no notification to neighbors was required, just posting.

Discussion followed between ATTORNEY MARTLAND and MR. BADR, wherein MR. BADER said entrance to the walk-in cooler, located in back of the business, would be from inside the business. DAVID BAZARSKY, owner of the shopping center, said the cooler would not eliminate any parking spaces because it would be located in a wedge created by a parking space located on the East Bowery St. side of the building.

ATTORNEY CARR said that Mr. Badr is voluntarily placing conditions on the victualing license -- that the restaurant will close at 11 p.m., deliveries will end at Midnight, the delivery vehicles will be moved to the front of the business at 9 p.m. and after 9 p.m. the delivery persons will use the front door.

ATTORNEY MARTLAND asked how the used cooking oil would be disposed of. MR. BADR responded that it would go into a large barrel, located inside and covered, that will be picked up every two weeks. He said only the dumpster and walk-in cooler will be outside.

MAYOR WALUK moved the license be approved subject to the restaurant's closing at 11 p.m., the front door being used for outgoing deliveries after 9 p.m., all delivery operations end at midnight,

and the odor control system be installed and used at all times. Seconded by COUNCILOR COYNE.

ATTORNEY MARTLAND said he was representing Ronald Fleming and Thomas Goddard, who believe the application is an end-run around the application for fastfood.

Discussion continued, and the following neighbors spoke in opposition to the granting of the license:

ELIZABETH WATTS, Freebody Street
RONALD FLEMING, Bellevue Ave. at East Bowery St.

ZONING OFFICER GUY WESTON said the Council has the authority to ask for receipts and they would be checked to ensure that take-out was no more than 25% of gross receipts during a one-year period.

RONALD FLEMING, 304 Bellevue Avenue, said that when Boston Market was in the shopping center he didn't have a problem with litter on a regular basis, but did with the smell of the chicken.

CITY SOLICITOR JOSEPH NICHOLSON said that if the Council were to refuse the license it would have to be based on a standard. He said the Zoning Ordinance currently allows this use and, if denied, it would probably be taken to Superior Court. He said the standards would be that the operation causes a public health or safety threat to the patrons, and since the restaurant is not yet operating there are no grounds. He cited what is known as the Southland Corp. (7-Eleven) case whereby the Supreme Court said the holder of a victualing license has the right to operate from 6 a.m. to 2 a.m.

MAYOR WALUK said he has lived in the neighborhood most of his life and he believes the applicant is willing to make reasonable accommodatons.

COUNCILOR DUNCAN said although he would like to vote against the license, the Solicitor has advised against it and the applicant has volunteered to reduce the hours of operation.

VOTE ON THE MOTION TO APPROVE:

In favor – MAYOR WALUK; COUNCILORS CONNOLLY, COYNE, DUNCAN, MC LAUGHLIN and NAPOLITANO.

Opposed – COUNCILOR LEONARD

## COMMUNICATIONS & PETITIONS

4. Communication from Frank A. Lombardi, Attorney at Law, re: Newport Trash Removal for Condominiums.

COUNCILOR CONNOLLY, owner of a condominium, recused herself and left the dais.

MR. LOMBARDI said he was representing condominium associations throughout the state, including several in Newport that pay millions of dollars in taxes. He said North Providence, North Smithfield, Warwick and various other cities provide municipal trash pick-up to condominiums and he asked that the same be done in Newport. He said the condominium owners deserve this service under the Constitution and the right to equal protection.

5 Final Report of the Climate Control Task Force (a/k/a Newport Goes Green) – Recommendations for Energy Savings and Environmental Responsibility.

BETH MILHAM, 108 Champlin Place North, Chair of the Task Force, cited the dedicated people on the task force, the encouragement of the Council, various people from State agencies that addressed the task force and spoke of options, and the professionalism of the City staff. She encouraged the Council to invite in those who spoke to the task force, and said that most of the members would be available if the Council wishes them to continue. She said there were two non-binding resolutions in the packet of information, adoption of which would put the city on record as joining forces with other cities and groups. She suggested the establishment of an Environmental Advisory Committee.

SISTER CATHERINE COYNE commented on her participation and the work of the task force. MAGGIE MC CORMICK of the Sierra Club thanked COUNCILMAN DUNCAN for sponsoring the resolution creating the task force, and Mayor Waluk and the Council and taxpayers for their support.

COUNCILOR COYNE moved the report be received. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

COUNCILOR DUNCAN asked the City Manager to read the report and implement recommendations contained therein, such as changing the incandescent light bulbs. COUNCILORS CONNOLLY and NAPOLITANO thanked the task force for their outstanding work in preparing a comprehensive report.

## APPOINTMENTS TO BOARDS AND COMMISSIONS

MAYOR WALUK moved Patricia Archer be reappointed to the BEACH COMMISSION. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

MAYOR WALUK moved John Shehan be reappointed to the **HISTORIC DISTRICT COMMISSION**. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

MAYOR WALUK moved George Herchenroether be reappointed to the **WATERFRONT COMMISSION**. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

MAYOR WALUK moved Gage Rearick be appointed to the **NEWPORT-SHIMODA SISTER CITY 50$^{TH}$ ANNIVERSARY COMMITTEE.** Seconded by COUNCILOR CONNOLLY and VOTE D UNANIMOSULY.

e) Planning Board (3 vacancies): Applicants – Herbert Armstrong, Marcia Mallory, Christopher McManus, and Mary Moniz

MAYOR WALUK moved Mary Moniz be appointed to the **PLANNING BOARD.** Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

f) Historic District Zoning Ordinance (HDZO) Review Task Force (9 vacancies): Applicants – Anne Alexandra Allardt, Theodora Aspergren, Mark Bardof, Anne Becker, Kevin J. Clare, Edith Cowley, Mohamed Farzan, Felise Feingold, Thomas Goddard, Mark Horan, Aaron Jasper, Bernice Jasper, Jerome Kirby, Nancy Kougeas, Vincent Marcello, Ronald Onorato, Brooke Roberts, Graeme Wilson Smith, Patrick Sweeney, Ruth Taylor, Kari Van Buren, Lisa Weyandt, and Ann Zvanovec.

MAYOR WALUK moved Mark Bardorf, Kevin J. Clare, Mohamed Farzan, Thomas Goddard, Mark Horan, Ronald Onorato, Brooke Roberts, Ruth Taylor and Ann Zvanovec, be appointed to the **HISTORIC DISTRICT ZONING ORD. REVIEW TASK FORCE**. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

## RESOLUTIONS

7. Regulation of Group Homes – Kate Leonard

COUNCILOR LEONARD introduced the resolution.

COUNCILOR CONNOLLY voiced her adamant opposition to the resolution and an ordinance which would regulate group homes and nursery schools. She said all residents in a community have rights regardless of any mental or physical disability. She said she was horrified at the Town if Middletown's having created an "S" zone and the requirement for a special use permit. She said advocates have worked long and hard to secure the rights of all citizens and she would not support this resolution.

COUNCILOR LEONARD said the proposed ordinance would not apply to group homes or nursery schools that have six or fewer residents or children, respectively.

COUNCILOR MC LAUGHLIN said that on its face the resolution seems like a good idea but it sends the wrong message. He said he also was not aware that there is a problem.

COUNCILOR MC LAUGHLIN moved the resolution be postponed indefinitely. Seconded by COUNCILOR CONNOLLY.

MAYOR WALUK said that the City Solicitor has already contacted Middletown and, therefore, what is requested in the resolution has already been done.

VOTE ON MOTION TO TABLE INDEFINITELY:

In favor – MAYOR WALUK; COUNCILORS CONNOLLY, COYNE, DUNCAN, MC LAUGHLIN and NAPOLITANO.

Opposed – COUNCILOR LEONARD

**ORDINANCES**

8. Amending Chapter 3.16.060, "Pay Plan for Classified Employees," – IAFF, Local 1080, Effective 7/1/2005 (to reflect arbitration decision). (First Reading)

MAYOR WALUK moved the ordinance be adopted on first reading. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

9. Amending Chapter 3.08.020, "Recruitment, Selection and Appointment of Employees – Eligibility and requirements" to allow persons 14 and 15 years of age to assist in Recreation Dept. programs, in accordance with RI Child Labor Laws and Dept. of Labor Regulations. (Second Reading)

MAYOR WALUK moved the ordinance be adopted on second reading. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

**COMMUNICATION FROM THE CITY MANAGER**

9. Communication #4345/08, re: Bid Award for Repowering and Refitting Thomas Work Boat.

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR NAPOLITANO.

COUNCILOR LEONARD questioned why a diesel engine was not considered since they last longr and require less maintenance. HARBOR MASTER TIM MILLS responded that the Thomas Work Boat dates back to1987 and has always been an outboard. He said it was pretty much custom built, is used to deal with moorings, and a similar new boat would cost over $100,000. He said the boat itself should last another 15 to 20 years, and the engine, maybe ten years. In response to COUNCILOR LEONARD, who said it was a lot of money being spent on an old boat, he said it was a Yamaha motor with a one-year warranty. In response to COUNCILOR DUNCAN, he said funds from the Maritime Enterprise Fund would be used for this purchase.

VOTE ON THE MOTION TO APPROVE:

In favor – MAYOR WALUK; COUNCILORS CONNOLLY, COYNE, DUNCAN, MC LAUGHLIN and NAPOLITANO.

Opposed – COUNCILOR LEONARD

10. Communication #4346/08, re: Bid Award for Painting of Easton's Beach Rotunda

COUNCILOR COYNE moved the communication be received and the resolution adopted. Seconded by COUNCILOR NAPOLITANO.

COUNCILOR LEONARD said that given the many weddings and events held in the Rotunda, addressing the acoustics needs to be foremost. CITY MANAGER ED LAVALLEE responded that acoustical paint would be used on the ceiling which should address the current problem.

The motion wasVOTED UNANIMOUSLY.

12. Communication #4347/08, re: Bid Award for Refinishing of Floor at Easton's Beach Rotunda

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

13. Communication #4348/08, re: Bid Award for Lawton Valley Reservoir Aeration Project

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY.

COUNCILOR DUNCAN asked if there were a pilot program and what the savings would be. JULIA FORGUE, UTILITIES DIRECTOR, responded that an expert in the field has recommended using aeration and, if it works, it will save money in the treatment process; however, an exact dollar amount has not been determined.

The motion to approved was VOTED UNANIMOUSLY.

14. Communication #4349/08, re: Bid Award for Newport Public Library Drainage Improvements

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY.

COUNCILOR MC LAUGHLIN, citing the 100 hours of police details required during the project, said at some time the issue of how much the details are costing the city needs to be addressed. KEN MASON, Deputy Utilities Director, responded that the police details are needed when connection is tying into Spring Street and traffic will be limited

The motion to approve was VOTED UNANIMOUSLY.

15. Communication #4350/08, re: Bid Award for for Purchase of Three 4WD Pick-up Trucks – Utilities Dept./Water Division

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

16. Communication #4351/08, re: Amendment to Rental Dwelling Ordinance -- Minimum Housing Inspection/Fee (with accompanying ordinance)

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted on first reading. Seconded by COUNCILOR CONNOLLY.

COUNCILOR MC LAUGHLIN asked when the inspections occur. The CITY CLERK responded that current registrations of short-term, non-owner-occupied rental units expire April 30th and when the renewals are filed, as well as when new registrations come in, copies are sent to the Building Inspector and he then makes appointments with the owners for the inspections.

The motion was VOTED UNANIMOUSLY.

ADJOURNED: 9:30 p.m.

Kathleen M. Silvia
City Clerk
March 6, 2008

# *Renee's Report*

| *Last Name* | *First Name* | *Date of Death* | *Estate #* |
|---|---|---|---|
| Allen | Raymond W. | 01/16/2008 | 08-14 |
| Anderson | Donald O. | 10/30/2008 | 08-135 |
| Anthony | Colleen | 08/24/2008 | 08-137 |
| Armstrong | Karen L. | | 07-95 |
| Baraby | Jemima D. | 03/21/2007 | 07-64 |
| Basile | Mary D | 05/07/2007 | 07-79 |
| Batista | Hilda E. | 05/25/2005 | 07-48 |
| Beck | Constance C | n/a | 08-22 |
| Behan | Gwendolyn M. | 5/30/2008 | 08-98 |
| Bergin | Georgia | | 08-75 |
| Bettencourt | Elizabeth K. | 08/26/2007 | 07-118 |
| Bick | Frederic | 06/22/2008 | 08-88 |
| Blake | Rita Mae | 05/28/2007 | 07-81 |
| Bloomquist | Anne Nancy | 06/06/2005 | 08-124 |
| Boiani | Rudolph J. | 06/16/2007 | 07-88 |
| Boiani | Gertrude E. | 10/06/2006 | 07-15 |
| Boiani | Joseph C. | 04/15/2007 | 07-63 |
| Bond | Eileen A. | 07/29/1990 | 07-111 |
| Boone | Thomas S. | 01/17/2008 | 08-136 |
| Boyle | Robert N. | 04/2007 | 07-57 |
| Boyle | M. Delores | 09/06/2008 | 08-120 |
| Brogden | Allary Howard | 05/31/2007 | 07-96 |
| Brown | Lillian | 08/17/2008 | 08-105 |
| Brown | Antoni Josue | | 08-37 |
| Buchner | Jan C. | | 07-168 |
| Cabral | Stormeica | | 08-29 |
| Capochiano | Amelia | 02/07/2007 | 07-17 |
| Capuano | Jo-Ann | 02/25/2007 | 07-30 |

| *Last Name* | *First Name* | *Date of Death* | *Estate #* |
|---|---|---|---|
| Carlson | Julia M. | 12/12/2000 | 07-159 |
| Carrellas | Mary Louise | 02/25/2008 | 08-55 |
| Castonguay | Alson A. | 04/24/2007 | 07-59 |
| Caulfield | Stuart L. | 07/08/2007 | 07-112 |
| Cavanagh | Nancy Miller | 02/06/2007 | 07-36 |
| Cazard | Derrick Milton | 06/30/2008 | 08-89 |
| Ciesla | Janice | | 07-99 |
| Civic | John A | 11/15/2005 | 08-53 |
| Clark | Amelia A. | | 08-111 |
| Cochran | Donald L. | 11/29/2003 | 07-98 |
| Coite | Michael P | | 07-77 |
| Coleman | Agnes | 08/09/2008 | 08-122 |
| Collins | William J | 12/29/2007 | 08-28 |
| Colton | Nancy C. | 04/13/2007 | 07-66 |
| Copeland | Alfred | | 07-34 |
| Corkery | Stephen Chase | 4/10/2008 | 08-93 |
| Corona | Raymond V. | 07/24/2008 | 08-108 |
| Crowley | Paul W. | 09/24/2007 | 08-38 |
| Curry | Christian Camden | | 08-123 |
| D'Andrea | Ruth R. | 06/22/2007 | 07-115 |
| Daniels | Genevieve V. | 08/04/2007 | 07-114 |
| Danielson | Debbie | | 07-156 |
| deCordova | Susan | 09/05/2008 | 08-140 |
| DeMenezes | Elaine | 07/31/2007 | 07-155 |
| Depaolo | William V. | 07/30/2006 | 07-61 |
| DeSantis | Leonard J. | 10/17/2004 | 07-42 |
| DeWitt | Julie Marie | | 08-134 |
| Dick | Mary G. | 10/05/2006 | 07-06 |
| Dodd | Florence | 09/16/2007 | 07-144 |
| Doherty | Winifred | 02/01/2007 | 07-110 |

| *Last Name* | *First Name* | *Date of Death* | *Estate #* |
|---|---|---|---|
| Dohr | Elvis Alexander | | 08-44 |
| Donohue | Richard F. | 02/19/20007 | 07-97 |
| Donovan | Leo | 08/31/2007 | 07-134 |
| Drexel III | John E. | 04/13/2007 | 07-60 |
| Drummond | Estelle | 02/21/2007 | 07-37 |
| Dugan | James P. | 10/02/2007 | 08-80 |
| Dugan | William H. | 04/01/2008 | 08-46 |
| Duprey | Ronald J | 04/04/2006 | 07-40 |
| Durant | Aldrich Jr. | 10/2/2000 | 08-110 |
| Dutra | Maria da Gloria | 06/16/2007 | 07-92 |
| Dutra | Catherine P. | 05/06/2008 | 08-56 |
| Edward | Charlotte M. | 12/6/2007 | 07-165 |
| Elliot | Isabelle | 04/22/2008 | 08-47 |
| Enwright, Jr. | John J. | 04/28/2008 | 08-57 |
| Evans | Aaron Victor Carrington | | 07-73 |
| Fagella | Nicholas M. | 10/05/2008 | 08-132 |
| Farley | Roberta R. | 10/18/2007 | 07-142 |
| Ferris | Nancy Ann | 12/12/2007 | 07-164 |
| Ficke | Charles D. | 03/18/2007 | 07-49 |
| Finn | Louise H. | 04/15/2008 | 08-61 |
| Fisher | Helen Pearce | 05/09/2007 | 07-76 |
| Fitzgerald | Andrew J. | 07/28/2008 | 08-107 |
| Fitzgerald | Evelyn F. | 01/11/2007 | 07-43 |
| Fletcher | Thomas L. | 11/27/2008 | 09-02 |
| Flowers | Mary Tavares | 06/22/2007 | 07-107 |
| Freeman | Ethel T. | 01/21/2007 | 07-13 |
| Freeman | Marcia P. | 03/31/32008 | 08-139 |
| Furtado | John Ramos | 08/01/2008 | 08-114 |
| Gailitis | Janis | 01/05/2008 | 08-03 |
| Gaines | Bernice | 04/08/2008 | 08-52 |

| *Last Name* | *First Name* | *Date of Death* | *Estate #* |
|---|---|---|---|
| Gallagher | Kathleen M. | 05/25/2008 | 08-115 |
| Galvin | Helen C. | 06/09/2008 | 08-71 |
| Gavin | Gertrude | 01/21/2005 | 07-160 |
| Genga | Hugo | | 08-23 |
| Giddens | Grace H. | 11/27/2006 | 07-28 |
| Gifford | Judith A | 02/27/2008 | 08-35 |
| Gizzi | Michele | 03/24/2008 | 08-41 |
| Gotthold | Marilyn Anne | 05/31/2007 | 07-100 |
| Grauer | John F. | 01/26/2008 | 08-64 |
| Green | Marie | 05/14/2007 | 07-124 |
| Green | Rosalind E. | 01/05/2007 | 07-26 |
| Green | Gertrude A. | 09/09/2007 | 07-131 |
| Gustafson | Nancy J. | 07/08/2006 | 07-20 |
| Hafford | Helene | | 07-02 |
| Hampton | Jerremiah | n/a | 08-78 |
| Hansen | Nicholas | | 07-105 |
| Hanson | Stephen Scott | n/a | 08-63 |
| Hargrove | Esther L. | | 09-03 |
| Harvey | James E Jr. | 02/21/2007 | 07-69 |
| Healey | Alice R. | 08/03/2008 | 08-112 |
| Heffernan | Esther R. | 10/23/2008 | 08-128 |
| Herrlinger II | Edward F. | 12/22/2006 | 07-18 |
| Hogan | Anna Frances | 11/26/2008 | 09-01 |
| Hologitas | Rita | 03/27/2007 | 07-56 |
| Houlihan | Joseph T. | 04/11/2008 | 08-67 |
| Hunter | Maria | 01/10/1999 | 07-90 |
| Iandolo | Albert G. | 04/01/2007 | 08-54 |
| Isaacson | Dorothy E. | 08/16/2004 | 07-136 |
| Isaacson | John L. | 10/10/2006 | 07-137 |
| Jackson | Lillian M | 10/12/2007 | 07-154 |

| *Last Name* | *First Name* | *Date of Death* | *Estate #* |
|---|---|---|---|
| Jenkins | Alton | 03/02/2006 | 07-62 |
| Johnson | Susan B. | 01/22/2007 | 07-33 |
| Jones | Russell M. | 02/13/2008 | 08-76 |
| Josephson | Sarah | | 08-113 |
| Juaire | Katherine M. | 02/14/2007 | 07-27 |
| Judkins | William L. | 09/18/2006 | 07-127 |
| Judkins | Anna M. | 07/03/1995 | 07-128 |
| Kane | Philip H. | 12/3/2006 | 07-08 |
| Kane | Phillip Henry | 12/3/2006 | 08-116 |
| Kelley | Alice E. | 03/11/2007 | 07-103 |
| Kelley | Mary E. | 04/22/2007 | 07-67 |
| Kelly | Mary Elizabeth | 7/15/2008 | 08-97 |
| Kelly | Thomas J. | 11/26/2006 | 07-86 |
| Keys | John | 06/23/2005 | 07-130 |
| Klassner | William M. | 08/17/2001 | 08-73 |
| Krupke | Richard E. | 02/16/2008 | 08-36 |
| Kuptzin | Albert O. | 07/03/1992 | 08-04 |
| Lalli | Martha M. | 09/12/2006 | 07-53 |
| Lamy | Paul A. | 5/31/2008 | 08-99 |
| Lancaster | Pamela | 07/03/2008 | 08-118 |
| Landgraf | William H. | 08/19/2008 | 08-106 |
| Landry | Anne Elizabeth Pierce | 01/14/2007 | 07-05 |
| Lema | Mary Pauline | 11/19/1986 | 07-89 |
| Leung | David O. | 05/02/1997 | 07-31 |
| Lewis | Esther Lois | 03/22/2008 | 08-45 |
| Logothets | Constantine S. | 05/12/2007 | 07-84 |
| Lopes | Amario Amos | 09/27/2008 | 08-131 |
| Lorillard | Elaine G. | | 07-151 |
| Lorillard | Elaine G. | | 07-169 |
| Lozito | Albert | n/a | 08-72 |

| *Last Name* | *First Name* | *Date of Death* | *Estate #* |
|---|---|---|---|
| Lynch | Mary T. | 07/07/2008 | 08-101 |
| Lynch | Mary L. | 01/15/2007 | 07-106 |
| Lynch | Mary T. | | 07-04 |
| MacAlister | Janice M. | 6/28/2006 | 08-96 |
| Mackey | Josephine | | 08-59 |
| Maier | Rebecca Lynne | | 07-32 |
| Maloney | Robert Paul | 10/07/2003 | 07-148 |
| Maloney | Hazel May | 04/19/2006 | 07-149 |
| Mathewson | Ruth C. | | 07-54 |
| Matose | Barbara W. | 11/15/2007 | 07-166 |
| McCabe | Margaret | 12/22/2006 | 07-01 |
| McComb | Norris L. | 02/02/2008 | 08-16 |
| McGrath | Christopher T. | 04/22/2007 | 07-72 |
| McLean | Elsie W. | 09/17/2007 | 08-08 |
| McOsker | Peter J. | 7/26/2008 | 08-94 |
| McPhee | Helen Marie | 07/10/2007 | 07-119 |
| McPhee | Helen Marie | 07/10/2007 | 07-141 |
| Medina | Chayan Diego Munoz | | 08-50 |
| Medina-Beltran | Edin Daniel | | 07-140 |
| Meehan | Charles P. | 10/16/2007 | 08-02 |
| Mello | Jason D. | 02/21/2008 | 08-62 |
| Meyerhoff | Nathan | 03/11/1984 | 08-69 |
| Michel | Dorothy J. | 11/12/1989 | 07-135 |
| Miller | Madeline | 06/22/2008 | 08-81 |
| Miller | Robert N. | 05/12/2005 | 07-139 |
| Mitchell | Ellen Kay | 06/07/2006 | 07-22 |
| Monk | George W. | 10/09/2000 | 07-146 |
| Moran | Frances G. | 07/24/2005 | 07-93 |
| Moran | James J. | 10/16/2007 | 07-94 |
| Morris-Benigno | Christian M. | n/a | 08-20 |

| *Last Name* | *First Name* | *Date of Death* | *Estate #* |
|---|---|---|---|
| Mulligan | Frank O. | 03/17/2005 | 07-70 |
| Munafo | Genevieve B. | 05/06/2008 | 08-58 |
| Murphy | Edward F. | 07/23/1997 | 07-138 |
| Murphy | Ellen Sarah | 01/30/2008 | 08-11 |
| Myers | Clifford James | 1/29/2008 | 08-34 |
| Naveken | James F. | 09/23/1991 | 07-24 |
| Needle | Susan | | 08-121 |
| Nelson | John R. | | 08-141 |
| Nelson | Betty R. | 04/13/2005 | 07-46 |
| Nippert | Glenn E. | 10/25//2007 | 07-162 |
| Norbury | Shizuko | 05/28/2007 | 07-74 |
| Oates | Sandra E. | | 08-33 |
| O'Connor | Kathleen M. | 06/17/2004 | 07-21 |
| O'Connor | John J. Jr. | 08/29/2008 | 08-125 |
| Ohlsen | Elaine Ruth | 12/06/2007 | 07-167 |
| Oliveira | Elaine C. | 10/18/2005 | 08-127 |
| Ollinger | Florence | 10/3/2007 | 08-05 |
| O'Reilly | Eugene J. | 09/11/2008 | 08-129 |
| Osbourne | Ronald J. | 10/02/2006 | 07-55 |
| Pandolfo | Anna M. | 09/10/2008 | 08-133 |
| Parker | Carl E. Jr. | 12/24/2006 | 07-07 |
| Partington | Louise M. | 05/04/2008 | 08-60 |
| Partridge | Eli E. | 08/30/1994 | 07-16 |
| Patnode | George J. | 10/27/2008 | 08-138 |
| Petropoulos | Peter C. | 05/22/2008 | 08-102 |
| Phaneuf | Helen S. | 05/17/2006 | 07-126 |
| Pierce | Robert F. | | 09-04 |
| Pierce | Thomas L. | 12/20/2007 | 08-12 |
| Pinheiro | Felisberto A. | 06/10/1977 | 08-39 |
| Pitts | Carol | 11/26/1999 | 07-58 |

| *Last Name* | *First Name* | *Date of Death* | *Estate #* |
|---|---|---|---|
| Plumb | Sarah | 04/28/2007 | 07-68 |
| Ponvert | Antonio Jr. | 08/14/2007 | 07-129 |
| Potosky | Denise M | 12/08/2007 | 08-51 |
| Prince | Eleanor Wood | 02/18/2008 | 08-85 |
| Quimby | Howard W. Jr. | 3/08/2003 | 08-95 |
| Quinn | Matthew J. | 05/15/2007 | 07-120 |
| Quinn | Alice Marie | 05/30/2007 | 07-91 |
| Quint | Diane S. | 05/30/2007 | 07-87 |
| Ragsdale | Lois B. | 02/02/2007 | 07-113 |
| Ramos | Manuel E. | 12/30/2006 | 07-25 |
| Randall | Harold F. | | 07-78 |
| Rayner | Henry C. | 09/20/2007 | 07-145 |
| Reece | David | | 08-130 |
| Rehm | Glen R. | 08/16/2007 | 07-122 |
| Reynolds | John Allen | 08/15/2007 | 08-18 |
| Richardson | Doris R. | 11/13/2006 | 07-14 |
| Risso | John L. | 01/09/2007 | 07-45 |
| Robinson | Selma Shelton | 03/28/2008 | 08-49 |
| Roche III | George D. | 04/01/2004 | 07-147 |
| Rodriquez | Erica Elsalis-Elizabeth | | 07-52 |
| Rogers | Mary Elizabeth | 02/28/2007 | 07-153 |
| Rogers | Elizabeth Y. | 12/25/2006 | 07-71 |
| Roiter | Hilda | 02/18/2007 | 07-65 |
| Rommel | Herbert Fox | 06/11/2007 | 07-82 |
| Rosa | Doris M. | 11/08/2007 | 07-163 |
| Roy | Maureen | 11/14/2006 | 07-102 |
| Roy | Bernard A. | 11/13/2005 | 07-09 |
| Sage | Hadassah | 06/30/2006 | 07-50 |
| Sage | Michael | 07/05/2006 | 07-51 |
| Salen | Morderwell K. | 03/08/2008 | 08-24 |

| *Last Name* | *First Name* | *Date of Death* | *Estate #* |
|---|---|---|---|
| Sanches | Alice | 02/21/2007 | 07-35 |
| Sanders | Tovia | | 07-104 |
| Santos | Alice P. | 01/13/2007 | 08-06 |
| Scheck | Jane R. | | 08-100 |
| Scheck | Frank Foetisch | 01/15/2008 | 08-15 |
| Scheck | Salvador R. | 03/01/2006 | 07-47 |
| Schwartz | Adreanna Lee | | 08-32 |
| Schwartz | Sierra Marie | | 08-30 |
| Schwartz | Keionna Alizabeth | | 08-31 |
| Sellar | Rita Dolan | 12/21/2006 | 07-12 |
| Shapleigh | Lois Mck. | 02/19/2008 | 08-19 |
| Shea | Mary S. | 06/01/2008 | 08-83 |
| Shea | Pauline M. | 08/22/2007 | 07-133 |
| Shea | James J. | 05/02/2008 | 08-84 |
| Sherin | Irma M. | 02/18/2008 | 08-86 |
| Shore | Doris | 02/23/2008 | 08-79 |
| Shorey | Frank A. | 12/05/2004 | 07-03 |
| Silverman | Michael E. | 07/27/2005 | 07-23 |
| Silvestri | Lucy T. | | 07-80 |
| Silvia | Dorothy M. | 06/01/2007 | 07-75 |
| Simpson | Mary Kemper | 10/03/2007 | 08-10 |
| Siwik | Anna K. | 11/13/1999 | 08-91 |
| Slocum | Eileen G. | 07/27/2008 | 08-103 |
| Snow | Donald M. | n/a | 08-92 |
| Soares | Kevin L. | 05/04/2006 | 07-150 |
| Souza | Pauline P. | 05/21/2008 | 08-68 |
| Souza | John | | 08-42 |
| Spicer | Ora Jean | 05/10/2008 | 08-65 |
| Stewart | John A. | 03/19/2004 | 07-10 |
| Stewart | Rosa Lee | 11/19/2006 | 07-44 |

| *Last Name* | *First Name* | *Date of Death* | *Estate #* |
|---|---|---|---|
| Stoyanoff | Sashka Mladenova | | 07-11 |
| Strban | Lea | | 07-38 |
| Sullins | Joshua Matthew | n/a | 08-21 |
| Sullivan | Mary Eileen | 09/23/2007 | 08-09 |
| Sullivan | Neil F. | 02/20/2008 | 08-25 |
| Sullivan | Bertha T. | 08/30/2007 | 07-123 |
| Sullivan | Francis J.P. | 02/10/2008 | 08-17 |
| Swedberg | Virginia M. | 07/16/2008 | 08-119 |
| Sylvester | Steve | 12/08/2007 | 08-07 |
| Theodores | Rose P. | 07/14/2008 | 08-109 |
| Thilleman | Jens G. | 09/08/2007 | 07-132 |
| Tiedemann | Robert H | 05/08/2006 | 08-27 |
| Tien-Kun Kuo | Henry | 08/09/2008 | 08-142 |
| Tierney | Jean B. | | 07-125 |
| Tittle | Clare Marie | 05/26/2007 | 07-109 |
| Tolman | Celia | 12/13/2006 | 07-29 |
| Toner | Bellimeda | 08/21/2007 | 07-117 |
| Tonkonogy | Jason S. | 03/12/2008 | 08-77 |
| Turner | Jerome | | 07-108 |
| Ulich | Keith T. | 09/15/2008 | 08-117 |
| Ulich | Keith T. | | 08-104 |
| Urnick | Cora | 08/21/2004 | 07-157 |
| Urnick | John W. | 06/30/2007 | 07-158 |
| Vaccaro | Lori | 06/01/2008 | 08-87 |
| Viau | Joseph A. | 09/20/2007 | 07-152 |
| Vichroski | Melissa M. | | 07-116 |
| Virgadamo | Jean H. | 05/01/2008 | 08-66 |
| Walsh | Susan I. | 03/16/2008 | 08-43 |
| Ward | Helen | 06/07/2006 | 07-41 |
| Warner | Lillian M. | 11/22/2005 | 07-161 |

| *Last Name* | *First Name* | *Date of Death* | *Estate #* |
|---|---|---|---|
| Warnes | Peter W. | 04/18/2006 | 08-26 |
| Wasilewski | Joseph | n/a | 08-90 |
| Waterman | Joann Perlingieri | 07/16/2007 | 07-101 |
| Wayne | Carrie B. | 06/01/2008 | 08-82 |
| Weidemann | Michael Ross | 10/31/2006 | 08-01 |
| Weightman | Leif Alexander | 06/10/2008 | 08-74 |
| Werner | Harold B. | 04/01/2008 | 08-40 |
| White | Richard S. | 11/09/2007 | 08-48 |
| Whitford | Josephine | 12/21/2007 | 08-70 |
| Wick | Connie | 07/22/2007 | 07-121 |
| Wilson | Sharon Lee Mooney | n/a | 07-143 |
| Winters | Margaret | 07/19/2006 | 07-85 |
| Wolff | Paul A. | 09/16/2008 | 08-126 |
| Womsley | Steven D. | 02/05/2007 | 07-19 |
| Yarbrough | Joshua | | 07-39 |
| Young | Mary B. | 11/29/2006 | 07-83 |
| Young | Minnie Lee | 02/01/2008 | 08-13 |

# CITY OF NEWPORT
# MINUTES OF THE COUNCIL MEETING
# HELD FEBRUARY 27, 2008

*(Approved 4/23/2008)*

*The following items of business, filed with the City Clerk under the rules of the Council, came before the Council at its regular meeting held on* ***February 27, 2008.***

The Mayor called the meeting to order at 6:30 p.m.

The City Clerk called the roll and the following members were present:

MARY C. CONNOLLY
STEPHEN R. COYNE
CHARLES Y. DUNCAN
KATHRYN E. LEONARD
JUSTIN S. MC LAUGHLIN
JEANNE-MARIE NAPOLITANO
STEPHEN C. WALUK

1. **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. Special Event License:
   1) Sail Newport, Inc., d/b/a Sail Newport Fundraiser; Jane Pickens Theater, 49 Touro St., April 3, 2008, from 6:00 p.m. to 9:00 p.m.
   2. **REMOVED**: International Tennis Hall of Fame, d/b/a Newport Tennis Week/Campbell's Hall of Fame Tennis Championships; International Tennis Hall of Fame, 194 Bellevue Ave., July 7-13, 2008, from 9:00 a.m. to 6:00 p.m.
   3) International Tennis Hall of Fame, d/b/a Fame Champions Cup; International Tennis Hall of Fame, 194 Bellevue Ave., August 13- 17, 2008, from 10:00 a.m. to 6:00 p.m.
   4) Festival Productions Division, Festival Network, LLC, d/b/a Newport Folk Festival Opening Night; Internat'l Tennis Hall of Fame, 194 Bellevue Ave., August 1, 2008, from 8:00 p.m. to 11:00 p.m. (Gates open at 6:00 p.m.)
   5) **REMOVED**: Festival Productions Division, Festival Network, LLC, d/b/a Newport Folk Festival; Fort Adams State Park
   6) Festival Productions Division, Festival Network, LLC, d/b/a JVC Jazz Festival Opening Night; International Tennis Hall of Fame, 194 Bellevue Ave., August 8, 2008, from 8:00 p.m. to 11:00 p.m. (Gates open at 6:00 p.m.)
   7) **REMOVED:** Festival Productions Division, Festival Network, LLC, d/b/a JVC Jazz Festival; Fort Adams State Park

b. Daily Entertainment License, Class B (Outdoors; two deejays), Five Tempus Ltd., d/b/a O'Brien's Pub; March 15, 2008, from 12:00 Noon to 8:00 p.m. (Annual license limits entertainment on outside patio to the period of April 15 to Sept. 30, for the same hours requested)

c. Holiday Selling Licenses, New:
   1) Julio Amaro, d/b/a Amaro Art Studio, 8 Marlborough St.
   2) Emoire, LLC, d/b/a Prep Cosmetics, 192 Thames St., Unit C
   3) Patricia Kendall & Walter M. Platt, III, d/b/a Pan Handler's, 5 Broadway
   4 Lynn A. Kramer, d/b/a Lynn Arden's Children's Shoppe, 27 Goddard Row
   5) Geraldo A. Queiroz, d/b/a Bishop's News & Variety, 316 Broadway

d. Pawnbroker's License, Renewal, Spindle City Pawnbrokers, Inc., d/b/a Fall River Pawn Brokers, 310 Broadway

e. **REMOVED**: Communication from Terry Horan, President, Newport Little League, appreciation, subject to details being worked out with city administration)
   -- Communication from the Recreation Director in support of the City's acceptance of the scoreboard. (Receive)

f. **REMOVED:** Report of the Charter Review Commission (Receive and refer to a workshop)

g. Annual Report: Newport Canvassing Authority

h. Notice from CRMC, re: Proposed change to RI Coastal Resources Management Program – Management Procedures (Receive)

i. Notice from the RI Dept. of Environmental Management to Abutters, re: Environmental Site Investigation Completion, Town Center, High St. & Valley Road, Middletown, RI (Receive)

j. Claims: (Receive and refer to City Solicitor)
   1) Lucretia Banks
   2) Jennifer Burrows, by attorney
   2) Jonathan Cofield, by attorney
   3) Dymasha Smith, by attorney
   4) Charles Roderick, Jr., by attorney
   5) Richard Smith, by attorney

COUNCILOR COYNE moved the Consent Calendar, with the exception of items a-2, 5 and 7, and e and f, be adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

a. 2) International Tennis Hall of Fame, d/b/a Newport Tennis Week/Campbell's Hall of Fame Tennis Championships; International Tennis Hall of Fame, 194 Bellevue Ave., July 7-13, 2008, from 9:00 a.m. to 6:00 p.m.

COUNCILOR LEONARD recused herself.

MAYOR WALUK moved the license be approved. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

5) Festival Productions Division, Festival Network, LLC, d/b/a Newport Folk Festival; Fort Adams State Park, August 2-3, 2008, from 11:30 am. To 6:30 p.m. (Gates open at 10:00 a.m.)

7) Festival Productions Division, Festival Network, LLC, d/b/a JVC Jazz Festival; Fort Adams State Park, August 9-10, 2008, from 11:30 a.m. to 6:30 p.m. (Gates open at 10:00 a.m.)

COUNCILOR COYNE said he initially had been concerned because the application does not make mention of a "beer and wine garden" and indicates there will be no tent as was done last year to segregate the are where alcoholic beverages are being sold and consumed.

COUNCILOR COYNE moved the licenses be approved subject to a tent being erected and demarcation of a segregated area for the sale and consumption of alcoholic beverages, which are to be limited to beer and wine. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

e. REMOVED: Communication from Terry Horan, President, Newport Little League, re: donation of funds for scoreboard and its maintenance, at the Douglas/Marine Softball Field, Hogan Complex, Wellington Ave., for the Girls Softball League (Accept with appreciation, subject to details being worked out with city administration)
-- Communication from the Recreation Director in support of the City's acceptance of the scoreboard. (Receive)

TERRY HORAN, President of the Newport Little League, said that the girls teams of the north end use a field of the 5th Ward Little League and they believe the girls should have a scoreboard as the boys do. COUNCILOR LEONARD said she had received calls and e-mails and the neighbors are not in agreement on the location of the scoreboard. COUNCILOR NAPOLITANO asked if the proposed location for the scoreboard is where there currently is plywood. MR. HORAN responded that it is, and it is the location of a previous scoreboard. COUNCILOR NAPOLITANO said she had visited the site and did not feel the plywood, which was the same measurements of the proposed scoreboard, was a visual obstruction to the neighbors. MR. HORAN, in response to MAYOR WALUK, said over $3,400 had been raised by the Little League and Recreation Department for the purchase of the scoreboard.

MAYOR WALUK moved the donation of the scoreboard be accepted with appreciation and placed where currently there is a plywood structure. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

f. Report of the Charter Review Commission (Receive and refer to a workshop)

MAYOR WALUK expressed appreciation to the Commission and said a workshop would be scheduled to discuss the recommendations. MAYOR WALUK then moved the report be received. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

**LICENSES & PERMITS**

2. Application for a Victualing License, Rhode Island Quahog Company Restaurant, LLC, d/b/a Rhode Island Quahog Company, 250 Thames St. (in conjunction with transfer of liquor license)

MAYOR WALUK moved the license be approved. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

3. Application for a Public Entertainment License, Rhode Island Quahog Company Restaurant, LLC, d/b/a Rhode Island Quahog Company 250 Thames St. (in conjunction with transfer of liquor license)

MAYOR WALUK moved the license be approved. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

4. Application for a Sidewalk Café License, BKA Industries, Inc., d/b/a Scales & Shells Restaurant, 527 Thames St. (4' x 40' less sidewalk along side tree)
   Letters of Objection:
   **a.** Paul W. McCarthy, Pres., Harrington Wharf Condominium Association
   b. Martin & Mary Jacobson, 15B Harrington Street
   c. Benjamin C. Riggs, Jr., 15D Harrington Street

MAYOR WALUK moved the license be approved for purposes of discussion. Seconded by COUNCILOR CONNOLLY.

GREGORY F. FATER, ESQ., representing the applicant provided a history of the restaurant, located in the Waterfront Business District, and noted that they have off-street parking at the Wellington Condominiums. He said the applicant meets all the requirements for a sidewalk café and they are asking for treatment equal to others that have been granted the cafes.

ANDREW AND DEBORAH ACKERMAN were questioned by ATTORNEY FATER. They noted that the tree located in front of the restaurant was planted by the City, with their cooperation, and the Zoning Officer has concurred that the site meets the conditions for a sidewalk café. PAIGE BRONK, Director of Planning, Zoning, Development & Inspections, said that the Zoning Officer had agreed that there is six feet of clearance where the tables and chairs are proposed to be located.

BILL RICCIO, Director of Public Services, said he had viewed the site and questioned how the staff would be able to move back and forth and leave a six-foot sidewalk clearance. He said there is only 6'4" at the cut out for the tree, which would be for passage of both pedestrians and staff.

COUNCILOR MC LAUGHLIN said he noticed that there is not much of a curb along the site of the proposed sidewalk café and that vehicles pass curbside, whereas at the cafes on Broadway there are cars angled parked which prevents pedestrians from stepping into the road.

POLICE CHIEF MICHAEL MC KENNA said in addition to no parking along the roadway adjacent to the cafés, the sidewalks on Broadway are wider. He said he did not approve the café because of the smaller width of the sidewalk and concern for the pedestrians who might be forced

out into the street. He said he probably would have approved the application if the tables were smaller and for two people only.

COUNCILOR CONNOLLY said if two people are walking in one direction and one comes from the other direction, then someone is going to be forced to step into the street. She also noted that lines of people wait outside to get into Scales & Shells. COUNCILOR LEONARD noted that the Council had received 13 letters of objection from neighbors and only one in support of the sidewalk café.

The following neighbors spoke in objection to the sidewalk café:
BEN RIGGS, 15 Harrington St., Unit D
JASON PERKINS, 10 Goodwin St.
KATHLEEN CASEY, 15 Harrington St., Unit A
CHARLES DENNIS, 9 Goodwin St.

Employees of Scales & Shells spoke in support of the application and said that the staff does not carry trays so there is no danger of trays being knocked over. They said the café would be done very tastefully.

COUNCILOR CONNOLLY said she was concerned that the owners thought the application would be approved because of the Zoning Officer's approval and moved that the matter be continued to March 12th. Seconded by COUNCILOR MC LAUGHLIN,

COUNCILOR MC LAUGHLIN noted the ordinance states the remaining sidewalk along a sidewalk café is to be six feet wide and unobstructed.

VOTE on the motion to continue:

In Favor – MAYOR WALUK; COUNCILORS CONNOLLY, COYNE, DUNCAN,
MC LAUGHLIN and NAPOLITANO.

Opposed – COUNCILOR LEONARD

5. Application for Victualing License Expansion to a 4' x 40' Sidewalk Café, BKA Industries, Inc., d/b/a Scales & Shells, 527 Thames St.

MAYOR WALUK moved the application be continued to March 12th. Seconded by COUNCILOR CONNOLLY.

In Favor – MAYOR WALUK; COUNCILORS CONNOLLY, COYNE, DUNCAN,
MC LAUGHLIN and NAPOLITANO.

Opposed – COUNCILOR LEONARD

**COMMUNICATIONS & PETITIONS**

6. Resolution of the RI House of Representatives (2008 H-7063) encouraging

the entire state to turn off all non-essential lights between 7 p.m. and 8 p.m. on March 29, 2008, as part of "Lights out America."

MAYOR WALUK moved the communication be received and referred to the City Administration. Seconded by COUNCILOR DUNCAN and VOTED UNANIMOUSLY.

7. Request of Craig Condella to address the Council regarding "Global Earth Hour."

CRAIG CONDELLA, a Professor at Salve Regina University, said "Global Earth Hour" is the same event as "Lights out America," whereby cities around the globe are being asked to turn off all non-essential lights for one hour on March 29th, and to replace one light bulb with an energy-saving light bulb. He said a similar event held last year in Sydney, Australia, was very successful and the environmental effect was the same as having 48,000 cars taken off the road. He said Salve Regina University has lent its support to the event and students will be contacting local restaurants and asking that they serve candlelight dinners during that hour, He said participation in the event is voluntary and they were hoping for the Council's support.

MAYOR WALUK moved the request be received. Seconded by COUNCILOR LEONARD and VOTED UNANIMOUSLY.

8. Request of the Newport Film Commission Study Committee to address the Council regarding their proposal for a Newport Film Commission.

FEDERICO SANTI read from a written statement from the Committee in support of a Newport Film Commission and submitted a copy for the record.

LEONARD PANAGGIO, 44 Old Beach Road, and JAMES WINTERS, 18 Callender Avenue, spoke in support of the proposal.

MAYOR WALUK moved the communications be received. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

MAYOR WALUK commented that Council Duncan has indicated his intention of submitted a resolution in support of establishing a local film commission.

9. **APPOINTMENTS TO BOARDS AND COMMISSIONS**

MAYOR WALUK moved Wendy Coppos be reappointed to the **BEACH COMMISSION**. Seconded by COUNCILOR LEONARD and VOTED UNANIMOUSLY.

MAYOR WALUK moved Vincent J. O'Dwyer be reappointed to the **HISTORIC DISTRICT COMMISSION**. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

MAYOR WALUK moved Elizabeth Lobecker be appointed to fill one of the three vacancies on the **HOSPITALITY COMMISSION**. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

MAYOR WALUK moved Councilor McLaughlin be appointed Council Liaison to the **NEWPORT PUBLIC EDUCATION FOUNDATION.** Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

MAYOR WALUK moved Lisa Weyandt be appointed to fill one of the three vacancies on the **PLANNING BOARD.** Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

## RESOLUTIONS

10. Requesting expeditious initiation of amendments to the Comprehensive Plan and Zoning Ordinance to rezone the Sheffield School property to Limited Business – J. McLaughlin, C. Duncan

COUNCILOR MC LAUGHLIN introduced the resolution and moved for its adoption. Seconded by COUNCILOR DUNCAN and VOTED UNANIMOUSLY.

11. Recognizing Bruce Bartlett, Grant Writer/Redevelopment Agency Director, and Susan Cooper, Recreation Director, for securing a Congressional Grant for the Newport Harbor Center – J. Napolitano

COUNCILOR NAPOLITANO moved the resolution be continued to the March 12th meeting. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

## ORDINANCES

12. Amending Chapter 3.16.060, "Pay Plan for Classified Employees," – IAFF, Local 1080, effective 7/1/2005 to reflect arbitration decision. (Second Reading)

MAYOR WALUK moved the ordinance be adopted on second reading. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

13. Amending Chapter 15.16.080, "Rental Dwellings – Fee," to implement a $25.00 minimum housing inspection fee, payable at time of registration (Second Reading)

MAYOR WALUK moved the ordinance be adopted on second reading. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

## COMMUNICATIONS FROM THE CITY MANAGER

14. Communication #4352/08, re: Bid Award for Decorative Street Light Maintenance

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

15. Communication #4353/08, re: Bid Award for Engineering Design Services -- Mixing System for Four-million-gallon Finished Water Reservoir

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

16. Communication #4354/08, re: Bid Award for Granular Activated Carbon – Water Treatment Plan Bid Extension

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

17. Communication #4355/08, re: Contract Amendment – Billing and Mailing of Water Bills

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY.

COUNCILOR LEONARD questioned the increased cost and if the billing could be done in-house using the new software. CITY MANAGER ED LAVALLEE responded that the City is now required to mail bills four times a year, where previously it had been three times, and he didn't think it possible for the work to be done in-house. He said the PUC has required the four-times-a-year billing to improve cash flow.

The motion to approve was VOTED UNANIMOUSLY.

18. Communication #4356/08, re: Bid Award for Window Treatment – Easton Beach Rotunda Ballroom

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR NAPOLITANO.

COUNCILOR LEONARD asked from where the funding would come; CITY MANAGER ED LAVALLEE responded the funds have been in the Capital Improvement Program for the past two years, in the Enterprise Fund.

The motion to approve was VOTED UNANIMOUSLY.

19. Communication #4357/08, re: Bid Award for Fence at Easton Beach Carousel

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR NAPOLITANO.

COUNCILOR LEONARD said she would like to see what the fence will look like. CITY MANAGER LAVALLEE responded the City has been directed to put up the fence but he did not have a picture of what was being proposed.

COUNCILOR LEONARD moved the communication be continued to the March 12th council meeting. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

20. Communication #4358/08, re: Bid Award for Acoustical Ceiling Coating – Easton Beach Rotunda Ballroom

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

21. Communication #4359/08, re: Brown & Howard Wharf Public Right of Way – Proposed Modifications

TURNER C. SCOTT, ESQ., representing the developer, said under the proposal there will be vehicular access to Lee's Wharf and a right of way to the water. He said his clients want a road and are hopeful that people will come to the Wharf. He said if the Council approves the proposal a survey would be done and reviewed by the City staff.

JIM PERRIER, Acting Vice President of Friends of the Waterfront, said the council has said they want Brown & Howard Wharf to be a right of way directly to the water and inasmuch as the matter had been referred to the city staff for review, he thought there would be a report, particularly regarding the proposal to allow vehicles to park in the pedestrian right-of-way. He said that when the four condominiums and a marina were allowed it was in exchange for the City's getting the right of way to the water.

LIZ MATHINOS, 111 Washington St., said the revised plan with a wall and fifteen parking spaces would obstruct the right-of-way and create a hazard for both pedestrians and vehicles. She said the right-of-way was given to the people of Newport and it's important that it not be changed.

ATTORNEY SCOTT, using a drawing, said the change would be setting a precedent but it would not be a bad precedent because it is a better plan.

COUNCILOR COYNE, saying for purposes of discussion, moved the plan be approved. Seconded by COUNCILOR NAPOLITANO.

COUNCILOR COYNE said that while he agreed the new plan may be better, the issue is that the City entered into an agreement and the right of way was granted to the City in perpetuity and he questioned the right of the Council to change that just because a developer has submitted a better plan. COUNCILOR LEONARD agreed. She said it is important that when an agreement has been entered into it be upheld. COUNCILOR NAPOLITANO said she appreciates the work of the Friends of the Waterfront but she believed the issue comes down to having a certified survey and that should be done first. She said the developer needs to work with the City and perhaps change some things to protect the right of way. COUNCILOR CONNOLLY said if the proposed improvements are made it would give the perception that the public property is private. COUNCILOR DUNCAN said the property was negotiated with the City and the Council should stick to the agreement. COUNCILOR MC LAUGHLIN said he agreed with Councilor Duncan and the others.

CITY SOLICITOR JOSEPH J. NICHOLSON, JR., said it is a city right-of-way and a CRMC right-of-way and the City has ownership for pedestrian and vehicular access.

Following additional comments by members of the Council, the motion to approve the request was UNANIMOUSLY DENIED.

**7:24 P.M. Adjourned as Council and Convened as Board of License Commissioners.**

## BOARD OF LICENSE COMMISSIONERS

1. **CONSENT CALENDAR**

Class F Daily Alcoholic Beverage Licenses:

a. Sail Newport, Inc., d/b/a Sail Newport Fundraiser, Jane Pickens Theater, Touro St., April 3, 2008, from 6:00 p.m. to 9:00 p.m. 49 49

b. REMOVED: International Tennis Hall of Fame, 194 Bellevue Avenue, July 7-13, 2008. from 9:00 a.m. to 6:00 p.m.

c. International Tennis Hall of Fame, 194 Bellevue Avenue, August 1, 2008, from 8:00 p.m. to 11:00 p.m.

d. International Tennis Hall of Fame, 194 Bellevue Avenue, August 8, 2008, from 8:00 p.m. to 11:00 p.m.

e. International Tennis Hall of Fame, 194 Bellevue Avenue, August 13-17, 2008. from 10:00 a.m. to 6:00 p.m.\

COMMISSIONER COYNE moved the Consent Calendar, with the exception of Item b, be adopted. Seconded by COMMISSIONER NAPOLITANO and VOTED UNANIMOUSLY.

b. Class F Daily Alcoholic Beverage License: International Tennis Hall of Fame, 194 Bellevue Avenue, July 7-13, 2008. from 9:00 a.m. to 6:00 p.m.

COMMISSIONER LEONARD recused herself.

COMMISSIONER COYNE moved the license be approved. Seconded by COMMISSIONER NAPOLITANO and VOTED UNANIMOUSLY.

2. Application of RIQC, LLC, d/b/a Rhode Island Quahog Company, 250 Thames St., to transfer its Class BV Alcoholic Beverage License to Rhode Island Quahog Co. Restaurant, LLC, for the same premises.

COMMISSIONER COYNE moved the hearing be closed and the transfer approved subject to payment of all bills of indebtedness. Seconded by COMMISSIONER CONNOLLY and VOTED UNANIMOUSLY.

3. Application of BKA Industries, Inc., d/b/a Scales & Shells Restaurant, 527 Thames Street, to expand its Class BV alcoholic beverage license to a 4' x 40' Sidewalk Café.

CHAIRMAN WALUK moved the application be continued to the March 12, 2008, meeting. Seconded by COMMISSIONER NAPOLITANO and VOTED UNANIMOUSLY.

## COMMUNICATIONS FROM THE CITY MANAGER

4. Communication #4360/08, re: Show Cause Hearing – Hoan, Inc., d/b/a Rex Liquors – Sale of Alcoholic Beverages to an Under-age Person

CITY SOLICITOR JOSEPH J. NICHOLSON, JR., said the licensee's attorney was present and they were admitting to the facts.

ATTORNEY JOSEPH CASALE commented that his client had had violations in 2001 and 2002, but since then has had an outstanding record. He said Mr. Hoan was in the back room working on stock and, unbeknownst to him, his brother-in-law made the sale.

ATTORNEY CASALE asked that a fine be imposed rather than closing down the business which would be very detrimental to Mr. Hoan and his family.

CHAIRMAN WALUK asked if Mr. Hoan's brother-in-law has had any training in the sale of alcohol. ATTORNEY CASALE responded that he does not work there; he said Mr. Hoan and his wife and perhaps one other person were the only ones on the premises at the time the sale was made.

CHAIRMAN WALUK moved the hearing be closed and the license suspended for one week, plus the licensee pay the overtime costs for the police officers in attendance at the hearing. Seconded by COMMISSIONER COYNE.

CHAIRMAN WALUK said a messaged needed to be sent to all that the City will not tolerate sale of alcoholic beverages to underage persons. COMMISSIONER NAPOLITANO concurred. COMMISSIONER MC LAUGHLIN asked the City Solicitor if he thought the one-week suspension would sustain an appeal; CITY SOLICITOR NICHOLSON responded that it would be defensible because the prevention of under-age drinking has been highlined by the State.

The motion was UNANIMOUSLY ADOPTED, with the suspension to occur March 3 through March 8, 2008.

8:35 P.M. ADJOURNED

Kathleen M. Silvia
City Clerk

# CITY OF NEWPORT
# MINUTES OF THE COUNCIL MEETING
# HELD MARCH 12, 2008

(Approved 4/23/2008)

*The following items of business, filed with the City Clerk under the rules of the Council, came before the Council at its regular meeting held on March 12, 2008.*

The Mayor called the meeting to order at 6:30 p.m.

The City Clerk called the roll and the following members were present:

MARY C. CONNOLLY
STEPHEN R. COYNE
CHARLES Y. DUNCAN
KATHRYN E. LEONARD
JUSTIN S. MC LAUGHLIN
JEANNE-MARIE NAPOLITANO
STEPHEN C. WALUK

1. **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. Special Event License:
      1) Newport Community Garden, d/b/a Newport Community Garden Spring Festival; Newport Colony House, March 22, 2008, from Noon to 4:00 p.m.
      2) The East Bay Met School Parent Group, d/b/a 2nd Annual "Meet the Met" Spaghetti Dinner; 1 York St., March 27, 2008, from 5:00 p.m. to 7:30 p.m.
      3) Newport County Rod & Gun Club, d/b/a Game Dinner; Elks Club, 141 Pelham St., May 3, 2008, from 6:00 p.m. to 9:00 p.m.
      4) REMOVED: The Newport Elegance, LLC, d/b/a Newport Concours d'Elegance; Belle Mer, May 26, 2008, from 9:00 a.m. to 4:30 p.m.
      5) Francesca Campo, d/b/a Campo & Company, Newport Artisan Fair and Raffle/Fundraiser; Elks Lodge, 141 Pelham St., June 7, 2008, from 10:00 a.m. to 5:00 p.m., and June 8, 2008, from 11:00 a.m. to 4:00 p.m.
      6) Child & Family Services of Newport County, d/b/a Taste of Newport—Fundraiser; Hyatt Regency Hotel, Goat Island, November 9, 2008, from 5:00 p.m. to 11:00 p.m.
      7) REMOVED: Newport Art Museum, d/b/a WRNI Dinner; Newport Art Museum, 76 Bellevue Ave., April 25, 2008, from 6:00 p.m. to 8:00 p.m.
      8) REMOVED: Newport Art Museum, d/b/a Tennis Hall of Fame Dinner; Newport Art Museum, 76 Bellevue Ave., July 11, 2008
      9) REMOVED: Newport Art Museum, d/b/a Summer Soiree; Newport Art Museum, 76 Bellevue Ave., July 12, 2008, from 6:30 p.m. to Midnight.

   b. Holiday Selling License, New, Zoila E. Valladares, d/b/a La Chapins Market, 312 Broadway.

   c. REMOVED: Holiday Selling License, Renewals (list at end of docket)

   d. Pedicab License, Andrew Croan, d/b/a Ped-Power, 11 Broadway – four (4) pedicabs

   e. REMOVED: Second-hand License, Renewals (list at end of docket)

f. Victualing License, Renewal, Blue Cat Holdings, LLC, d/b/a Cold Fusion Café, 389 Thames St.

g. Communication from The Aquidneck Island National Police Parade Committee requesting permission to hold the annual parade on Sunday, May 4, 2008, beginning at 11:50 a.m. in front of 317 West Main Rd., Middletown, and ending on Broadway at Mann Ave., with reviewing stand in front of Newport Police Station), and for in-kind services for the funding of Newport police detail officers and public services personnel. (Receive and refer to the City Administration)

h. REMOVED: Communication from the International Tennis Hall of Fame requesting permission to hang 40 banners on electric poles along America's Cup Ave.

i. REMOVED: Communication from Karen O'Neil, RI Chapter, American Society of Landscape Architects, asking permission to display three 36" x 24" banners

j. REMOVED: Communication from Charlotte Yeomans, Chair, Redevelopment Agency, re: support for development of a comprehensive plan for the expansion of the public facilities at the Ann Street Pier. (Receive)

k. REMOVED: Communication from the Waterfront Commission, re: Proposed docks for the Armory/Maritime Center project—recommendation for detailed planning.

l. Annual Report of the Newport Accessibility Advisory Committee (Receive)

m. Claims: (Receive and refer to City Solicitor)
   1) Bernice A. Degrafft, by attorney
   2) Gary Moss
   3) Patricia E. Ruggeri

COUNCILOR COYNE moved the Consent Calendar, with the exception of items a-4,-7,-8 and -9; c, e, h, i, j and k, be adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

a-4 SPECIAL EVENT LICENSE: The Newport Elegance, LLC, d/b/a Newport Concours d'Elegance; Belle Mer, May 26, 2008, from 9:00 a.m. to 4:30 p.m.

COUNCILOR CONNOLLY recused herself.

COUNCILOR COYNE moved the license be approved. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

7) REMOVED: Newport Art Museum, d/b/a WRNI Dinner; Newport Art Museum, 76 Bellevue Ave., April 25, 2008, from 6:00 p.m. to 8:00 p.m.

8) REMOVED: Newport Art Museum, d/b/a Tennis Hall of Fame Dinner; Newport Art Museum, 76 Bellevue Ave., July 11, 2008, from 6:00 p.m. to 11:00 p.m.

9) REMOVED: Newport Art Museum, d/b/a Summer Soiree; Newport Art Museum, 76 Bellevue Ave., July 12, 2008, from 6:30 p.m. to Midnight.

NANCY KOGEAS of 10 Liberty Street, said that while progress has been made in addressing past issues, none of these events are Museum events and she was concerned about parking because people attending events at the museum have blocked access to and from her garage. She said

directed valet parking should be required. She also noted that two of the events are on Saturday nights and will have tents and asked if the tent company can be directed to remove the tents later than seven o'clock on Sunday morning.

Elizabeth Goddard, Acting Director of the Museum, said the first event is inside and there will be valet parking. She said the Museum has agreements with the Redwood Library, Newport Fed, and et al, for parking. She said for the second event, the Tennis Hall of Fame would be running a trolley service for their guests; about 75 cars may park at the Museum, for which they have valet parking. She said there would also be valet parking for the July event, and they would ask the tent company to start disassembling the tent later on Sunday morning.

COUNCILOR MC LAUGHLIN moved the three licenses for the Art Museum be approved. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

c. Holiday Selling License, Renewals (list at end of docket)

COUNCILOR COYNE moved the licenses be continued to the next meeting. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

e. Second-hand License, Renewals (list at end of docket)

COUNCILOR COYNE moved the licenses be continued to the next meeting. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

h. Communication from the International Tennis Hall of Fame requesting permission to hang 40 banners on electric poles along America's Cup Ave. and Memorial Blvd., from June 1 through July 14, 2008, promoting the Campbell's Hall of Fame Tennis Championships. (Approve subject to details being worked out with City Administration)

COUNCILOR LEONARD recused herself.

COUNCILOR DUNCAN questioned the length of time being requested for the banners and asked if it were covered under the Sign Ordinance. PAIGE BRONK, Director of Planning, Zoning & Development, responded that the Council has the authority to approve requests to hang banners.

COUNCILOR DUNCAN moved the request be continued to the next meeting. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

i. Communication from Karen O'Neil, RI Chapter, American Society of Landscape Architects, asking permission to display three 36" x 24" banners in Newport during the month of April. (Approve subject to details being worked out with City Administration)

COUNCILOR COYNE moved the request of the applicant to withdraw be approved. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

j. Communication from Charlotte Yeomans, Chair, Redevelopment Agency, re: support for development of a comprehensive plan for the expansion of the public facilities at the Ann Street Pier. (Receive)

BART DUNBAR, representing the Redevelopment Agency, said the Ann Street Pier needs to be part of the development of the Harbor Center and he encouraged the Council to appoint a person to be in charge of the project.

MAYOR WALUK moved the communication be received. Seconded by COUNCILOR COYNE.

COUNCILOR LEONARD asked if the grant was for a comprehensive plan. BRUCE BARTLETT, Redevelopment Agency Director and Grants Writer, responded that the grant is for inside the Harbor Center facility, and not for the pier extension, which is the second element of the project, for which there is some money through the Harbor shuttle grant. He said they are looking for the council's support to seek additional grants. He said the third element of the project will be to seek tax credits. He noted that the restrooms on the first floor would be part of the transient boating facility but would also be open to the public.

COUNCILOR LEONARD said she believed the pier extension was looked into a few years back and determined not to be feasible, although she could not recall why. She said she would like the Redevelopment Agency and the Waterfront Commission to work together on this project.

MR. BARTLETT said the hope is to have the City Administration, Redevelopment Agency, the Waterfront Commission, Friends of the Waterfront, and interested citizens work together on the project. He said that when the City looked into the pier extension in the past, the problem was that it had been rented out; now, however, the City has complete control over it. MR. DUNBAR added that there was also opposition from neighbors because a private company leased the pier and would use it for their own benefit. He said CRMC would also look more favorably on the expansion if the City were using the pier rather than a lessee.

The motion to receive the communication was VOTED UNANIMOUSLY.

k. Communication from the Waterfront Commission, re: Proposed docks for the Armory/Maritime Center project—recommendation for detailed planning. (Receive)

HANK KNISKERN voiced agreement with the previous comments and said the project would generate revenue. He said to minimize delays the Redevelopment Agency and Waterfront Commission believe there should be a project manager for the Harbor Center and the dock. He said it's not easy for boaters to come to Newport because there's no public pump out or water. He said this will be a great investment right in the center of town.

COUNCILOR COYNE said it is important to thank the Redevelopment Agency, present and past members, because they have worked hard on this which is the best use for the city.

COUNCILOR COYNE moved the communication be received. Seconded by COUNCILOR LEONARD and VOTED UNANIMOUSLY.

## LICENSES & PERMITS

2. Application for a Sidewalk Café License, BKA Industries, Inc., d/b/a Scales & Shells Restaurant, 527 Thames St. (4' x 40' less sidewalk along side tree) (Continued from February 27, 2008)
   a. Letters of Objection:
      1. Paul W. McCarthy, Pres., Harrington Wharf Condominium Assoc.
      2. Martin & Mary Jacobson, 15B Harrington Street
      3. Benjamin C. Riggs, Jr., 15D Harrington Street
      4. Ana V. Ortiz, 11 Harrington St.
      5. Henry Cassesse, 13 Harrington St.
      6. Susan Zacharias, 26 Coddington Whf. 2N
      7. Ann O'Keefe-Bave, 13 Goodwin St.
      8. Mary & Joseph Lavoie, 5 Goodwin St.
      9. Christian Perkins, 5 Goodwin St.
      10. Charles & Lisa Dennis, 9 Goodwin St.
      11. Jason S. Perkins, 10 Goodwin St.
      12. Nancy Hayes, 11 Goodwin St.
      13. Stephen Quarry, 18 Holland St.

   b. Letter of Support: Heather C. Paolino, President, Wellington Hotel Owners' Association, 551 Thames St.

GREGORY F. FATER, ESQ., representing the applicant, said after speaking with the City Manger, Police Chief, and Planning Director, the plans were modified and now meet all the provisions for a sidewalk café, the license for which they would like issued by May 1st. He said the new plan calls for four tables of two, with the originally proposed table by the tree removed.

COUNCILOR COYNE said he applauded the owners for working with the city to modify the plan and asked if they would be willing to partner with the city to improve the street scape, such as to replace the current sidewalk. ATTORNEY FATER responded that they would. He said Mr. Ackerman has worked with the tree planting and is now looking into covering the area surrounding the tree with bricks. COUNCILOR MC LAUGHLIN asked if there would be a physical separation between the cafe and open area; ATTORNEY FATER responded there would, saying it might be similar to what Tucker's has.

COUNCILOR CONNOLLY said she was trying to envision the café and asked if a model could be set up so that access to handicapped persons could be evaluated by a member of the handicap-accessibility committee. She said if it then meets the law then she would have no problem with approving it.

CITY MANAGER ED LAVALLEE said that while there appeared to be conflicting information at the last meeting, each department evaluates an application as it pertains to their area—e.g., Planning/Zoning, whether or not it meets zoning; Police Chief, public safety, etc. He said he went to the site this afternoon and confirmed that there will be 6' passage with the table near the tree removed.

COUNCILOR MC LAUGHLIN said the current ordinance needs to be revisited, such as with regard to ADA requirements, and expressed concern that if the license is granted this evening it would be for perpetuity. CITY SOLICITOR JOSEPH J. NICHOLSON, JR., said the license is for a one-year period and any future ordinance amendments would apply to the license. He said the city owns the sidewalk and can dictate the use of it.

COUNCILOR NAPOLITANO expressed concern regarding the City's liability since the café will be on city property; ATTORNEY FATER responded that his client will submit a letter indemnifying the city.

JASON PERKINS of Goodwin Street said the ordinance clearly states that the sidewalk café is to be a continuous corridor; however, in this instance there is a tree in the middle of the Café. He said if the license is granted it would set a precedent for people putting trash cans, benches, etc. on the sidewalk. He said he believed there will be a deluge of requests for sidewalk cafes on Thames Street, making it very dangerous.

BEN RIGGS, 15D Harrington St., said people usually line up outside Scales & Shells because they don't accept reservations and now this line will be forced towards Harrington St., where there is a telephone pole and people will be forced into the street, creating a very dangerous situation when cars turn down from Thames St. He also said letters of indemnification do no good, so insurance should be required instead.

PHYLLIS PERKINS, Goodwin St., said the sidewalk café needs to be defined and asked how it would be done to ensure the six foot passage and that the waiters stay within the defined premises of the café.

COUNCILOR NAPOLITANO said she had been to the site a couple of times and could not justify the sidewalk café in her mind. She said people apparently line up waiting to get in to the restaurant, the sidewalks get very crowded in the summer, the curbs are low, sidewalks are cracked, and there will be no buffer between pedestrians walking on the sidewalk and vehicular traffic.
COUNCILOR MC LAUGHLIN said the plans had been modified to ensure there is a six-foot width for passage by the tree.

COUNCILOR COYNE moved the license for a 4' x 40' sidewalk café, less the sidewalk along side the tree, be approved. Seconded by COUNCILOR CONNOLLY.

In Favor – MAYOR WALUK; COUNCILORS COYNE, CONNOLLY and MC LAUGHLIN.
Opposed – COUNCILORS DUNCAN, LEONARD and NAPOLITANO.

3. Application for Victualing License Expansion to a 4' x 40' Sidewalk Café, BKA Industries, Inc., d/b/a Scales & Shells, 527 Thames St. (Continued from February 27, 2008)

COUNCILOR COYNE moved the license for a 4' x 40' sidewalk café, less the sidewalk along side the tree, be approved. Seconded by COUNCILOR CONNOLLY.

In Favor – MAYOR WALUK; COUNCILORS COYNE, CONNOLLY and MC LAUGHLIN.
Opposed – COUNCILORS DUNCAN, LEONARD and NAPOLITANO.

## COMMUNICATIONS & PETITIONS

4. Communication from Turner C. Scott, Esq., representing Darius and Gale Goff, owners of 31 Rhode Island Ave., appealing the Public Services Director's denial of their application for a curb cut on Wesley Street. (Continue to March 26, 2008)

MAYOR WALUK moved the communication be continued to the March 26th meeting. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

5. Communication from Numi Mitchell, Ph.D., re: Coyote Management and Coexistence Plan – Update

MAYOR WALUK said coyotes are a regional issue and he will coordinate with other communities to set up a workshop. COUNCILOR CONNOLLY agreed that it is an important issue.

MS. MITCHELL noted that Jamestown is providing financial support and asked the Council to do the same so that the work can continue. She then submitted a packet of information.

COUNCILOR COYNE moved the information be received. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOSULY.

COUNCILOR MC LAUGHLIN suggested that Ms. Mitchell apply by the March 21st deadline for Civic Support from the City.

6. **APPOINTMENTS TO BOARDS AND COMMISSIONS**

MAYOR WALUK moved Susan Ruf and Lois Vaughan be reappointed to the Newport Tree Commission. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

MAYOR WALUK moved Councilor Napolitano be appointed to the Coastal Resources Management Council Strategic Area Management Advisory Committee. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

## RESOLUTIONS

7. Recognizing Bruce Bartlett, Grant Writer/Redevelopment Agency Director, and Susan Cooper, Recreation Director, for securing a Congressional Grant for the Newport Harbor Center – J. Napolitano (Continued from February 27, 2008)

COUNCILOR NAPOLITANO read the resolution, moved for its adoption. The motion was seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

MR. BARTLETT said it was the effort of many people involved in the process that the grant application was successful, noting that the private sector was also involved.

8. Establishing the Newport Film Commission – C. Duncan

COUNCILOR DUNCAN introduced the resolution and moved for its adoption. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

9. Establishing the Energy & Environment Commission – C. Duncan

COUNCILOR DUNCAN introduced the resolution and moved for its adoption. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

**COMMUNICATION FROM THE CITY MANAGER**

10. Communication #4357/08, re: Bid Award for Fence at Easton Beach Carousel – with accompanying resolution (Continued from February 27, 2008)

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

11. Communication #4361/08, re: Group Purchasing per RIGL 45-40.1 – U. S. General Services Administration (with accompanying resolution)

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

12. Communication #4362/08, re: Group Purchasing per RIGL 45-10.1 – Plymouth County Cooperative (with accompanying resolution)

COUNCILOR NAPOLITANO said she had some questions regarding the resolution.

COUNCILOR COYNE moved the communication be continued to the next meeting. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

13. Communication #4363/08, re: Amendment to Contract with Tower Construction for Rotunda Improvements (with accompanying resolution)

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

14. Communication #4364/08, re: Award of Contractor for Professional Services—Water Utility Strategic Options and Delivery of Improvements to Water Treatment Facilities (#08-028) Phase I.

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY.

COUNCILOR MC LAUGHLIN asked what the next action date would be on the project. UTILITEIS DIRECTOR JULIA FORGUE responded that said that if this work is begun shortly it will be completed in October, after which the next step will be reviewed.

The motion was UNANIMOUSLY ADOPTED.

15. Communication #4365/08, re: Live Stream Video Broadcasting of Council Meetings

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY.

COUNCILOR CONNOLLY thanked the MIS Administrator for reviewing the various options. She said the matter was discussed with the Handicapped Accessibility Commission because of issues at City Hall with the elevator being small and problems with the chairlift. She said although live-stream broadcasting might not be feasible at this time because of budget constraints, she would like the link with the police station pursued to allow people unable to get to the council chambers to view the meeting at the police station while it is taking place.

COUNCILOR NAPOLITANO agreed and suggested that the Grants Writer look to see if there are any grants available for the installation. She said in the future the cost of live stream may also become more affordable.

COUNCILOR MC LAUGHLIN thanked the administration and said he had spoken with Mr. Sindt about video conferencing between city hall and the police station.

The motion to approve was VOTED UNANIMOUSLY.

**8:47 p.m. ADJOURNED AS COUNCIL AND CONVENED AS BOARD OF LICENSE COMMISSIONERS**

# BOARD OF LICENSE COMMISSIONERS

1. **CONSENT CALENDAR**

a) Sunday Selling Licenses, Class A Package Stores:

| | | |
|---|---|---|
| Andrews Liquors | 493 Broadway | JACE Enterprises, Inc. |
| Bellevue Wine & Spirits | 181 Bellevue Ave. | Bellevue Wine & Spirits LLC |
| Bridge Liquors | 23 Connell Highway | KRG, Inc. Enterprises, Inc. |
| Bucci Combination Store | 1-3 Thames St. | Bucci Combination Store LLC |
| Downtown Liquors | 202 Thames St. | Shiva Corporation |
| Fifth Ward Liquor | 695 Thames St. | Fifth Ward Liquor, Inc. |
| Harry's Liquor Store | 199 Connell Highway | Harry S. Karanikolas, Inc. |
| Island Liquors | 291 Broadway | Newport Prescription Ctr, Inc. |
| Rex Liquor | 126 -128 Broadway | Ratana Hoan |
| Rum Runner | 5 Marina Plaza | IDC Rum Runner Inc. |
| Spring Street Spirits | 137 Spring St. Unit S-1 | Spring Street Spirits LTD |

COMMISSIONER COYNE moved the licenses be continued to March 26, 2008. Seconded by COMMISSIONER NAPOLITANO and VOTED UNANIMOUSLY.

b. Communication from Richard A. Bryant, State President, New England States and Eastern Canada Assoc. of Elks requesting a six-month extension in which to pick up the Class D alcoholic beverage license of the Trinity Lodge of Elks #183, located at 15 Oak St.

COMMISSIONER COYNE moved the extension be approved. Seconded by COMMISSIONER NAPOLITANO and VOTED UNANIMOUSLY.

2. Application of BKA Industries, Inc., d/b/a Scales & Shells Restaurant, 527 Thames Street, to expand its Class BV alcoholic beverage license to a 4' x 40' Sidewalk Café. (Continued from February 27, 2008)

COMMISSIONER COYNE moved the license be approved for a 4'x40' space with the space for the tree in the center eliminated. Seconded by COMMISSIONER CONNOLLY.

VOTE: In favor – CHAIRMAN WALUK; COMMISSIONIERS CONNOLLY, COYNE and MC LAUGHLIN

Opposed – COMMISSIONERS DUNCAN, LEONARD and NAPOLITANO.

ADJOURNED: 8:49 P.M.

Kathleen M. Silvia
City Clerk
March 31, 2008

# Holiday Selling License, Renewals:

| D/B/A | Organization Name | Number on Street Address |
|---|---|---|
| 7 Eleven 25854 - D | Muhamad Tariq Rashid | 135 JT Connell Highway |
| 7-Eleven #32508 B | Kashif Siddiqui | 95 Broadway |
| A Market Newport | Nutrition House Inc. | 181 Bellevue Ave. |
| Aardvark Antiques | Arthur A. Grover | 9 Connell Highway |
| Adriance Furniture | Adriance Furniture Makers, Inc. | 206 Bellevue Ave. |
| Alloy | Tamar Kern | 160 Spring St. |
| Angela Moore | AM Boutiques, LLC | 119 Bellevue Avenue |
| Arkwear | Arkwear, Inc. | 337 Thames Street-Perry Mill |
| Armchair Sailor Books | Far Horizons, LLC | 543 Thames Street |
| Arnold Art Store & | Arnold Art, Inc. | 210 Thames Street |
| Ash Mart | Ash Mart, Inc. | 2 Carroll Avenue |
| Astors' Beechwood | Historic Newport, L.P. | 580 Bellevue Avenue |
| Ball & Claw, The | Ball & Claw, The | 29 Americas Cup Avenue |
| Banana Republic #8129 | Banana Republic, LLC | 124 Thames Street |
| Beach Party Swimwear | Beach Party Resortwear | 135 Swinburne Row |
| Beechwood Gift Shop | Beechwood Foundation | 580 Bellevue Avenue |
| Ben's Furniture Co. | Ben's Furniture Co. | 166 Thames Street |
| Bishop's News & | Geraldo A. Queiroz | 316 Broadway |
| Bite Me Live Bait Co. | Arkwear, Inc. | 337 Thames St.-Perry Mill Unit 16 |
| Black Dog General | Black Dog Tavern Co., Inc. | 33 Bannister's Wharf |
| Blockbuster Video | Video Management Group, Inc. | 199 Connell Highway |
| Bowen's Wharf | Bowen's Wharf Co., Inc. | 45 Americas Cup Avenue |
| Brahmin Leather Works | Brahmin Leather Works Inc. | 22 Bannisters Wharf |
| Breakell | J. H. Breakell & Co. | 128 Spring Street |
| Breakers Museum Store | Preservation Society of Newport County | Ochre Point Avenue |
| Brooks Brothers | Retail Brand Alliance, Inc. | 139 Swinburne Row |
| Cabbage Rose | Janet Culkins | 493 Thames Street |
| Cadeaux du Monde | Jane L. Dyer & Katherine J. Dyer | 26 Mary Street |
| Casa de Plata | Pole to Pole Imports, Inc. | 359 Thames Street Unit F |
| Cathers & Coyne | Cathers & Coyne, Inc. | 18 Bowens Wharf |
| CH Charles 5&10 Store | IHABCH654, INC | 232 Broadway |
| Chace n'Lulu | Chace N' Lulu LLC | 57 America's Cup Avenue |
| Chateau-Sur-Mer | Preservation Society of Newport County | Bellevue Avenue |

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|---|---|---|
| Chico's #29 | Chico's FAS, Inc. | 130 Thames Street |
| Cosmetic Cosmos | Cosmetic Cosmos, LLC | 387 Thames Street Unit R-1 |
| Cottage & Garden, LLC | Eleanor Gobis | 9 Bridge Street Unit C |
| Custom Canvas Newport | Loretta Roy and Donald Roy | 6 Bowens Wharf |
| CVS Pharmacy #355 | Newport CVS, Inc. | 181 Bellevue |
| Delicious, Inc. | Delicious, Inc. | 26 Franklin Street |
| Destination: Chocolate | Destination: Chocolate LLC | 15 Bowens Wharf |
| down under jewelry | Hollarcraft Inc. | 479 Thames Street |
| Drawing Room of | Federico Santi & John Gacher | 152 Spring Street |
| Elms Museum Store | Preservation Society of Newport County | Bellevue Avenue |
| Empire Tea & Coffee | Newport Bubble Tea, LLC | 22 Broadway |
| Express LLC #582 | Express LLC | 144 Thames St. |
| Erica Zap Collection | Erica Zap | 477 Thames Street |
| Euphoria | Euphoria, Inc. | 429 Thames Street |
| Fall River Pawn Brokers | Spindle City Pawnbrokers, Inc. | 310 Broadway |
| Famous Footwear #2559 | Brown Group Retail, Inc. | 199 Connell Highway Unit 2 |
| Flip Flops | Flip Flops Inc. | 424 Thames Street |
| Franklin and Company | Franklin and Company, LLC | 121 Bellevue Avenue |
| Frazzleberries | Frazzleberries LLC | 468 Thames Street |
| GameStop #3842 | GameStop, Inc. | 163 JT Connell Highway |
| Gap #2248, The | Gap Inc. | 33 Americas Cup Avenue |
| Gapkids #9246 | Gap Inc. | 33 Americas Cup Avenue |
| Goodies by the Sea | Goodies by the Sea, LLC | 22 Long Wharf Mall South |
| Griffon Shop | Newport Art Museum and Art Association, Inc. | 76 Bellevue Avenue |
| Handy Variety | Rafic El Hariri | 458 Thames St |
| Helly Hansen Newport | Music Box, Inc. | 154 Thames Street |
| Hill Mart | Hill Mart Inc | 295 Connell Highway |
| Honore M. Sullivan | Mary F. Angell | 198 Bellevue Avenue |
| Hotel Viking | Lasalle Hotel Lessee, Inc. | 1 Bellevue Avenue |
| House of Windsor | Karen L. St. Pierre | 201 Goddard Row |
| ImageMax | ImageMax | 68 Memorial Blvd. |
| International Tennis Hall | International Tennis Hall of Fame, Inc. | 194 Bellevue Avenue |
| Ireland Calls | Kathleen L. Cabral | 123 Swinburne Row |
| Isaac Bell House | Preservation Society of Newport County | Bellevue Avenue |
| Island Outfitters | Island Resort Retail Group, Inc. | 471 Thames Street |
| JB Antiques | Jacqueline Barratt | 33 Franklin Street |

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|---|---|---|
| JD Convenience | Shivam Inc. | 202 Thames Street |
| Just For You | Just For You, LTD | 34 Memorial Boulevard West |
| K & K Food Mart | Abdul-Qudoos Khan | 10 Connell Highway |
| Kane & Hawkins of | David Hawkins | 11 Christie's Landing |
| Karol Richardson | Karol Richardson, Inc. | 24 Washington Square |
| Kingscote Museum Store | Preservation Society of Newport County | Bellevue Avenue |
| Ki-Ra Salon Ltd. | Ki-Ra Salon Ltd. | 6 West Marlborough St. |
| Kristina Richards | Kristina Richards | 13 Touro Street |
| Laura Jean | Laura Jean Inc | 94 William Street |
| Lil' Bit of Brasil | Jason L. White | 658 Thames Street |
| Linen Shop | Megan McGuire | 196 Bellevue Ave. |
| Lotus | Tsering W. Ngamdung | 411 Thames Street |
| Lulu's | Lulu's, Ltd. | 433 Thames Street Suite 1 |
| Mandarine | Mandarine, Inc. | 33 Bannister's Wharf |
| Marble House Museum | Preservation Society of Newport County | Bellevue Avenue |
| Marie-Luise | Marie-Luise, Inc. | 8 Bowen's Wharf |
| Mattress Giant | Mattress Giant | 199 Connell Highway |
| Michael Hayes | Michael Hayes Co. | 204 Bellevue Avenue |
| Michael Hayes for Kids | Michael Hayes Co. | 202 Bellevue Avenue |
| Michael Hayes Wharf | Michael Hayes Co. | 19 Bowens Wharf |
| Mole Hole of Newport | Coastal Gifts, Inc. | 21A Long Wharf |
| Museum of Newport | Newport Historical Society | 127 Thames Street |
| Museum Store, The | Preservation Society of Newport County | 1 Bannisters Wharf |
| Music Box | Music Box, Inc. | 160 Thames Street |
| Narragansett LTD | Pendleton Farms, LTD | 1 Bowens Wharf |
| New Store, The | Gregory Jordan and Andrew Borer | 101 Swinburne Row |
| Newport Art Museum & | Newport Art Museum & Art Association Inc. | 76 Bellevue Avenue |
| Newport Bay Club and | Newport Bay Club and Hotel | 337 Thames Street-Perry Mill |
| Newport Best Sportswear | Wagon Wheel Corporation | 246 Thames Street |
| Newport Breeze | Newport Breeze, Inc. | 1 Bannisters Wharf |
| Newport Chocolates | Newport Chocolates, Inc. | 82 William Stret |
| Newport Fudgery | Fudgery, Inc., The | 359 Thames St. |
| Newport Fudgery | Fudgery, Inc., The | 168 Thames St. |
| Newport Hardware | Nagle Group, Inc. | 1 Casino Terrace |
| Newport Hobby House | Newport Hobby House, Ltd. | 146 Broadway |
| Newport Marriott Hotel | Marriott Hotel Services, Inc. | 25 Americas Cup Avenue |

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|---|---|---|
| Newport Prescription | Newport Prescription Center, Inc. | 289 Broadway |
| Newport Scrimshanders | Brian J. Kiracofe | 14 Bowens Wharf |
| Newport Sunglass Shop | C.O.T., Inc. | 109 Swinburne Row |
| Newport Video | North-East Sales, Inc. | 228 Connell Highway |
| Newport Xtra Mart | Drake Petroleum Co., Inc | 27 Memorial Boulevard |
| Newport's Best Tee | Gregory Jordan and Andrew Borer | 107 Swinburne Row |
| Newport Yachting Center | Historic Wharves Associates, Inc. | 4 Commercial Wharf |
| Nicky's Music | Nicholas A. Danakos | 62 Spring Street |
| NRF Museum Store | Newport Restoration Foundation | 415 Thames St. |
| Nutcracker Suite | Nora Saunders | 22 Mill Street |
| Old Navy #3808 | Old Navy LLC | 199 Connell Highway |
| One Stop Building | One Stop Building Supply Center, Inc. | 236 Connell Highway |
| Only in Rhode Island | Only in Rhode Island, LLC | 43 Long Wharf |
| Ooh! Ooh! Shoes | Decoursha Enterprises | 127 Swinburne Row |
| Oriental Arts LTD | Oriental Arts LTD | 103 Swinburne Row |
| Pan Handlers | Patricia Kendall, Walter M. Platt | 35 Broadway |
| Paper Lion | Things to Treasure, Inc. | 24 Long Wharf Mall |
| Papers | Papers LLC | 178 Bellevue Avenue |
| Payless | Payless Shoesource, Inc. | 199 Connell Highway |
| Personalities | TJR, Inc. | 111 Swinburne Row |
| Platinum House, The | Platinum House, Inc. | 137 Swinburne Row |
| Pleasant Surprise | Wicker Designs, LTD | 121 Swinburne Row |
| Portobello Jewelers | Portobello LLC | 200 Bellevue Avenue |
| Portobello Jewelers | Portobello LLC | 211 Goddard Row |
| Potter & Co. | Potter Clothing Co., Inc. | 172 Thames Street |
| Radio Shack #1026 | Radio Shack Corporation | 266 Bellevue Avenue |
| Rene & Son Carpet | Rene & Son Carpet Center, Inc. | 180 Connell Highway |
| Re-Sails | Hooley Worldwide, Inc. | 400 Thames St. |
| RiteAid | MaxiDrug South, Inc. | 268 Bellevue Ave. |
| Ritrex Camera | Joseph Menassa, Inc. | 322 Swans Wharf Row |
| Ritz Camera One Hour | Ritz Camera Centers, Inc. | 184 Bellevue Avenue |
| Roger King Fine Arts | Roger King Fine Arts LLC | 21 Bowens Wharf |
| Rosecliff Museum Store | Preservation Society of Newport County | Bellevue Avenue |
| Rotary Shell | Colbea Enterprises, LLC | 138 Connell Highway |
| Runcible Spoon | Joan & Bill Thomas | 180 Bellevue Avenue |
| S.O.L. Optics | C.O.T., Inc. | 393 Thames Street |

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|---|---|---|
| Sally Beauty Supply | Sally Beauty Supply, LLC | 199 Connell Highway |
| Salty Dog | Euphoria Inc | 431 Thames Street |
| Satori | Pole to Pole Imports, Inc. | 105 Swinburne Row |
| Save The Bay | Save The Bay, Inc. | 175 Memorial Blvd. |
| Scooter World, LLC | Scooter World, LLC | 9 Christie's Landing |
| Scooters | Scooters of Newport, Inc. | 476 Thames Street- Subject to |
| Sea Horse Antiques | Maria V. Meares | 91 Long Wharf |
| Seaside Art Gallery | United Oil Paintings, Inc. | 134 Thames Street |
| Second Beach | Twist Co, Inc | 375 Thames St. #C-1 |
| Sheldon Art Gallery | Kennedy Studios of Newport, Inc. | 59 Americas Cup Avenue |
| Shell | Colbea Enterprises, LLC | 560 Thames Street |
| Ship's Store & Rigging, | Deveau, Inc. | 1 Bowen's Landing |
| Shirtsleeves | David Fernandez | 8 Christies Landing |
| Smoky Topaz | Mattiace Inc | 125 Swindburne Row |
| Sole Desire | Heavenly Soles, Inc. | 131 Swinburne Row |
| Souvenir Stop II, The | Gregory Jordan and Andrew Borer | 359 Thames Street Unit F2 |
| Souvenir Stop, The | Gregory Jordan and Andrew Borer | 115 Swinburne Row |
| SpaVure Newport | Spa Systems of New England Inc. | 25 Americas Cup Ave. |
| Spring Bull Studio | Cooperative of 17 Artists | 55 Bellevue Avenue |
| Spring Fever | AMC Properties, Inc. | 235 Spring Street |
| Starbucks Coffee #7229 | Starbucks Corporation | 212 Thames Street |
| Stardust Fashion Jewelry | Jane Kropp | 359 Thames St. |
| Stillwater Spa | Hyatt Regency Newport | Goat Island |
| Stop & Shop #701 | Stop & Shop Supermarket Co. | 250 Bellevue Avenue |
| Sundress w/ Sole | Mark Barlow & Elaine Barlow | 391 Thames St. |
| Sunglass Hut #1694 | Sunglass Hut Trading, LLC | 204 Thames St. |
| Supercuts #9484 | Supercuts Corporate Shops, Inc. | 199 Connell Highway |
| T J Maxx #617 | T J X Companies, Inc., The | 199 Connell Highway |
| T Shirt Town | Gregory Jordan and Andrew Borer | 182 B Thames St. |
| Talbots #24 | Talbots, Inc., The | 162 Bellevue Avenue |
| Tastemaker | Cottage and Garden LLC | 64 Thames Street |
| Team One Newport | Team One Newport, Inc. | 561 Thames Street |
| Terrida | Terrida, LTD | 10 Bowen's Wharf |
| Thames Glass, Inc. | Thames Glass, Inc. | 688 Thames Street |
| Thames Street Shell | Colbea Enterprises, LLC | 560 Thames Street |
| Thames Street Shirt | Thames Street Shirt Company | 410 Thames Street |

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| Three Golden Apples | Daniel MacDonald & Tooni Milici | 140 Bellevue Avenue |
| Tibet in-port | Tsering Ngamdung | 471 Thames Street |
| Touro Synagogue Gift | Society of Friends of Touro Synagogue National | 72 Touro Street |
| Trendz | Trendz LLC | 435 Thames St. #2N |
| Tropical Gangsters | Tropical Gangsters Southside, Ltd. | 375 Thames Street |
| UpperDeck Clothing | David Fernandez | 27 Bowens Wharf |
| UPS Store, The | Caje Enterprises, LLC | 270 Bellevue Avenue |
| Van Der Wal Gallery | Tenley & Onne Van Der Wal | 1 Bannister's Wharf |
| Wal-Mart Store #2885 | Wal-Mart Stores East, LP | 199 Connell Highway |
| Wellspring | Donald S. Robertson | 182 Bellevue Avenue |
| West Marine | West Marine Products, Inc. | 199 Connell Highway |
| Wharfs End | David Hawkins | 12 Christies Landing |
| William Vareika Fine | William Vareika Fine Arts, LTD | 212 Bellevue Avenue |
| Yankee Candle Company | Yankee Candle Company, Inc., The | 36 Americas Cup Ave. |

## SECOND-HAND LICENSE , RENEWALS:

| | | |
|---|---|---|
| A & A Gaines | Alan & Amy B. Gaines | 40 Franklin Street |
| Aardvark Antiques | Arthur A. Grover Bachus | 9 Connell Highway |
| Blockbuster Video | Video Management Group, Inc. | 199 Connell Highway, Unit 11 |
| Cottage & Garden, LLC | Eleanor Gobis | 9 Bridge St. Unit C |
| Drawing Room of Newport | Federico Santi & John Gacher | 152 Spring St. |
| Franklin and Company, LLC | Franklin and Company, LLC | 121 Bellevue Ave. |
| GameStop #3842 | GameStop, Inc. | 163 Connell Hwy |
| Griffon Shop | Newport Art museum and Art | 76 Bellevue Ave. |
| House of Windsor | Karen L. St. Pierre | 225 Goddard Row |
| JB Antiques | Jacqueline Barratt | 33 Franklin Street |
| Lamp Lighter Antiques | Al Lozito | 42 Spring Street |
| Lulu's | Lulu's, Ltd. | 433 Thames Street Suite 1 |
| Music Box | Music Box | 160 Thames Street |
| Newport Scrimshanders | Brian J. Kiracofe | 14 Bowens Wharf |
| Nicky's Music | Nicholas A. | 62 Spring Street |
| Portobello Jewelers | Portobello LLC | 200 Bellevue Avenue |
| Portobello Jewelers | Portobello LLC | 211 Goddard Row |
| Roger King Fine Arts | Roger King Fine Arts LLC | 21 Bowens Wharf |
| Salvation Army Thrift | Salvation Army, The | 76 Broadway |
| Sea Horse Antiques | Maria V. Meares | 91 Long Wharf |
| St. Paul's Thrift Shop | Washington Square Services | 326 Broadway |
| Tastemaker | Cottage and Garden LLC | 64 Thames Street |

# CITY OF NEWPORT
# MINUTES OF THE COUNCIL MEETING
# HELD MARCH 26, 2008

**(Approved 6/11/200)**

*The following items of business, filed with the City Clerk under the rules of the Council, came before the Council at its regular meeting held on* ***March 26, 2008.***

The VICE CHAIR called the meeting to order at 6:30 p.m.

The CITY CLERK called the roll and the following members were present:

MARY C. CONNOLLY, VICE CHAIR
STEPHEN R. COYNE
CHARLES Y. DUNCAN
KATHRYN E. LEONARD
JUSTIN S. MC LAUGHLIN
JEANNE-MARIE NAPOLITANO

ABSENT: MAYOR STEPHEN C. WALUK

POLICE CHIEF MICHAEL MC KENNA provided an oral report on the police department activities following the 2008 St. Patrick's Day Parade. He said that between 4 p.m. Saturday and 1:14 a.m. Sunday there were 47 arrests, most initiated by police officers, with17 people taken into custody and the remaining 30 being issued citations to Municipal Court. He noted that one arrest was of a 13-year-old who had taken liquor from his home. He said the problems of intoxication and public drinking arise from college-age house parties, particularly houses along the parade route between Dennison and Webster Streets. He said the Department would continue to work with Salve Regina and to provide strict enforcement so that parade day would be a family event.

1. **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. Special Event License:
      1) Hibernian Scholarship Trust, Inc., d/b/a "The Shamrock Ball"; Belcourt Castle, Bellevue Ave., April 19, 2008, from 8:00 p.m. to Midnight.
      2) CROP Walk/Church World Service, d/b/a Aquidneck Island CROP Walk Against Hunger Walkathon; April 26, 2008, from 8:00 a.m. to 2:00 p.m. (beginning and ending at Emmanuel Church, corner of Dearborn and Spring Street; route attached)
      3) Island Moving Company, d/b/a 2008 Gala (Dinner and Auction); Rough Point, 680 Bellevue Ave., June 21, 2008, from 7:00 p.m. to Midnight.
      4) Jesus Saviour Church, d/b/a Summer Bazaar; 1 Vernon Ave. parking lot; July 24, 25 and 26, 2008, from 7:00 p.m. to Midnight.
      5) REMOVED: J. Doyle, RI Track Coaches Association, d/b/a "The Bobby Doyle 5-Mile Summer Classic Road Race and 3.4 Mile Walk
      6) Island Moving Company, d/b/a Newport Stories; Great Friends Meeting House, 21 Farewell St., May 17, 2008, from 4:00 p.m. to 6:00 p.m. and 7:00 p.m. to 9:00 p.m., and May 18, 2008, at 4:00 p.m.

7) Island Moving Company, d/b/a Repertory Program; Great Friends Meeting House, 21 Farewell St., May 23 and 24, 2008, from 8:00 p.m. to 11:00 p.m.

b. Bingo License, Jesus Saviour Church Summer Bazaar; 1 Vernon Ave. parking lot; July 24, 25 and 26, 2008, from 7:00 p.m. to Midnight.

c. Food Concession License, Jesus Saviour Church;
1. d/b/a Summer Bazaar, 1 Vernon Ave. parking lot; July 24, 25 and 26, 2008
2. d/b/a Holy Ghost Feast, grounds at Fenner Hall, 222 Fenner Ave.; May 18, 2008 from noon-7:00 p.m.

d. Holiday Selling Licenses, New:
1) Kristina & Arunas, LLC, d/b/a Overboard, 30 Franklin St.
2) Contempo Art Studio, Inc., d/b/a Contempo Art Studio, 113 Swinburne Row
3) John McKenna and Linda McKenna, d/b/a McKenna's Sports and Entertainment, 446 Thames St.
4) Elaine Rusk, d/b/a Creative Works International, 518 Thames St.

e. Pedicab Operator License, Travis J. Royer, 40 Dixon St.

f. REMOVED: Holiday Selling License, Renewals

g. REMOVED: Secondhand License, Renewals

h. Communication from Eric P. Godin, Middletown High School Athletic Department, requesting the temporary use of tennis courts at Vernon Park, from March 17, 2008, through May 15, 2008. (Approve subject to details being worked out with the city administration)
-- Communication from Susan Cooper, Recreation Director, and Ed Harrigan, Recreation Supervisor, supporting approval of the request to use tennis courts at Vernon Park.

i. Resignation of Kristine C. Royal from the Historic District Commission (Receive with regret)

j. City of Newport Post Retirement Benefits Analysis, prepared by Buck Consultants (Receive)

k. Communication from the National Environmental Law Center on behalf of Environment Rhode Island, re: Newport's failure to meet certain requirements of the sanitary and industrial sewer system, storm water system and CSO facilities, and offering to work with the City in developing an enforceable schedule focused on attainment of short-term improvements and long-term compliance with the Clean Water Act. (Receive)

l. Coastal Resources Management Council: notice of intention to change the management plans, policies, procedures and regulations of the agency regarding planning and management of the coastal resources of the State of RI. (Receive)

m. Claim of Carol and Wayne Craft (Receive and refer to the City Solicitor)

COUNCILOR COYNE moved the Consent Calendar, with the exception of Items a-5, f and g, be adopted. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

a-5) James Doyle, RI Track Coaches Association, d/b/a "The Bobby Doyle 5-Mile Summer Classic Road Race and 3.4 Mile Walk; August 15, 2008, from 3:00 p.m. to 9:30 p.m. (beginning and ending at Rogers High School; route attached)

COUNCILOR COYNE moved the application be continued to the April 9th meeting. Seconded by COUNCILOR MC LAUGHLIN and VOTED UNANIMOUSLY.

f. Holiday Selling License, Renewals (Continued from March 12, 2008; listed at end of docket)

COUNCILOR COYNE moved the licenses be approved with the exception of the following, which are to be continued to the April 23rd council meeting. Seconded by COUNCILOR MC LAUGHLIN and VOTED UNANIMOUSLY: Harbor Antiques, Lamp Lighter Antiques, Renaissance Antique Lighting, Lynne Allen, Ramson House, JB Antiques, Drawing Room of Newport, Music Box, Nicky's Music, 62 Spring St.

g. Secondhand License, Renewals (Continued from March 12, 2008; listed at end of docket)

COUNCILOR COYNE moved the licenses be approved with the exception of the following, which are to be continued to the May 28th council meeting: Angela Moore, Three Golden Apples, UPS Store, Ash Mart, JB Antiques, Alloy, Nicky's Music, Adriance Furniture Makers, Drawing Room of Newport, Simply Gianna, Helly Hansen, Music Box, Sunglass Hut #1694, Newport Best Sportswear, S.O.L. Optics, Island Outfitters, Tibet In-Port, Cabbage Rose, Armchair Sailor Books & Charts, Thames St. Shell Station, Scooters, Kristina Richards. Seconded by COUNCILOR MC LAUGHLIN and VOTED UNANIMOUSLY.

**LICENSES & PERMITS**

2. Application of PCDS, LLC, d/b/a The Mainstay Inn, 151 Admiral Kalbfus Road, for a Victualing License (in conjunction with transfer of the Class BT alcoholic beverage license)

COUNCILOR COYNE moved the license be approved. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

3. Application of Forty 1° North, LLC, d/b/a Christie's at Forty 1° North, 14 Perry Mill Wharf, to expand its Victualing License to a 360 square-foot patio on the north eastside of the building, adjacent to stairs and front door (in conjunction with expansion of alcoholic beverage license)

COUNCILOR LEONARD recused herself.

COUNCILOR COYNE moved the expansion be approved. Seconded by COUNCILOR MC LAUGHLIN.

COUNCILOR COYNE questioned the hours food would be served on the patio. ATTORNEY TURNER C. SCOTT, representing the applicant, responded they stop serving at 11 p.m. COUNCILOR COYNE then asked if the scope of the property would be changed. ATTORNEY SCOTT responded that the lot of this property and that on which the old Christie's is located have been combined into one lot and his client would be applying for permission from the CRMC and

Zoning Board to construct a hotel and, as a result. He said that as a result there actually would be a reduction in the licensed premises for the service of alcoholic beverages and there would be a much smaller outside service area.

The motion to approve was VOTED UNANIMOUSLY.

## COMMUNICATIONS & PETITIONS

4. Communication from the International Tennis Hall of Fame requesting permission to hang 40 banners on electric poles along America's Cup Ave. and Memorial Blvd., from June 1 through July 14, 2008, promoting the Campbell's Hall of Fame Tennis Championships. (Continued from March 12, 2008)

COUNCILOR LEONARD recused herself.

MARGUERITE JONES, Tournament Chair, said she would like to amend the dates to reduce the time period to June 24th through July 14th.

COUNCILOR COYNE moved permission be granted to hang the banners from June 24th to July 14th. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

5. Communication from Turner C. Scott, Esq., representing Darius and Gale Goff, owners of 31 Rhode Island Ave., appealing the Public Services Director's denial of their application for a curb cut on Wesley Street. (Continued from March 12, 2008)

COUNCILOR CONNOLLY moved the communication be continued to the next meeting at the request of Attorney Scott. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

## 6. APPOINTMENTS TO BOARDS AND COMMISSIONS

Newport Hospitality Commission- (1 vacancy) - Applicants: Patricia Archer, William Burns, Christine Cobaugh, Paul S. Manning, Maureen O'Neil, Nasia Bachman Streitfield.

COUNCILOR CONNOLLY moved Christine Cobaugh be appointed to the Hospitality Commission. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

(6:35 p.m. five minute recess)

## RESOLUTIONS

7. Degrading and/or Covering of Rights of Way Plaques – K. Leonard

COUNCILOR LEONARD introduced the resolution and moved for its adoption. Seconded by COUNCILOR NAPOLITANO.

JAMES PERRIER, Acting President of the Friends of the Waterfront, said two or three of the plaques identifying rights of way to the water have been covered over or lost, including one missing at Lee's Wharf.

ROSS FREEMAN said most of the rights of way to the water are the driftways along Washington Street and there needs to be enforcement of the boat storage rules. He said the ordinances should be updated and any loopholes closed, and there needs to be oversight of construction vehicles blocking driftways and sidewalks.

The motion to adopt was VOTED UNANIMOUSLY.

8. Proposed Sale of Military Housing by GMH Military Housing to Balfour Beatty, Inc. – K. Leonard, J. Napolitano

COUNCILOR LEONARD introduced the resolution and moved that it be amended to add, "Whereas, the recently publicized potential sale of the military housing acquired by GMH to another entity, including the housing located in the City of Newport, has raised questions related to the impact of the change in ownership of that housing and the status of housing located in the City of Newport and the payments provided to the City for services rendered." Seconded by COUNCILOR COYNE.

COUNCILOR MC LAUGHLIN thanked Councilor Leonard for adding the language he suggested and asked the City Solicitor for comment on any legal issues. CITY SOLICITOR JOSEPH J. NICHOLSON, JR., responded that he did not think the City has any control over the sale. He said there may be some special rules because of the size and breadth but he will have to look into the matter. He said that with regard to the City's involvement and the services the City provides, if the contract states the language runs with the land, then any buyer would only get City services if they are paid for. He said he has not seen the purchase and sales agreement, nor was he familiar with the law that deals with this type of sale. He said he would review the contract with the City Manager and get back to the Council. COUNCILOR LEONARD expressed concern about what a new company would do with the housing at Fort Adams and said it is important to find out from the City's Congressional Delegation, the Department of Defense, and the Navy what is to happen.

Discussion continued regarding the manner in which GMH obtained the properties, with note made that the land ownership remains with the US Navy. CITY MANAGER ED LAVALLEE said the City gets 8.6% of the gross rental income from the properties for the services the City provides, which amounted to approximately $370,000 last year.

The resolution, as amended, was UNANIMOUSLY ADOPTED.

## COMMUNICATION FROM THE CITY MANAGER

9. Communication #4362/08, re: Group Purchasing per RIGL 45-10.1 – Plymouth County Cooperative (with accompanying resolution; continued from March 12, 2008)

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR LEONARD.

COUNCILOR NAPOLITANO said her questions had been satisfactorily answered by the city administration; however, she would like the contract reduced to two years, during which time there should still be competitive bidding, and at the end of the two years an analysis is to be presented to the Council. She then moved to amend the resolution to have the contract end in October 2010. Seconded by COUNCILOR LEONARD and VOTED UNANIMOUSLY.

COUNCILOR COYNE pointed out that this would be an amendment to the existing contract that will expire in October of 2011. CITY MANAGER LAVALLEE said that in developing the upcoming budget, the expectation is that no vehicles will be purchased in FY09.

COUNCILOR COYNE moved to amend the motion to have the contract run to October 2011, during which time there should be no less than four competitive bids in the last two years. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

CITY MANAGER LAVALLEE pointed out that in the two-year period there may not be a need to purchase four vehicles.

10. Communication #4366/08, re: Request for Easement for Storm Water Drainage-Beachfront, LLC (with accompanying resolution)

COUNCILOR COYNE moved the communication be received and the resolution adopted. Seconded by COUNCILOR NAPOLITANO.

COUNCILOR LEONARD asked if other property owners in the surrounding areas would be using the same filters. CITY MANAGER LAVALLEE said he was not aware of any and believed it to be this property owner that is taking the initiative to clean the water before it enters the moat. COUNCILOR LEONARD suggested that the City ask Middletown to contact the other property owners to take similar action. COUNCILOR NAPOLITANO asked who would provide oversight; the CITY MANAGER responded the Utilities Director would.

The motion was VOTED UNANIMOUSLY.

11. Communication #4367/08, re: Award if Bid #08-026-Masonry Wall Repair

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR NAPOLITANO.

COUNCILOR LEONARD suggested the wall on Memorial Blvd. West also be repaired because of missing stones; COUNCLOR MC LAUGHLIN pointed out that RIDOT has responsibility for the Memorial Blvd. West wall.

The motion was VOTED UNANIMOUSLY.

12. Communication #4368/08, re: Award of Bid #08-048- Two (2) Dump Truck Cabs & Chassis

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

13. Communication #4369/08, re: Amendment to Award of Bid #08-037- Tasca Automotive Group

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

14. Communication #4370/08, re: Contract Amendment-City-Wide Communications Systems Upgrade Phase II

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR NAPOLITANO.

CITY MANAGR LAVALLEE said the cameras would be installed at the Gateway transportation and visitors center, which the city owns, as part of the Homeland Security Plan and the Police Department would monitor them.

The motion was VOTED UNANIMOUSLY.

15. Communication #4371/08, re: Resolution Requesting the Rhode Island Congressional Delegation to Establish a John Clarke National Memorial in Newport, Rhode Island

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR LEONARD.

JONATHAN STEVENS, Director of Economic Development, said there has been enthusiastic response to the proposal, which could provide an economic boost in tourism.

PETER ROOS, Newport Restoration Foundation, and EVAN SMITH, Newport County Convention & Visitors Center, spoke in favor of the proposal.

The motion was VOTED UNANIMOUSLY.

16. Communication #4372/08, re: Traffic Control-Park Restrictions 1. Yellow Curbing 2. Altering/defacing official public markings

COUNCILOR COYNE moved the communication be received and the resolution amended to include degrading and covering of rights-of-way, as requested in Councilor Leonard's resolution (#17). Seconded by COUNCILOR LEONARD and VOTED UNANIMOUSLY.

COUNCILOR COYNE moved the resolution, as amended, be adopted. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

COUNCILOR DUNCAN said the Police Department and an elderly person who took the Department's driving course brought to his attention that there is no ordinance to reflect no parking at yellow curbs.

Following additional discussion, the motion was UNANIMOUSLY ADOPTED.

17. Communication #4373/08, re: Electric Personal Assistance Mobility Devices (EPAMD)-Segways (with accompanying ordinance)

COUNCILOR COYNE moved the communication be received and referred to the City Solicitor. Seconded by COUNCILOR MC LAUGHLIN.

MATT DELITER of Segway, Inc., said he agrees that Segways don't belong on sidewalks but it would be discrimination to ban them from streets because bicycles, motorbikes, etc., are allowed. He said he believes under State Law the Segways can be operated and they would come under Section 10.72 of the city ordinances regulating bicycles.

COUNCILOR DUNCAN cited the City ordinance prohibiting anyone over 12 years of age from operating bicycles on sidewalks, and noted the high volume of traffic on America's Cup Ave. and Thames St. MR. DELITER responded that the Segways are safer and have a smaller footprint. He said he was happy the matter was being forwarded to the City Solicitor. COUNCILOR LEONARD aid she believed the use of Segways, even by law enforcement, should be stricken. COUNCILOR MC LAUGHLIN said he had spoken with the City Solicitor and the City should probably write an ordinance regulating Segways similar to that regulating pedicabs. CITY SOLICITOR NICHOLSON said he would speak with the city manager and police chief regarding what would be appropriate regulations. COUNCILOR LEONARD said she would like the matter of allowing Segways discussed with the Attorney General because of the narrow streets in Newport.

The motion to refer the matter to the City Solicitor was UNANIMOUSLY ADOPTED.

18. Communication #4374/08, re: Award of Contract-Bid #08-047-Reservoir Safe Yield Analysis (with accompanying resolution)

COUNCILOR COYNE moved the communication be received and the resolution adopted. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

19. Communication #4375/08, re: Transfer from Council Contingency-Funding for: Presidential Preference Primary Costs (with accompanying resolution)

COUNCILOR COYNE moved the communication be received and the resolution adopted. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

**8:15 P.M. Adjourned as Council and convened as Board of License Commissioners.**

## BOARD OF LICENSE COMMISSIONERS

1. **CONSENT CALENDAR.** (ALL LICENSES ARE GRANTED SUBJECT TO COMPLIANCE WITH ORDINANCES #31-80 AND #98-40.)

   a. Class F Daily Liquor License:
      1) Jesus Saviour Church, d/b/a Holy Ghost Feast; grounds of Fenner Avenue Hall, 222 Fenner Ave., May 18, 2008, from Noon to 7:00 p.m.
      2) Jesus Saviour Church, d/b/a Summer Bazaar; 1 Vernon Ave. parking lot, July 24 - 26, 2008, from 7:00 p.m. to Midnight.

   b. Sunday Selling License, Renewal, Vicker's Liquors, LLC, d/b/a Vicker's Liquors, 274 Bellevue Ave., holder of a Class A alcoholic beverage license (liquor store).

COMMISSIONER COYNE moved the Consent Calendar be adopted. Seconded by COMMISSIONER NAPOLITANO and VOTED UNANIMOUSLY.

**LICENSES & PERMITS**

2. Annual Sunday Selling License, Renewals, Class A alcoholic beverage license holders (Continued from March 12, 2008):

| DBA | Business Address | Owner Name |
|---|---|---|
| Andrews Liquors | 493 Broadway | JACE Enterprises, Inc. |
| Bellevue Wine & Spirits | 181 Bellevue Ave. Bellevue | Wine & Spirits LLC |
| Bridge Liquors | 23 Connell Highway | KRG, Inc. Enterprises, Inc. |
| Bucci Combination Store | 1-3 Thames St. | Bucci Combination Store LLC |
| Downtown Liquors | 202 Thames St. | Shiva Corporation |
| Fifth Ward Liquor | 695 Thames St. | Fifth Ward Liquor, Inc. |
| Harry's Liquor Store | 199 Connell Highway | Harry S. Karanikolas, Inc. |
| Island Liquors | 291 Broadway/Portion 289 Broadway | Newport Prescription Cntr, Inc. |
| Rex Liquor | 126 -128 Broadway | Ratana Hoan |
| Rum Runner | 5 Marina Plaza | IDC Rum Runner Inc. |
| Spring Street Spirits | 137 Spring St. Unit S-1 | Spring Street Spirits LTD |

COMMISSIONER COYNE moved the renewals be approved with the exception of Spring Streret Spirits and Rum Runner. Seconded by COMMISSIONER NAPOLITANO and VOTED UNANIMOUSLY.

COMMISSIONER MC LAUGHLIN moved the Rum Runner renewal be approved.
COMMISSIONER CONNOLLY recused herself.
Seconded by COMMISSIONER NAPOLITANO and VOTED UNANIMOUSLY.

COMMISSIONER COYNE moved the application of Spring Street Spirits be continued to the April 23rd meeting. Seconded by COMMISSIONER NAPOLITANO and VOTED UNANI OUSLY.

3. Application of The Mainstay Inn, LLC, d/b/a The Mainstay Inn, 151 Admiral Kalbfus Road, to transfer its Class BT alcoholic beverage license to PCDS, LLC, d/b/a The Mainstay Inn, for the same premises. (Hearing)
   Bill Bills of Indebtedness: McLaughlin & Moran, Inc.: $506.99

COMMISSIONER COYNE moved the hearing be closed and the transfer approved subject to payment of all bills of indebtedness. Seconded by COMMISSIONER NAPOLITANO and VOTED UNANIMOUSLY.

4. Application of Forty 1° North, LLC, d/b/a Christie's at Forty 1° North, 14 Perry Mill Wharf, to expand its Class BL alcoholic beverage license to a 360 square-foot patio on the north eastside of the building, adjacent to stairs and front door. (Hearing)

COUNCILOR LEONARD recused herself.
COMMISSIONER COYNE moved the hearing be closed and the expansion approved. Seconded by COMMISSIONER NAPOLITANO.

COMMISSIONER COYNE moved the application be amended to have food and beverage service on the patio end at 11:00 p.m. Seconded by COMMISSIONER MC LAUGHLIN and VOTED UNANIMOUSLY.

COMMISSIONER COYNE moved the application for expansion, as amended, be approved. Seconded by COMMISSIONER NAPOLITANO and VOTED UNANIMOUSLY.

5. Communication from Turner C. Scott, Esq., representing of Forty 1° North, LLC, d/b/a Christie's at Forty 1° North, 14 Perry Mill Wharf, requesting the removal of restrictions on the alcoholic beverage license of Christie's at Forty 1° North that there be no sale or service of alcohol on the east deck and no covering on the west deck, per recent Zoning Board decision.

COMMISSIONER LEONARD recused herself.
TURNER C. SCOTT, representing Forth 1° North, LLC, said the Zoning Board has removed the restrictions from the business and asked that the Board do the same.

COMMISSIONER COYNE moved the Board approve removal of the restrictions on the east and west decks, per the Zoning Board's approval. Seconded by COMMISSIONER NAPOLITANO and VOTED UNANIMOUSLY.

8:22 p.m. ADJOURNED

Kathleen M. Silvia
City Clerk

# Holiday Selling License, Renewals:

| D/B/A | Organization Name | Number on Street Address |
|---|---|---|
| 7 Eleven 25854 - D | Muhamad Tariq Rashid | 135 JT Connell Highway |
| 7-Eleven #32508 B | Kashif Siddiqui | 95 Broadway |
| A Market Newport | Nutrition House Inc. | 181 Bellevue Ave. |
| Aardvark Antiques | Arthur A. Grover | 9 Connell Highway |
| Adriance Furniture | Adriance Furniture Makers, Inc. | 206 Bellevue Ave. |
| Alloy | Tamar Kern | 160 Spring St. |
| Angela Moore | AM Boutiques, LLC | 119 Bellevue Avenue |
| Arkwear | Arkwear, Inc. | 337 Thames Street-Perry Mill |
| Armchair Sailor Books | Far Horizons, LLC | 543 Thames Street |
| Armory Antiques | Newport Antique Traders | 365 Thames Street |
| Arnold Art Store & | Arnold Art, Inc. | 210 Thames Street |
| Ash Mart | Ash Mart, Inc. | 2 Carroll Avenue |
| Astors' Beechwood | Historic Newport, L.P. | 580 Bellevue Avenue |
| Ball & Claw, The | Ball & Claw, The | 29 Americas Cup Avenue |
| Banana Republic #8129 | Banana Republic, LLC | 124 Thames Street |
| Beach Party Swimwear | Beach Party Resortwear | 135 Swinburne Row |
| Beechwood Gift Shop | Beechwood Foundation | 580 Bellevue Avenue |
| Ben's Furniture Co. | Ben's Furniture Co. | 166 Thames Street |
| Bishop's News & | Geraldo A. Queiroz | 316 Broadway |
| Bite Me Live Bait Co. | Arkwear, Inc. | 337 Thames St.-Perry Mill Unit 16 |
| Black Dog General | Black Dog Tavern Co., Inc. | 33 Bannister's Wharf |
| Blockbuster Video | Video Management Group, Inc. | 199 Connell Highway |
| Bowen's Wharf | Bowen's Wharf Co., Inc. | 45 Americas Cup Avenue |
| Brahmin Leather Works | Brahmin Leather Works Inc. | 22 Bannisters Wharf |
| Breakell | J. H. Breakell & Co. | 128 Spring Street |
| Breakers Museum Store | Preservation Society of Newport County | Ochre Point Avenue |
| Brooks Brothers | Retail Brand Alliance, Inc. | 139 Swinburne Row |
| Cabbage Rose | Janet Culkins | 493 Thames Street |
| Cadeaux du Monde | Jane L. Dyer & Katherine J. Dyer | 26 Mary Street |
| Camden Passage | Francesca Erice | 6 Christies Landing |
| Casa de Plata | Pole to Pole Imports, Inc. | 359 Thames Street Unit F |
| Cathers & Coyne | Cathers & Coyne, Inc. | 18 Bowens Wharf |
| CH Charles 5&10 Store | IHABCH654, INC | 232 Broadway |

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|---|---|---|---|
| Chace n'Lulu | Chace N' Lulu LLC | 57 | America's Cup Avenue |
| Chateau-Sur-Mer | Preservation Society of Newport County | Bellevue Avenue | |
| Chico's #29 | Chico's FAS, Inc. | 130 | Thames Street |
| Cosmetic Cosmos | Cosmetic Cosmos, LLC | 387 | Thames Street Unit R-1 |
| Cottage & Garden, LLC | Eleanor Gobis | 9 | Bridge Street Unit C |
| Custom Canvas Newport | Loretta Roy and Donald Roy | 6 | Bowens Wharf |
| CVS Pharmacy #355 | Newport CVS, Inc. | 181 | Bellevue |
| Delicious, Inc. | Delicious, Inc. | 26 | Franklin Street |
| Destination: Chocolate | Destination: Chocolate LLC | 15 | Bowens Wharf |
| down under jewelry | Hollarcraft Inc. | 479 | Thames Street |
| Drawing Room of | Federico Santi & John Gacher | 152 | Spring Street |
| Elms Museum Store | Preservation Society of Newport County | | Bellevue Avenue |
| Empire Tea & Coffee | Newport Bubble Tea, LLC | 22 | Broadway |
| Express LLC #582 | Express LLC | 144 | Thames St. |
| Erica Zap Collection | Erica Zap | 477 | Thames Street |
| Euphoria | Euphoria, Inc. | 429 | Thames Street |
| Fall River Pawn Brokers | Spindle City Pawnbrokers, Inc. | 310 | Broadway |
| Famous Footwear #2559 | Brown Group Retail, Inc. | 199 | Connell Highway Unit 2 |
| Flip Flops | Flip Flops Inc. | 424 | Thames Street |
| Franklin and Company | Franklin and Company, LLC | 121 | Bellevue Avenue |
| Frazzleberries | Frazzleberries LLC | 468 | Thames Street |
| GameStop #3842 | GameStop, Inc. | 163 | JT Connell Highway |
| Gap #2248, The | Gap Inc. | 33 | Americas Cup Avenue |
| Gapkids #9246 | Gap Inc. | 33 | Americas Cup Avenue |
| Goodies by the Sea | Goodies by the Sea, LLC | 22 | Long Wharf Mall South |
| Griffon Shop | Newport Art Museum and Art Association, Inc. | 76 | Bellevue Avenue |
| Handy Variety | Rafic El Hariri | 458 | Thames St |
| Helly Hansen Newport | Music Box, Inc. | 154 | Thames Street |
| Hill Mart | Hill Mart Inc | 295 | Connell Highway |
| Honore M. Sullivan | Mary F. Angell | 198 | Bellevue Avenue |
| Hotel Viking | Lasalle Hotel Lessee, Inc. | 1 | Bellevue Avenue |
| House of Windsor | Karen L. St. Pierre | 201 | Goddard Row |
| ImageMax | ImageMax | 68 | Memorial Blvd. |
| International Tennis Hall | International Tennis Hall of Fame, Inc. | 194 | Bellevue Avenue |
| Ireland Calls | Kathleen L. Cabral | 123 | Swinburne Row |
| Isaac Bell House | Preservation Society of Newport County | | Bellevue Avenue |

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| Island Outfitters | Island Resort Retail Group, Inc. | 471 Thames Street |
| Jason & Co. | Jason Carbonneau | 207 Goddard Row |
| JB Antiques | Jacqueline Barratt | 33 Franklin Street |
| JD Convenience | Shivam Inc. | 202 Thames Street |
| Just For You | Just For You, LTD | 34 Memorial Boulevard West |

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| K & K Food Mart | Abdul-Qudoos Khan | 10 Connell Highway |
| Kane & Hawkins of | David Hawkins | 11 Christie's Landing |
| Karol Richardson | Karol Richardson, Inc. | 24 Washington Square |
| Kingscote Museum Store | Preservation Society of Newport County | Bellevue Avenue |
| Ki-Ra Salon Ltd. | Ki-Ra Salon Ltd. | 6 West Marlborough St. |
| Kristina Richards | Kristina Richards | 13 Touro Street |
| Laura Jean | Laura Jean Inc | 94 William Street |
| Lil' Bit of Brasil | Jason L. White | 658 Thames Street |
| Linen Shop | Megan McGuire | 196 Bellevue Ave. |
| Lotus | Tsering W. Ngamdung | 411 Thames Street |
| Lulu's | Lulu's, Ltd. | 433 Thames Street Suite 1 |
| Mandarine | Mandarine, Inc. | 33 Bannister's Wharf |
| Marble House Museum | Preservation Society of Newport County | Bellevue Avenue |
| Marie-Luise | Marie-Luise, Inc. | 8 Bowen's Wharf |
| Mattress Giant | Mattress Giant | 199 Connell Highway |
| Michael Hayes | Michael Hayes Co. | 204 Bellevue Avenue |
| Michael Hayes for Kids | Michael Hayes Co. | 202 Bellevue Avenue |
| Michael Hayes Wharf | Michael Hayes Co. | 19 Bowens Wharf |
| Mole Hole of Newport | Coastal Gifts, Inc. | 21A Long Wharf |
| Museum of Newport | Newport Historical Society | 127 Thames Street |
| Museum Store, The | Preservation Society of Newport County | 1 Bannisters Wharf |
| Music Box | Music Box, Inc. | 160 Thames Street |
| Narragansett LTD | Pendleton Farms, LTD | 1 Bowens Wharf |
| New Store, The | Gregory Jordan and Andrew Borer | 101 Swinburne Row |
| Newport Art Museum & | Newport Art Museum & Art Association Inc. | 76 Bellevue Avenue |
| Newport Bay Club and | Newport Bay Club and Hotel | 337 Thames Street-Perry Mill |
| Newport Best Sportswear | Wagon Wheel Corporation | 246 Thames Street |
| Newport Breeze | Newport Breeze, Inc. | 1 Bannisters Wharf |
| Newport Chocolates | Newport Chocolates, Inc. | 82 William Street |
| Newport Fudgery | Fudgery, Inc., The | 359 Thames St. |
| Newport Fudgery | Fudgery, Inc., The | 168 Thames St. |
| Newport Hardware | Nagle Group, Inc. | 1 Casino Terrace |
| Newport Hobby House | Newport Hobby House, Ltd. | 146 Broadway |
| Newport Jewelry | David Medeiros | 8 Fair St. |
| Newport Marriott Hotel | Marriott Hotel Services, Inc. | 25 Americas Cup Avenue |
| Newport Prescription | Newport Prescription Center, Inc. | 289 Broadway |

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| Newport Scrimshanders | Brian J. Kiracofe | 14 Bowens Wharf |
| Newport Sunglass Shop | C.O.T., Inc. | 109 Swinburne Row |

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| Newport Video | North-East Sales, Inc. | 228 Connell Highway |
| Newport Xtra Mart | Drake Petroleum Co., Inc | 27 Memorial Boulevard |
| Newport's Best Tee | Gregory Jordan and Andrew Borer | 107 Swinburne Row |
| Newport Yachting Center | Historic Wharves Associates, Inc. | 4 Commercial Wharf |
| Nicky's Music | Nicholas A. Danakos | 62 Spring Street |
| NRF Museum Store | Newport Restoration Foundation | 415 Thames St. |
| Nutcracker Suite | Nora Saunders | 22 Mill Street |
| Old Navy #3808 | Old Navy LLC | 199 Connell Highway |
| One Stop Building | One Stop Building Supply Center, Inc. | 236 Connell Highway |
| Only in Rhode Island | Only in Rhode Island, LLC | 43 Long Wharf |
| Ooh! Ooh! Shoes | Decoursha Enterprises | 127 Swinburne Row |
| Oriental Arts LTD | Oriental Arts LTD | 103 Swinburne Row |
| Pan Handlers | Patricia Kendall, Walter M. Platt | 35 Broadway |
| Paper Lion | Things to Treasure, Inc. | 24 Long Wharf Mall |
| Papers | Papers LLC | 178 Bellevue Avenue |
| Payless | Payless Shoesource, Inc. | 199 Connell Highway |
| Personalities | TJR, Inc. | 111 Swinburne Row |
| Platinum House, The | Platinum House, Inc. | 137 Swinburne Row |
| Pleasant Surprise | Wicker Designs, LTD | 121 Swinburne Row |
| Portobello Jewelers | Portobello LLC | 200 Bellevue Avenue |
| Portobello Jewelers | Portobello LLC | 211 Goddard Row |
| Potter & Co. | Potter Clothing Co., Inc. | 172 Thames Street |
| Radio Shack #1026 | Radio Shack Corporation | 266 Bellevue Avenue |
| Rene & Son Carpet | Rene & Son Carpet Center, Inc. | 180 Connell Highway |
| Re-Sails | Hooley Worldwide, Inc. | 400 Thames St. |
| RiteAid | MaxiDrug South, Inc. | 268 Bellevue Ave. |
| Ritrex Camera | Joseph Menassa, Inc. | 322 Swans Wharf Row |
| Ritz Camera One Hour | Ritz Camera Centers, Inc. | 184 Bellevue Avenue |
| Roger King Fine Arts | Roger King Fine Arts LLC | 21 Bowens Wharf |
| Rosecliff Museum Store | Preservation Society of Newport County | Bellevue Avenue |
| Rotary Shell | Colbea Enterprises, LLC | 138 Connell Highway |
| Runcible Spoon | Joan & Bill Thomas | 180 Bellevue Avenue |
| S.O.L. Optics | C.O.T., Inc. | 393 Thames Street |
| Sally Beauty Supply | Sally Beauty Supply, LLC | 199 Connell Highway |
| Salty Dog | Euphoria Inc | 431 Thames Street |
| Satori | Pole to Pole Imports, Inc. | 105 Swinburne Row |

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| Save The Bay | Save The Bay, Inc. | 175 Memorial Blvd. |
| Scooter World, LLC | Scooter World, LLC | 9 Christie's Landing |
| Scooters | Scooters of Newport, Inc. | 476 Thames Street- Subject to |
| Sea Horse Antiques | Maria V. Meares | 91 Long Wharf |
| Seaside Art Gallery | United Oil Paintings, Inc. | 134 Thames Street |
| Second Beach | Twist Co, Inc | 375 Thames St. #C-1 |
| Sheldon Art Gallery | Kennedy Studios of Newport, Inc. | 59 Americas Cup Avenue |
| Shell | Colbea Enterprises, LLC | 560 Thames Street |
| Ship's Store & Rigging, | Deveau, Inc. | 1 Bowen's Landing |
| Shirtsleeves | David Fernandez | 8 Christies Landing |
| Simply Gianna | Sylvia Beneditti | 523 Thames St. |
| Smoky Topaz | Mattiace Inc | 125 Swinburne Row |
| Sole Desire | Heavenly Soles, Inc. | 131 Swinburne Row |
| Souvenir Stop II, The | Gregory Jordan and Andrew Borer | 359 Thames Street Unit F2 |
| Souvenir Stop, The | Gregory Jordan and Andrew Borer | 115 Swinburne Row |
| SpaVure Newport | Spa Systems of New England Inc. | 25 Americas Cup Ave. |
| Spring Bull Studio | Cooperative of 17 Artists | 55 Bellevue Avenue |
| Spring Fever | AMC Properties, Inc. | 235 Spring Street |
| Starbucks Coffee #7229 | Starbucks Corporation | 212 Thames Street |
| Stardust Fashion Jewelry | Jane Kropp | 359 Thames St. |
| Stillwater Spa | Hyatt Regency Newport | Goat Island |
| Stop & Shop #701 | Stop & Shop Supermarket Co. | 250 Bellevue Avenue |
| Sundress w/ Sole | Mark Barlow & Elaine Barlow | 391 Thames St. |
| Sunglass Hut #1694 | Sunglass Hut Trading, LLC | 204 Thames St. |
| Supercuts #9484 | Supercuts Corporate Shops, Inc. | 199 Connell Highway |
| Sweats of Newport | Newport Apparel, Inc. | 198 Thames ST. |
| T J Maxx #617 | T J X Companies, Inc., The | 199 Connell Highway |
| T Shirt Town | Gregory Jordan and Andrew Borer | 182 B Thames St. |
| Talbots #24 | Talbots, Inc., The | 162 Bellevue Avenue |
| Tastemaker | Cottage and Garden LLC | 64 Thames Street |
| Team One Newport | Team One Newport, Inc. | 561 Thames Street |
| Terrida | Terrida, LTD | 10 Bowen's Wharf |
| Thames Glass, Inc. | Thames Glass, Inc. | 688 Thames Street |
| Thames Street Shell | Colbea Enterprises, LLC | 560 Thames Street |
| Thames Street Shirt | Thames Street Shirt Company | 410 Thames Street |

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| Three Golden Apples | Daniel MacDonald & Tooni Milici | 140 Bellevue Avenue |
| Tibet in-port | Tsering Ngamdung | 471 Thames Street |
| Touro Synagogue Gift | Society of Friends of Touro Synagogue National | 72 Touro Street |
| Trendz | Trendz LLC | 435 Thames St. #2N |
| Tropical Gangsters | Tropical Gangsters Southside, Ltd. | 375 Thames Street |
| UpperDeck Clothing | David Fernandez | 27 Bowens Wharf |
| UPS Store, The | Caje Enterprises, LLC | 270 Bellevue Avenue |
| Van Der Wal Gallery | Tenley & Onne Van Der Wal | 1 Bannister's Wharf |
| Wal-Mart Store #2885 | Wal-Mart Stores East, LP | 199 Connell Highway |
| Wellspring | Donald S. Robertson | 182 Bellevue Avenue |
| West Marine | West Marine Products, Inc. | 199 Connell Highway |
| Wharfs End | David Hawkins | 12 Christies Landing |
| William Vareika Fine | William Vareika Fine Arts, LTD | 212 Bellevue Avenue |
| Yankee Candle Company | Yankee Candle Company, Inc., The | 36 Americas Cup Ave. |

# SECOND-HAND LICENSE , RENEWALS:

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|---|---|---|
| A & A Gaines | Alan & Amy B. Gaines | 40 Franklin Street |
| Aardvark Antiques | Arthur A. Grover | 9 Connell Highway |
| Armory Antiques | Newport Antique Traders | 365 Thames St. |
| Blockbuster Video | Video Management Group, Inc. | 199 Connell Highway, Unit 11 |
| Cottage & Garden, LLC | Eleanor Gobis | 9 Bridge St. Unit C |
| Drawing Room of Newport | Federico Santi & John Gacher | 152 Spring St. |
| Franklin and Company, LLC | Franklin and Company, LLC | 121 Bellevue Ave. |
| GameStop #3842 | GameStop, Inc. | 163 Connell Hwy |
| Griffon Shop | Newport Art museum and Art | 76 Bellevue Ave. |
| House of Windsor | Karen L. St. Pierre | 225 Goddard Row |
| JB Antiques | Jacqueline Barratt | 33 Franklin Street |
| Lamp Lighter Antiques | Al Lozito | 42 Spring Street |
| Lulu's | Lulu's, Ltd. | 433 Thames Street Suite 1 |
| Music Box | Music Box | 160 Thames Street |
| Newport Scrimshanders | Brian J. Kiracofe | 14 Bowens Wharf |
| Nicky's Music | Nicholas A. | 62 Spring Street |
| Portobello Jewelers | Portobello LLC | 200 Bellevue Avenue |
| Portobello Jewelers | Portobello LLC | 211 Goddard Row |
| Roger King Fine Arts | Roger King Fine Arts LLC | 21 Bowens Wharf |
| Salvation Army Thrift | Salvation Army, The | 76 Broadway |
| Sea Horse Antiques | Maria V. Meares | 91 Long Wharf |

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| St. Paul's Thrift Shop | Washington Square Services | 326 | Broadway |
| Tastemaker | Cottage and Garden LLC | 64 | Thames Street |

MINUTES OF THE COUNCIL WORKSHOP HELD
MARCH 31, 2008

The Chairman called the meeting to order at 6:30 p.m.

The City Clerk took the roll and the following members of the Council were present:

MARY C. CONNOLLY, Vice Chair
STEPHEN R. COYNE
CHARLES Y. DUNCAN
KATHRYN E. LEONARD
JUSTIN S. MC LAUGHLIN
JEANNE-MARIE NAPOLITANO
STEPHEN C. WALUK, CHAIR

CITY MANAGER ED LAVALLEE and UTILITIES DIRECTOR JULIA FORGUE were also present.

A powerpoint presentation was given by CDM, Inc., the City's advisor for Water Utility Strategic Options and Delivery of Improvements to Water Treatment Facilities, under their Scope of Services – Phase 1A (utility ownership/governance strategy)

The workshop adjourned at 7:30 p.m.

# CITY OF NEWPORT

# COUNCIL WORKSHOP

## MARCH 31, 2008
## 6:30 P.M.

## COUNCIL CHAMBERS

## AGENDA

Workshop with CDM. Inc., the City Advisor for Water Utility Strategic Options and Delivery of Improvements to Water Treatment Facilities, under their Scope of Services – Phase 1A (utility ownership/governance strategy) - presentation and discussion of the intended approach

Kathleen M. Silvia
City Clerk

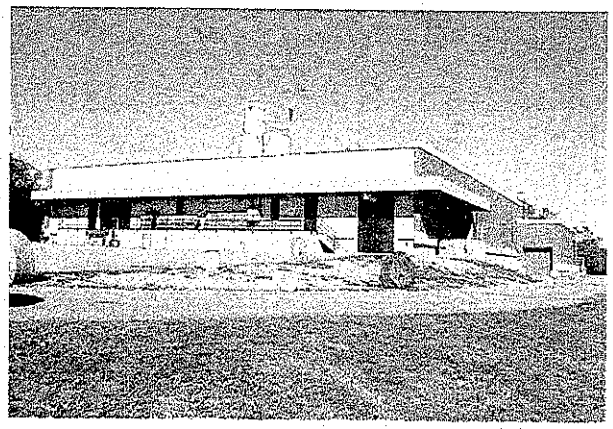
CDM

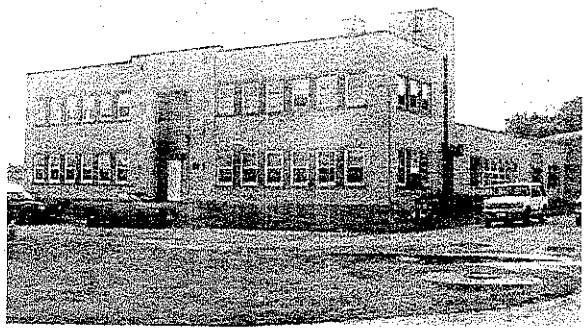
# Water Utility Strategic Options and Delivery of Improvements to Water Treatment Facilities

Project # 08-028

Newport City Council Workshop

March 31, 2008





# Workshop Agenda

- Purpose of workshop:
  - To provide input, questions and guidance for City Advisor before work is initiated

- Review Scope of Work / Schedule for City Advisor
- Discuss proposed approach for initial tasks *(Phase 1A)*
- Discuss City objectives and criteria to guide these initial tasks *(Phase 1A)*

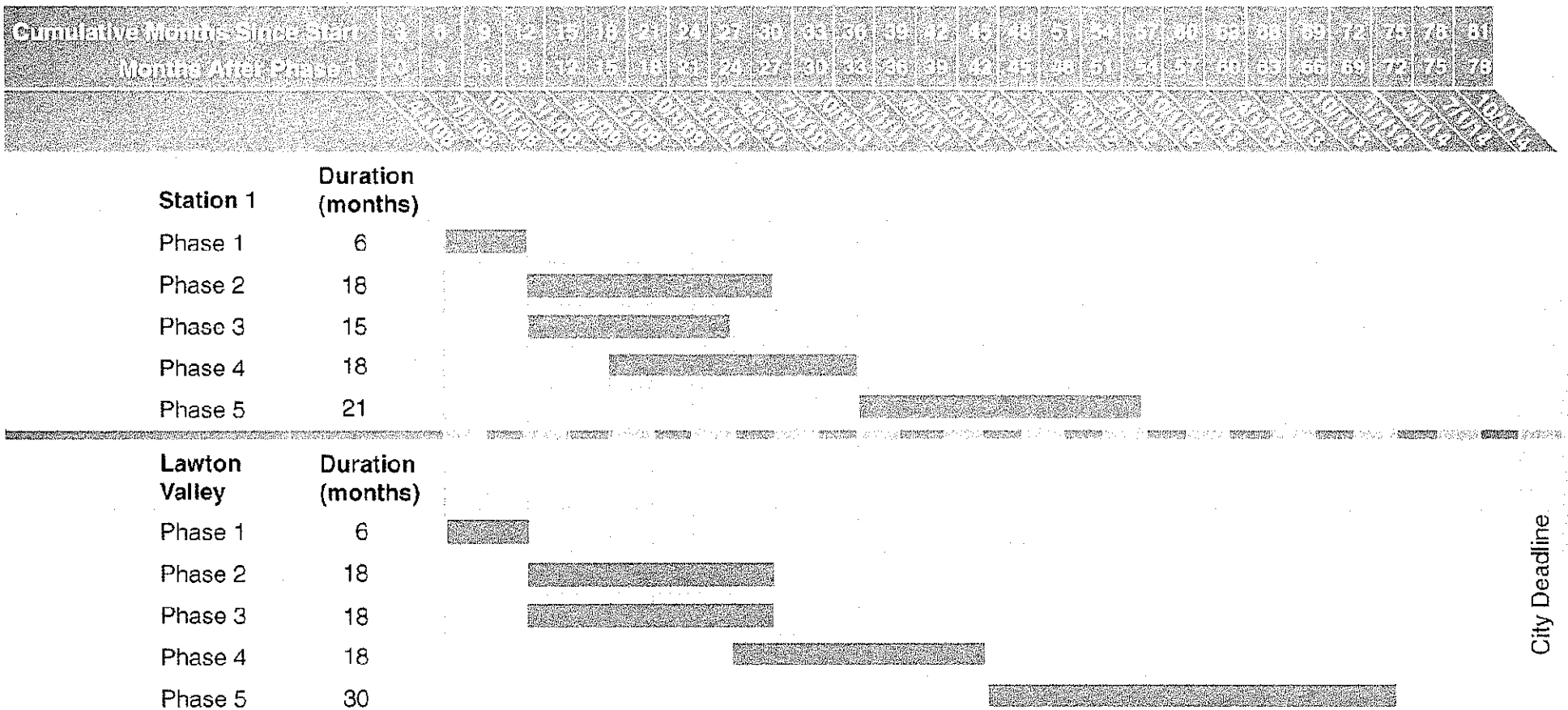
# Scope of Work for City Advisor

## Five Phases:

1. Utility Ownership/Governance and Project Delivery Strategy
   A. Utility Ownership/Governance
   B. Project Delivery Strategy
2. Utility Financing
3. Engineering Studies and Preliminary Design
4. Procurement Documents and Process
5. Monitoring of Contractor Performance

***This workshop will focus on Phase 1A***

# Current Schedule (All Phases)




City deadline end of 2014.

| | |
|---|---|
| Phase 1 | Utility Ownership/Governance and Project Delivery Strategy |
| Phase 2 | Utility Financing |
| Phase 3 | Engineering Studies/Preliminary Design |
| Phase 4 | Procurement Documents and Process |
| Phase 5 | Monitoring of Contractor Performance |

# Phases 1A and 1B

- Phase 1A
  - To address City Council's "strategic" questions concerning the water utility:
    - Ownership
    - Governance
    - Financial
- Phase 1B
  - To develop a plan for efficient delivery of long-term improvements to water treatment facilities
    - Design – Build
    - Design – Build – Operate
    - Etc.

# Schedule for Phases 1A and 1B

| | Month (2008) | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | March | April | May | June | July | August | Sept | October |
| **Phase 1A** **Utility Ownership/Governance Strategy** | | | | | | | | |
| **Task 1A.1** ***Identify Objectives, Options, and Criteria*** | | | | | | | | |
| *City Council Workshop* | ▲ | | | | | | | |
| *Utility Ownership/Governance Strategy Objectives, Options and Criteria Memorandum* | | ▲ | | | | | | |
| **Task 1A.2** ***Analyze Pros and Cons of Options*** | | | | | | | | |
| *City Council Workshop* | | | | ▲ | | | | |
| **Task 1A.3** ***Financial Review*** | | | ▲ | | | | | |
| **Task 1A.4** ***City Council Decision-Making Meeting*** | | | | ▲ | | | | |
| **Phase 1B** **WTP Improvements Delivery Strategy** | | | | | | | | |
| **Task 1B.1** ***Identify Objectives, Options, and Criteria*** | | | | | | | | |
| *Identify Objectives, Options, and Criteria* | | | | | ▲ | | | |
| **Task 1B.2** ***Analyze Pros and Cons of Options*** | | | | | | | | |
| *City Council Workshop* | | | | | | ▲ | | |
| **Task 1B.3** ***Risk Allocation and Management*** | | | | | | ▲ | | |
| *Risk Allocation and Management Memorandum* | | | | | | | | |
| **Task 1B.4** ***City Council Decision-Making Meeting*** | | | | | | | ▲ | |
| **Task 1B.5** ***Phase I Report (Draft/Final)*** | | | | | | | | ▲ ▲ |

Phase 1B dates asumes that City Council Phase 1A decisions are finalized by June 25, 2008.

# Phase 1A Approach

- City Advisor will provide information and analyses to support City Council deliberations
- Fundamental question for the water utility:
  - What ownership and governance structure is in the best interest of the City of Newport?
- Three basic options:
  - Continue City ownership / governance
  - Create new regional authority
  - Transfer assets to private water company

# Some Phase 1A Issues

- How to define the City's "*best interest*?"
  - Rate payers or tax payers?
  - Governance by City Council or by regional or private entity?
- What option will be more efficient?
  - Financing
  - Operations
  - Capital improvements / asset renewals
- Will future growth and demand be served?
- What are the implementation obstacles?

# Other Phase 1A Issues or Concerns?

- Questions that should be addressed?
- Issues that should be considered?
- Concerns with any of the options?

# Phase 1A Objectives and Criteria

- <u>City objectives for water utility</u>:
  - Minimize cost / rates
  - Reliable and compliant service
  - Maximize value of existing assets
  - Sustainable over the long-term
- <u>Criteria for analysis of options</u>:
  - Promote objectives?
  - Implementation obstacles
  - Risk management
  - Public acceptance

# CITY OF NEWPORT
# MINUTES OF THE COUNCIL MEETING
# HELD APRIL 23, 2008
**(Approved 6/11/2008)**

*The following items of business, filed with the City Clerk under the rules of the Council, came before the Council at its regular meeting held on* ***April 23, 2008, at 6:30 p.m.***

The Mayor called the meeting to order at 6:30 p.m.

The City Clerk called the roll and the following members were present:

MARY C. CONNOLLY
STEPHREN R. COYNE
CHARLES Y. DUNCAN
KATHRYN E. LEONARD
JUSTIN S. MC LAUGHLIN
JEANNE-MARIE NAPOLITANO
STEPHEN C. WALUK, MAYOR

**CITIZEN'S FORUM**
James Perrier, President, Friends of the Waterfront, spoke on the Mary Ferrazzoli Park and submitted pictures of benches for which the organization will submit a check to the city's Gift Fund for their purchase. He thanked the Recreation Director, City Manager, and Grounds Supervisor for their work in getting the park developed.

## COUNCIL

1. **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 February 27, 2008, Council Meeting (Approve)

   b. Minutes of the March 12, 2008, Council Meeting (Approve)

   c. Special Event License:

      1) Visiting Nurse Services, d/b/a Annual Meeting; Salve Regina University, Ochre Court, Ochre Point Ave., May 7, 2008, from 5:00 p.m.to 7:30 p.m.

      2) Royal Arts Foundation, d/b/a Robin Spielberg Concert; Belcourt Castle, 657 Bellevue Ave., May 9, 2008, from 6:00 p.m. to 10:00p.m.

      3) Austen Sharp, LLC, d/b/a Thomas Tew Thieves Market; Brick Market Place, May 24, 2008, from 10:00 a.m. to 6:00 p.m.

      4) REMOVED: Friends of Ballard Park, d/b/a Fundraiser for Friends of Ballard Park, May 31, 2008, from 7:00 p.m. to 12 Midnight.

      5) International Yacht Restoration School, d/b/a Graduation/Launch Day; IYRS, 449 Thames St., May 31, 2008, from 9:30 a.m. to 2:00 p.m.

6) Newport Shipyard, d/b/a Newport-Bermuda Race Kick-off Party; Newport Shipyard, 1 Washington St., June 18, 2008, from 6:00 p.m. to 8:00 p.m.

7) Sail Newport, d/b/a The 2008 Newport Regatta/Regatta Socials; Fort Adams State Park, July 11th, from 4:00 p.m. to 7:30 p.m.; July 12th, from 4:00 p.m. to 8:00 p.m.; and July 13th, from 4:00 p.m. to 6:30 p.m.

8) REMOVED: The Preservation Society of Newport County, d/b/a CVS Charitable Classic Golf Tournament Dinner; The Breakers, 44 Ochre Point Ave., June 23, 2008, from 6:00 p.m. to Midnight.

9) REMOVED: The Preservation Society of Newport County, d/b/a The Newport Flower Show; Rosecliff, 548 Bellevue Ave., June 27, 2008.

10) REMOVED: The Preservation Society of Newport County, d/b/a The Tiffany Ball; The Breakers, 44 Ochre Point Ave., August 15, 2008.

11) REMOVED: The Preservation Society of Newport County, d/b/a Newport Mansions Annual Wine and Food Festival; Rosecliff, 548 Bellevue Ave.

d. Daily Entertainment License, Gladding School of Dance; Rogers High School, May 23, 2008, from 6 p.m. to 10:00 p.m., and May 24, 2008, from 1:00 p.m. to 5:00 p.m.

e. Holiday Selling License, New, Hooley Worldwide, Inc., d/b/a Board Room, 1 Casino Terrace

f. Holiday Selling License, Renewal, Two Hogs, LLC, d/b/a Del Sol, 203 Goddard Row

g. Second-hand License, Renewal, William Vareika Fine Arts, LTD, d/b/a William Vareika Fine Arts, 212 Bellevue Ave.

h. Communication from John A. Murphy, Esq., requesting permission for Conanicut Marine Services, Inc., holder of a Class G liquor license, to serve alcoholic beverages aboard the ferries The Jamestown and MV Katherine while dockside in Newport Harbor for the 30-minute period prior to scheduled departures. (Approve)

i. Communication from the Assoc. Director of Alumni/Parent Programs and the Development Officer, Salve Regina University, requesting permission to hang a banner across Thames Street, from The Red Parrot to Salas' Restaurant, Reunion Weekend, June 6-8, 2008, and Fall Festival Weekend, September 26-28, 2008. (Approve subject to details being worked out with the city administration.)

j. REMOVED: Communication from Gregory F. Fater, Esq., Newport Gulls, Ltd., asking permission to place temporary signs on game days.

k. FY 2008-09 Recommended Operating Budget (Receive and order advertised for hearing on May 7, 2008)

COUNCILOR COYNE moved the Consent Calendar, with the exception of items a-4,-8,-9,10-11, and j, be adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

a-4) Special Event License: Friends of Ballard Park, d/b/a Fundraiser for Friends of Ballard Park, 11 Berkeley Ave., May 31, 2008, from 7:00 p.m. to 12 Midnight.

MAYOR WALUK moved the hours of the event be amended to 6 p.m. to 9 p.m., at the request of the applicant. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

MAYOR WALUK moved the license, as amended, be approved. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

a- 8) The Preservation Society of Newport County, d/b/a CVS Charitable Classic Golf Tournament Dinner; The Breakers, 44 Ochre Point Ave., June 23, 2008, from 6:00 p.m. to Midnight.

9) The Preservation Society of Newport County, d/b/a The Newport Flower Show; Rosecliff, 548 Bellevue Ave., June 27, 2008, from 9:00 a.m. to 5:00 p.m.; June 28, 2008, from 9:00 a.m. to 9:00 p.m.; and June 29, 2008, from 9:00 a.m. to 5:00 p.m.

10) The Preservation Society of Newport County, d/b/a The Tiffany Ball; The Breakers, 44 Ochre Point Ave., August 15, 2008, from 7:00 p.m. to Midnight.

11) The Preservation Society of Newport County, d/b/a Newport Mansions Annual Wine and Food Festival; Rosecliff, 548 Bellevue Ave. and Marble House, 596 Bellevue Ave., September 26, 2008, from 12 Noon to 6:00 p.m.; September 27, 2008, from 12 Noon to 9:00 p.m.; and September 28, 2008, from 12 noon to 6:00 p.m.

COUNCILOR DUNCAN recused himself on items a-8,-9,-10,-11.

COUNCILOR COYNE moved the Special Event Licenses be approved. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

j. Communication from Gregory F. Fater, Esq., Newport Gulls, Ltd., asking permission to place temporary signs on game days, from morning until 9:00 p.m., at the rotary on Connell Highway, in the median on Memorial Boulevard., and on America's Cup Avenue. (Approve subject to details being worked out with the city administration)

COUNCILOR COYNE recused himself.

COUNCILOR LEONARD said there needs to be a policy regulating signs in the public ways as to how many, size, etc.

MAYOR WALUK moved the request be approved subject to details being worked out with the city administration. Seconded by COUNCILOR CONNOLLY.

COUNCILOR NAPOLITANO said it appears the signs would be placed on State property and asked if the City was authorized to approve them. CITY MANAGER ED LAVALLEE responded that the State indicated they don't have the power to enforce their prohibition of signs and would like the City to do so. He said he was advised that if the City asked for permission and presented a plan, with no liability to the State, they would approve such. COUNCILOR LEONARD said if their rules are no signs then the city should not approve them. COUNCILOR MC LAUGHLIN asked how many signs were being requested; MAYOR WALUK responded he believed just one sign at each location. CITY MANAGER LAVALLEE said he was going to ask the State for permission to put in frames that would hold replaceable signs to promote various events during the year.

Vote on the motion to approve subject to details being worked out:
In favor – MAYOR WALUK; COUNCILORS CONNOLY, COYNE, DUNCAN, MC LAUGHLIN and NAPOLITANO.

Opposed – COUNCILOR LEONARD

**LICENSES & PERMITS**

2. Second-hand License Renewals (continued from March 26, 2008):
   a. Harbor Antiques, 134 Spring St.
   b. Lamp Lighter Antiques, 42 Spring St.
   c. Renaissance Antique Lighting, 42 Spring St.
   d. Lynne Allen, 30 Franklin St.
   e. Ramson House, 32 Franklin St.
   f. JB Antiques, 33 Franklin St.
   g. Drawing Room of Newport, 152 Spring St.
   h. Music Box, 160 Thames St.
   i. Nicky's Music, 62 Spring St.

MAYOR WALUK moved b, h and i be approved. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

MAYOR WALUK moved c, f and g be continued. Seconded by COUNCILOR COYNE and voted unanimously.

MAYOR WALUK moved a, d, e be withdrawn. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

3. Application for a Special Event License, Brendan R. Doyle, d/b/a "The Bobby Doyle 5-mile Summer Classic Road Race and 3.4 Mile Walk"; August 15, 2008, from 3:00 p.m. to :30 p.m. – Ocean Drive area, beginning and ending at Rogers High School, route attached. Continued from April 9, 2008)

MAYOR WALUK moved the license be withdrawn at the request of the applicant. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

4. Application of Uncle Rocky's American Italian Cuisine, LLC, d/b/a Uncle Rocky's, 109 Broadway, for a Class A (indoor) Entertainment License (Second Hearing)

COUNCILOR COYNE moved the hearing be closed. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY. COUNCILOR COYNE moved the license be granted. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

5. Application for a Victualing License, The Barking Crab-Newport, LLC, d/b/a The Barking Crab, 151 Swinburne Row (in conjunction with transfer of the alcoholic beverage license)

COUNCILOR COYNE moved the license be approved. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

6. Application of Reliance Services, LLC, d/b/a loca, 109 Long Wharf, first and second floors and 2nd fl. deck, to expand its Victualing License to a 21'9" x 66'9" ground-level patio on the east side of the building; and to expand the current 336 sq. ft. second-floor deck by 548 sq. ft. for a total of 884 square feet.

COUNCILOR COYNE moved the expansion be approved. Seconded by COUNCILOR NAPOLITANO.

COUNCILOR MC LAUGHLIN questioned the amount of outdoor seating. P, J. CATALEDGE, applicant, responded there would be seating for 73 on the second-floor deck and 54 on the ground-level patio.

The motion to approve was VOTED UNANIMOUSLY.

## COMMUNICATIONS & PETITIONS

7. Communication from Norman Champagne, 110 Maple Ave., Middletown, seeking support for Senate Bill 2364, naming the Sakonnet Bridge replacement the Pocasset Bridge.

MR. CHAMPAGNE submitted information on the proposed bridge location.

COUNCILOR COYNE moved the information be received. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

MR. CHAMPAGNE spoke on the legislation sponsored by Senator June Gibbs to name the Sakonnet Bridge replacement the Pocasset Bridge and said a review of the 1776 chart would show the appropriateness of naming the span Pocasset. He asked for the Council's support of the legislation and naming the bridge Pocasset.

8. Communication from Bonnie Watson, Gale Goff, asking to address the Council, re: Report on the Newport community's vision for the future of the waterfront.

MAYOR WALUK moved the communication be continued to the May 7th meeting at the request of Ms. Goff. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

**RESOLUTIONS**

9. Superseding Resolution No. 2008-60, re: Award of Bid for one Disc Brush Chipper with Dual Feed Roller

MAYOR WALUK moved the resolution be adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

10. Requesting an ordinance to prohibit smoking in bus shelters and imposing a $50 fine for violations – C. Duncan

COUNCILOR DUNCAN introduced the resolution and moved that it be amended to ask the City's legislative delegation to submit legislation to prohibit smoking in bus shelters. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

COUNCILOR DUNCAN moved the resolution, as amended, be adopted. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

11. Endorsing the Housing America Campaign – J. Napolitano

COUNCILOR NAPOLITANO introduced the resolution, noting that April is US Housing Month and of the need to inform decision-makers of the need to address housing concerns, and moved for its adoption. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

(#13 WAS HEARD PRIOR TO #12)

12. In Support of Senate Bill 2409, calling for a non-binding referendum on eliminating the straight party master levers and straight party computer ballot marks – J. McLaughlin, M. Connolly, S. Waluk

COUNCILOR MC LAUGHLIN introduced the resolution and moved for its adoption. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

13. Directing the Canvassing Clerk and Canvassing Authority to promote awareness of the voting process mechanics for municipal non-partisan elections – J. McLaughlin, M. Connolly, C. Duncan, S. Waluk

COUNCILOR MC LAUGHLIN introduced the resolution, noting that at the last election in the first and second wards of the total votes cast there were 881 people who did not vote for a ward candidate, while only 121 did not vote for the road bond. He said this led him to believe that people

used the straight-party vote, not realizing that they were not voting for the Council and School Committee candidates.

COUNCILOR MC LAUGHLIN moved the resolution be adopted. Seconded by COUNCILOR CONNOLLY.

COUNCILOR LEONARD said the City should return to odd-year elections because it appears people do not give the local elections much attention when there is a state and/or national election at the same time.

The motion to approve was VOTED UNANIMOUSLY,

14. Requesting consideration be given to the Property Tax Levy Caps, delineated in RIGL 44-5-2, during collective bargaining negotiations and in arbitration awards to prevent total annual cost increases from exceeding the fiscal year tax-levy cap – J. McLaughlin, S. Waluk

COUNCILOR MC LAUGHLIN introduced the resolution and moved for its adoption. Seconded by COUNCILOR CONNOLLY. MAYOR WALUK said copies of the resolution and legislation should also be sent to the School Committee and Superintendent of Schools.
The motion to adopt was VOTED UNANIMOUSLY.

**ORDINANCES**

15. Amending Chapter 10.20.210, entitled, "Meter Charges," to implement a 24.00/day fee for a reserved metered parking space in conjunction with a special event or construction work.

MAYOR WALUK moved the ordinance be adopted on second reading. Seconded by COUNICLOR CONNOLLY and VOTED UNANIMOUSLY.

16. Amending Section 9.08.01, "Desecration," of Chapter 9.08, entitled, "Offenses Against Property," to prohibit the defacing or changing of city-installed or approved signs, designations or markings designating public rights- of-way, information signs, symbols, and related city-sanctioned directional aides and devices.

COUNCILOR LEONARD moved the ordinance be adopted on first reading. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

17. Amending Chapter 10.20.120, entitled, "Parking Prohibited in Specified Places—Unauthorized Moving in Prohibited Areas," to prohibit parking adjacent to a curb painted yellow, and to prohibit the altering, duplicating, covering, etc., of a city-sanctioned traffic control sign or marking, as well as the installation of non-sanctioned parking, traffic control and public safety devices. (First Reading)

COUNCILOR DUNCAN introduced the ordinance and moved for its adoption on first reading. Seconded by COUNCILOR LEONARD and VOTED UNANIMOUSLY.

## COMMUNICATIONS FROM THE CITY MANAGER

18. Communication #/4384/08, re: Bid Award for Video Conferencing Solution

COUNCILOR COYNE moved the communication be received and the resolution adopted. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

COUNCILOR CONNOLLY said that as the rep to the Newport Accessibility Committee on their behalf she thanked the city administration through on this.

19. Communication #4385/08, re: Bid Award for Water Bill Printing & Mailing

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

20. Communication #4386/08, re: Change Order #1 – Lawton Valley Water Treatment Plant Residuals Mgt. and Raw Water Main Project

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY.

COUNCILOR DUNCAN questioned the increase in the contract price. KEN MASON, Deputy Utilities Director, said this would result in a 1.5% increase over the current contract. He said that when put out to bit it is almost impossible to determine how much in material needs to be installed, how much rock needs to be dug out, etc.; and, in addition, extra work on Union Street was required by the RI Dept. of Transportation.

The motion to approve was VOTED UNANIMOUSLY.

21. Communication #4387/08, re: U.S. Environmental Protection Agency Grant – Affirmation of Award – Amendment #1

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

22. Communication #4388/08, re: Bid Award for Easton's Beach Parking Lot Resurfacing

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

23. Communication #4389/08, re: Prohibition of Skateboarding in Eisenhower Park

MAYOR WALUK moved the communication be received and the accompanying ordinance adopted on first reading. Seconded by COUNCILOR CONNOLLY.

COUNCILOR MC LAUGHLIN suggested the School Department might want the front of Thompson Middle School included. COUNCILOR COYNE also suggested the new bluestone sidewalks outside of Eisenhower Park be included. COUNCILOR DUNCAN asked if the ordinance is enforceable; COUNCILOR NAPOLITANO said it is enforced through Municipal Court. COUNCILOR DUNCAN said the Recreation Director and Grounds Supervisor had looked into developing a new skateboard park; however, no one showed up at a meeting nor showed any interest.

The motion to approve was VOTED UNANIMOUSLY.

24. Communication #4390/08, re: Bid Award for Easton's Beach Directional Signs

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY.

COUNCILOR LEONARD said that she believed 21 signs in one area would be too many; COUNCILOR NAPOLITANO agreed and said she also thought the welcoming sign was overdone with all the prohibitions listed right after the welcome.

HERB ARMSTRONG, Chair, Beach Commission, said the commission had reviewed and approved the signs but not the number to be installed. He said the commission and city are trying an upscale approach to rotunda usage, and while ball playing is prohibited, volleyball at the beach is regulated and it seemed logical to approve it. MAYOR WALUK pointed out that the prohibitions are the current policy at the beach and the signs would make enforcement easier. Discussion followed between COUNCILOR DUNCAN and RAY FULLERTON, Beach Manager, on the terms and conditions related to the installation of the signs, and MAYOR WALUK and MR. FULLERTON on how bids were solicited.

Following additional discussion, the motion to approve was VOTED UNANIMOUSLY.

25. Communication #4391/08, re: Interim Agreement – Parking Lot Management

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY.

MAYOR WALUK asked if the company would maintain the restrooms; CITY MANAGER LAVALLEE responded they would.

The motion to approve was VOTEDUNANIMOUSLY.

7:28 P.M. Adjourned and convened as the Board of License Commissioners.

# BOARD OF LICENSE COMMISSIONERS

**CONSENT CALENDAR. (Suspended)**

a. Class F Daily Liquor License, Sail Newport, Inc., d/b/a The 2008 Newport Regatta/Socials; Fort Adams State Park, July 11th, from 4:00 p.m. to 7:30 p.m.; July 12th, from 4:00 p.m. to 8:00 p.m.; and July 13th, from 4:00 p.m. to 6:30 p.m.

COMMISSIONER COYNE moved the license be approved. Seconded by COMMISSIONER NAPOLITANO and VOTED UNANIMOUSLY.

b. Class F-1 Daily Liquor License:

1) The Preservation Society of Newport County, d/b/a The Newport Flower Show; Rosecliff, Bellevue Ave., June 27, 2008, from 9:00 a.m. to 5:00 p.m.; June 28, 2008, from 9:00 a.m. to 9:00 p.m.; and June 29, 2008, from 9:00 a.m. to 5:00 p.m.

2) The Preservation Society of Newport County, d/b/a The Tiffany Ball; The Breakers, 44 Ochre Point Ave., August 15, 2008, from 7:00 p.m. to Midnight.

3) The Preservation Society of Newport County, d/b/a Newport Mansions Annual Wine and Food Festival; Rosecliff, 548 Bellevue Ave. and Marble House, 596 Bellevue Ave., September 26, 2008, from 12 Noon to 6:00 p.m.; September 27, 2008, from 12 Noon to 9:00 p.m.; and September 28, 2008, from 12 noon to 6:00 p.m.

COMMISSIONER DUNCAN recused himself.

COMMISSIONER COYNE moved the licenses be approved. Seconded by COMMISSIONER NAPOLITANO and VOTED UNANIMOUSLY.

**LICENSES & PERMITS**

**1.** Application of Sea Fare's American Café, Inc., d/b/a Sea Fare's American Café, 151 Swinburne Row, first floor and outside patio, to transfer its Class BV alcoholic beverage license to The Barking Crab-Newport, LLC, d/b/a The Barking Crab, for the same premises.

COMMISSIONER COYNE moved the hearing be closed and the transfer approved, subject to payment of all bills of indebtedness. Seconded by COMMISSIONER CONNOLLY and VOTED UNANIMOUSLY.

3. Application of Reliance Services, LLC, d/b/a loca, 109 Long Wharf, first and second floors and 2nd fl. deck, to expand its Class BV alcoholic beverage license to a 21'9" x 66'9" ground-level patio on the east side of the building; and to expand the current 336 sq. ft. second-floor deck by 548 sq. ft. for a total of 884 square feet.

COMMISSIONER COYNE moved the hearing be closed and the transfer approved, subject to payment of all bills of indebtedness. Seconded by COMMISSIONER CONNOLLY and VOTED UNANIMOUSLY.

7:30 P.M.

COUNCILOR COYNE moved the Board adjourn and reconvene as Council and adjourn to Executive Session in accordance with RIGL 42-46-1 to discuss the disposition of pubic property on J. T. Connell Highway. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

Kathleen M. Silvia
City Clerk

*CITY OF NEWPORT*
*MINUTES OF THE COUNCIL MEETING*
*HELD APRIL 9, 2008*

The following items of business, filed with the City Clerk under the rules of the Council, came before the Council at its regular meeting to be held on
April 9, 2008 at 6:30 p.m.

The Mayor called the meeting to order at 6:30 p.m.

The Deputy City Clerk called the roll and the following members were present:

MARY C. CONNOLLY
STEPHEN R. COYNE
STEPHEN C. WALUK
JUSTIN S. MC LAUGHLIN
CHARLES Y. DUNCAN
KATHRYN E. LEONARD

ABSENT: JEANNE MARIE NAPOLITANO

1. PUBLIC HEARING: FY2008-09 Community Development Block Grant (CDBG) Application.

JUNE HOUSE, Senior Development Planner, spoke to give information regarding the CDBG application process and summarized the information in the supporting documents submitted with the application.

JACK MC VICKER, representing the Off Broadway Neighborhood Association, commented on the importance of the CDBG but expressed frustration and concern regarding the application process. He stated it is difficult to determine which programs qualify and said there should be more community outreach. He commented that although every application which was received on time qualified for the CDBG, he urged the council not to submit the CDGB application.

COUNCILOR COYNE moved the public hearing be closed. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

a. Communication #4376/08 from the City Manager, re: 2008-09 CDBG Application

b. Resolution authorizing filing of the CDBG application in the amount of $699,985.

COUNCILOR COYNE moved the communication be received and adopt the accompanying resolution directing the City Administration to file the CDBG application on behalf of the City of Newport. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

2. **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 February 13, 2008, Council Meeting (Approve)

b. Special Event License:

1) Newport Art Museum, d/b/a "Wedding Table Displays"; 76 Bellevue Ave., April 18, 2008, from 4:00 p.m. to 7:00 p.m.

2) Newport Art Museum, d/b/a "Community Arts Connect Day"; 76 Bellevue Ave., April 26, 2008, from 1:00 p.m. to 4:00 p.m.

3) Newport Art Museum, d/b/a "Wine Tasting"; 76 Bellevue Ave., May 30, 2008, from 6:00 p.m. to 9:00 p.m.

4) Newport Rugby Football Club, d/b/a "Newport 7's Rugby Tournament"; Fort Adams State Park, July 26, 2008, from 8:00 a.m. to 8:00 p.m.

c. **REMOVED:** Food Concession License, Newport Rugby Football Club, Fort Adams State Park; July 26, 2008, from 8:00 a.m. to 8:00 p.m.

d. Annual Catering License, Renewal, McGrath Clambakes, Inc., d/b/a Tom McGrath Clambakes.

e. Holiday Selling License, New:
1) Heidi Bruggeman and Rosamond Field, d/b/a Luxe, 22 Franklin St.
2) Chatree Sachayansrisakul, d/b/a Drama Queen, 481 Thames St.
3) AMC Propertys, Inc., d/b/a Spring Fever, 24 Franklin St. (new location)

f. **REMOVED**: Holiday Selling License, Renewals
1) Connor Gavan, d/b/a Anchor Bend Glassworks, 16 Franklin St.
2) Evansco, Inc., d/b/a Bermuda Bay Clothing, 119 Swinburne Row
3) Chatree Sachayansrisakul, d/b/a Blonde, 537 Thames St.
4) Cuffy's Ltd., d/b/a Cuffy's of Newport, 3 Long Wharf Mall
5) Chatree Sachayansrisakul, d/b/a Diva, 492 Thames St.
6) Dress Barn, Inc. #604, d/b/a Dress Barn and Dress Barn Woman, 199 Connell Highway
7) Flori's Treasures, LLC, d/b/a Flori's Treasures, 217 Goddard Row
8) Herbert & Blair Simmons, d/b/a Newport China Trade Co., 8 Franklin St.

9) Primavera, Inc., d/b/a Primavera, 4 Bowens Wharf
10) Evansco, Inc., d/b/a Sail Loft, 16 Bowens Wharf
11) Sandra Gaines, d/b/a Vintage to Vogue, 70 Broadway

g. **REMOVED:** Pedicab License, Renewal, Newport Pedicab, Inc. (6 pedicabs), 270 Bellevue Ave.

h. **REMOVED**: Second-hand License, Renewals:
1) Herbert & Blair Simmons, d/b/a Newport China Trade Co., 8 Franklin Street
2) Sandra Gaines, d/b/a Vintage to Vogue, 70 Broadway.

i. Communication from the Aquidneck Island Police Parade Committee requesting permission to hold the 25th Annual Aquidneck Island National Police Parade on May 4, 2008, beginning at 11:50 a.m. at the Hampton =Inn, West Main Road, Middletown, and proceeding south onto Broadway to Mann Ave. (Approve subject to details being worked out =with the city administration.)

j. Communication from the Aquidneck Island National Police Parade Committee asking to be the sole vendor at the Aquidneck Island National Police Parade (Approve subject to details being worked out with the city administration)

k. Communication from the RI Historical Preservation & Heritage Commission, re: Listing of St. Mary's Church, 14 William St., in the National Register of Historic Places (Receive)

l. Proclamation of the RI Senate, re: "Join Hands 4 Love" -- worldwide Neighbor Day, May 18, 2008, at 1:00 p.m. (Receive)

m. Claims: (Receive and refer to the City Solicitor)
1) John R. Costello, D.M.D.
2) Jean Bergin

COUNCILOR COYNE moved the Consent Calendar, with the exception of Items c,f, g and h, be adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

c: Food Concession License, Newport Rugby Football Club, Fort Adams State Park; July 26, 2008, from 8:00 a.m. to 8:00 p.m.

COUNCILOR LEONARD asked if the food concession is in a designated area similar to the music festivals. The DEPUTY CITY CLERK responded that it is located next to the playing field. COUNCILOR LEONARD moved the license be approved. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

f: Holiday Selling License, Renewals

1) Connor Gavan, d/b/a Anchor Bend Glassworks, 16 Franklin St.
2) Evansco, Inc., d/b/a Bermuda Bay Clothing, 119 Swinburne Row
3) Chatree Sachayansrisakul, d/b/a Blonde, 537 Thames St.
4) Cuffy's Ltd., d/b/a Cuffy's of Newport, 3 Long Wharf Mall
5) Chatree Sachayansrisakul, d/b/a Diva, 492 Thames St.
6) Dress Barn, Inc. #604, d/b/a Dress Barn and Dress Barn Woman, 199 Connell Highway
7) Flori's Treasures, LLC, d/b/a Flori's Treasures, 217 Goddard Row
8) Herbert & Blair Simmons, d/b/a Newport China Trade Co., 8 Franklin St.
9) Primavera, Inc., d/b/a Primavera, 4 Bowens Wharf
10) Evansco, Inc., d/b/a Sail Loft, 16 Bowens Wharf
11) Sandra Gaines, d/b/a Vintage to Vogue, 70 Broadway

COUNCILOR COYNE moved the Holiday Selling License renewals be approved with the exception of item 11, Sandra Gaines, d/b/a Vintage to Vogue, 70 Broadway. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

COUNCILOR COYNE made a motion to continue the holiday selling license renewal for Sandra Gaines, d/b/a Vintage to Vogue, 70 Broadway to the May 7, 2008 council meeting. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

g. **Pedicab** License, Renewal, Newport Pedicab, Inc. (6 pedicabs), 270 Bellevue Ave.

COUNCILOR LEONARD questioned how many pedicabs will now be granted to operate in the city. CITY MANAGER EDWARD LAVALLEE stated this would bring the number of pedicabs to 12 which is the limit permitted by the ordinance.

COUNCILOR LEONARD moved to grant the license. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

h. Second-hand License, Renewals:

1) Herbert & Blair Simmons, d/b/a Newport China Trade Co., 8 Franklin Street
2) Sandra Gaines, d/b/a Vintage to Vogue, 70 Broadway.

COUNCILOR COYNE made a motion to grant the second hand license renewals with the exception of Sandra Gaines, d/b/a Vintage to Vogue, 70 Broadway. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

COUNCILOR COYNE made a motion to continue the second hand license renewal for Sandra Gaines, d/b/a Vintage to Vogue, 70 Broadway to the first council meeting in May meeting. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

## LICENSES & PERMITS

3. Application for a Special Event License, Brendan R. Doyle, d/b/a "The Bobby Doyle 5-Mile Summer Classic Road Race and 3.4 Mile Walk"; August 15, 2008, from 3:00 p.m. to 9:30 p.m. – Ocean Drive area, beginning and ending at Rogers High School, route attached. (Continued from March 26, 2008)

MAYOR WALUK made a motion to continue the Special Event license to the April 23, 2008 council meeting. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

4. Application of Uncle Rocky's American Italian Cuisine, LLC, d/b/a Uncle Rocky's, 109 Broadway, for a Class A (indoor) Entertainment License (First Hearing)

Hearing no comment from the floor, COUNCILOR COYNE made a motion to close the public hearing. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

COUNCILOR COYNE made a motion to approve the license on first reading. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

## COMMUNICATIONS & PETITIONS

5. Communication from Turner C. Scott, Esq., representing Darius and Gale Goff, owners of 31 Rhode Island Ave., appealing the Public Services Director's denial of their application for a curb cut on Wesley Street. (Continued from March 26, 2008)

COUNCILOR COYNE made a motion to receive the withdrawal of appeal from Turner C. Scott, Esq. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

6. Communication from Susan Ruf, Chair, Newport Tree Commission, re: proposed ordinance amendments to expand purview of Tree Commission to open space protection.

SUSAN RUF, Chair, Newport Tree Commission gave a brief summary of the proposed amendments to the ordinance which would expand the Tree Commission to open space protection.

MAYOR WALUK made a motion to receive and refer the report to the City Solicitor. Seconded by COUNCILOR CONNOLLY.

MAYOR WALUK went on to thank the Newport Tree Commission for their efforts and Mr. Clement from Aquidneck Island Land Trust for his assistance in drafting the new language. He also commented on the benefit of a combined Newport Tree and Open Space Commission.

The motion to receive and refer was VOTED UNANIMOUSLY.

7. Communication from Hilda Teresa Camacho, Cherish the Moments, LLC, asking permission to place three signs in Newport locations, April 18-20, 2008, promoting the "Spring Craft Fair & Kids Fair,"

HILDA CAMACHO, Cherish the Moments, LLC addressed the council to explain the purpose for requesting permission to place signs around Newport. Ms. Camacho presented photographs of three different size signs to the council. COUNCILOR COYNE moved the pictures be received, seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

COUNCILOR LEONARD indicated she would support the request but asked the City Administration if there could be a clear policy in place regarding different sign requests that come before the council. COUNCILOR DUNCAN asked if Cherish the Moments, LLC is a charitable organization to which Ms. Camacho responded it is not. COUNCILOR CONNOLLY questioned where Ms. Camacho was planning on placing the signs. Ms. Camacho indicated three areas in Newport- around the rotary, corner of Broadway and West Main Rd. and near Cardines Field.

MAYOR WALUK asked CITY MANAGER EDWARD LAVALLEE, following the question of COUNCILOR LEONARD, if there is a policy in place regarding placing signs within the city. CITY MANAGER LAVALLEE, stated there is not a hard and fast rule but deferred to the Director of Planning, Zoning and Development, Paige Bronk.

PAIGE BRONK, Director of Planning, Zoning and Development, addressed the council to clarify the regulations in the sign ordinance. He stated there is no written policy regarding temporary signs but he did feel the request qualified as a temporary signs for a charitable organization under the ordinance. He went on to clarify the different categories of signs in the ordinance.

COUNCILOR DUNCAN asked for clarity on the type of sign this request qualifies as and deferred to CITY SOLICITOR JOSEPH NICHOLSON to clarify the ordinance.

COUNCILOR MC LAUGHLIN stated he feels there is ambiguous language and moved for clarification of the ordinance as there continues to be sign requests that come before the ordinance.

COUNCILOR LEONARD agreed with COUNCILOR MC LAUGHLIN and requested there is written language so they have tools going forward when faced with future sign requests.

COUNCILOR COYNE moved the communication be received and approved to place three signs throughout the city subject to the type of signs used being approved by city administration.

In favor- COUNCILORS COYNE, CONNOLLY, DUNCAN, MC LAUGLIN and LEONARD.

Opposed- MAYOR WALUK.

8. Communication from Julie Costa, Keller Williams Realty of Newport, re: asking permission to use "Open House" directional signs on April 12, 2008, from 1:00 p.m. to 3:00 p.m. for a city-wide "Open House Blast."

Recused- COUNCILOR LEONARD

COUNCILOR COYNE moved the communication be received and permission granted to Julie Costa of Keller Williams Realty. Seconded by COUNCILOR CONNOLLY.

COUNCILOR DUNCAN questioned whether the signs will be placed in front of the homes for sale. PAIGE BRONK, Director of Planning, Zoning and Development stated there is not enough information in the request to determine where the signs will be placed.

COUNCILOR MC LAUGHLIN agreed with MR. BRONK and stated he would not be supporting the request. MAYOR WALUK shared the same concerns and stated he would not be supporting the request.

THE MOTION TO APPROVE FAILED BY A UNANIMOUS VOTE.

## 9. APPOINTMENTS TO BOARDS AND COMMISSIONS

Historic District Commission (1 Vacancy) – Applicants: William Dawley, W. Thomas Kammerer II , William McQueen, Sara Meirowitz , Robert Roy Richardson, Stephen Rous, Timothy Wade, Jr.

MAYOR WALUK moved W. Thomas Kammerer II be appointed to the **HISTORIC DISTRICT COMMISSION**. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

Newport Energy and Environment Commission (7 Vacancies) – Applicants: Annie Colella, Catherine Coyne, Kara DiCamillo, Jane Dyer, Martin Grimes, Al Lowe, Beth Milham, Theodorus Slee

MAYOR WALUK moved Annie Colella, Catherine Coyne, Kara DiCamillo, Jane Dyer, Martin Grimes, Al Lowe and Beth Milham be appointed to the **NEWPORT ENERGY AND ENVIROMENT COMMISSION.** Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

Sports Advisory Commission (6 Vacancies) – Applicants: Kevin Carlos and Terry Horan

MAYOR WALUK moved Kevin Carlos and Terry Horan be appointed to the **SPORTS ADVISORY COMMISSION.** Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

Note: Vacancies currently or soon will exist on the following boards and commissions: Building Code Board of Appeals, Cultural Commission, Historic Cemetery Advisory Commission, Hospitality Commission, Personnel Appeals Board, Planning Board, Sports Advisory Commission, Technology Advisory Commission, Newport Film Commission, and the Energy and Environment Commission. Interested residents can obtain applications on the City's web page or by contacting the Mayor's Office. A committee has been formed of past and present City officials and delegates

to the Shimoda City Black Ships Festivals, members of the Japan-America Society, tourism officials, and interested businesses, taxpayers and residents of Newport, to plan a schedule of celebratory events, educational programs and exhibitions, from May through July, 2008, of the Newport-Shimoda 50th Sister City Anniversary. Persons interested in participating can obtain applications on the City's web page or by contacting the Mayor's Office.

## RESOLUTIONS

10. Requesting a status report on the lawsuit involving the Washington Street Extension roadway and the cost for a survey of the property – K. Leonard

COUNCILOR LEONARD introduced the resolution and requested a report from the City Solicitor on the status of the Washington Street Extension.

CITY SOLICITOR JOSEPH NICHOLSON explained he has given the council a report and urged them to refer to this report and further stated there will be hearing on June 2, 2008.

COUNCILOR LEONARD requested the city administration determine the cost of survey to determine exactly what the city owns.

JIM PERRIER, representing Friends of the Waterfront addressed the council and gave background information on his own research regarding the Washington Street Extension. He also mentioned there has been a sign placed at the extension which reads, "Public Access Sidewalk Only".

MAYOR WALUK addressed CITY MANAGER EDWARD LAVALLEE regarding the sign and stated it would be removed the following day.

COUNCILOR MC LAUGHLIN questioned whether or not as a matter of policy the council can vote on a pending lawsuit. CITY SOLICITOR JOSEPH NICHOLSON stated he has already given the council his report and if they need additional information there will be a hearing on June 2, 2008 in Superior Court.

VOTE ON MOTION TO APPROVE VOTED UNANIMOUSLY.

11. Supporting diesel pollution reduction in the City of Newport – S. Waluk

MAYOR WALUK introduced the resolution and moved passage.

Seconded by COUNCILOR CONNOLLY.

COUNCILOR LEONARD stated she would like to see enforcement of the idling laws as there continues to be large busses that come into the city every year running for long periods of time and it is a health hazard.

VOTE ON ON MOTION TO APPROVE VOTED UNANIMOUSLY.

12. Accepting the gift of Mr. Ryan Daly of two chess tables and stools for the Edward St. Playground – C. Duncan, J. McLaughlin

COUNCILOR DUNCAN introduced the resolution.

RYAN DALY addressed the council to explain how he obtained funds for the chess tables by requesting donations from local businesses and what his hopes are for the youth in the community. He explained he is an avid chess player and he believes chess instills a sense of competition and promotes learning. He went on to say he feels it creates a positive activity for children. He presented the council with pictures of the chess tables.

COUNCILOR COYNE moved the pictures be received. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

COUNCILOR DUNCAN went on to say the tables will be installed with input from the city so there will not be any safety issues. The council went on the thank Mr. Daly for his actions.

VOTE ON THE MOTION TO APPROVE VOTED UNANIMOUSLY.

13. Calling for the city to cease using in the mosquito abatement program toxic poisons, such as methoprene which has a deadly effect on lobsters – C. Duncan, S. Waluk, J. Napolitano

COUNCILOR DUNCAN introduced the resolution and moved passage.

Seconded by COUNCILOR CONNOLLY.

PATRICK HEANEY, a local lobsterman addressed the council to express his concerns regarding the use of toxic poisons and the impact he has seen on lobsters. He also stated the risks from using these toxins far out way the benefits.

COUNCILOR LEONARD asked if someone can report to the council on any studies which may have been done on the impact of these toxins to humans.

COUNCILOR MC LAUGHLIN introduced an amendment to resolution to have the resolution be distributed to the other coastal communities. Seconded by COUNCILOR CONNOLLY. MAYOR WALUK introduced a further amendment to have the distribution made to all 38 cities and towns in Rhode Island. Seconded by COUNCILOR CONNOLLY

VOTE TO APPROVE AS AMENDED VOTED UNANIMOUSLY.

14. Canceling the May 14, 2008, council meeting and in lieu thereof holding a meeting on May 7, 2008. – J. McLaughlin, S. Coyne

COUNILOR MC LAUGHLIN introduced the resolution. Seconded by COUNCILOR CONNOLLY.

COUNCILOR COYNE asked whether or not a precedent has been set to reschedule council meetings and if it has been done in the past. MAYOR WALUK stated he could recall one meeting that was rescheduled in 2005 due to the absence of a few council members.

VOTE ON MOTION TO APPROVE VOTED UNANIMOUSLY.

15. Asking the Planning Board to review dormitory compatibility and use in residential neighborhoods – K. Leonard

COUNCILOR LEONARD recused herself with comments. She went on to say an anonymous person contacted the Newport Daily News and wants her investigated because she holds a real estate license with Lila Delman Real Estate. She did clarify that she had contacted the RI Ethics Commission and received an oral ruling that there was no conflict of interest; however, she has now requested a written decision from the commission.

COUNCILOR COYNE made a motion to approve the resolution. Seconded by COUNCILOR MC LAUGHLIN who went on to state the resolution is a result of the recent purchase of Gamell Hall by Salve Regina University which has raised legitimate concerns with the abutting neighbors. He pointed out the issue seems to be the relationship between Salve Regina University and the neighbors. He also stated both he and COUNCILOR COYNE met with Salve Regina University President, Sister M. Therese Antone, and they have agreed to meet with the neighbors to address concerns which have been raised by recent communications received by the council.

COUNCILOR MC LAUGHLIN made a motion to table the resolution. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY (5-0).

**<u>COMMUNICATIONS FROM THE CITY MANAGER</u>**

16. Communication #4377/08, re: Bid Award for Two 12-Lead Manual Defibrillators (with accompanying resolution)

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUCILOR CONNOLLY and VOTED UNANIMOUSLY.

17. Communication #4378/08, re: Bid Award for Brush Chipper (with accompanying resolution)

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUCILOR CONNOLLY and VOTED UNANIMOUSLY.

18. Communication #4379/08, re: Bid Award for Hybrid Vehicle (with accompanying resolution)

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY.

MAYOR WALUK thanked the city manager for his efforts to go green and indicated this vehicle will be the second added to the non public safety fleet.

VOTE ON MOTION TO APPROVE VOTED UNANIMOUSLY.

19. Communication #4380/08, re: Amendment #1 to Contract with Weston & Sampson – Railroad Interceptor Sewer Improvements (with accompanying resolution)

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUCILOR CONNOLLY and VOTED UNANIMOUSLY.

20. Communication #4381/08, re: Amendment #3 to Contract with Fuss & O'Neill, Inc. – Easton Pond Dam and Moat Study (with accompanying resolution)

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY.

COUNCILOR LEONARD asked whether or not the R.I. Department of Transportation and the Town of Middletown are participating in the study. CITY MANAGER EDWARD LAVALLEE stated a meeting has been scheduled between the R.I. Department of Transportation, the Town of Middletown and the Environmental Protection Agency to discuss their involvement.

COUNCILOR LEONARD also questioned whether or not the City of Newport will have any recourse if it fails. CITY MANAGER LAVALEE responded and stated there currently is not a contract nor has the proposal been out to bid yet.

JULIA FORGUE, Director of Utilities, stated this is an initial study and more information needs to be gathered to determine what else needs to be done prior to a bid proposal. COUNCILOR LEONARD wanted to know if there would be language in a contract to protect the city if the project fails. JULIA FORGUE indicated it could be written into a contract. CITY SOLICITOR JOSEPH NICHOLSON also stated there would be some bonding involved as well.

COUNCILOR MC LAUGHLIN thanked the city administration for their work on this project as it is moving along ahead of the initial proposed schedule.

VOTE ON THE MOTION TO APPROVE VOTED UNANIMOUSLY.

21. Communication #4382/08, re: Bid Award for Easton's Beach Rotunda Entrance Canopy (with accompanying resolution)

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUCILOR CONNOLLY and VOTED UNANIMOUSLY.

22. Communication #4383/08, re: Ordinance Amendment Relating to Reserved Meter Parking (with accompanying ordinance)

COUNCILOR COYNE made a motion to adjourn as council and convene as Board of License Commissioners. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

7:30 P.M. -ADJOURNED AS COUNCIL AND CONVENED AS BOARD OF LICENSE COMMISSIONERS

# BOARD OF LICENSE COMMISSIONERS

1. **CONSENT CALENDAR.** (ALL LICENSES ARE GRANTED SUBJECT TO COMPLIANCE WITH ORDINANCES #31-80 AND #98-40.)

   a. Class F Daily Liquor License, Newport Rugby Football Club, Fort Adams State Park, July 26, 2008, from 8:00 a.m. to 8:00 p.m.

COMMISSIONER COYNE made a motion to approve the Class F Daily Liquor License for the Newport Rugby Football Club. Seconded by COMMISSIONER CONNOLLY. COMMISSIONER MC LAUGHLIN questioned if it has been the practice to grant a liquor license beginning at 8:00 a.m. The DEPUTY CITY CLERK responded it has been granted in the past.

The motion to approve was VOTED UNANIMOUSLY.

   b. Sunday Selling License, Renewal, B.A.K.E., Inc., d/b/a Sully's Beer, Wine & Liquor, 25 Bliss Road.

COMMISSIONER COYNE made a motion to approve the Sunday Selling License renewal. Seconded by COMMISSIONER CONNOLLOY and VOTED UNANIMOUSLY.

   c. Communication from Matthew J. McGowan, Esq., re: IDC Clambakes, Inc., d/b/a The Regatta Club – Status of the Class BV Alcoholic Beverage License (Receive)

Recused- COMMISSIONER CONNOLLY.

COMMISSIONER COYNE made a motion to receive the communication. Seconded by COMMISSIONER WALUK and VOTED UNANIMOUSLY.

## LICENSES & PERMITS

**2.** Application of Fifth Ward Liquor, Inc., d/b/a Fifth Ward Liquor for a stock transfer resulting in Seth Margolis holding more over 50% of the stock. (Hearing)

COMMISSIONER COYNE moved the hearing be closed and the transfer approved. Seconded by COMMISSIONER CONNOLLY and VOTED UNANIMOUSLY.

7:35 p.m. - ADJOURNED

Laura Swistak Boiani
Deputy City Clerk

*CITY OF NEWPORT*
*MINUTES OF THE COUNCIL MEETING*
*HELD APRIL 9, 2008*

The following items of business, filed with the City Clerk under the rules of the Council, came before the Council at its regular meeting to be held on
April 9, 2008 at 6:30 p.m.

The Mayor called the meeting to order at 6:30 p.m.

The Deputy City Clerk called the roll and the following members were present:

MARY C. CONNOLLY
STEPHEN R. COYNE
STEPHEN C. WALUK
JUSTIN S. MC LAUGHLIN
CHARLES Y. DUNCAN
KATHRYN E. LEONARD

ABSENT: JEANNE MARIE NAPOLITANO

1. PUBLIC HEARING: FY2008-09 Community Development Block Grant (CDBG) Application.

JUNE HOUSE, Senior Development Planner, spoke to give information regarding the CDBG application process and summarized the information in the supporting documents submitted with the application.

JACK MC VICKER, representing the Off Broadway Neighborhood Association, commented on the importance of the CDBG but expressed frustration and concern regarding the application process. He stated it is difficult to determine which programs qualify and said there should be more community outreach. He commented that although every application which was received on time qualified for the CDBG, he urged the council not to submit the CDGB application.

COUNCILOR COYNE moved the public hearing be closed. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

a. Communication #4376/08 from the City Manager, re: 2008-09 CDBG Application

b. Resolution authorizing filing of the CDBG application in the amount of $699,985.

COUNCILOR COYNE moved the communication be received and adopt the accompanying resolution directing the City Administration to file the CDBG application on behalf of the City of Newport. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

2. **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 February 13, 2008, Council Meeting (Approve)

b. Special Event License:

1) Newport Art Museum, d/b/a "Wedding Table Displays"; 76 Bellevue Ave., April 18, 2008, from 4:00 p.m. to 7:00 p.m.

2) Newport Art Museum, d/b/a "Community Arts Connect Day"; 76 Bellevue Ave., April 26, 2008, from 1:00 p.m. to 4:00 p.m.

3) Newport Art Museum, d/b/a "Wine Tasting"; 76 Bellevue Ave., May 30, 2008, from 6:00 p.m. to 9:00 p.m.

4) Newport Rugby Football Club, d/b/a "Newport 7's Rugby Tournament"; Fort Adams State Park, July 26, 2008, from 8:00 a.m. to 8:00 p.m.

c. **REMOVED:** Food Concession License, Newport Rugby Football Club, Fort Adams State Park; July 26, 2008, from 8:00 a.m. to 8:00 p.m.

d. Annual Catering License, Renewal, McGrath Clambakes, Inc., d/b/a Tom McGrath Clambakes.

e. Holiday Selling License, New:
1) Heidi Bruggeman and Rosamond Field, d/b/a Luxe, 22 Franklin St.
2) Chatree Sachayansrisakul, d/b/a Drama Queen, 481 Thames St.
3) AMC Propertys, Inc., d/b/a Spring Fever, 24 Franklin St. (new location)

f. **REMOVED**: Holiday Selling License, Renewals
1) Connor Gavan, d/b/a Anchor Bend Glassworks, 16 Franklin St.
2) Evansco, Inc., d/b/a Bermuda Bay Clothing, 119 Swinburne Row
3) Chatree Sachayansrisakul, d/b/a Blonde, 537 Thames St.
4) Cuffy's Ltd., d/b/a Cuffy's of Newport, 3 Long Wharf Mall
5) Chatree Sachayansrisakul, d/b/a Diva, 492 Thames St.
6) Dress Barn, Inc. #604, d/b/a Dress Barn and Dress Barn Woman, 199 Connell Highway
7) Flori's Treasures, LLC, d/b/a Flori's Treasures, 217 Goddard Row
8) Herbert & Blair Simmons, d/b/a Newport China Trade Co., 8 Franklin St.

9) Primavera, Inc., d/b/a Primavera, 4 Bowens Wharf
10) Evansco, Inc., d/b/a Sail Loft, 16 Bowens Wharf
11) Sandra Gaines, d/b/a Vintage to Vogue, 70 Broadway

g. **REMOVED:** Pedicab License, Renewal, Newport Pedicab, Inc. (6 pedicabs), 270 Bellevue Ave.

h. **REMOVED**: Second-hand License, Renewals:
1) Herbert & Blair Simmons, d/b/a Newport China Trade Co., 8 Franklin Street
2) Sandra Gaines, d/b/a Vintage to Vogue, 70 Broadway.

i. Communication from the Aquidneck Island Police Parade Committee requesting permission to hold the 25th Annual Aquidneck Island National Police Parade on May 4, 2008, beginning at 11:50 a.m. at the Hampton =Inn, West Main Road, Middletown, and proceeding south onto Broadway to Mann Ave. (Approve subject to details being worked out =with the city administration.)

j. Communication from the Aquidneck Island National Police Parade Committee asking to be the sole vendor at the Aquidneck Island National Police Parade (Approve subject to details being worked out with the city administration)

k. Communication from the RI Historical Preservation & Heritage Commission, re: Listing of St. Mary's Church, 14 William St., in the National Register of Historic Places (Receive)

l. Proclamation of the RI Senate, re: "Join Hands 4 Love" -- worldwide Neighbor Day, May 18, 2008, at 1:00 p.m. (Receive)

m. Claims: (Receive and refer to the City Solicitor)
1) John R. Costello, D.M.D.
2) Jean Bergin

COUNCILOR COYNE moved the Consent Calendar, with the exception of Items c,f, g and h, be adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

c: Food Concession License, Newport Rugby Football Club, Fort Adams State Park; July 26, 2008, from 8:00 a.m. to 8:00 p.m.

COUNCILOR LEONARD asked if the food concession is in a designated area similar to the music festivals. The DEPUTY CITY CLERK responded that it is located next to the playing field. COUNCILOR LEONARD moved the license be approved. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

f: Holiday Selling License, Renewals

1) Connor Gavan, d/b/a Anchor Bend Glassworks, 16 Franklin St.
2) Evansco, Inc., d/b/a Bermuda Bay Clothing, 119 Swinburne Row
3) Chatree Sachayansrisakul, d/b/a Blonde, 537 Thames St.
4) Cuffy's Ltd., d/b/a Cuffy's of Newport, 3 Long Wharf Mall
5) Chatree Sachayansrisakul, d/b/a Diva, 492 Thames St.
6) Dress Barn, Inc. #604, d/b/a Dress Barn and Dress Barn Woman, 199 Connell Highway
7) Flori's Treasures, LLC, d/b/a Flori's Treasures, 217 Goddard Row
8) Herbert & Blair Simmons, d/b/a Newport China Trade Co., 8 Franklin St.
9) Primavera, Inc., d/b/a Primavera, 4 Bowens Wharf
10) Evansco, Inc., d/b/a Sail Loft, 16 Bowens Wharf
11) Sandra Gaines, d/b/a Vintage to Vogue, 70 Broadway

COUNCILOR COYNE moved the Holiday Selling License renewals be approved with the exception of item 11, Sandra Gaines, d/b/a Vintage to Vogue, 70 Broadway. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

COUNCILOR COYNE made a motion to continue the holiday selling license renewal for Sandra Gaines, d/b/a Vintage to Vogue, 70 Broadway to the May 7, 2008 council meeting. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

g. **Pedicab** License, Renewal, Newport Pedicab, Inc. (6 pedicabs), 270 Bellevue Ave.

COUNCILOR LEONARD questioned how many pedicabs will now be granted to operate in the city. CITY MANAGER EDWARD LAVALLEE stated this would bring the number of pedicabs to 12 which is the limit permitted by the ordinance.

COUNCILOR LEONARD moved to grant the license. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

h. Second-hand License, Renewals:

1) Herbert & Blair Simmons, d/b/a Newport China Trade Co., 8 Franklin Street
2) Sandra Gaines, d/b/a Vintage to Vogue, 70 Broadway.

COUNCILOR COYNE made a motion to grant the second hand license renewals with the exception of Sandra Gaines, d/b/a Vintage to Vogue, 70 Broadway. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

COUNCILOR COYNE made a motion to continue the second hand license renewal for Sandra Gaines, d/b/a Vintage to Vogue, 70 Broadway to the first council meeting in May meeting. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

## LICENSES & PERMITS

3. Application for a Special Event License, Brendan R. Doyle, d/b/a "The Bobby Doyle 5-Mile Summer Classic Road Race and 3.4 Mile Walk"; August 15, 2008, from 3:00 p.m. to 9:30 p.m. – Ocean Drive area, beginning and ending at Rogers High School, route attached. (Continued from March 26, 2008)

MAYOR WALUK made a motion to continue the Special Event license to the April 23, 2008 council meeting. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

4. Application of Uncle Rocky's American Italian Cuisine, LLC, d/b/a Uncle Rocky's, 109 Broadway, for a Class A (indoor) Entertainment License (First Hearing)

Hearing no comment from the floor, COUNCILOR COYNE made a motion to close the public hearing. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

COUNCILOR COYNE made a motion to approve the license on first reading. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

## COMMUNICATIONS & PETITIONS

5. Communication from Turner C. Scott, Esq., representing Darius and Gale Goff, owners of 31 Rhode Island Ave., appealing the Public Services Director's denial of their application for a curb cut on Wesley Street. (Continued from March 26, 2008)

COUNCILOR COYNE made a motion to receive the withdrawal of appeal from Turner C. Scott, Esq. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

6. Communication from Susan Ruf, Chair, Newport Tree Commission, re: proposed ordinance amendments to expand purview of Tree Commission to open space protection.

SUSAN RUF, Chair, Newport Tree Commission gave a brief summary of the proposed amendments to the ordinance which would expand the Tree Commission to open space protection.

MAYOR WALUK made a motion to receive and refer the report to the City Solicitor. Seconded by COUNCILOR CONNOLLY.

MAYOR WALUK went on to thank the Newport Tree Commission for their efforts and Mr. Clement from Aquidneck Island Land Trust for his assistance in drafting the new language. He also commented on the benefit of a combined Newport Tree and Open Space Commission.

The motion to receive and refer was VOTED UNANIMOUSLY.

7. Communication from Hilda Teresa Camacho, Cherish the Moments, LLC, asking permission to place three signs in Newport locations, April 18-20, 2008, promoting the "Spring Craft Fair & Kids Fair,"

HILDA CAMACHO, Cherish the Moments, LLC addressed the council to explain the purpose for requesting permission to place signs around Newport. Ms. Camacho presented photographs of three different size signs to the council. COUNCILOR COYNE moved the pictures be received, seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

COUNCILOR LEONARD indicated she would support the request but asked the City Administration if there could be a clear policy in place regarding different sign requests that come before the council. COUNCILOR DUNCAN asked if Cherish the Moments, LLC is a charitable organization to which Ms. Camacho responded it is not. COUNCILOR CONNOLLY questioned where Ms. Camacho was planning on placing the signs. Ms. Camacho indicated three areas in Newport- around the rotary, corner of Broadway and West Main Rd. and near Cardines Field.

MAYOR WALUK asked CITY MANAGER EDWARD LAVALLEE, following the question of COUNCILOR LEONARD, if there is a policy in place regarding placing signs within the city. CITY MANAGER LAVALLEE, stated there is not a hard and fast rule but deferred to the Director of Planning, Zoning and Development, Paige Bronk.

PAIGE BRONK, Director of Planning, Zoning and Development, addressed the council to clarify the regulations in the sign ordinance. He stated there is no written policy regarding temporary signs but he did feel the request qualified as a temporary signs for a charitable organization under the ordinance. He went on to clarify the different categories of signs in the ordinance.

COUNCILOR DUNCAN asked for clarity on the type of sign this request qualifies as and deferred to CITY SOLICITOR JOSEPH NICHOLSON to clarify the ordinance.

COUNCILOR MC LAUGHLIN stated he feels there is ambiguous language and moved for clarification of the ordinance as there continues to be sign requests that come before the ordinance.

COUNCILOR LEONARD agreed with COUNCILOR MC LAUGHLIN and requested there is written language so they have tools going forward when faced with future sign requests.

COUNCILOR COYNE moved the communication be received and approved to place three signs throughout the city subject to the type of signs used being approved by city administration.

In favor- COUNCILORS COYNE, CONNOLLY, DUNCAN, MC LAUGLIN and LEONARD.

Opposed- MAYOR WALUK.

8. Communication from Julie Costa, Keller Williams Realty of Newport, re: asking permission to use "Open House" directional signs on April 12, 2008, from 1:00 p.m. to 3:00 p.m. for a city-wide "Open House Blast."

Recused- COUNCILOR LEONARD

COUNCILOR COYNE moved the communication be received and permission granted to Julie Costa of Keller Williams Realty. Seconded by COUNCILOR CONNOLLY.

COUNCILOR DUNCAN questioned whether the signs will be placed in front of the homes for sale. PAIGE BRONK, Director of Planning, Zoning and Development stated there is not enough information in the request to determine where the signs will be placed.

COUNCILOR MC LAUGHLIN agreed with MR. BRONK and stated he would not be supporting the request. MAYOR WALUK shared the same concerns and stated he would not be supporting the request.

THE MOTION TO APPROVE FAILED BY A UNANIMOUS VOTE.

## 9. APPOINTMENTS TO BOARDS AND COMMISSIONS

Historic District Commission (1 Vacancy) – Applicants: William Dawley, W. Thomas Kammerer II , William McQueen, Sara Meirowitz , Robert Roy Richardson, Stephen Rous, Timothy Wade, Jr.

MAYOR WALUK moved W. Thomas Kammerer II be appointed to the **HISTORIC DISTRICT COMMISSION**. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

Newport Energy and Environment Commission (7 Vacancies) – Applicants: Annie Colella, Catherine Coyne, Kara DiCamillo, Jane Dyer, Martin Grimes, Al Lowe, Beth Milham, Theodorus Slee

MAYOR WALUK moved Annie Colella, Catherine Coyne, Kara DiCamillo, Jane Dyer, Martin Grimes, Al Lowe and Beth Milham be appointed to the **NEWPORT ENERGY AND ENVIROMENT COMMISSION.** Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

Sports Advisory Commission (6 Vacancies) – Applicants: Kevin Carlos and Terry Horan

MAYOR WALUK moved Kevin Carlos and Terry Horan be appointed to the **SPORTS ADVISORY COMMISSION.** Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

Note: Vacancies currently or soon will exist on the following boards and commissions: Building Code Board of Appeals, Cultural Commission, Historic Cemetery Advisory Commission, Hospitality Commission, Personnel Appeals Board, Planning Board, Sports Advisory Commission, Technology Advisory Commission, Newport Film Commission, and the Energy and Environment Commission. Interested residents can obtain applications on the City's web page or by contacting the Mayor's Office. A committee has been formed of past and present City officials and delegates

to the Shimoda City Black Ships Festivals, members of the Japan-America Society, tourism officials, and interested businesses, taxpayers and residents of Newport, to plan a schedule of celebratory events, educational programs and exhibitions, from May through July, 2008, of the Newport-Shimoda 50th Sister City Anniversary. Persons interested in participating can obtain applications on the City's web page or by contacting the Mayor's Office.

## RESOLUTIONS

10. Requesting a status report on the lawsuit involving the Washington Street Extension roadway and the cost for a survey of the property – K. Leonard

COUNCILOR LEONARD introduced the resolution and requested a report from the City Solicitor on the status of the Washington Street Extension.

CITY SOLICITOR JOSEPH NICHOLSON explained he has given the council a report and urged them to refer to this report and further stated there will be hearing on June 2, 2008.

COUNCILOR LEONARD requested the city administration determine the cost of survey to determine exactly what the city owns.

JIM PERRIER, representing Friends of the Waterfront addressed the council and gave background information on his own research regarding the Washington Street Extension. He also mentioned there has been a sign placed at the extension which reads, "Public Access Sidewalk Only".

MAYOR WALUK addressed CITY MANAGER EDWARD LAVALLEE regarding the sign and stated it would be removed the following day.

COUNCILOR MC LAUGHLIN questioned whether or not as a matter of policy the council can vote on a pending lawsuit. CITY SOLICITOR JOSEPH NICHOLSON stated he has already given the council his report and if they need additional information there will be a hearing on June 2, 2008 in Superior Court.

VOTE ON MOTION TO APPROVE VOTED UNANIMOUSLY.

11. Supporting diesel pollution reduction in the City of Newport – S. Waluk

MAYOR WALUK introduced the resolution and moved passage.

Seconded by COUNCILOR CONNOLLY.

COUNCILOR LEONARD stated she would like to see enforcement of the idling laws as there continues to be large busses that come into the city every year running for long periods of time and it is a health hazard.

VOTE ON ON MOTION TO APPROVE VOTED UNANIMOUSLY.

12. Accepting the gift of Mr. Ryan Daly of two chess tables and stools for the Edward St. Playground – C. Duncan, J. McLaughlin

COUNCILOR DUNCAN introduced the resolution.

RYAN DALY addressed the council to explain how he obtained funds for the chess tables by requesting donations from local businesses and what his hopes are for the youth in the community. He explained he is an avid chess player and he believes chess instills a sense of competition and promotes learning. He went on to say he feels it creates a positive activity for children. He presented the council with pictures of the chess tables.

COUNCILOR COYNE moved the pictures be received. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

COUNCILOR DUNCAN went on to say the tables will be installed with input from the city so there will not be any safety issues. The council went on the thank Mr. Daly for his actions.

VOTE ON THE MOTION TO APPROVE VOTED UNANIMOUSLY.

13. Calling for the city to cease using in the mosquito abatement program toxic poisons, such as methoprene which has a deadly effect on lobsters – C. Duncan, S. Waluk, J. Napolitano

COUNCILOR DUNCAN introduced the resolution and moved passage.

Seconded by COUNCILOR CONNOLLY.

PATRICK HEANEY, a local lobsterman addressed the council to express his concerns regarding the use of toxic poisons and the impact he has seen on lobsters. He also stated the risks from using these toxins far out way the benefits.

COUNCILOR LEONARD asked if someone can report to the council on any studies which may have been done on the impact of these toxins to humans.

COUNCILOR MC LAUGHLIN introduced an amendment to resolution to have the resolution be distributed to the other coastal communities. Seconded by COUNCILOR CONNOLLY. MAYOR WALUK introduced a further amendment to have the distribution made to all 38 cities and towns in Rhode Island. Seconded by COUNCILOR CONNOLLY

VOTE TO APPROVE AS AMENDED VOTED UNANIMOUSLY.

14. Canceling the May 14, 2008, council meeting and in lieu thereof holding a meeting on May 7, 2008. – J. McLaughlin, S. Coyne

COUNILOR MC LAUGHLIN introduced the resolution. Seconded by COUNCILOR CONNOLLY.

COUNCILOR COYNE asked whether or not a precedent has been set to reschedule council meetings and if it has been done in the past. MAYOR WALUK stated he could recall one meeting that was rescheduled in 2005 due to the absence of a few council members.

VOTE ON MOTION TO APPROVE VOTED UNANIMOUSLY.

15. Asking the Planning Board to review dormitory compatibility and use in residential neighborhoods – K. Leonard

COUNCILOR LEONARD recused herself with comments. She went on to say an anonymous person contacted the Newport Daily News and wants her investigated because she holds a real estate license with Lila Delman Real Estate. She did clarify that she had contacted the RI Ethics Commission and received an oral ruling that there was no conflict of interest; however, she has now requested a written decision from the commission.

COUNCILOR COYNE made a motion to approve the resolution. Seconded by COUNCILOR MC LAUGHLIN who went on to state the resolution is a result of the recent purchase of Gamell Hall by Salve Regina University which has raised legitimate concerns with the abutting neighbors. He pointed out the issue seems to be the relationship between Salve Regina University and the neighbors. He also stated both he and COUNCILOR COYNE met with Salve Regina University President, Sister M. Therese Antone, and they have agreed to meet with the neighbors to address concerns which have been raised by recent communications received by the council.

COUNCILOR MC LAUGHLIN made a motion to table the resolution. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY (5-0).

## COMMUNICATIONS FROM THE CITY MANAGER

16. Communication #4377/08, re: Bid Award for Two 12-Lead Manual Defibrillators (with accompanying resolution)

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUCILOR CONNOLLY and VOTED UNANIMOUSLY.

17. Communication #4378/08, re: Bid Award for Brush Chipper (with accompanying resolution)

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUCILOR CONNOLLY and VOTED UNANIMOUSLY.

18. Communication #4379/08, re: Bid Award for Hybrid Vehicle (with accompanying resolution)

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY.

MAYOR WALUK thanked the city manager for his efforts to go green and indicated this vehicle will be the second added to the non public safety fleet.

VOTE ON MOTION TO APPROVE VOTED UNANIMOUSLY.

19. Communication #4380/08, re: Amendment #1 to Contract with Weston & Sampson – Railroad Interceptor Sewer Improvements (with accompanying resolution)

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUCILOR CONNOLLY and VOTED UNANIMOUSLY.

20. Communication #4381/08, re: Amendment #3 to Contract with Fuss & O'Neill, Inc. – Easton Pond Dam and Moat Study (with accompanying resolution)

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY.

COUNCILOR LEONARD asked whether or not the R.I. Department of Transportation and the Town of Middletown are participating in the study. CITY MANAGER EDWARD LAVALLEE stated a meeting has been scheduled between the R.I. Department of Transportation, the Town of Middletown and the Environmental Protection Agency to discuss their involvement.

COUNCILOR LEONARD also questioned whether or not the City of Newport will have any recourse if it fails. CITY MANAGER LAVALEE responded and stated there currently is not a contract nor has the proposal been out to bid yet.

JULIA FORGUE, Director of Utilities, stated this is an initial study and more information needs to be gathered to determine what else needs to be done prior to a bid proposal. COUNCILOR LEONARD wanted to know if there would be language in a contract to protect the city if the project fails. JULIA FORGUE indicated it could be written into a contract. CITY SOLICITOR JOSEPH NICHOLSON also stated there would be some bonding involved as well.

COUNCILOR MC LAUGHLIN thanked the city administration for their work on this project as it is moving along ahead of the initial proposed schedule.

VOTE ON THE MOTION TO APPROVE VOTED UNANIMOUSLY.

21. Communication #4382/08, re: Bid Award for Easton's Beach Rotunda Entrance Canopy (with accompanying resolution)

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUCILOR CONNOLLY and VOTED UNANIMOUSLY.

22. Communication #4383/08, re: Ordinance Amendment Relating to Reserved Meter Parking (with accompanying ordinance)

COUNCILOR COYNE made a motion to adjourn as council and convene as Board of License Commissioners. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

7:30 P.M. -ADJOURNED AS COUNCIL AND CONVENED AS BOARD OF LICENSE COMMISSIONERS

# BOARD OF LICENSE COMMISSIONERS

1. **CONSENT CALENDAR.** (ALL LICENSES ARE GRANTED SUBJECT TO COMPLIANCE WITH ORDINANCES #31-80 AND #98-40.)

   a. Class F Daily Liquor License, Newport Rugby Football Club, Fort Adams State Park, July 26, 2008, from 8:00 a.m. to 8:00 p.m.

COMMISSIONER COYNE made a motion to approve the Class F Daily Liquor License for the Newport Rugby Football Club. Seconded by COMMISSIONER CONNOLLY. COMMISSIONER MC LAUGHLIN questioned if it has been the practice to grant a liquor license beginning at 8:00 a.m. The DEPUTY CITY CLERK responded it has been granted in the past.

The motion to approve was VOTED UNANIMOUSLY.

   b. Sunday Selling License, Renewal, B.A.K.E., Inc., d/b/a Sully's Beer, Wine & Liquor, 25 Bliss Road.

COMMISSIONER COYNE made a motion to approve the Sunday Selling License renewal. Seconded by COMMISSIONER CONNOLLOY and VOTED UNANIMOUSLY.

   c. Communication from Matthew J. McGowan, Esq., re: IDC Clambakes, Inc., d/b/a The Regatta Club – Status of the Class BV Alcoholic Beverage License (Receive)

Recused- COMMISSIONER CONNOLLY.

COMMISSIONER COYNE made a motion to receive the communication. Seconded by COMMISSIONER WALUK and VOTED UNANIMOUSLY.

## LICENSES & PERMITS

**2.** Application of Fifth Ward Liquor, Inc., d/b/a Fifth Ward Liquor for a stock transfer resulting in Seth Margolis holding more over 50% of the stock. (Hearing)

COMMISSIONER COYNE moved the hearing be closed and the transfer approved. Seconded by COMMISSIONER CONNOLLY and VOTED UNANIMOUSLY.

7:35 p.m. - ADJOURNED

Laura Swistak Boiani
Deputy City Clerk

# CITY OF NEWPORT
# MINUTES OF THE COUNCIL MEETING
# HELD MAY 28, 2008

*(Approved 7/23/2008)*

*The following items of business, filed with the City Clerk under the Rules of the Council, came before the Council at its regular meeting held on* ***May 28, 2008.***

The Mayor called the meeting to order at 6:30 p.m.

The City Clerk called the roll and the following members were present:

MARY C. CONNOLLY
STEPHEN R. COYNE
CHARLES Y. DUNCAN
KATHRYN E. LEONARD
JUSTIN S. MC LAUGHLIN
JEANNE-MARIE NAPOLITANO
STEPHEN C. WALUK

## PROCLAMATION HONORING THE JUNIOR NBA/JUNI OR.WNBA YOUTH BASKETBALL COACHES OF THE YEAR

MAYOR WALUK read the proclamation and presented a copy to ERIN CLARKE, who was named a Junior Basketball Coach of the Year.

## COUNCIL

1. Public Hearing: FY2009 Recommended Operating Budget

NED THOMPSON, 8 Stewart St., cited what he said were dramatic increases in salaries in the budget and said he didn't understand the increases when the private sector is only receiving about 2%, which is eroded by the significant increases in the cost of living.

CATHERINE PETRIE, Broadway Improvement Association, expressed concern about safety and security on Broadway and said she would like to see the implementation of the engineering study for Broadway improvements. She said she was also concerned that the police walking patrol was going to be eliminated.

MARK COLBORN, Bateman Ave., representing the Alliance for a Livable Newport, said the adopted 2008 budget was built on short-sided, unsustainable expense reductions, and the recommended 2009 budget relies too heavily on reductions in capital expenditures which again are short-sided and unsustainable. He said the Alliance recommends: (1) not using $200,000 of the Lenthal School sale proceeds to fund the OPEB payment; establishing a $300,000 reserve fund in the event the loss of state revenues; adding $300,000 to road repair and maintenance; putting $400,000 back into the equipment replacement account; and appropriating $150,000 for seawall repairs. He pointed out that the City could still include additional expenditures of $600,000 without exceeding the State-mandated cap. He then submitted a copy of his remarks.

COUNCILOR NAPOLITANO moved to receive. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

RON BECKER, 189 Rhode Island Avenue, also representing the Alliance for a Livable Newport, suggested the Council and administration could make changes this year and should schedule the meetings early. He said he was concerned because last year there were a number of changes made within 24 hours of the budget's being adopted and the public was not aware of them until they were read into the record.

ROBERT OLIVIERA, 30 Bellevue Avenue, said the proposed budget was light years ahead of last year's. He noted that no one was present at the hearing from the School administration or School Committee. He questioned a reported $2.3 million surplus in the School Budget, and said nothing in the School Budget addresses the OPEB liability.

COUNCILOR MC LAUGHLIN responded by citing RI General Law 16-7-23,and said that while he agreed with Mr. Oliveira's comments, State Law is clear on what the Council can do, which is only adjust the bottom line of the school budget.

MAYOR WALUK moved the hearing be closed. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

Comments by COUNCILOR LEONARD wherein she said there is a vast poverty level in Newport, as well as many people on fixed incomes. She asked that the administration also provide a list of roads that will be repaired in the upcoming budget. CITY MANAGER LAVALLEE responded that $600,000 has been restored to the operating budget, for a total of about $900,000, which is separate from sidewalk repairs.

COUNCILOR MC LAUGHLIN commented on the OPEB liability and the appropriation of $3.5 million. He said this year the required contribution is $10.4 million, and it will eventually get to $12 million or more. He also commented on the Equipment Replacement Schedule and the proposed savings in 2009. He questioned the $800,000 in the current budget that has not been spent and the impact of not putting money in the '09 budget for vehicles. FINANCE DIRECTOR LAURA SITRIN responded the money in the current budget will be used. She said contributions to the equipment replacement program has ended for all in 2009 except the Fire Department because of the high cost of fire vehicles. She said it became a question of people losing their jobs or eliminating vehicles. She said after 2009 the cost of vehicles will be budgeted in the individual departments.

COUNCILOR MC LAUGHLIN, MAYOR WALUK, COUNCILOR NAPOLITANO, and DIRECTOR SITRIN then discussed the Fund Balance. DIRECTOR SITRIN said Moody's would consider a fund balance of 10% low, and that would be the city's weakest part in a presentation when the City goes out to borrow.

a. Ordinance Appropriating Revenues

MAYOR WALUK moved the ordinance be adopted on first reading. Seconded by COUNCILOR CONNOLLY.

COUNCILOR MC LAUGHLIN said at the next meeting he would move that $200,000 from the Lenthal School sale proceeds not be used for the OPEB contribution and the money be taken from

somewhere else, and $1.2 million be taken from the Parking Fund and used to repair Broadway because he had learned that it would be at least four years before the State could do the work.

The motion was VOTED UNANIMOUSLY.

b. Ordinance Amending Title 3, Personnel

MAYOR WALUK moved the ordinance be adopted on first reading. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

c. Ordinance Amending Chapter 13.10, Industrial Pretreatment-Wastewater Treatment Rates

MAYOR WALUK moved the ordinance be adopted on first reading. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

d. Ordinance Amending Chapter 13.12.010, Basic Charge- Sewer Rate

MAYOR WALUK moved the ordinance be adopted on first reading. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

e. Ordinance Amending Chapter 13.10.015, CSO Fixed Charge

MAYOR WALUK moved the ordinance be adopted on first reading. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

2. Public Hearing: Proposed Amendment to the City of Newport Comprehensive Land Use Plan Existing and Future Land Use Maps (Proposed rezoning of Sheffield School Property from Institutional to Commercial)
   -- Communication #4399/08 from the City Manager, re: Sheffield School - Comprehensive Land Use Plan Amendment – Existing and Future Land Use Maps.

JAMES MARSHALL, 25 Manning Terrace, identified himself as a regionally-recognized real estate expert and said in his opinion the change to institutional/light commercial will not harm the neighborhood and would be beneficial to the community.

COUNCILOR COYNE moved the hearing be closed. Seconded by COUNCILOR LEONARD and VOTED UNANIMOUSLY.

3. **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. Special Event License:
   1) East Bay Met School, d/b/a Outdoor Family Concert; Newport Heights (outside Florence Gray Center), June 1, 2008, from 3:00 p.m. to 7:00 p.m.
   2) Sail Newport, d/b/a Sail Newport's Halfway Rock Regatta Socials; Newport Shipyard, 1 Washington St., June 7, 2008, from 5:00 p.m. to 8:00 p.m., and June 8, 2008, from 4:00 p.m. to 8:00 p.m.

3) Parents of Class of 2008 of PHS, d/b/a Portsmouth High Post Prom Party; The Elks Club, 141 Pelham St., June 11/12, 2008, from 10:00 p.m. to 4:00 a.m.
4) Rogers High School Post-Grad Committee, d/b/a Rogers High School Post Graduation Party; The Elks Club, 141 Pelham St., June 13/14, 2008, from 8:00 p.m. to 2:00 a.m.
5) American Sail Training Association, d/b/a ASTA's 35th Anniversary Celebration & Fundraiser; Seaman's Church Institute, 18 Market Square, June 14, 2008, from 6:00 p.m. to 9:00 p.m.

6) REMOVED: Redwood Library & Athenaeum, d/b/a The Redwood Does Broadway Dinner and Cabaret Show; Redwood Library, 50 Bellevue Ave.,

b. REMOVED: Entertainment License Renewals, 2008-09 (List Attached)

c. REMOVED: Farmer's Market License, Renewal, Lisa Lewis, d/b/a Aquidneck Growers' Market; Memorial Boulevard, designated area between Edgar Ct. and Chapel St., Wednesdays, 2:00 to 6:00 p.m.

d. Holiday Selling License, New:
1) blvd.Apparel, LLC, d/b/a blvd. 421 Thames St.
2) Your Sports Memorabilia Store, Inc., d/b/a Your Sports Memorabilia Store, 170 Thames St.

e. Holiday Selling License, Renewals:
1) Newport Outfitters, Inc., d/b/a Ten Speed Spokes, 18 Elm St.
2) Pink Pineapple, LLC, d/b/a Pink Pineapple, 380 Thames St.

f. Holiday Selling and Second-hand License, Renewals, Sandra Gaines, d/b/a Vintage to Vogue (Approve; application has been filed with Zoning Board of Review)

g. Industrial Caterer License, New, Freeman's Food Service, Inc., 10 Rosario Dr., Providence, RI, d/b/a Freeman's Food Service, to cater at the Newport Grand and Hyatt Regency construction sites)

h. REMOVED: Pedicab Operator Licenses

i. Second-hand License, Renewal, Renaissance Antiques, Inc., d/b/a Renaissance Antique Lighting, 42 Spring St.

j. Sidewalk Café License, Renewals:
1) NWPT. Inc., d/b/a One Eighty°, 8-10 Broadway.
REMOVED: 2) Christian, LLC, d/b/a Rocco's Little Italy, 124 Broadway

k. Tattooing License, Renewal, Dennis M. DelPrete, 10 Swan Ct., Cranston, RI, operating at Anchor Steam Tattoo Gallery, 44 Broadway.

l. Victualing License, Renewal, Lindsey Kusic, d/b/a Gooseberry Concession and Grill, Gooseberry Beach, Ocean Ave.

m. Communication from Pamela G. Douglas, Advanced Building Concepts, 1077 Aquidneck Ave., Middletown, RI, requesting permission to use Braga Park for a company picnic, June 1, 2008. (Approve subject to details being worked out with city administration)
- Communication from the Recreation Director and Recreation Administration in support of the request. (Receive)

n. Communication from Carla O'Rourke, Chairwoman, asking permission to close Bush Street on July 4, 2008, from 3:00 p.m. to 7:00 p.m. for neighborhood block party. (Approve subject to details being worked out with city administration)

o. Communication from Catherine Damaskos Jennings requesting permission to close Boughton Road on September 6, 2008 (rain date Sept. 7) from 3:00 p.m. to 11:00 p.m. for a neighborhood block party. (Approve subject to details being worked out with city administration)

p. Communication from Mark Horan, Chairman, HDZO Review Task Force, re: Progress Report of the Historic District Zoning Ordinance Review Task Force (Receive)

q. Communication from Myra H. Duvally, President/CEO, Secret Garden Tour, asking permission to place a temporary floral display in the triangular traffic island at the west end of Washington Sq. during the week of June 15, 2008, (Approve subject to details being worked out with the city administration)

r. REMOVED: Communication from James J. Reed, Executive Director, Housing Authority of Newport, requesting the renaming of three streets in Newport Heights

s. Communication from Annette Bourbonniere, Chair, Newport Accessibility Advisory Committee, re: outdoor seating. (Receive)

t. REMOVED: Communication from Susan Ruf, Chair, Newport Tree Commission

COUNCILOR COYNE moved the Consent Calendar, with the exception of Items a-6, b, c, h, j-2, r and t, be adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

a-6. Special Event License: Redwood Library & Athenaeum, d/b/a The Redwood Does Broadway Dinner and Cabaret Show; Redwood Library, 50 Bellevue Ave., July 19, 2008, from 5:00 p.m. to 11:30 p.m.

COUNCILOR NAPOLITANO questioned if parking arrangements have been made for the event attendees. COUNCILOR MC LAUGHLIN pointed out that the application indicates they will have valet parking.

COUNCILOR NAPOLITANO moved the license be approved. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

b. Entertainment License Renewals, 2008-09 (List Attached)

COUNCILOR COYNE moved the renewals be approved, subject to all existing conditions, with the exception of Oceancliff, The Marina Grille, and the Hotel Viking. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

b. Entertainment License Renewals, Oceancliff and The Marina Grille.

COUNCILOR CONNOLLY recused herself.

COUNCILOR COYNE moved the licenses be approved. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

b. Entertainment License Renewal, The Hotel Viking.

COUNCILOR COYNE moved the application be continued to the June 11th meeting. Seconded by COUNCILOR NAPOLITANO.

COUNCILOR MC LAUGHLIN asked that The Hotel Viking be notified of the continuance so that someone will be present at the June 11th meeting.

The motion to continue the application was VOTED UNANIMOUSLY.

c. Farmer's Market License, Renewal, Lisa Lewis, d/b/a Aquidneck Growers' Market; Memorial Boulevard, designated area between Edgar Ct. and Chapel St., Wednesdays, 2:00 to 6:00 p.m.

COUNCILOR COYNE commented that this item was removed to clarify that the hotdog cart will be allowed under the auspices of the Farmer's Market, but there are to be no A-frame signs.

COUNCILOR COYNE moved the license be approved. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOSULY.

h. Pedicab Operator's License:
1) Jason Baker, 29 Powel Avenue, Newport, RI
2) Andrew Croan, 11 Broadway, Newport, RI
3) Owen Emerson, 7 Great Pasture Rd., Redding, CT
4) John Feitelberg, 2277 Highland Ave., Fall River, MA
5) Jameson F. Flynn, 40 Sandy Pond Ave., Fall River, MA
6) Robert Kile, 10 Kilburn Ct., Newport, RI
7) Christopher R. McCarthy, 24 Douglas Rd., Needham, MA
8) Brendan Sullivan, 1015 Madison St., Fall River, MA

COUNCILOR COYNE moved Items 1,2,4,5,6 and 7 be approved. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

j. Sidewalk Café License, Renewals:
   2) Christian, LLC, d/b/a Rocco's Little Italy, 124 Broadway

COUNCILOR LEONARD moved the application be continued to the next meeting (plan not included with application). Seconded by COUNCILOR MC LAUGHLIN and VOTED UNANIMOUSLY.

r. Communication from James J. Reed, Executive Director, Housing Authority of Newport, requesting the renaming of three streets in Newport Heights (Phase Four) – Veteran's Circle (formerly Parkside Circle), Sgt. Greene Way (Hobbs St.), and Sgt. Weidemann Lane (Winslow St.) (Receive)

COUNCILOR NAPOLITANO commended the renaming of the streets after Newport veterans and moved the communication be received. Seconded by COUNCILOR LEONARD.

MAYOR WALUK said the Council would rename the streets by resolution at a future meeting.

The motion to receive was VOTED UNANIMOUSLY.

s. Communication from Susan Ruf, Chair, Newport Tree Commission, re: Proposed Changes to the Tree Ordinance. (Receive)

COUNCILOR LEONARD asked who would do the proposed tree inventory and how it would be financed. MAYOR WALUK responded that the only proposed change to the ordinance is to include Open Space.

COUNCILOR CONNOLLY moved the communication be received. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

## LICENSES & PERMITS

4. Application of J.H. Enterprises, Inc., d/b/a Rhino Bar & Grille and The Mamba Room, 377 Thames St., to expand the hours of entertainment on the Saturday of the Annual St. Patrick's Day Parade to 2:00 p.m. to 1:00 a.m. (Currently restricted to 6:00 p.m. to 1:00 a.m.; Second Hearing)

MAYOR WALUK moved the hearing be closed and the one-hour expansion of entertainment in the Rhino Bar and Mambo Room on the day of the St. Patrick's Day Parade be approved. Seconded by COUNCILOR COYNE.

VOTE: In favor – MAYOR WALUK; COUNCILORS CONNOLLY, COYNE, DUNCAN and MC LAUGHLIN.
Opposed – COUNCILORS LEONARD and NAPOLITANO

5. Application of The Barking Crab-Newport, LLC, d/b/a The Barking Crab Restaurant, 151 Swinburne Row, for an Annual Class A (indoor) Entertainment License (First Hearing)

COUNCILOR COYNE moved the hearing be closed and the license granted. Seconded by COUNCILOR CONNOLLY.

TURNER C. SCOTT, ESQ., representing the applicant, said there would be five to eight members in the band, which could include three vocalists; COUNCILOR LEONARD said she thought that would bes excessive. Following discussion among ATTORNEY SCOTT, MAYOR WALUK and COUNCILOR LEONARD, the motion to grant the license at the first hearing was UNANIMOUSLY APPROVED.

6. Application of PCDS, LLC, d/b/a The Mainstay Inn, 151 Admiral Kalbfus Road, for an Annual Class A (indoor) Entertainment License (First Hearing)

JAMES MARSHALL, a condominium owner at Bridgeview on Girard Ave., said he had no problem with the license as long as the entertainment is only inside and the outdoor pool area is excluded.

COUNCILOR COYNE moved the license be approved at the first hearing subject to all doors and windows being closed. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

7. Application of Mach, LLC, d/b/a Sambar, 515 Thames St., for an Annual Class A (indoor) Entertainment License (First Hearing)

COUNCILOR NAPOLITANO recused herself and left the dais.

ALEXANDER WALSH, ESQ., representing the applicant, questioned MARK LESTER, principal owner and manager, on the operation of the business over the last year. MR. LESTER said that he had received a series of Daily Entertainment Licenses and there were no complaints of which he was aware, nor have there been violations of any rules and regulations since he opened the business in March of 2007. He said he was asking for a maximum of a three-member band.

GARY CASSIDY, 28 Fenner Avenue, owner of the building, said Sambar has been a good tenant and he supported the granting of the license.

JASON PERKINS, owner and resident of 10 Goodwin St., and also owner of 5 Goodwin St., said there were three Daily Entertainment Licenses and he knew of complaints on two of the dates because he made one of them and he was aware that someone else made two. He said the entertainment could be heard at 11:45 p.m. He said the Council had recommended last year that the owner reach out to the neighbors, which he as not done. He said the owner also indicated to neighbors who contacted him that he wanted the entertainment for jazz brunches during the off-season and he would be willing to limit entertainment to 11 p.m., but that is not what is indicated on the application. He said the reason many of the neighbors are not present at this hearing is because of that representation to them by the owner. He then asked if there were letters of objection, to which the CITY CLERK responded that six had been received.

MR. PERKINS continued his comments, saying more people are now drawn to this area of Thames St. and noted the number of various calls to the police department for service.

COUNCILOR LEONARD asked if the applicant would be willing to limit entertainment to 11 p.m. ATTORNEY WALSH said he would address the question in his closing remarks, but noted that the application states entertainment until 1:00 a.m. and that the applicant was asking for only three band members with one vocalists. He continued his questioning of MR. LESTER, who said he had not represented to the neighbors that he would limit the entertainment license. He then submitted a petition with twenty-one signatures in support of the license.

COUNCILOR COYNE moved the petition be received. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

Discussion followed among COUNCILOR LEONARD, MAYOR WALUK and MR. CASSIDY regarding parking at the restaurant and wherein MAYOR WALUK noted that entertainment, not parking, was the issue before the Council.

POLICE CHIEF MICHAEL MC KENNA said he had looked over the records at the Police Department and there were no noise complaints for Sambar. He said there were 16 calls, eight alarms and three or four checks when neighbors complained, but no violations were found. COUNCILOR COYNE asked if calls had been made to the restaurant by those who complained to the Police Department. MR. LESTER said he was not aware of the complaints.

MAYOR WALUK moved the hearing be closed and the Entertainment License approved at the first hearing. Seconded by COUNCILOR CONNOLLY.

COUNCLOR LEONARD noted that the restaurant is in a Limited Business zone and seven letters of objection had been received, so she therefore would not support granting the license. MAYOR WALUK responded that the business is in fact in the Waterfront Business zone, and pointed out that there are three restaurants on Waites Wharf and five others on Thames Street in the vicinity of Sambar, all with entertainment licenses, some of which include Class B, outdoor. He said Newport is a city of mixed uses, and while he understands the neighbors' concerns, he had been there when Sambar had a daily license and the music was not very loud. COUNCILOR DUNCAN said a precedent had been set when the Council allowed a business on Goat Island to have daily entertainment as a test and, having had no violations, a yearly entertainment license was approved, and he would also approve this license because there were no violations.

VOTE: In favor – MAYOR WALUK; COUNCILORS CONNOLLY, COYNE, DUNCAN, MC LAUGHLIN.

Opposed – COUNCILOR LEONARD.

8. Application for a Victualing License, New, David Kilroy, d/b/a Hurricane Hut, 31 Bowen's Wharf.

COUNCILOR DUNCAN recused himself.

COUNCILOR COYNE moved the license be approved. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

9. Application of Memorial Blvd. Associates, Inc., d/b/a Jimmy's Saloon, 37 Memorial Blvd., to expand its victualing license to a 39'8" x 3'4" patio on the north side of the building.

COUNCILOR COYNE moved the application be withdrawn without prejudice at the request of the applicant. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

10. Holiday Selling License, Renewals (Continued from March 26, 2008):
    a. Angela Moore, 119 Bellevue Ave.
    b. Three Golden Apples, 140 Bellevue Ave.
    c. UPS Store, 270 Bellevue Ave.
    d. Ash Mart, 2 Carroll Ave.
    e. JB Antiques, 33 Franklin St.
    f. Alloy, 160 Spring St.
    g. Nicky's Music, 62 Spring St.
    h. Adriance Furniture Makers, 96 Spring St.
    i. Drawing Room of Newport, 152 Spring St.
    j. Simply Gianna, 523 Thames St.
    k. Helly Hansen Newport, 154 Thames St.
    l. Music Box, 160 Thames St.
    m. Sunglass Hut #1694, 240 Thames St.
    n. Newport Best Sportswear, 246 Thames St.
    o. S.O.L. Optics, 393 Thames St.
    p. Island Outfitters, 471 Thames St.
    q. Tibet in-port, 471 Thames St.
    r. Cabbage Rose, 493 Thames St.
    s. Armchair Sailor Books & Charts, 543 Thames St.
    t. Thames St. Shell Station, 560 Thames St.
    u. Scooters, 476 Thames St.
    v. Kristina Richards, 13 Touro St.

COUNCILOR COYNE moved the Items e, h, n, r, u, and v be continued to the June 11th meeting. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

COUNCILOR COYNE moved the licenses, with the exception of those continued to the next meeting, be approved. Seconded by COUNCILOR MC LAUGHLIN and VOTED UNANIMOUSLY.

## COMMUNICATIONS & PETITIONS

11. Report of Colleen Hastings, Assistant City Solicitor for Law Enforcement, re: status report on properties cited under Section 17.80.040(f) of the Codified Ordinances, "Demolition through Owner Neglect."

ASST. SOLICITOR COLLEEN HASTINGS reported on the action of the Municipal Court against the property owner and those having a life interest. She said there had been a forecloure on 23 Sherman St., and David Malkin, the owner, took possession of the property on April 14th. She said he was cited as well; however, he has been cooperative and begun making progress in fixing the property. She said there was a Consent Order, with a timeline, on 166 Spring and 62 Mill Street properties wherein certain improvements were to be made. She said the work was not done and on May 12th Municipal Court Judge J. Russell Jackson found the life tenants to be in contempt of court, and June 16th has been set for sentencing, which allows them time to purge themselves of the contempt. She said she didn't know what the judge would impose, and noted that the ultimate goal is to get the properties at 62 Mill St. and 166 Spring St. repaired. She said she has met with David Malkin, who was also prosecuted and who now owns Sherman Street, as well as the Mill and Spring St. properties in which the Twomeys still have a life interest, and he has been cooperative and is making an effort to clean up the Sherman St. property.

Following additional discussion, MAYOR WALUK moved a status report be submitted for the July 23, 2008, docket, at which time public comment would be heard. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

12. 2007 Annual Report of the Municipal Court—Municipal Court Judge J. Russell Jackson.

Continued to the June 11, 2008 Council Meeting.

13. Report of Dave McLaughlin, Clean Ocean Access, re: An Update on Water Testing Results for the period of January 4, 2008, to April 30, 2008.

DAVID MC LAUGHLIN commented on the report and said it was the first time sampling was done of Newport Harbor. COUNCILOR CONNOLLY commended him for the report, which she said is very helpful. COUNCILOR LEONARD discussed the problems at the beach from houses on the Esplanade that had faulty connections which have now been corrected. COUNCILOR NAPOLITANO said she believed King's Park Beach was closed not strictly from pollution problems but because a decision was made to not provide lifeguards. MR. MC LAUGHLIN said they would continue to test throughout the summer and submit the results.

MAYOR WALUK moved the report be received. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

## RESOLUTIONS

14. Requesting the City Administration to identify funds to support the cost of the Aquidneck Island School/Municipal Collaboration/Cooperation Study – J. McLaughlin

COUNCILOR MC LAUGHLIN moved the resolution be amended to provide that the scope of work shall be that which is included in the RIPEC Proposal on Scope of Work. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

MAYOR WALUK moved that the resolution be further amended to add that the City's $2,000 share for the study not be forwarded to RIPEC until commitments have also been received from the

Middletown and Portsmouth Town Councils, and the School Committees of Newport, Middletown and Portsmouth. Seconded by COUNCILOR CONNOLLY, who expressed support of the amendment. COUNCILOR NAPOLITANO said she thought regionalization is worthy of being pursued, and she noted that she had attended a meeting at CCRI that was not open to the public, to which she objected.

MAYOR WALUK moved his amendment also include that all meetings be posted and open to the public. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

MAYOR WALUK moved the Resolution, as amended, be adopted. Seconded by COUNCILOR CONNOLLY.

COUNCILOR NAPOLITANO said people promoting the study said they don't think regionalization will work for the schools but it will on other levels. She said the Council should be seriously looking at ways to do so. She said there should be recommendations in the study on which the Council can move forward.

The motion to adopt the resolution, as amended, was VOTED UNANIMOUSLY.

**ORDINANCES**

15. Ordinances Amending Chapter 3.16.060, "Pay Schedule for Classified Service," (implementing Employee Classification Study, Local 911, AFSCME)

COUNCILOR COYNE moved the ordinance be adopted on second reading. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

16. Ordinance Amending Chapter 10.28.050, "Mary Street Parking Lot"

MAYOR WALUK moved the ordinance be amended on second reading to eliminate Paragraph (F) (administration may negotiate rates with not-for-profit, religious, charitable, or other special-purpose organizations) from 10.28.050 and add it instead to Section 10.28.030. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

MAYOR WALUK moved the ordinance, as amended, be adopted on second reading. Seconded by COUNCILOR CONNOLLY.

COUNCILOR MC LAUGHLIN questioned the provision for bulk rates and said it would be appropriate to have them included in the ordinance. JONATHAN STEVENS, Director of Economic Development, said a bulk rate has not yet been established. COUNCILOR MC LAUGHLIN asked that when the rate is established it be reported back to Council and consideration be given to incorporating it into the ordinance. COUNCILOR LEONARD asked if the Gateway is used by not-for-profits; DIRECTOR STEVENS said there are many requests annually for special rates. COUNCILOR LEONARD said she was concerned and did not want to see a proliferation of the Gateway's use by not-for-profits at special rates that will result in the city's subsidizing them. MAYOR WALUK said negotiated fees had been inconsistent in the past and now the ordinance will allow it, citing organizations such as The Gulls whereby families will be able to park at the

Gateway. CTY MANAGER ED LAVALLEE pointed out that there are contracts that cover rates for the Marriott Hotel, RIPTA, and the Newport Shipyard. He said the City is taking control of the parking lot rates because under past contractors it appears the City had no control of the rates being negotiated. He said while the parking lots will be managed by a private contractor, the City will have total control over all decisions for reduced and bulk rates.

COUNCILOR COYNE said he did not vote for the ordinance on first reading; however, with there now being the potential for reduced rates for employee parking he will support it on second reading and wants the city administration to engage other business owners whose employees have been parking in the Mary Street Parking Lot and now recently were told they could not. COUNCILORS NAPOLITANO and LEONARD said they wanted to see a consistent fee for all non-profits.

The vote on the motion to approve the ordinance, as amended, was VOTED UNANIMOUSLY.

## COMMUNICATIONS FROM THE CITY MANAGER

17. Communication #4400/08, re: Loading Zone Ordinance Revision – Wellington Avenue

MAYOR WALUK moved the ordinance be adopted on first reading. Seconded by COUNCILOR CONNOLLY and APPROVED, SIX TO ONE (Councilor McLaughlin was out of the room)

18. Communication #4401/08, re: Parking Limits – Spring Street

MAYOR WALUK moved the ordinance be adopted on first reading. Seconded by COUNCILOR CONNOLLY and APPROVED, SIX TO ONE (Councilor McLaughlin was out of the room)

19. Communication #4402/08, re: Implementation of Sticker Parking on Fountain Street)

MAYOR WALUK moved the ordinance be adopted on first reading. Seconded by COUNCILOR CONNOLLY and APPROVED, SIX TO ONE (Councilor McLaughlin was out of the room)

20. Communication #4403/08, re: National Grid Petitions for Ductline Installation – Ocean Ave. & Hazard Rd.—Burying of Overhead Utilities; Brenton Rd. & Ocean Ave. – Replace Existing Switchgear in Island

COUNCILOR COYNE moved the communication be received and the petitions approved. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

COUNCILOR LEONARD expressed appreciation to the taxpayers who are paying to put the utilities underground.

21. Communication #4404/08, re: Bid Award for 8" Turntable Chipper

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

22. Communication #4405/08, re: Bid Award for Water Works Supplies

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

23. Communication #4406/08, re: Bid Award for Water Chemicals

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

24. Communication #4407/08, re: Bid Award for Radio Read Meter Reading System

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

25. Communication #4408/08, re: Contract for Parking Lot Management Services

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY.

COUNCILOR MC LAUGHLIN questioned page 9 of the proposed contract, wherein it states the City reserves the right to renew the contract, which he said was inconsistent with the resolution. CITY MANAGER ED LAVALLEE said the intention is to extend the contract for two years, thus there was a typo.

The motion to approve was VOTED UNANIMOUSLY.

26. Communication #4409/08, re: Development of Rules, Regulations and Standard Specifications for Construction with the City Right-of-way.

MAYOR WALUK said the report provides a step in the right director and an ordinance amendment would be brought forward implementing the changes. He then moved the report be received. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

27. Communication #4410/08, re: Regional Planning Agency – Navy BRAC Process

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY.

COUNCILOR MC LAUGHLIN, citing page 2 of the resolution asked who the two voting members would be from the City. CITY MANAGER ED LAVALLEE responded that it would be himself and the Planning Director.

The motion to approve was VOTED UNANIMOUSLY.

**8:51 p.m. ADJOURNED AS COUNCIL AND CONVENED AS BOARD OF LICENSE COMMISSIONERS**

# BOARD OF LICENSE COMMISSIONERS

1. **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.** Class F-1 Daily Liquor Licenses, Sail Newport, d/b/a Sail Newport's Halfway Rock Regatta at the Newport Shipyard; June 5, 2007, from 5:00 p.m. to 8:00 p.m. and June 8, from 4:00 p.m. to 8:00 p.m.

   b. Sunday Selling License, Renewal, Amor, Inc., d/b/a Wellington Square Liquors, 580 Thames St.

   c.

COUNCILOR COYNE moved the Consent Calendar be adopted. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

**LICENSES AND PERMITS**

2. Application of The Improved Benevolent Protective Order of Elks, Trinity Lodge #183, 15 Oak St., to transfer their Class D alcoholic beverage license, to Oak Street Partnership, Inc., d/b/a Kerry Hill Club, for the same premises. (Hearing).

COMMISSIONER COYNE moved the hearing be closed and the transfer granted. Seconded by COMMISSIONIER CONNOLLY and VOTED UNANIMOUSLY.

8:52 p.m. ADJOURNEDAS BOARD OF LICENSE COMMISSIONERS, RECONVENEDAS COUNCIL, AND MOVED TO CONVENE IN EXECUTIVE SESSION IN THE CITY MANAGER'S OFFICE, IN ACCORDANCE WITH SECTIONS 42-46-1 AND 42-46-5((a)(2) OF THE RI GENERAL LAWS, AS AMENDED, PURPOSES FOR WHICH MEETINGS MAY BE CLOSED, TO DISCUSS PENDING LITIGATION RELATED TO THE NEWPORT SEWER SYSTEM.

Kathleen M. Silvia
City Clerk

Entertainment Licenses by Class (restrictions noted) May 28, 2008

**Class A and B**

| DBA | Owner | Licensed Premises | Restrictions |
|---|---|---|---|
| Castle Hill Inn and Resort | Castle Hill, Inc. | Inside Building Located at Ocean Drive Main Floor Dining Room and Patio | BAND LIMITED TO FIVE (5) MEMBERS. OUTSIDE ENTERTAINMENT (WITH AMPLIFICATION) RESTRICTED TO SUNDAYS AND MONDAYS FROM 1:00 P.M. TO 5:30 P.M. AND MAY NOT EXCEED MAXIMUM DECIBLES FOR RESIDENTIAL AREAS. |
| Chanler at Cliff Walk, The | Chanler, Inc. The | Inside Building Located at 117 Memorial Boulevard | OUTSIDE ENTERTAINMENT (WITH AMPLIFICATION) LIMITED TO FRIDAYS, SATURDAYS, AND SUNDAYS, FROM 1:00 P.M. TO 6:00 P.M. MEMORIAL DAY TO OCTOBER 1ST. PATIO SPEAKERS TO FACE EAST AND LAWN SPEAKERS TO FACE NORTH TOWARDS BUILDING AND HAVE |
| H2O | Vader, LLC | Inside Building Located at 359 Thames Street | OUTSIDE ENTERTAINMENT LIMITED TO 7:00 P.M. TO 11:00 P.M. ON SUNDAY THROUGH THURSDAY, AND 2:00 P.M. TO MIDNIGHT ON FRIDAYS AND SATURDAYS, AND SUNDAYS OF HOLIDAY WEEKENDS. |
| Hotel Viking | LaSalle Hotel Lessee, Inc. | Inside Building Located at One Bellevue Avenue | OUTSIDE ENTERTAINMENT WITH AMPLIFICATION PERMITTED TO 11:00 P.M.; WITHOUT AMPLIFICATION UNTIL 1:00 A.M. |
| Hyatt Regency Newport | DHC FOOD & BEVERAGE CORP. | Inside Building Located at Goat Island | OUTSIDE ENTERTAINMENT LIMITED TO 11:00 P.M. ON MONDAY THROUGH THURSDAY, AND TO MIDNIGHT ON FRIDAYS AND SATURDAYS, AND SUNDAYS OF HOLIDAY WEEKENDS. |
| Marina Grille, The | Goat Island Grille, Inc. | Inside Building Located on Goat Island First Floor and Outside Patio | OUTSIDE ENTERTAINMENT LIMITED TO 11 P.M. ON SUNDAY THROUGH THURSDAY, AND TO MIDNIGHT ON FRIDAYS AND SATURDAYS, AND SUNDAYS OF HOLIDAY WEEKENDS. |
| Newport Marriott Hotel | Marriott Hotel Services, Inc. | Inside Building Located at Americas Cup Avenue and Long Wharf | OUTSIDE ENTERTAINMENT LIMITED TO 11 P.M. ON SUNDAY THROUGH THURSDAY, AND TO MIDNIGHT ON FRIDAYS AND SATURDAYS, AND SUNDAYS OF HOLIDAY WEEKENDS. LOUNGE FRIDAY AND SATURDAY 9:00 P.M. - MIDNIGHT. POOL AREA FRIDAY 3:00 PM - 7:00 PM, SATURDAY |
| Oceancliff | Newport Time Resorts, Inc. | Inside Building Located at 65 Ridge Road | OUTSIDE ENTERTAINMENT (WITH AMPLIFICATION) LIMITED TO SUNDAYS AND MONDAYS, FROM 1-5:30 P.M. FROM MAY FIRST THROUGH OCTOBER 15 ONLY |
| Perro Salado | Kelkery Food & Spirits, Inc. | Inside Building Located at 19 Charles St. on the first and second floors and the outside patio | |

| | | | |
|---|---|---|---|
| Pier 49 Seafood & Spirits | Shaner Rhode Island, LLC | Inside Building Located at Corner of Market Square, Thames Street, and Americas Cup Avenue | OUTSIDE ENTERTAINMENT, MEMORIAL DAY TO OCT. 30TH; RESTRICTED TO PIANO PLAYER, GUITARIST AND VOCALIST; HOURS LIMITED TO 11 P.M. SUNDAY THROUGH THURSDAY, AND TO MIDNIGHT ON FRIDAYS AND SATURDAYS, AND SUNDAYS OF HOLIDAY WEEKENDS. |
| Smokehouse Café | Mooring LTD, The | Inside Building at 31 Scott's Wharf, First Floor and Outdoor Deck | NOON TO 9:00 PM FRIDAY, SATURDAY AND SUNDAY'S ONLY |

**Class A Indoors**

| DBA | Owner | Licensed Premises | Restrictions |
|---|---|---|---|
| 22 Bowen's Wine Bar and Grille | BWR, LLC | Inside Building located at 22 Bowen's Wharf, first and second floors only | NO OUTSIDE ENTERTAINMENT OR AMPLIFICATION. |
| Asterisk & Obelisk | A&O, Inc. | Inside Building Located at 599 Thames Stree First Floor Per Restrictions on file in City Clerk's Office. | AMPLIFICATION FOR VOCALIST ONLY. DOORS AND WINDOWS TO REMAIN CLOSED DURING ENTERTAINMENT. NO OUTSIDE ENTERTAINMENT OR AMPLIFICATION. |
| Billy Goode's | Billy Goode Company, Inc. | Inside Building at 29 Marlborough St | NO OUTSIDE ENTERTAINMENT OR AMPLIFICATION. |
| Boat Dockside, The | Waite's Wharf Grille, LLC | Waites Wharf Unit #A First Floor | Inside Building Located at 25 NO OUTSIDE AMPLIFICATION. ALL DOORS AND WINDOWS TO REMAIN CLOSED DURING ENTERTAINMENT. |
| Cafe Zelda | Rudder, Inc. | Inside Building Located at 528-530 Thames Street First Floor | NO OUTSIDE ENTERTAINMENT OR AMPLIFICATION. |
| Canfield House | Gamas, Ltd. | Inside Building Located at 5 Memorial Blvd. | |
| Fluke Wine Bar & Kitchen | Partners in Wine, Inc. | Inside Building Located at 41 Bowen's Wharf, Second & Third Floors & Mezzanine | |
| loca | Reliance Services, LLC | Inside Building Located at 109 Long Wharf First and Second Floor (no Entertainment on Deck) | NO ENTERTAINMENT IS ALLOWED ON THE PREMISES REFERRED TO AS THE "DECK". NO OUTSIDE ENTERTAINMENT OR AMPLIFICATION. DOORS AND WINDOWS ARE TO REMAIN CLOSED DURING ENTERTAINMENT. |

| | | | |
|---|---|---|---|
| Mooring Seafood Kitchen & Bar | The Mooring, LTD | Inside Building Located at 2 Sayer's Wharf | |
| Newport Blues Cafe | Tri Group, LLC | Inside Building Located at 286 Thames Street First and Second Floors | BANDS LIMITED TO FOUR (4) MEMBERS. DOORS AND WINDOWS TO REMAIN CLOSED, PER RESTRICTIONS ON FILE IN CITY CLERK'S OFFICE. NO OUTSIDE ENTERTAINMENT OR AMPLIFICATION. |
| Newport Grand Jai Alai | Newport Grand Jai Alai, LLC | Inside Building Located at 150 Admiral Kalbfus Road | NO OUTSIDE ENTERTAINMENT OR AMPLIFICATION. |
| One Eighty | NWPT, INC. | Inside Building Located at 8-10 Broadway First Floor and 1 River Lane Basement and 2nd floor function room. | NO OUTSIDE ENTERTAINMENT OR AMPLIFICATION. |
| POP | POB, LLC | Inside Building Located at 162 Broadway and 2 Caleb Earl Street First Floor | NO OUTSIDE ENTERTAINMENT OR AMPLIFICATION. DOORS AND WINDOWS ARE TO REMAIN CLOSED DURING ENTERTAINMENT. |
| Rhode Island Quahog Company | Rhode Island Quahog Company Restaurant, | Inside Building Located at 250 Thames Street First Floor | ALL DOORS AND WINDOWS TO REMAIN CLOSED DURING ENTERTAINMENT. NO OUTSIDE ENTERTAINMENT OR AMPLIFICATION. |
| Rhumbline Restaurant | 62 Bridge Street, LLC | Inside Building Located at 62-64 Bridge Street, First Floor | |
| Riptides | Dockside North, LLC | Inside Area Located at 25 Waites Wharf Unit #B | OUTSIDE ENTERTAINMENT LIMITED TO 11 P.M. ON SUNDAY THROUGH THURSDAY, AND TO MIDNIGHT ON FRIDAYS AND SATURDAYS, AND SUNDAYS OF HOLIDAY WEEKENDS. SOUND LEVEL NOT TO EXCEED 65 DECIBELS. |
| Rocco's Little Italy | Christian, LLC | 124 Broadway | ENTERTAINMENT TO END BY 11:00 P.M. ALL DOORS AND WINDOWS TO REMAIN CLOSED DURING ENTERTAINMENT. |
| Thames Street International Yacht & Athletic Club | Thames Street International Yacht & Athletic Club | Inside Building Located at 536 Thames Street | ALL DOORS AND WINDOWS TO REMAIN CLOSED DURING ENTERTAINMENT. NO OUTSIDE ENTERTAINMENT OR AMPLIFICATION. |
| Vanderbilt Hall | VH Holdings, Inc. | Inside Building Located at 41 Mary Street | NO OUTSIDE ENTERTAINMENT OR AMPLIFICATION. DOORS AND WINDOWS TO REMAIN CLOSED DURING ENTERTAINMENT. |

**Class C**

| DBA | Owner | Licensed Premises | Restrictions |
|---|---|---|---|
| Newport Yachting Center | Historic Wharves Associates, Inc. | Located at Commercial Wharf | Detail Fire Fighter(s) will be determined after a review of each event. Outside Entertainment Limited to 11:00 P.M. on Sunday through Thursday, and to Midnight on Fridays and Saturdays, and Sundays of Holiday Weekends. Concerts on Weekdays until 9:30 pm; Concerts on Fridays & Saturdays until 10:00 pm. |

**Class MOVI**

| DBA | Owner | Licensed Premises | Restrictions |
|---|---|---|---|
| Jane Pickens Theater | Fine Arts Newport, Inc. | Inside Building Located at 49 Touro Street | Granted for 90 days only subject to: Requests be filed within 24 hours to the State Fire Marshal for Time Variances for Fire Alarm and Sprinkler System installations; The managers of the theater make arrangements immediately to attend the next session of crowd management training; Notification is to be made to the Fire Department when it is anticipated a movie or an event will have over 100 attendees, for determination as to whether or not a firefighter detail is to be assigned; At the end of 90 days the matter be reviewed. |

**Class THTR**

| DBA | Owner | Licensed Premises | Restrictions |
|---|---|---|---|
| Firehouse Theater | Firehouse Theater, Inc. | Inside Building Located at 4 Equality Park Place | 1:00 p.m. - 11:00 p.m. Thursday, Friday, Saturday and Sunday. Limited to 8:00 p.m. - 10 p.m. Monday, Tuesday, Wednesday. Capacity for theater to be maximum of 49 persons, per Fire Department (includes actors, employees and audience). Sets and costumes must be reviewed by the Fire Department. 06/28/06-Per Chris Kirwin, NFD-Subject to Fire Fighter detail at 11 performances-per NFD until NFD notifies us that certain safety measures are in place. |

**Class J**

| DBA | Owner | Licensed Premise | Restrictions |
|---|---|---|---|
| Newport Yachting Center | Historic Wharves Associates, Inc. | Commecial Wharf | Detail Fire Fighter will be determined after a review of each event. Outside Entertainment Limited to 11:00 p.m. on Sunday through Thursday, and to Midnight on Fridays and Saturdays, and Sundays of Holiday Weekends. Concerts on Weekdays until 9:30 pm; Concerts on Fridays & Saturdays until 10:00 pm. |

# CITY OF NEWPORT
# MINUTES OF THE COUNCIL MEETING
# HELD MAY 7, 2008
**(Approved 6/11/2008)**

*The following items of business, filed with the City Clerk under the rules of the Council, came before the Council at its regular meeting held on* ***May 7, 2008, at 6:30 p.m.***

The MAYOR called the meeting to order at 6:30 p.m.

The City Clerk called the roll and the following members were present:

STEPHEN R. COYNE
CHARLES Y. DUNCAN
KATHRYN E. LEONARD
JUSTIN S. MC LAUGHLIN
JEANNE-MARIE NAPOLITANO
STEPHEN C. WALUK, MAYOR

ABSENT: MARY C. CONNOLLY

The MAYOR opened the meeting with a Moment of Silence in memory of Council Connolly's sister, Alice Clancy.

**CITIZENS FORUM:**

ANN TWOMEY, resident, spoke in support of maintaining the current City Charter provision that requires police and fire chiefs to be hired from within their respective departments.

PATRICK MC GRATH, 40 Morton Ave., commented on the Bellevue Ave. roadway work underway and citied Title 12 of the City Code that requires an entire slab to be replaced when there is any work in a portion of it. He said he wondered if that provision would be upheld because of the way the city has allowed the repairs, which believed to be shortcuts.

## COUNCIL

1. Public Hearing: FY2009 Recommended Operating Budget

Hearing no comment, COUNCILOR COYNE moved the hearing be closed. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

2. **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 April 9, 2008, Council Meeting (Approve)

   b. Special Event License:

      1) REMOVED: Women's Resource Center, d/b/a Basketball Tournament

2) Newport International Film Festival, d/b/a Newport International Film Festival at various venues (Jane Pickens Theater, Opera House, Newport Art Museum, Colony House); June 3-8, 2008, ranging from 10:00 a.m. to 1:00 a.m.

3) REMOVED: SVF Foundation, d/b/a Second Annual Visitors Day

4) Fort Adams Trust, d/b/a Family Day; Fort Adams State Park, June 7, 2008, from 11:00 a.m. to 4:00 p.m. (rain date, June 8, 2008)

5) REMOVED: Hellenic Orthodox Community of Newport, RI, Inc., d/b/a Hellenic Fest; St. Spyridon Greek Orthodox Church parking lot, corner of

c. Daily Entertainment License, Lyndsey Stewart, d/b/a Position One School of Dance; Rogers High School, June 21, 2008, from 6:00 p.m. to 10:00 p.m., and June 22, 2008, from Noon to 3:00 p.m.

d. REMOVED: Annual Entertainment License Renewals (Renew subject to all existing conditions

e. Food Concession License, St. Spyridon Greek Orthodox Church; Hellenic Festival; parking lot at corner of Thames and Brewer Streets

f. REMOVED: Holiday Selling License, New, Go Green! LLC, d/b/a Segway of Newport, Lee's Wharf

g. Holiday Selling License, Renewals:

1) Tenzin Dorjee, d/b/a Himalayan Fashion, 435 Thames St. Unit 1S
2) Amanda Gallagher, d/b/a Closet Revival, 30 Broadway (new location)
3) Royal Male, LTD, d/b/a Royal Warrant, 18 Bannister's Wharf (corporate name change from Native American Trading Co., Inc.)
4) Sandra Gaines, d/b/a Vintage to Vogue, 70 Broadway, (continued from April 9, 2008; continue to May 28, 2008)

h. Pedicab Operator Licenses:

1) James Kimmett, 11 Pratt Rd., Clinton, CT
2) Alexander M. Popp, 3 Stowell Rd., Winchester, MA
3) Matt Smith, 180 Harwood Rd., Littleton, MA
4) Timothy Underwood, 8 Sullivan St., Newport, RI

i. Second-hand License, Renewal, Amanda Gallagher, d/b/a Closet Revival, 30 Broadway (new location)

j. Second-hand License, Renewal, Sandra Gaines, d/b/a Vintage to Vogue, 70 Broadway, (continued from April 9, 2008; continue to May 28, 2008)

k. REMOVED: Sidewalk Café, Renewals:

l. REMOVED: Communication from Joanne M. Hoops, Exec. Director, Boys & Girls Clubs of Newport County, requesting permission to hang 20 banners on poles

m. REMOVED: Communication from the Newport International Film Festival

n. REMOVED: Communication from Naomi Neville, Chair, Newport Planning Board, re: Comprehensive Land Use Plan Amendment – Existing and Future Land Use

o. Communication from Keith W. Stokes, Exec. Director, Newport County of Chamber of Commerce, in support of proposed development at 10 Brown & Howard Wharf (Receive)

p. REMOVED: Communication from the Directors of the RI Dept. of Environmental

q. Resolution of the Town of Westerly requesting support of RIGA House Bill 7108 (prohibiting municipal employees, collective bargaining agreements or arbitration awards from containing language specifically identifying a specific medical, dental, optometric medical insurance company; and RIGA House Bill 7776 (requiring that any health care benefit plan shall not be constructed so as to identify an exclusive provider for benefits) (Receive)

r. REMOVED: Claim of Plymouth Rock Claims Insurance

COUNCILOR COYNE moved the Consent Calendar, with the exception of the items listed below, be adopted. Seconded by COUNCILOR MC LAUGHLIN and VOTED UNANIMOUSLY.

Special Event Licenses:

a-1) Women's Resource Center, d/b/a Basketball Tournament; Edward St (courts/field at rear of Martin Luther King Center), May 10, 2008, from Noon to 6:00 p.m.

MAYOR WALUK moved the date be changed to May 31, 2008, at the request of the applicant. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

3) SVF Foundation, d/b/a Second Annual Visitors Day; 152 Harrison Ave., June 6, 2008, from 9:00 a.m. to 2:00 p.m., and June 7, 2008, from 9:30 a.m. to 3:00 p.m.

COUNCILOR LEONARD recused herself.
MAYOR WALUK moved the license be approved. Seconded by COUNCILOR NAPOLTANO and VOTED UNANIMOUSLY.

5) Hellenic Orthodox Community of Newport, RI, Inc., d/b/a Hellenic Fest; St. Spyridon Greek Orthodox Church parking lot, corner of Thames and Brewer

Streets, July 18, 2008, from 4:00 p.m. to midnight; July 19, 2008, from Noon to Midnight; July 20, 2008, from Noon to 6:00 p.m.

COUNCILOR DUNCAN said he wanted to ensure that restrooms will be available at all times during the festival.

MAYOR WALUK moved the license be approved. Seconded by COUNCILOR NAPOLTANO and VOTED UNANIMOUSLY.

d. Annual Entertainment License Renewals (Renew subject to all existing conditions

1) Belle Mer, 2 Goat Island (Class A & B)
2) Brick Alley Pub & Restaurant, 140-142 Thames (Class A)
3) Buskers, 178 Thames St. (Class A)
4) Celtica, 95 Long Wharf (Class A)
5) Christie's at Forty 1° North, 14 Perry Mill Wharf (Class A)
6) Clarke Cooke House/The Candy Store, 26 Bannister's Wharf (Class A)
7) The Fastnet, 1-3 Broadway (Class A)
8) The Fifth Element, 509 Thames St. (Class A)
9) The Gas Lamp Grille, 206-208 Thames St. (Class A)
10) The Grill at 41° North, 351 Thames St. (Class A & B)
11) Jimmy's Saloon, 37 Memorial Blvd. (Class A)
12) The Landing, 30 Bowen's Wharf (Class A & B)
13) O'Brien's Pub, 501 Thames St. (Class A & B)
14) One Pelham East & Studio 3, 270-276 Thames St. (Class A)
15) Opera House Cinemas, 19 Touro St. (Movie)
16) The Red Parrot Restaurant, 344-348 Thames St. (Class A)
17) Sardella's Restaurant, 30 Memorial Blvd. West (Class A)
18) Scales & Shells, 527 Thames St. (Class A)
19) The Wharf Pub & Restaurant, 37 Bowen's Wharf (Class A)

MAYOR WALUK moved the licenses be renewed subject to all existing conditions, with the exception of #5 and #10. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

5) Christie's at Forty 1° North, 14 Perry Mill Wharf (Class A)
10) The Grill at 41° North, 351 Thames St. (Class A & B)

COUNCILOR LEONARD recused herself.
MAYOR WALUK moved the licenses be approved subject to all existing conditions. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

f. Holiday Selling License, New, Go Green! LLC, d/b/a Segway of Newport, Lee's Wharf

COUNCILOR DUNCAN recused himself.

COUNCILOR LEONARD said there should be no demonstrations or driving of the Segway on city streets. CITY MANAGER ED LAVALLEE responded that anyone wanting to use the Segway would have to be on the licensee's property.

MAYOR WALUK moved the license be approved subject to any test driving of the Segways being on the licensee's property. Seconded by COUNCILOR LEONARD.

COUNCILOR MC LAUGHLIN said he didn't think the restriction was reasonable and would vote against the motion.

CITY SOLICITOR JOSEPH J. NICHOLSON, JR., said he was developing an ordinance on the use of Segways on public ways and that this application was only to allow their sale on holidays. COUNCILOR LEONARD said regulation of the Segways is a big point and this would allow the business to go forward. MAYOR WALUK said he did not want the Segways operating on City streets; SOLICITOR NICHOLSON responded that he didn't believe the license could be conditioned because it is just to allow sales on holidays.

MAYOR WALUK amended his motion to move the license be approved. Seconded by COUNCILOR MC LAUGHLIN.

Vote: In favor – MAYOR WALUK; COUNCILORS COYNE, DUNCAN, MC LAUGHLIN and NAPOLITANO.
Opposed – COUNCILOR LEONARD.

k. Sidewalk Café, Renewals:
   a. Fastnet, Inc., The Fastnet, 1-3 Broadway
   b. Howley Bread Group, Ltd., d/b/a Panera Bread, 49 Long Wharf Mall
   c. MBK, LLC, d/b/a Pour Judgment, 32 Broadway
   d. Tucker's Bistro, Inc., d/b/a Tucker's Bistro, 150-154 Broadway

MAYOR WALUK moved the licenses be approved. Seconded by COUNCILOR COYNE.

CITY MANAGER ED LAVALLEE said the restrictions on sidewalk cafes and the clearance that must be provided is under review and there will be enforcement of the ordinance. COUNCILOR COYNE noted that Panera Bread is to remove their tables and chairs from public property by 11 p.m. COUNCILOR MC LAUGHLIN said the Zoning Dept. should check the cafes to ensure compliance; he said he was specifically concerned about Fastnet because a pole in the sidewalk makes the public sidewalk clearance under six feet. He asked that it be checked once it is set up.

The motion to approve the licenses was VOTED UNANIMOUSLY.

l. Communication from Joanne M. Hoops, Exec. Director, Boys & Girls Clubs of Newport County, requesting permission to hang 20 banners on poles along America's Cup Ave. and Memorial Blvd. West from July 25, 2008, to August 11, 2008 (Approve subject to details being worked out with the city administration)

COUNCILOR LEONARD questioned the duration the banners would be hung. CITY MANAGER ED LAVALLEE said he was drafting an ordinance to regulate banners, which would include the length of time they can remain up, the number allowed, insurance requirements, etc.

MAYOR WALUK moved the request be approved. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

m. Communication from the Newport International Film Festival requesting permission to:
   1) tie red balloons onto parking meters, and at the H.J. Donnelly, III, Visitors Center, Jane Pickens Theater ticket booth and the Opera House doors for two days (to be announced);
   2) hold a two-hour jump rope demonstration in Washington Square on Sunday, June 8, 2008;
   3) place small white lights on trees, lampposts, etc., in Eisenhower Park and on Washington Square, June 3-8, 2008;
   4) erect a small to medium tent in Eisenhower Park to serve as an information booth, June 3-8, 2008;
   5) have music and/or musicians, with amplification, in Eisenhower Park or near and around the sidewalk of the Jane Pickens Theater on Touro St., June 3-8, 2008;
   6) sell NIFF tee-shirts and hats on a table outside the Jane Pickens Theater, June 3-8, 2008; and
   7) drape or hang banners on the exterior of the Colony House, June 2-8, 2008.

   (Approve subject to details being worked out with the City Administration as well as the State of RI for Colony House)

COUNCILOR NAPOLITANO said she would not want to see lights placed on lampposts, but would have no problem with their being strung in the trees.

TERRI CONNORS, Film Festival Director, said she had no problem with not using the lampposts. MAYOR WALUK said he was also concerned about balloons being tied to the parking meters, and COUNCILOR LEONARD expressed concern about the outdoor music because no times or dates were listed. MS. CONNORS said the details were still being developed; however, the music would be no later than 8:00 p.m. COUNCILOR DUNCAN and MAYOR WALUK pointed out that permission to drape banners on the Colony House would have to come from the State. MAYOR WALUK also questioned the placement of a tent in the park. MS. CONNORRS said that the sale of NIFF memorabilia would also occur in the tent and not on the sidewalk.

MAYOR WALUK moved approval be granted to the requests subject to all details being worked out with the city manager, including the aforementioned concerns. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

n. Communication from Naomi Neville, Chair, Newport Planning Board, re: Comprehensive Land Use Plan Amendment – Existing and Future Land Use Maps – Sheffield School Property. (Receive and order advertised for hearing)

COUNCILOR MC LAUGHLIN asked what the next step would be in proceeding with the change. PAIGE BRONK, Director of Planning, Zoning, Development & Inspections responded that the proposed change in the current and future land use map would be advertised for hearing, a public hearing would be held, and if the Council approves the change it would be forwarded to the State for their approval and authorization, after which it would be advertised for hearing again before the council as a Zoning amendment.

MAYOR WALUK moved the communication be received and the proposed change advertised for public hearing. Seconded by COUNCILOR NAPOILTANO and VOTED UNANIMOUSLY.

p. Communication from the Directors of the RI Dept. of Environmental Management and RI Department of Health, re: Use of Methoprene for Mosquito Control during Upcoming Mosquito Season (Receive)

COUNCILOR LEONARD pointed out that municipalities must respond by May 16th regarding the use of the alternative treatment. CITY MANAGER ED LAVALLEE said the City must determine what is permissible. JULIA FORGUE, Utilities Director, spoke on the alternative chemical and whether or not catch basins would be treated. She said she did not have the data and would ask the State for study results they have on alternatives to methoprene.

MAYOR WALUK moved the communication be received. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

r. Claim of Plymouth Rock Claims Insurance (Receive and refer to the City Solicitor)

COUNCILOR MC LAUGHLIN noted the report states a police officer was driving an unmarked police car into work when the accident occurred in Portsmouth. He said he would like to know the policy on city employees taking vehicles home. CITY MANAGER ED LAVALLEE responded that department directors are allowed to take their vehicles home because they are on call 24-hours a day. He said undercover police officers are also allowed to take home the vehicles they use.

MAYOR WALUK moved the communication be received and referred to the city Solicitor. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

**LICENSES & PERMITS**

3. Application for a Victualing License, New, VVSI, Inc., d/b/a Pizza Hollywood, 397 Thames St.

COUNCILOR COYNE moved the license be approved. Seconded by COUNCILOR MC LAUGHLIN.

COUNCILOR LEONARD, noting that a recent new license on Bellevue Ave. was amended to impose conditions and she would like this license changed to stop take-out service at 11 p.m.. CITY SOLICITOR JOSEPH NICHOLSON responded that the hours of the Bellevue Ave.

restaurant were negotiated; however, the permitted hours of a victualing license are 6 a.m. to 2 a.m. COUNCILOR MC LAUGHLIN asked if the applicant would be willing to close the restaurant at 11 p.m. JAMES LONG, applicant, said he would not because he wants people to take the pizza home.

COUNCILOR LEONARD said she would not support the license. She said Mr. Long will have to be responsible for controlling the area around his business and if people are waiting outside he will have to hire a detail officer. She said she did not have a problem with deliveries but with the take out service. MR. LONG responded that the previous business, Newport Grilled Pizza, was open until 2 a.m.

COUNCILOR COYNE noted that a burrito business before the Council a couple of years ago was granted a 2 a.m. closing because the Council agreed a new business should be given an opportunity and considered to be a good business. MAYOR WALUK said he didn't think it fair to limit the business especially when a similar business operated at the same site until 2 a.m. He said it would also thin the crowd at ViaVia, which operates until 2 a.m. He said a business cannot be held responsible for people who have spent hours drinking in bars.

VOTE ON MOTION TO APPROVE:
In favor – MAYOR WALUK; COUNCILORS COYNE, DUNCAN, MC LAUGHLIN and NAPOLITANO.
Opposed – COUNCILOR LEONARD

4. Application of J.H. Enterprises, Inc., d/b/a Rhino Bar & Grille and The Mamba Room, 377 Thames St., to expand the hours of entertainment on Saturdays to 2:00 p.m. to 1:00 a.m. (Currently restricted to 6:00 p.m. to 1:00 a.m.) (Hearing)

COUNCILOR NAPOLITANO noted that two letters of object had been received:

HEATHER BURKE, General Manager, said she was requesting the one-hour expansion for only the day of the St. Patrick's Day Parade and not every Saturday. COUNCILOR MC LAUGHLIN pointed out that the application states the entertainment is throughout the building. MS. BURKE responded that it should be amended to state only the Rhino Bar & Grille and The Mambo Room.

MAYOR WALUK moved the license, as amended to allow the expansion on only the day of the St. Patrick's Day Parade and inside the Rhino Bar and Mambo Room, be approved. Seconded by COUNCILOR DUNCAN.

VOTE: In favor – MAYOR WALUK; COUNCILORS COYNE, DUNCAN, LEONARD and MC LAUGHLIN.
Opposed – COUNCILOR NAPOLITANO

5. Application of Aquidneck Hospitality Group, Inc., d/b/a The Pier, West Howard Wharf, for a Victualing License (in conjunction with transfer of alcoholic beverage license)

COUNCILOR COYNE moved the transfer be approved. Seconded by COUNCILOR MC LAUGHLIN.

JAMES PERRIER, representing Friends of the Waterfront, said he wanted to remind the Council that there is a CRMC right-of-way to the water on West Howard St. and the applicant's plans show a white fence closing it off. He asked where the bar and tables and chairs would be placed. CITY MANAGER ED LAVALLEE said the City would enforce the public right-of-way. MR. PERRIER said the applicant's plans, which are not to scale, show the bar before the marina to be on the right-of-way.

TURNER C. SCOTT, ESQ., representing the applicant, said his client wants to abide by all the rules and regulations and will not block the right-of-way, whether it is five feet or twenty feet. He said he would look into what is designated as the public right-of-way and would honor it. COUNCILOR LEONARD asked if he would also provide copies of the CRMC right of way to the Council.

The motion to approve was VOTED UNANIMOUSLY.

6. Application of Aquidneck Hospitality Group, Inc., d/b/a The Pier, West Howard Wharf, for a Class A and B Entertainment License (in conjunction with transfer of alcoholic beverage license)

MAYOR WALUK moved the license be approved subject to all existing conditions. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

## COMMUNICATIONS & PETITIONS

7. Request of Gale Goff, AIA, asking to address the Council, re: Newport Waterfront 2030: Executive Summary & Introduction (report on the Newport community's vision for the future of the waterfront; continued from April 23, 2008)
   - -- Communication from the Alliance for A Livable Newport in support of implementing the recommendations.
   - -- Communication from the Newport Historical Society urging support of the initiatives to protect Newport's great historical assets.

MS. GOFF reported on the public workshops held on two Saturdays in October, 2007, involving the Local AIA, Planning Department, Chamber of Commerce, Alliance for a Livable Newport, and the University of RI, and which had the participation of 100 people. She said she was asking for the Council's support for the working committee to continue to explore the results and to have a follow-up meeting in the fall of 2008. She said they have received grants and are committed to ensuring that it will be a public process.

## RESOLUTIONS

8. Requesting the City Administration to identify funds to support the cost of the Aquidneck Island School/Municipal Collaboration/Cooperation Study – J. McLaughlin

COUNCILOR MC LAUGHLIN introduced the resolution and moved for its adoption. Seconded by COUNCILOR COYNE.

COUNCILOR NAPOLITANO raised several questions, noting that regionalization is not mentioned in the report. She said she would like a public process when going forward and not like the recent meeting held at CCRI. She said she would like more information on the process before it moves forward. COUNCILOR MC LAUGHLIN said that the last meeting of the working group included the city manager and finance director; he said he didn't believe it was closed, it just wasn't advertised. He said he would be willing to continue the resolution to the next meeting in order to provide more information.

COUNCILOR MC LAUGHLIN withdrew his original motion and moved to continue the resolution to the next meeting, suggesting that in the interim the RIPEC report be put on the city's website. Seconded by COUNCILOR DUNCAN.

COUNCILOR NAPOLITANO asked if it is an effort to look at regionalization and if the meetings will be open to the public. She asked if he could expand on the focus group in order to get everyone's perspective. COUNCILOR MC LAUGHLIN said he would make sure every one gets a copy of the draft as soon as possible.

The motion to continue the resolution was VOTED UNANIMOUSLY.

**ORDINANCES**

9. Amending Section 9.08.010, "Desecration," of Chapter 9.08, entitled, "Offenses Against Property," to prohibit the defacing or changing of city-installed or approved signs, designations or markings designating public rights- of-way, information signs, symbols, and related city-sanctioned directional aides and devices.

COUNCILOR LEONARD moved the ordinance be adopted on second reading. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

10. Amending Chapter 10.20.120, entitled, "Parking Prohibited in Specified Places—Unauthorized Moving in Prohibited Areas," to prohibit parking adjacent to a curb painted yellow, and to prohibit the altering, duplicating, covering, etc., of a city-sanctioned traffic control sign or marking, as well as the installation of non-sanctioned parking, traffic control and public safety devices.

MAYOR WALUK moved the ordinance be adopted on second reading. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

11. Amending Chapter 12.32.100, entitled, "Prohibition of skateboards, bicycles, roller skates and roller blades," to prohibit skateboards in Eisenhower Park and the on abutting bluestone sidewalks.

MAYOR WALUK moved the ordinance be amended to include a ban on skateboards in the area around Thompson Middle School. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

MAYOR WALUK moved the ordinance, as amended, be adopted on second reading. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

## COMMUNICATIONS FROM THE CITY MANAGER

12. Communication #4392/08, re: Personnel Ordinance Amendment – Employee Classification Study, Local 911, AFSCME

MAYOR WALUK moved the communication be received and the accompanying ordinance adopted on first reading. Seconded by COUNCILOR LEONARD and VOTED UNANIMOUSLY.

13. Communication #4393/08, re: Financial Consulting Services – Water Division (with accompanying resolution)

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR NAPOLITANO.

Comments by COUNCILOR LEONARD about regarding seeking alternatives to the current Newport water division.

The motion to approve was VOTED UNANIMOUSLY.

14. Communication #4394/08, re: Bid Award – Dredge Engineering Services for Harbor Shuttle

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

15. Communication #4395/08, re: Purchase of Scan Net Software for City-owned Parking Lots

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR NAPOLITANO.

COUNCILOR MC LAUGLIN asked if purchasing the software would be the only expense. CITY MANAGER LAVALLEE responded that there will be on-going maintenance and support, and once the warranty runs out he would look into a maintenance agreement. He said in the current year the city has replaced just about every component but he didn't know the life expectancy of the replacement parts.

The motion to approve was VOTED UNANIMOUSLY.

16. Communication #4396/08, re: North End Master Plan

COUNCILOR COYNE moved the communication be received and the accompany resolution adopted with an amendment, stating that the North End Master Plan "objectives" are adopted in concept. Seconded by COUNCILOR DUNCAN.

COUNCILOR DUNCAN read into the record the objectives of the North End Plan:
-- Explore economic development opportunities related to the reconfiguration of Pell Bridge interchange;
-- Identify opportunities to expand tax base and create new jobs;
-- Improve circulation and parking, including opportunities for satellite parking and Transit oriented Development (TOD);
-- Preserve and enhance open space and recreation opportunities;
-- Develop a strategy for protecting natural resources;
-- Provide opportunities for affordable housing initiatives;
-- Develop an Action Plan for implementation.

COUNCILORS DUCAN and LEONARD said they would support the objectives but not the Plan itself. COUNCILOR NAPOLITANO, saying it was important to move forward, pointed out that the request is to adopt the Plan in concept and every part of it would come back before the Council for approval. COUNCILOR MC LAUGHLIN said he was in favor of the Plan because it starts the process. He said the Council will have to determine the best ideas for the future and this is a good step forward.

COUNCILOR LEONARD said some of the proposals, such as a new school at the Sullivan School site, are already passé, and she wanted to be sure the Council was voting only on the objectives. MAYOR WALUK also noted the importance of moving forward and the need for a comprehensive plan. He said he agreed with the objectives and some of the specific recommendations, such as the use of the Navy Hospital property, realignment of the Pell Bridge, Open Space in Miantonomi Park, and the need to look into more open space at the Navy Hospital site. COUNCILOR LEONARD said the city adopted the Plan of the Foundation for Newport several years ago and it includes freeing up land around the Pell Bridge. She said she would like to see that Plan brought into it as well as be part of the big picture.

The motion to adopt the resolution, as amended, was VOTED UNANIMOUSLY.

17. Communication #4397/08, re: Ordinance Amendments – Mary St. Parking Lot

MAYOR WALUK moved the communication be received and the accompanying ordinance adopted on first reading. Seconded by COUNCILOR NAPOLITANO.

COUNCILOR LEONARD asked about the proposed bulk passes. CITY MANAGER LAVALLEE responded that if one leaves his/her car in the lot for 24 hours the cost is $24; the proposal would reduce it to $16. He said some B&B's in the area of the parking lot use 24-hour parking.

VOTE ON THE MOTION TO APPROVE:

In favor – MAYOR WALUK; COUNCILORS DUNCAN, LEONARD, MC LAUGHLIN and NAPOLITANO.
Opposed – COUNCILOR COYNE

18. Communication #4398/08, re: Agreement with Marriott Hotel Services, Inc. for Hotel Parking at the Gateway Facility

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

**7:54 P.M. ADJOURNED AS COUNCIL AND CONVENED AS BOARD OF LICENSE COMMISSIONERS**

# BOARD OF LICENSE COMMISSIONERS

**LICENSES & PERMITS**

1. Application for a Class F Daily Liquor License, Hellenic Orthodox Community of Newport, RI, Inc., d/b/a Hellenic Fest 2008; July 18, 19 and 20, 2008.

COMMISSIONER COYNE moved the license be approved. Seconded by COMMISSIONER NAPOLITANO and VOTED UNANIMOUSLY.

2. Application of N.A.J. Associates, Inc., d/b/a Vincent's on the Pier, West Howard Wharf, to transfer its Class BV alcoholic beverage license to Aquidneck Hospitality Group, Inc., d/b/a The Pier, for the same premises. (Hearing)
   -- Bills of Indebtedness:
   a) Newport Daily News $ 723.53
   b) RI Distributing $7,762.14

COMMISSIONER COYNE moved the transfer be approved subject to payment of all bills of indebtedness. Seconded by COUNCILOR LEONARD and VOTED UNANIMOUSLY.

7:55 P.M. ADJOURNED

Kathleen M. Silvia
City Clerk

# CITY OF NEWPORT
# MINUTES OF THE MEETING OF THE COUNCIL
# HELD ON JUNE 11, 2008

*(Approved 8/13/2008)*

*The following items of business, having been filed with the City Clerk under the Rules of the Council, came before the Council at its regular meeting held in the Council Chambers of City Hall on* ***June 11, 2008, at 6:30 p.m.***

The Mayor called the meeting to order at 6:30 p.m.

The City Clerk called the roll and the following members were present:

MARY C. CONNOLLY
CHARLES Y. DUNCAN
KATHRYN E. LEONARD
JUSTIN S. MC LAUGHLIN
JEANNE-MARIE NAPOLITANO
STEPHEN C. WALUK

ABSENT: STEPHEN R. COYNE

CITIZEN'S FORUM: ALEX WALSH, Esq., commented on the light fixtures on Bellevue Avenue and said the deteriorating fixtures could be a huge future expense if not addressed now.

## COUNCIL

1. Public Hearing: FY2009 Recommended Operating Budget
   a. Ordinance Appropriating Revenues (Second Reading)
      -- Proposed Budget Change Sheet (as of 6/04/08)
   b. Ordinance Amending Title 3, Personnel (Second Reading)
   c. Resolution, re: Omnibus Property Tax Relief & Replacement Act
   d. Resolution, re: Authorizing Tax Levy
   e. Ordinance Amending Chapter 13.10, Industrial Pretreatment-Wastewater Treatment Rates (Second Reading)
   f. Ordinance Amending Chapter 13.12.010, Basic Charge - Sewer Rate (Second Reading)
   g. Ordinance Amending Chapter 13.10.015, CSO Fixed Charge (Second Reading)

MAYOR WALUK moved the hearing, ordinances and resolutions be continued to the June 25, 2008, council meeting, and in the interim a workshop will be held with the School Committee on June 16, 2008, at Thompson Middle School. Seconded by COUNCILOR CONNOLLY.

COUNCILOR NAPOLITANO suggested the workshop be held on June 18th before or after an already scheduled workshop because the Finance Director is scheduled to be away on June 16th. MAYOR WALUK said he had already spoken with the Superintendent of Schools on the June 16th date, and said he didn't think another workshop should be scheduled on the 18th, at which time the city's water infrastructure would be discussed. CITY MANAGER ED LAVALLEE said he was comfortable in going forward with the June 16th workshop in the absence of Finance Director Laura Sitrin; however, DIRECTOR SITRIN has advised that she will be present.

The motion to continue was VOTED UNANIMOUSLY.

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 March 26, 2008, council meeting (Approve)
b. Minutes of the April 23, 2008, council meeting (Approve)
c. Minutes of the May 7, 2008, council meeting (Approve)
d. Special Event License:
   1) The Ally Foundation, d/b/a "5th Annual Beacon Rock Gala - Rock for a Change"; Beacon Rock, 147 Harrison Ave., June 28, 2008, from 7:00 p.m. to 11:00 p.m.
   2) The Newport Daily News, 101 Malbone Rd., d/b/a Mercury Love Awards Night; Island Moving Co. Dance Studio, 3 Charles St.; June 28, 2008, from 8:00 p.m. to 11:00 p.m.
   3) Newport Art Museum & Art Association, d/b/a PM Picnics; Newport Art Museum, 76 Bellevue Ave.; June 25, July 2, 9, 16, 23, 30, and August 13, 2008, from 6:30 p.m. to 8:00 p.m.
   4) International Yacht Restoration School, d/b/a IYRS Summer Gala; IYRS, 449 Thames St.; July 12, 2008, from 5:30 p.m. to Midnight.
   5) Bowen's Wharf Co., Inc., d/b/a Coastal Living Newport Regatta; Bowen's Wharf; July 12, 2008, from 9:00 a.m. to 5:00 p.m. and July 13, 2008, from 10:00 a.m. to 5:00 p.m.
   6) **REMOVED:** Jamestown Kites, 11 Camp St., Cumberland, RI, d/b/a Newport Kite Festival; Brenton Point State Park, Ocean Ave.; July 12 and 13,
   7) **REMOVED:** Bucket Regattas, LLC, So. Marina Plaza, Goat Island, Japan America Society of RI, 28 Pelham St., d/b/a Black Ships Festival/Sister City Gala; Belle Mer, Goat Island; July 18, 2008, from 6:00 p.m. to Midnight.
   8) Japan America Society of RI, 28 Pelham St., d/b/a Black Ships Festival; Touro Park; July 19, 2008, from 10:00 a.m. to 4:00 p.m.
   9) Japan America Society of RI, 28 Pelham St., d/b/a Black Ships Festival/Taiko Drummers; at Newport Yachting Center; July 19, 2008, from 6:00 p.m. to 8:30 p.m.; and Cardines Field, July 20, 2008, from 11:00 a.m. to 1:30 p.m.
   10) Japan America Society of RI, 28 Pelham St., d/b/a Black Ships Festival; Brick Market; July 19 and 20, 2008, from 10:00 a.m. to 4:00 p.m. Construction Industries of Rhode Island, d/b/a Dinner Dance; Rosecliff, 670 Bellevue Ave.; July 19, 2008, from 7:00 p.m. to 11:00 p.m.
   11) Zabriskie Memorial Church of St. John the Evangelist, d/b/a Annual Parish Fair; 59-61 Poplar St., July 19, 2008, from 10:00 a.m. to 2:00 p.m.
   12) Seamen's Church Institute, d/b/a Rock the Docks; 18 Market Square, July 20, 2008, from 7:00 p.m. to 10:00 p.m.
   13) Bucket Regattas, LLC, d/b/a Newport Bucket Regatta; International Yacht Restoration School, 447 Thames St., July 20, 2008, from 5:00 p.m. to 10:00 p.m.

14) Rhode Island Arts Foundation at Newport, Inc., d/b/a NEWPORT MUSIC FESTIVAL:
   a) The Breakers, 44 Ochre Point Ave.; July 11-22, 2008, and July 24-27, 2008, from 9:00 p.m. to 11:00 p.m.; July 22 and 25, 2008, from 7:00 p.m. to 8:00 p.m.; and July 23, 2008, from 7:00 p.m. (cocktails) to 10:00 p.m.
   b) Wakehurst, Salve Regina University, 51 Lawrence Ave.; July 12, from 11:00 a.m. to 1:00 p.m.; July 11, 12 and 24, 2008, from 4:00 p.m. to 6:00 p.m.
   c) Ochre Court and Ochre Court Chapel, Salve Regina University; July 13, 18, 29, 20 and 27, 2008, from 4:00 p.m. to 6:00 p.m.; July 14, 16 and 17, 2008, from 5:00 p.m. to 6:00 p.m.; July 13 and 27, 2008, from 7:00 p.m. to 8:00 p.m.; July 19 and 26, 2008, from 11:45 p.m. to 1:00 a.m.; and July 20, 2008, from 2:00 p.m. to 3:00 p.m.
   d) The Elms, 367 Bellevue Ave., July 13, 17, 19, 20 and July 24 - 27, 2008, from 11:00 a.m. to 1:00 p.m.
   e) **REMOVED:** Belle Mer-Island House, Goat Island; July 14-16 …
15. Music Box Inc., d/b/a Helly Hansen Annual Summer Sale; Newport Yachting Center, "C" Tent, August 7-10, 2008, from 9:00 a.m. to Midnight.

e. Annual Entertainment License, Class A, Renewal, Newport Playhouse & Cabaret Restaurant, 102 Connell Highway.

f. Food Concession License, Seasonal, Newport Gulls, Ltd., Cardines Field
-- Recommended conditions from the Recreation Director: all litter generated by snack bar to be removed no later than 10 a.m. of the following day; Recreation Dept. to have key to enter for fire alarm service and meter reading; and no grease or food boxes to be left outside the building.)

g. Holiday Selling Licenses, New:
   1. Island Pursuit, Inc., d/b/a Island Pursuit, 364 Thames St.
   2. Rachel Lessne, d/b/a Green Envy, 223 Goddard Row
   3. Kathleen Roan, d/b/a Minty, 474 Thames St.
   4. Woman to Woman Support Network, Inc., d/b/a Good Shepherd Gift Shop, 164 Broadway

h. Holiday Selling License, Renewal, Chris Wyllie, d/b/a Found Gallery, 480 Thames St.

i. Pedicab Licenses, New:
   1) Chavdar K. Denkov, 58 Kingston Ave., Newport
   2) Sean Fitzgerald, 10 Cross St., Newport
   3) Vladimir Emilov Evtimov, 53 Plymouth Rd., Jamestown
   4) Patricia LaFreniere, 51 Ortoleva Dr., Providence
   5) Andrew M. Watters, 4718 Sailors Lane, Oxford, MD
   6) Chris Watts, 11 Gould St., Newport

j. Sidewalk Café, Renewal, JNR, LLC, d/b/a Jonathan's Ocean Coffee Roaster, 22 Washington Square

k. Communication from Ron Turgeon, Treasurer, Japan America Society of RI, asking permission to hang "Black Ships" banners on America's Cup Ave. and Memorial

Blvd. West from July 14-21, 2008. (Approve subject to details being worked out with the city administration)

MAYOR WALUK moved the Consent Calendar, with the exception of items d-6, d-7, and 16-e, be adopted. Seconded by COUNCILOR MC LAUGHLIN and VOTED UNANIMOUSLY.

d-6. SPECIAL EVENT LICENSE: Jamestown Kites, 11 Camp St., Cumberland, RI, d/b/a Newport Kite Festival; Brenton Point State Park, Ocean Ave.; July 12 and 13, 2008, from 10:00 a.m. to 4:00 p.m.

COUNCILOR LEONARD said Jamestown Kites had done a good job last year and she asked that again the speakers be turned away from the houses. The applicant responded that they would.

COUNCILOR LEONARD moved the license be approved. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

d-7 SPECIAL EVENT LICENSE: Bucket Regattas, LLC, So. Marina Plaza, Goat Island, d/b/a Newport Bucket Regatta; Newport Shipyard, 1 Washington St.; July 18, 2008, from 5:00 p.m. to 10:00 p.m.; and July 19, 2008, from 9:00 a.m. to 11:00 a.m. and 5:00 p.m. to Midnight.

COUNCILOR CONNOLLY recused herself.

MAYOR WALUK moved the license be approved. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

d-16-e: SPECIAL EVENT LICENSE: RI Arts Foundation at Newport, Inc., d/b/a Newport Music Festival – Belle Mer-Island House, Goat Island, July 14-16 and 21-23, 2008, from 11 a.m. to 1 p.m. and from 2 p.m. to 4 p.m.

COUNCILOR CONNOLLY recused herself.

MAYOR WALUK moved the license be approved. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

**LICENSES & PERMITS**

3. Annual Entertainment License, Renewal, Class A & B, Hotel Viking, One Bellevue Ave. (Continued from May 28, 2008)

MARK GERVAIS, General Manager of the Hotel Viking, in response to questions from COUNCILOR MC LAUGHLIN, said he did not intend to have a 100-member band as indicated on the application and he would be willing to end the outdoor amplification on the roof at 10 p.m.

COUNCILOR MC LAUGHLIN moved the license renewal be approved subject to outdoor amplification ending at 10:00 p.m. nightly. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

4. Annual Entertainment License, Class A, New, The Barking Crab-Newport, LLC, d/b/a The Barking Crab Restaurant, 151 Swinburne Row (Second Hearing)
   - Communication from Paul S. Horvitz, owner of a residential Brick Market Condominium, requesting reasonable restrictions be imposed on the license.
   - Communication from John M. Moran, Jr., 316 Swan's Wharf Row, requesting restrictions to prevent problems of excessive noise.
   - Communication from James N. Champagne, Swan's Wharf Row, objection to the indoor entertainment license.

MAYOR WALUK moved the application, at the request of the applicant's attorney, Turner C. Scott, be continued to June 25th. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

5. Annual Entertainment License, Class A, New, PCDS, LLC, d/b/a The Mainstay Inn, 151 Admiral Kalbfus Road (Second Hearing)

MAYOR WALUK moved the license be approved. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

6. Annual Entertainment License, Class A, New, Mach, LLC, d/b/a Sambar, 515 Thames St. (Second Hearing)

COUNCILOR NAPOLITANO recused herself.

JASON PERKINS, 10 Goodwin St., submitted a hand-out consisting of the application and the plans for the outdoor patio.

COUNCILOR CONNOLLY moved the documents be received. Seconded by COUNCILOR LEONARD and VOTED UNANIMOUSLY.

MR. PERKINS questioned the outdoor patio which he said has expanded since its original approval. He said that while the bar owner said there had not been a meeting with Mr. Perkins' brother and a neighbor wherein an agreement was worked out he was submitting a letter from them stating the meeting did indeed take place. He also submitted an analysis of the petition the bar owner had submitted at the previous hearing and said that of the 21 names, four had no address, five were from out of the neighborhood, and 12 were short-term renters.

COUNCILOR CONNOLLY moved the information be received. Seconded by COUNCILOR LEONARD and VOTED UNANIMOUSLY.

MR. PERKINS submitted a copy of police reports listing the number of disorderlies, including assaults.

COUNCILOR CONNOLLY moved the information be received. Seconded by COUNCILOR LEONARD and VOTED UNANIMOUSLY.

MR. PERKINS submitted statistical reports in the neighborhood of Sambar for two twelve-month periods.

COUNCILOR CONNOLLY moved the reports be received. Seconded by COUNCILOR MC LAUGHLIN and VOTED UNANIMOUSLY.

Discussion followed regarding the police reports, the number of incidents in the area, as well as the number of licensed establishments.

MR. PERKINS asked that the Council consider the petition he had submitted with 31 signatures of property owners, not transients, to deny the license.

MAYOR WALUK asked Mr. Perkins how long he has lived on Goodwin St.; MR. PERKINS responded that he lived there part-time beginning in 1999, and moved there full time in January of 2008.

COUNCILOR LEONARD noted the three parking spaces off Thames St. along side the restaurant which the zoning officer has advised are not legal. She said she questioned the validity of the information provided by the applicant and based upon the 31 signatures of people living in the immediate area she would not support the license. COUNCILOR MC LAUGHLIN said he would have to review the police reports before he would consider them and noted that there was a greater police presence in the area which could have resulted in the increased number of service calls over previous years.

BEN RIGGS, 15 Harrington St., said he had felt Sambar should be given a break and he therefore met with the owner/manager, Mark Lester, and expressed concern about the 1 a.m. closing and the use of the outdoor patio, which he would not object to if it ends at 11p.m. He said Mr. Lester informed him that there was no problem with ending entertainment at 11 p.m. because he didn't want musicians taking up table space at that hour. MR. RIGGS said he was not at the last council meeting because he thought there was an agreement with Mr. Lester but now understands that he is asking for entertainment to 1 a.m. and questioned how Mr. Lester can be trusted.

STEPHEN CUNDY, 375 Thames St., President of the Lower Thames St. Business Association, said even though 31 people signed the petition it must be remembered that Thames St. is in a business district. He said he has lived on Thames St. since 1991 and has a problem when people move into the area knowing it is surrounded by businesses and then want to turn it into "Sleepy Hollow."

GARY CASSIDY, owner of 515 Thames St., referring to the police reports, said people make statistics say what they want, and, as the property owner, he has not received one complaint about Sambar, not even from the tenants that live above Sambar. He said if the license is not granted Mr. Lester may not be able to generate enough business and be forced to close, leaving another empty storefront on Thames St.

ALEXANDER WALSH, representing the applicant, said the applicant had received a series of one-day entertainment licenses during which time the Police Chief, at the previous hearing, said there

was no record of any complaints. He noted that the business is in the Waterfront Business Zone and the entertainment will be subject to doors and windows being closed. With reference to the outdoor patio, he said the Zoning Officer had measured the outdoor patio and found it to be in compliance. He said his client was looking for entertainment to 1 a.m. as has been granted to other businesses.

MAYOR WALUK moved the hearing be closed and the license approved. Seconded by COUNCILOR CONNOLLY.

MAYOR WALUK said the business is in the Waterfront Business District, it is small, and it is a modest request for entertainment. He said he had gone through all the police reports and there were no violations. He also noted that the applicant can be held liable under his liquor license and be called before the Council for a show cause hearing for any noise violations, as well as be summonsed to Municipal Court.

VOTE ON THE MOTION TO APPROVE:

In favor – MAYOR WALUK; COUNCILORS CONNOLLY, DUNCAN and MC LAUGHLIN.

Opposed – COUNCILOR LEONARD

7. Holiday Selling License, Renewals (Continued from May 28, 2008):
   a. JB Antiques, 33 Franklin St.
   b. Adriance Furniture Makers, **206 Bellevue Ave.**
   c. Newport Best Sportswear, 246 Thames St.
   d. Cabbage Rose, 493 Thames St.
   e. Scooters, 476 Thames St.
   f. Kristina Richards, 13 Touro St.

MAYOR WALUK moved items b, c and d be approved. Seconded by COUNCILOR MC LAUGHLIN and VOTED UNANIMOUSLY.

MAYOR WALUK moved items a, e and f be continued to July 9th. Seconded by COUNCILOR MC LAUGHLIN and VOTED UNANIMOUSLY.

8. Sidewalk Café License, Renewal, Christian, LLC, d/b/a Rocco's Little Italy, 124 Broadway (Continued from May 28, 2008)

MAYOR WALUK moved the application be continued to June 25, 2008. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

9. Annual Entertainment License, Class A, Expansion, Newport Bubble Tea, LLC, d/b/a Empire Tea & Coffee, 22 Broadway (First Hearing)

DONALD PIZINGER, owner of 26-30 Broadway, said he was present to support the application because the applicant provides a good service to young people under the legal drinking age. He said the business is just what is needed in the area and complimented Mr. Barone for his work.

MAYOR WALUK moved the license be approved on first hearing. Seconded by CUONCILOR CONNOLLY and VOTED UNANIMOUSLY.

10. Second-hand License, New, ACD-Ally Coulter Designs, LLC, d/b/a Home Furnishings, 51 Bellevue Ave. (Hearing)

MAYOR WALUK moved the hearing be closed and the license granted. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

11. Holiday Selling License, New, ACD-Ally Coulter Designs, LLC, d/b/a Home Furnishings, 51 Bellevue Ave.

MAYOR WALUK moved the hearing be closed and the license granted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

12. Sidewalk Café License, New, Godelieve Persoons, d/b/a Hendrika's Café, 2 Broadway.

MAYOR WALUK moved the hearing be closed and the license granted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

13. Application of Waites Wharf Grille, LLC, d/b/a The Boat Dockside, 25A Waite's Wharf, to expand its Victualing License to an outdoor tiki bar on a pier located northwest of the existing licensed premises. (Hearing)

-- Communication from Brian G. Bardorf, Esq, requesting approval of the expansion.

COUNCILOR NAPOLTANO recused herself.

MAYOR WALUK moved the hearing be closed and the license expansion approved. Seconded by COUNCILOR CONNOLLY.

COUNCILOR MC LAUGHLIN questioned the propoed seating for 39 people on the pier.

BRIAN BARDORF, ESQ., representing the applicant, said detailed information will be submitted with the application for expansion of the liquor license, approval of which will be subject to fire, building, etc., approvals. MAYOR WALUK asked if the Fire Marshal will set the capacity when it is completed; CITY MANAGER LAVALLEE responded in the affirmative. COUNCILOR MC LAUGHLIN asked if food would be prepared in the restaurant and served on the pier; ATTORNEY BARDORF responded that it would and that food servers and the public will have to cross the public access along the property. He said CRMC approval is not necessary because the bar will be in four segments and can be completely removed in less than two hours.

COUNCILOR LEONARD said her questions had been answered and she would support the expansion as along as there is no entertainment. COUNCILOR MC LAUGHLIN said he would support the victualing license expansion but not the liquor expansion.

The motion to approve was UNANIMOUSLY ADOPTED (5-0).

## COMMUNICATIONS & PETITIONS

14. 2007 Annual Report of the Municipal Court—Municipal Court Judge J. Russell Jackson. (Continued from May 28, 2008)

MAYOR WALUK moved the report be received. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

15. **APPOINTMENTS TO BOARDS AND COMMISSIONS**
Aquidneck Island Planning Commission – Appointment of Naomi Neville, Chair, Newport Planning Board.

MAYOR WALUK moved Naomi Neville be appointed to the Aquidneck Island Planning Commission. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

## RESOLUTIONS

16. Approving an amendment to the City of Newport Comprehensive Land Use Plan Existing and Future Land Use Maps – to change Plat 6, Lot 240 Sheffield School Property), from Institutional to Commercial.

COUNCILOR MC LAUGHLIN moved the resolution be adopted. Seconded by COUNCILOR LEONARD and VOTED UNANIMOUSLY.

17. Accepting the offer of the Newport County Chamber of Commerce to operate a demonstration valet parking service for downtown Newport and asking the City Administration to work with the Chamber in developing a valet parking operator license. – K. Leonard, J. Napolitano

COUNCILOR LEONARD introduced the resolution, saying it was a continuation of a previous resolution adopted by the council that called for the City to work with the Chamber of Commerce in finding a solution to the parking problems in downtown Newport that would be beneficial to both the businesses and residents. She then moved for its adoption. Seconded by COUNCILOR NAPOLITANO.

COUNCILOR CONNOLLY asked if, when the plan is designed, there would be a public informational workshop so that everyone understands how it will operate. COUNCILOR LEONARD responded saying there first would be a trial run and then it can be reviewed at a workshop. COUNCILOR CONNOLLY asked where the cars will be parked; COUNCILOR LEONARD said that is still being worked out. MAYOR WALUK said a trial program is to be

worked out between the City Administration and the Chamber; however, it should then come back to the Council for approval. MAYOR WALUK said he did not agree with the resolution's giving carte blanche approval to start a valley parking program in Newport with no provision for oversight and without the City Manager and Director of Economic Development being involved.

MAYOR WALUK moved the resolution be amended to provide that a Pilot Program is to be designed and then brought back to the Council for approval. Seconded by COUNCILOR CONNOLLY.

Comments by COUNCILOR LEONARD wherein she said the Council has trusted the city administration to go forward and implement some things in regards to a parking program. She said all the details would be defined and be part of this small pilot program. COUNCILOR CONNOLLY said she agreed with the Mayor and would want the City Manager and Economic Development Director, who were not aware of the program, to provide guidance and give their approval. COUNCILOR MC LAUGHLIN said that while the program needs to be expedited, the Council cannot abrogate their responsibility and rush through it, and he asked if it was something that should be licensed. CITY SOLICITOR JOSEPH J. NICHOLS, JR., said he didn't know much about the program but the City could seek a contractor to provide the service, rather than having a license.

Comments by COUNCILOR NAPOLITANO in support of the valet parking program and wherein she said the downtown parking problems have been ignored for too long. COUNCILOR DUNCAN agreed. He said the Chamber has covered a lot of bases in the resolution and he was in favor of the program.

Comments by KEITH STOKES, Executive Director, Newport County Chamber of Commerce, wherein he thanked the council for the resolution, the intent of which was to have the Chamber draft an amendment to the Zoning Ordinance for the program, which would come back to the Council. He said valet parking programs in other communities were studied, and submitted a brochure related to one. He cited the areas of Washington Square and Lower Thames Street and said valet parking would operate by district.

COUNCILOR CONNOLLY moved the brochure be received. Seconded by COUNCILOR MC LAUGHLIN and VOTED UNANIMOUSLY.

COUNCILOR LEONARD cited the number of empty storefronts on Lower Thames and said she would like to see the program started as soon as possible. MR. STOKES said that Attorney Andrew Teitz is working on the licensing and zoning issues and will work with the City.

MAYOR WALUK said everyone supports the program but it is important to maintain traffic safety and flow, and there be equity in providing the service to various businesses. COUNCILOR MC LAUGHLIN agreed, and said he also supports the amendment because there are more details to the program of which the Council needs to be aware.

The motion to have the Council approve a pilot program before implementation was VOTED UNANIMOUSLY.

The Resolution, AS AMENDED, was VOTED UNANIMOUSLY.

18. Setting aside July 12, 2008, as "Celebration of a New Launch" to announce the merger of the International Yacht Restoration School and the Museum of Yachting – K. Leonard

COUNCILOR LEONARD moved the resolution be adopted. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

19. Requesting the city administration to prepare and report by July 9, 2008, on a water testing plan for King Park Beach and the adjacent harbor area – J. McLaughlin, M. Connolly, S. Waluk

COUNCILOR MC LAUGHLIN introduced the resolution and moved for its adoption. Seconded by COUNCILOR CONNOLLY.

COUNCILOR LEONARD said she thought the area of King Park was tested periodically and that the beach was closed because no lifeguard was assigned there. CITY MANAGER LAVALLEE responded that there is no routine plan to test the area. He said the beach is closed because it is not staffed with lifeguards but also because there have been issues with the water. MAYOR WALUK said he thought whenever there was heavy rainfall the City was forced to close King's Park to swimming. SCOTT WHEELER, Tree and Grounds Supervisor, said the beach was closed a couple of years ago because of testing the State was doing and the problems with Wellington Avenue CSO overflows. COUNCILOR NAPOLITANO said she believed the test cost $300. UTILITIES DIRECTOR JULIA FORGE said her department doesn't do the testing. She said what was done at King Park was similar to the tests done at Easton's Beach. MAYOR WALUK said the resolution calls for a plan and if there is a fiscally reasonable way in which to monitor the water it wouldn't hurt to try.

Following additional discussion, the motion to adopt the resolution requesting the administration submit a plan by July 9th for a water-testing plan at King Park Beach and the surrounding water monitoring plan was VOTED UNANIMOUSLY.

20. Requesting the city administration to investigate and report by July 9, 2008, on alternative options Broadway roadway improvements, from Bliss Road to Washington Square – J. McLaughlin, C. Duncan, S. Waluk

COUNCILOR MC LAUGHLIN introduced the resolution and moved for its adoption. Seconded by COUNCILOR CONNOLLY.

COUNCILOR MC LAUGHLIN said Broadway is very dangerous to cross and needs to be addressed. He asked if the administration could get a date from the State on when they would do the work, what exactly they were going to do, and if the City goes ahead would they reimburse the City. COUNCILOR DUNCAN cited a large pothole at Broadway and Powell Ave. and asked that it be filled.

The motion to adopt was VOTED UNANIMOUSLY.

## ORDINANCES

21. Amending Chapter 10.68.020, to create a loading zone on Wellington Ave., beginning 110 feet west of Thames Street, extending west a distance of 25 feet.

COUNCILOR WALUK moved the ordinance be adopted on second reading. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

22. Amending Chapter 10.24.030, to delete three 30-minute parking areas on Spring St.; and Chapter 10.24.040, to create a one-hour parking limit on Spring, beginning 60-feet south of Mill St. and proceeding north to Mary St., daily, 9:00 a.m. to 6:00 p.m., except on Sundays, when three-hour shall be allowed.

COUNCILOR WALUK moved the ordinance be adopted on second reading. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

23. Amending Chapter 10.32.110, Designated Residential Parking Streets, to include Fountain Street, 6:00 p.m. to 6:00 a.m.

COUNCILOR WALUK moved the ordinance be adopted on second reading. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

24. Amending Chapter 10.32.100, Designated Residential Parking Districts, to redefine "F" and include Sullivan Street.

COUNCILOR LEONARD moved the ordinance be adopted on first reading. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

## COMMUNICATIONS FROM THE CITY MANAGER

25. Communication #4411/08, re: Bid Award for Dump Truck bodies, Snow Plows and Sanders

MAYOR WALUK moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLY and VOTED UNANIMOUSLY.

26. Communication #4412/08, re: Bid Award for King Park Stone Pier Seawall Repair/Renovations

MAYOR WALUK moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLY and VOTED UNANIMOUSLY.

27. Communication #4413/08, re: Bid Award for Slope Mower

MAYOR WALUK moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLY and VOTED UNANIMOUSLY.

28. Communication #4414/08, re: Award of Contract for Beverage Vending Services

MAYOR WALUK moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLY.

COUNCILOR LEONARD said she did not want the soda machines located in parks to be lit at night.

The motion to approve was VOTED UNANIMOUSLY.

**ADJOURNED AS COUNCIL AND CONVENED AS BOARD OF LICENSE COMMISSIONERS**

# BOARD OF LICENSE COMMISSIONERS

1. **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.

Class F1 Daily Alcoholic Beverage Licenses:

a. The Ally Foundation, d/b/a "Rock for a Change"; Beacon Rock, 147 Harrison Ave., from 7:00 p.m. to 11:00 p.m.
b. Zabriskie Memorial Church of St. John the Evangelist, July 19, 2008, from 10:00 a.m. to 2:00 p.m. (Church grounds)
c. RI Arts Foundation at Newport, Inc., d/b/a Newport Music Festival, The Breakers,44 Ochre Point Ave.; July 11–22, and July 24-27, 2008.
d. RI Arts Foundation at Newport, Inc., d/b/a Newport Music Festival; Wakehurst Tent, Salve Regina University, 51 Lawrence Ave.; July 11, 12, 24 and 26, 2008.
e. RI Arts Foundation at Newport, Inc., d/b/a Newport Music Festival; The Breakers, 44 Ochre Point Ave; July 11-22 and July 24-27, 2008.
f. RI Arts Foundation at Newport, Inc., d/b/a Newport Music Festival; The Elms, 367 Bellevue Ave.; July 13, 17, 19, 20 and July 24-27, 2008.
g. RI Arts Foundation at Newport, Inc., d/b/a Newport Music Festival; Ochre Court and Ochre Court Chapel, Salve Regina University; July 13 - 14; July 16 – 20; and July 26 - 27, 2008.
h. REMOVED: RI Arts Foundation at Newport, Inc., d/b/a Newport Music Festival; Belle Mer-Island House, Goat Island; July 14 - 16 and July 21 - 23, 2008.

CHAIRMAN WALUK moved the Consent Calendar, with the exception of Item h, be adopted. Seconded by COMMISSIONER NAPOLITANO and VOTED UANIMOUSLY.

Class F Daily Liquor License: RI Arts Foundation at Newport, Inc., d/b/a Newport Music Festival; Belle Mer-Island House, Goat Island; July 14 - 16 and July 21 - 23, 2008.

COMMISSIONER CONNOLLY recused herself.
CHAIRMAN WALUK moved the license be approved. Seconded by COMMISSIONER NAPOLITANO and VOTED UNANIMOUSLY.

## LICENSES AND PERMITS

2. Application of Waite's Wharf Grille, LLC, d/b/a The Boat Dockside, 25A Waite's Wharf, to expand its Class BV alcoholic beverage license to a tiki bar on a pier located northwest of the existing licensed premises. (Hearing)

COUNCILOR NAPOLITANO recused herself.

BRIAN BARDORF, ESQ., representing the applicant, noted there was not a request for outdoor entertainment and submitted: (1) pictures of various restaurants throughout the city with outdoor service areas; an engineering report on the pier, and a parking analysis of the site. He asked that the expansion be granted subject to approval from the Fire Department and meeting the standards of the zoning ordinance. Seconded by COMMISSIONER CONNOLLY and VOTED UNANIMOUSLY.

CHAIRMAN WALUK moved the hearing be closed and the expansion granted subject to Fire Department approval and the applicant's meeting the requirements of the city administration. Seconded by COMMISSIONER CONNOLLY.

COMMISSIONER MC LAUGHLIN said this license expansion would allow people to stand around an outdoor bar drinking, which probably would later lead to misbehavior. He questioned how many outdoor drinking areas would be enough and said the Board needs to stop their growth at some point in time. He said if the Board is not careful, the number of requests will continue as people will be looking at other piers on which to allow more people to drink.

COMMISSIONER LEONARD said there has been a definite improvement in the area since 1995.

VOTE: In favor – CHAIRMAN WALUK; COMMISSIONERS CONNOLLY, DUNCAN and LEONARD.

Opposed – COMMISSIONER MC LAUGHLIN.

8:22 p.m. ADJOURNED

Kathleen M. Silvia
City Clerk

July 21, 2008

MINUTES OF THE COUNCIL WORKSHOP HELD
JUNE 18, 2008

The Vice Chairman called the meeting to order at 6:30 p.m.

The City Clerk took the roll and the following members of the Council were present:

MARY C. CONNOLLY, Vice Chair
STEPHEN R. COYNE
CHARLES Y. DUNCAN
KATHRYN E. LEONARD
JUSTIN S. MC LAUGHLIN
JEANNE-MARIE NAPOLITANO

ABSENT: STEPHEN C. WALUK

CITY MANAGER ED LAVALLEE said the purpose of the workshop was to discuss proposals on ways of managing the City's water system for the future that would be in the best interest of the public.

JULIA FORGUE, Utilities Director, said a presentation would be made by CDM on the results of their research. She said a decision has to be made so that the city can move on to the next step.

A powerpoint presentation was then made by representatives of CDM. During discussion it was stated that it would not be cost effective for the City to continue operating as it currently is and not sell water to Portsmouth and the Navy as that would cause an increase in costs to the rate payer.

SEE ATTACHED for details on the presentation.

The workshop adjourned at 8:15 p.m.

# CITY OF NEWPORT

# CITY COUNCIL WORKSHOP

## WEDNESDAY
## JUNE 18, 2008
## 6:30 P.M.

**AGENDA:**

Results of Phase 1A (Utility Ownership/Governance Strategy) - CDM Inc., the City Advisor for Water Utility Strategic Options and Delivery of Improvements to Water Treatment Facilities, under their Scope of Services

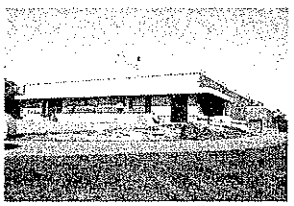
CDM

# Water Utility Strategic Options and Delivery of Improvements to Water Treatment Facilities

Project # 08-028

Newport City Council Workshop

June 18, 2008



## Workshop Agenda

- Purpose:
  - To review the results of CDM's Phase 1A evaluation of strategic options for ownership, governance, financing and operation of the City water utility
- Present and discuss
  - options and methodology
  - major findings
  - financial comparison
- Discuss items suggested for City Council's consideration
- Review next steps

## Scope of Work for City Advisor

Five Phases:

1. Utility Ownership/Governance and Project Delivery Strategy
   A. Utility Ownership/Governance
   B. Project Delivery Strategy
2. Utility Financing
3. Engineering Studies and Preliminary Design
4. Procurement Documents and Process
5. Monitoring of Contractor Performance

***This workshop will focus on Phase 1A***

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## Phases 1A and 1B

- Phase 1A
  - To address City Council's "strategic" questions concerning the water utility:
    - Ownership
    - Governance
    - Financial
- Phase 1B *(July to October, 2008)*
  - To develop a plan for efficient delivery and operation of long-term improvements to water treatment facilities
    - Design – Build; Design – Build – Operate; Traditional Design-Bid-Build; Etc.

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## Phase 1A Activities Since Initial Workshop

- Meetings with stakeholders:
  - RI Council 94, AFSCME; Town of Middletown; Portsmouth Water and Fire District; Town of Portsmouth; Naval Station Newport.
- Meetings with City personnel:
  - City Manager; City Solicitor; Director of Finance; Director of Planning; Director of Utilities.
- Also:
  - Discussions with City rate counsel for RIPUC
  - Reviewed documents: Regionalization Study by The Aquidneck Island Planning Commission; Assessment of Newport Water Department; RIPUC filings; SRF financing agreements
  - Identified and evaluated all possible options

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## Summary of Methodology

- Screening of approx. 30 options
  - Cost of service / rates
  - Reliability / quality of service
  - Responsiveness to users
  - City costs and benefits
  - Implementation issues
- Financial comparison of feasible options
- Workshop to review major findings and financial comparison
- Report will document evaluation and workshop (including any follow-up questions)

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# Example Evaluation Matrix/Methodology

## 2. Regional Authority *(1 of 2)*

| Option | Cost of Service / Rates | Reliability / Quality of Service | Responsiveness to Users | City Costs and Benefits | Implementation Issues |
|---|---|---|---|---|---|
| **2.1 Scope of Services** | | | | | |
| 2.1.1 Island-wide retail system | | | | | |
| 2.1.2 Island-wide water supply and treatment | | | | | |
| 2.1.3 Island-wide water supply | | | | | |
| 2.1.4 Newport and Middletown retail system | | | | | |
| 2.1.5 Newport, Middletown and Portsmouth retail system | | | | | |

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# Summary of Options

1. City ownership / rate-payer financing
   - Competitive utility operations
   - Public private partnerships / contract operation
   - Eliminate PUC regulation
2. Regional authority (island-wide)
   A. Supply / treatment / full retail

   B. Supply / treatment / wholesale only
3. Sale of assets to private company
   A. Island-wide assets

   B. Newport assets

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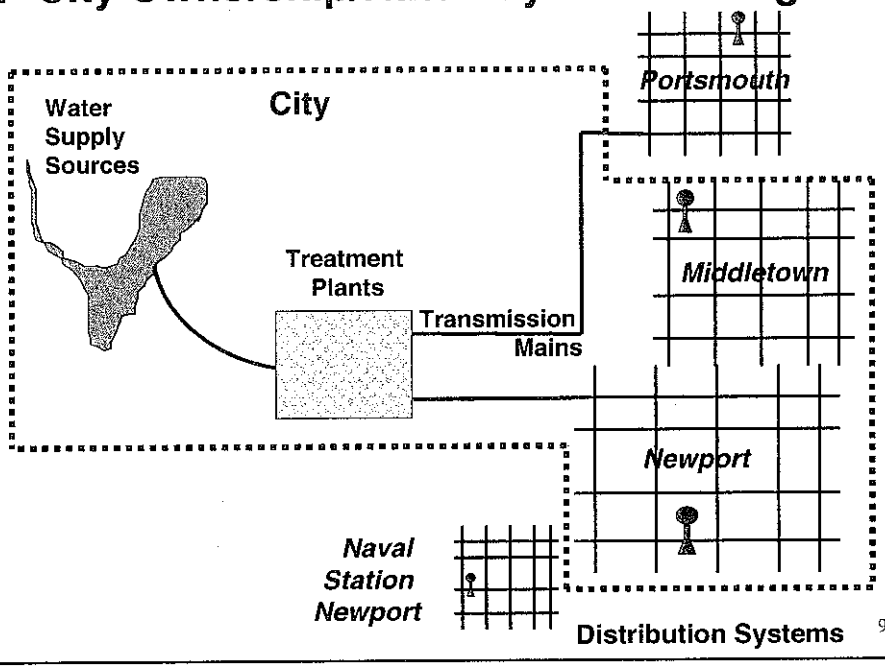
## 1. City Ownership/Rate-Payer Financing

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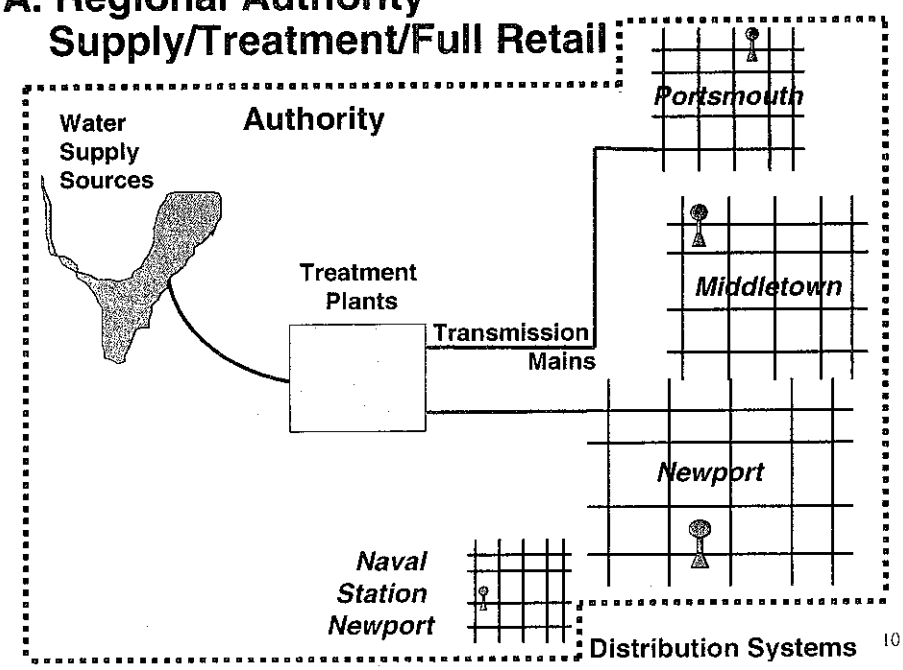
## 2A. Regional Authority – Supply/Treatment/Full Retail

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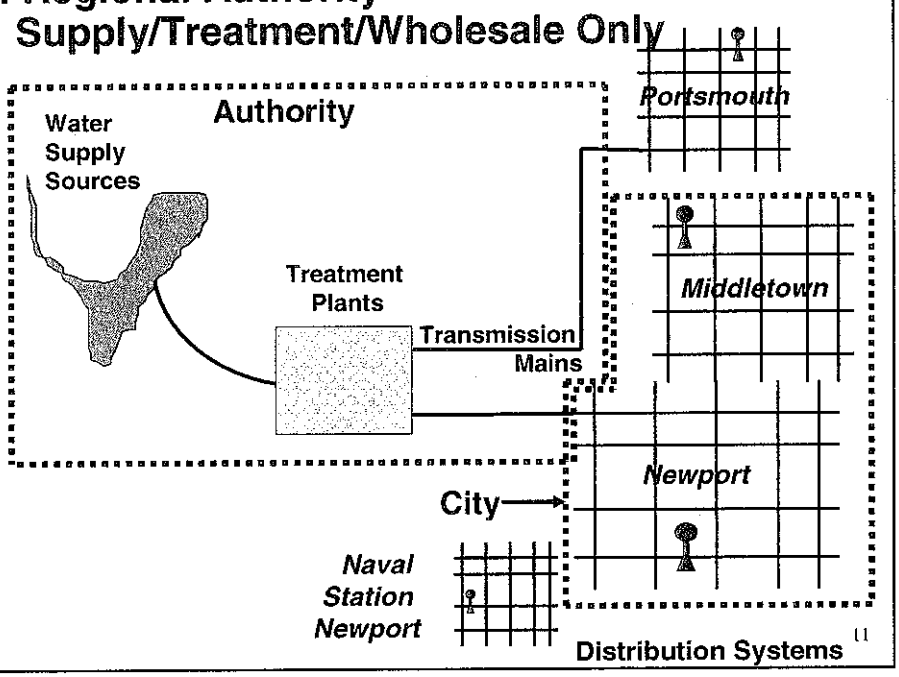
## 2B. Regional Authority – Supply/Treatment/Wholesale Only

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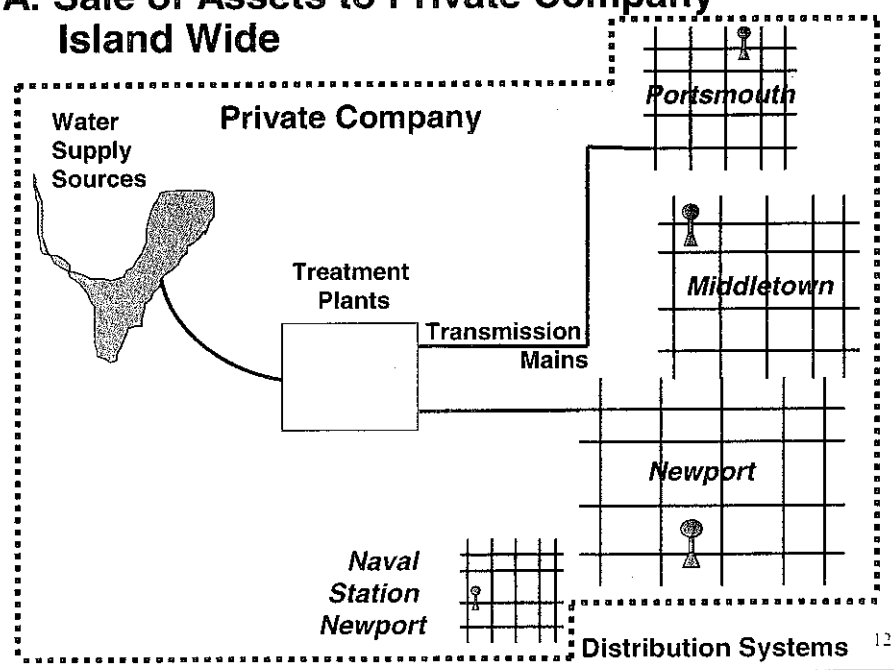
## 3A. Sale of Assets to Private Company – Island Wide

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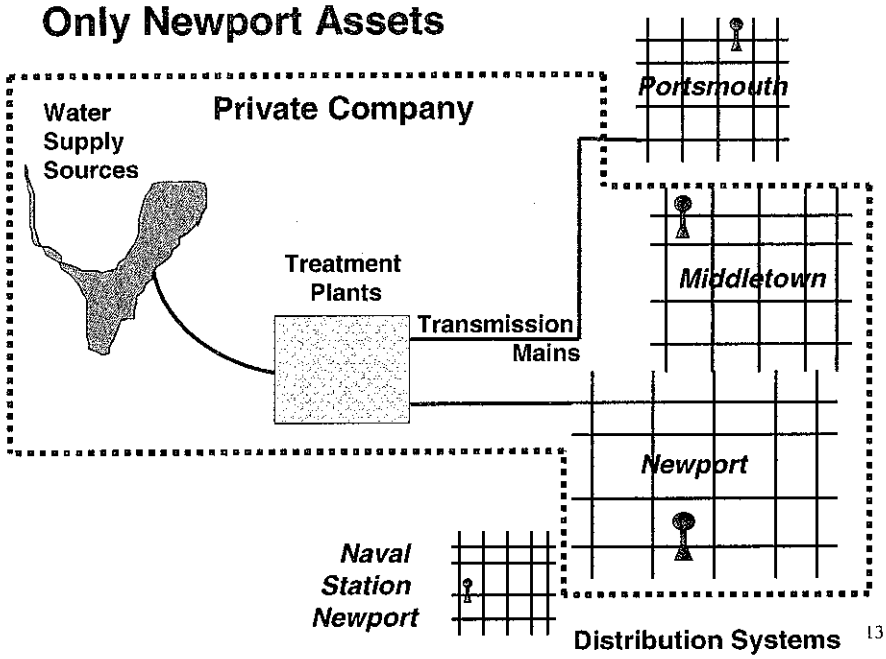
## 3B. Sale of Assets to Private Company – Only Newport Assets

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## Major Findings

1. City ownership / rate-payer financing offers lowest cost strategy
2. Removal of PUC rate regulation does not appear feasible and may not be desirable
3. Sale of water assets to private company would likely increase costs and rates
4. Regional authority (island-wide) for supply / treatment / full retail would be difficult to implement
5. Regional authority (island-wide) for supply / treatment / wholesale only would increase costs and would be difficult to implement

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## 1. City ownership / rate-payer financing offers lowest cost strategy

- City Costs
  - Owner's equity remains unfunded
  - Responsibility / liability for services
- City Benefits
  - Lowest possible cost of capital for future investments
  - Retain control over essential service
  - Optimal risk and cost efficiencies for critical components (water treatment facilities) can be determined by City in Phase 1B

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## 2. Removal of PUC does not appear feasible and may not be desirable *(1 of 2)*

**R.I.G.L 39-1-2 (20):** "Public utility" means and includes every company ... operating ... as a ... water ... company ... ; provided, that <u>except as provided in chapter 2027</u> of the public laws, 1933, as amended... shall not be construed to apply to any public waterworks or water service owned and furnished by any city ... unless any city ... sells water, on a <u>wholesale</u> or <u>retail</u> basis, inside and <u>outside</u> the territorial limits of the city ... except, however, ... city ... shall not be construed as a public utility if it has fewer than one-thousand five hundred (1,500) total customer service connections <u>and</u> provided outside sales do not exceed ten percent (10%) of the total water service connections or volumetric sales <u>and</u> provided the price charged to outside customers, per unit of water, is not greater than the price charged to inside customers for the same unit of water ...

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## Chapter 2027 of the Public Laws, 1933, as amended

- Section 1 authorizes City to acquire Newport Water Corporation and Newport Water Works properties in the City and in the towns of Middletown and Portsmouth
- Section 4 (amended) requires City to continue to use property acquired in the towns of Middletown, Portsmouth, Little Compton and Tiverton for the purpose now used
- Section 4 (amended) provides that the PUC shall have the same power over services and rates charged in said city and towns as over other public utilities

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## 2. Removal of PUC does not appear feasible and may not be desirable *(2 of 2)*

- Stopping outside water sales to Middletown, Portsmouth, and Naval Station would:
  - Substantially increase rates for water service to City residents and businesses
  - Most likely not be approved by RIPUC or may be prohibited by Chapter 2027
  - Amendment of R.I.G.L. 39-1-2 by Rhode Island legislature to remove City would meet strong resistance by stakeholders
  - PUC rate review assures fair and equitable rates to all users

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## 3. Sale to private company would increase costs and rates

- City Costs
  - Higher rates due to funding of equity and taxes
  - Loss of City control over essential service
  - Chapter 2027 may require approval of the RI Legislature for sale of City assets
- City Benefits
  - Relief of responsibility / liability
  - Net funds may be generated from sale of equity, but RIPUC approval of amount
  - May generate limited property tax revenue

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## 4. Regional authority (island-wide) for supply / treatment / full retail service would be difficult to implement

- Implementation issues concerning allocation of future costs for old vs. new distribution systems / lack of support by stakeholders
  - Higher maintenance costs for aging assets
  - Higher leakage costs for aging assets
  - Chapter 2027 may require approval of RI Legislature for sale or transfer of City assets
- City Costs/Benefits
  - Loss of control over essential facilities
  - May achieve some O&M cost savings for Island-wide distribution system

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## 5. Regional authority (island-wide) for supply/ treatment / wholesale only would increase costs and be difficult to implement

- Higher costs for rate-payers
  - Funding of City's equity in treatment/supply assets
  - Additional administrative layer for authority
  - Financing by new authority can be more costly
- Stakeholders may support, but raises issues:
  - Representation on governing body
  - Impact on rates due to funding of City's equity
  - PUC approval of amount of net proceeds
  - Authority may be subject to PUC regulation
  - Responsibility for Newport / Middletown distribution system
  - Chapter 2027 may require approval of RI Legislature for sale or transfer of City assets

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## 2014 Pro Forma Financial Comparison of Feasible Options

- City ownership / rate-payer financing (Base)
- City ownership / rate-payer financing with contract operation (Cont Ops)
- Regional authority (island-wide) for Supply / Treatment / Wholesale Only (Regional)
- Sale of Newport assets to private company (Private)

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## Key Financial Assumptions for 2014

- $78 million for capital improvements (2008-2014) for all options
  - $1.0 Admin; $37.4 million Distribution; $39.8 million Treatment/ Supply
- Costs (capital and operating) inflate at average annual rate of 4.5 percent
- Regional entity would purchase supply/treatment assets at net book value of $14 million
- Private entity would purchase all utility assets at net book value of $35 million
- Capital improvements, except dam, for all options financed through SRF (20 year term, 4 percent rate)

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## Financial Assumptions *(cont'd)*

- Base for 2014
  - Projected from City PUC-approved budget for 2008 and Capital Improvement Program
- Contract Operations for 2014
  - Possible O&M savings of 10 to 20 percent reduction in O&M expense (assume 15%)
  - Contractor Fee of 10 to 15 percent on contracted expenses (assume 12%)
  - Capital improvement needs unchanged from Base
  - Capital financing unchanged from Base

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## Financial Assumptions *(cont'd)*

- **Regional Authority for Supply/Treatment/Wholesale Only for 2014**
  - Approx. $200,000 (minimum) net increase in annual costs for additional layer of administration
    - Director for the regional entity; Accounting, auditing, and legal; HR function
  - Capital improvement needs unchanged
  - Entity will pay the City $14 million net book value for treatment/supply assets, financed on the market with 50 basis premium given the new entity
  - City retires outstanding debt of $4.3 million for supply/treatment
  - Additional property tax of approx. $150,000 for above ground assets in Newport

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## Financial Assumptions *(cont'd)*

- **Sale of City Assets to Private Company for 2014**
  - Purchase of assets at $35 million—financed 20 years at 7 percent
  - Possible reduction in O&M costs—10 to 15 percent (assume 10 percent)
  - City retires outstanding debt of $9.6 million
  - Capital improvement needs unchanged / SRF will fund capital program
  - Additional property tax of approx. $150,000 for above ground assets in Newport

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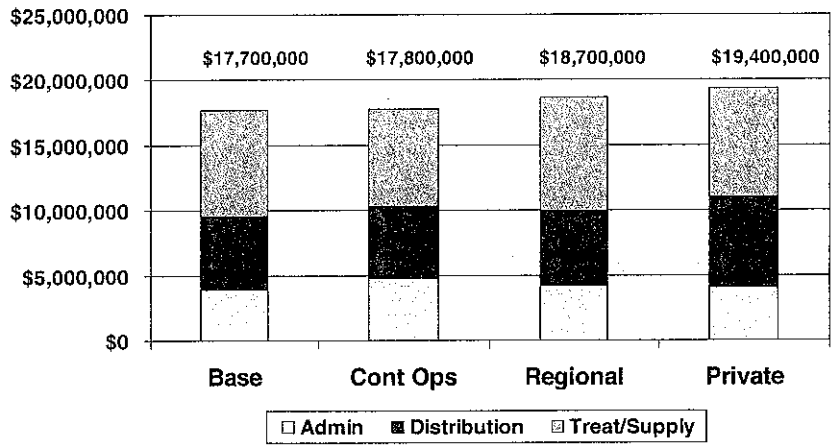
## Financial Comparison
## Estimated 2014 Revenue Requirements

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## Items for Consideration

- Select City ownership / rate-payer financing option
- Continue PUC regulation
- Create a City Waterworks Board to advise City Council in governance of water system
  - Board members appointed by City Council and may include key City staff
  - Alternative: Subcommittee of City Council for water utility
- Explore efficiency gains in Phase 1B via "competitive utility operation" practices applied to City operation of water treatment improvements
- Evaluate Public Private Partnerships in Phase 1B to implement water treatment improvements

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## Next Steps

1. **CDM delivers Phase 1A report by July 2**

2. **City Council provides direction by August 1 as to Phase 1A**

***[Aug. 1 date important to keep on track with consent order deadlines]***

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## Schedule for Phases 1A and 1B

| | | Month (2008) | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | March | April | May | June | July | August | Sept | October |
| Phase 1A | Utility Ownership/Governance Strategy | | | | | | | | |
| Task 1A.1 | Identify Objectives, Options, and Criteria | | | | | | | | |
| | City Council Workshop | | ▲ | | | | | | |
| | Utility Ownership/Governance Strategy Objectives, Options and Criteria Memorandum | | ▲ | | | | | | |
| Task 1A.2 | Analyze Pros and Cons of Options | | | | | | | | |
| | City Council Workshop | | | | ▲ | | | | |
| Task 1A.3 | Financial Review | | | ▲ | | | | | |
| Task 1A.4 | City Council Decision-Making Meeting | | | | ▲ | | | | |
| Phase 1B | WTP Improvements Delivery Strategy | | | | | | | | |
| Task 1B.1 | Identify Objectives, Options, and Criteria | | | | | | | | |
| | Identify Objectives, Options, and Criteria | | | | | ▲ | | | |
| Task 1B.2 | Analyze Pros and Cons of Options | | | | | | | | |
| | City Council Workshop | | | | | | ▲ | | |
| Task 1B.3 | Risk Allocation and Management | | | | | | ▲ | | |
| | Risk Allocation and Management Memorandum | | | | | | | | |
| Task 1B.4 | City Council Decision-Making Meeting | | | | | | | ▲ | |
| Task 1B.5 | Phase I Report (Draft/Final) | | | | | | | | ▲ ▲ |

Phase 1B dates asumes that City Council Phase 1A decisions are finalized by June 25, 2008.

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# CITY OF NEWPORT
# MINUTES OF THE COUNCIL MEETING
# HELD JUNE 25, 2008

*(Approved August 13, 2008)*

*The following items of business, having been filed with the City Clerk under the Rules of the Council, came before the Council at its regular meeting held in the Council Chambers of City Hall on* ***June 25, 2008, at 6:30 p.m.***

The Mayor called the meeting to order at 6:30 p.m.

The City Clerk called the roll and the following members were present:

MARY C. CONNOLLY
STEPHEN R. COYNE
CHARLES Y. DUNCAN
KATHRYN E. LEONARD
JUSTIN S. MC LAUGHLIN
JEANNE-MARIE NAPOLITANO
STEPHEN C. WALUK, MAYOR

COUNCILOR CONNOLLY moved Item #9 be heard first. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY. (See #9)

1. Public Hearing: FY2009 Recommended Operating Budget
   -- Proposed Budget Change Sheet (as of 6/04/08)

RON BECKER, 189 Rhode Island Ave., representing the Government Finance Committee of the Alliance for a Livable Newport, commented on various aspects of the budget and said the use of the $108,875 health insurance rebate to reduce the tax rate exacerbates the problem for future years and instead should be used for one-time capital needs or placed in the under-funded Reserves. He said not level-funding police and public services equipment will result in painful budget rates later on; and while $150,000 is being restored to their accounts, funds are being taken from the Reserves, further lowering that account which will affect the City's bond rating, as indicated in a May 22, 2008, memorandum from the Finance Director. He urged the Council to add funds to the Equipment Replacement account but not to offset it by reducing the Reserves. He said he understood there would be additional changes to the budget this evening; however, there has been no opportunity for public review and comment on the changes and the concerns of the ALN have been ignored.

MARK COLBORN, 68 Bateman Ave., speaking as a taxpayer, said last year Newport had the lowest tax increase of any community in Rhode Island and addressed the reduction in the Reserves which he said was a direct conflict with the recommendation of the city's bond counsel. He said the City should be building financial strength for future years and any action taken to build the reserves should be supported.

COUNCILOR COYNE moved the hearing be closed. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

MAYOR WALUK moved the budget be adopted with the amendments proposed as of June 4, 2008. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

CONCILOR MC LAUGHLIN moved to remove #10 from the list of proposed changes, reclassification of the Schools share of OPEB so that it can be discussed as a separate item. Seconded by COUNCILOR CONNOLLY.

COUNCILOR MC LAUGHLIN moved to remove #9 which proposes to transfer $300,000 from the Fund Balance to capital accounts for police and public services equipment. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

COUNCILOR NAPOLITANO moved #8, GHGRI Rebate to reduce health insurance, also be removed for discussion. Seconded by COUNCILOR LEONARD and VOTED UNANIMOUSLY.

MAYOR WALUK said he understood that the bond rating has a lot to do with what is in the Reserves but there was a time in the past when the city was criticized for having too much in Reserves. He said at the various workshops the public was given the opportunity to speak, and he believed what was before the council was a responsible budget.

COUNCILOR DUNCAN said he had received several calls asking him to say the course. He said with the taxpayers facing the expense of $4.50/gallon for fuel this winter, he would hold the line for the people he represents.

The motion to adopt the budget changes of June 4, 2008, unless otherwise changed during discussion of those removed from the list, was VOTED UNANIMOUSLY.

COUNCILOR NAPOLITANO (on #8) said that the city several years ago debated on whether or not to join the health insurance coalition and pointed out that this year the City received a rebate of $108,875. She that while the administration wants to use this money to reduce the health care appropriation, she believed the rebate, which may not occur next year, should be put towards the OPEB liability.

MAYOR WALUK asked how the rebate would be allocated; CITY MANAGER ED LAVALLEE responded that the money was being used to balance the items restored to the budget at the last workshop.

COUNCILOR NAPOLITANO moved to put the $108,875 rebate in the OPEB fund. Seconded by COUNCILOR MC LAUGHLIN.

MAYOR WALUK asked how much $108,875 is on the tax rate. CITY MANAGER LAVALLEE responded one and one-half cents.

COUNCILOR MC LAUGHLIN said he agreed with the thrust of the suggestion and noted the additional money would be in added to the funds already appropriated to OPEB. COUNCILOR NAPOLITANO responded that the rebate is a one-time reallocation of money as there is no guarantee it will be received next year.

VOTE ON THE MOTION TO ALLOCATE THE REBATE TO THE OPEB FUND:

In favor: COUNCILORS MC LAUGHLIN and NAPOLITANO.

Opposed: MAYOR WALUK; COUNCILORS CONNOLLY, COYNE, DUNCAN and LEONARD.

COUNCILOR MC LAUGHLIN (#9) said $300,000 is being taken from the fund balance to be used for police and public services equipment. He aid he didn't think this was necessary and having the money in the reserves makes for a better financial situation. He said moving the money will not change the tax rate so it should be left as is.

COUNCILOR MC LAUGHLIN, noting it would make no difference in the tax rate, moved the $300,000 proposed for the equipment depreciation fund be left in the fund balance. Seconded by COUNCILOR NAPOLITANO.

CITY MANAGER LAVALLEE said this would totally eliminate the equipment depreciation fund.

The motion was VOTED UNANIMOUSLY.

COUNCILOR NAPOLITANO (on #10) commented on reclassifying the School contribution to the OPEB and said the city has put in over one million dollars on both the city and school sides. She said she has asked the Auditor General about the School Department's share and if they are responsible for their employees. He responded that they should in fact be responsible for their own employees, and therefore she was asking that the School's share be entered on their side of the ledger and the money the City put in for the teachers be put in the Reserve Fund until the Schools accept responsibility for their employees.

COUNCILOR NAPOILTANO moved $1,095,240 proposed for the teachers OPEB liability be redirected into the city's Reserves. Seconded by COUNCILOR LEONARD.

DR. JACK AMBROGI, Superintendent of Schools, said he too was at the meeting with the Auditor General. He said the School Committee has taken a strong stand on cost sharing and two contracts have been negotiated with School Dept. employees that require them to put 5% of premiums into a trust fund, and now another $1.2 million has been put in that trust fund. He said he was not aware the City has made any contribution to the School side of the budget. MAYOR WALUK responded that both sides need to be aggressive in funding the OPEB liability and he agreed with Councilor Napolitano that it doesn't make sense to pull the OPEB money out of the School budget.

COUNCILOR LEONARD said there is a mistaken idea that the Council has under-funded the schools. She said the City has taken on the bond debt for three schools, the contributions to their capital improvements, and their share of the OPEB liability. She said that while she agreed with Councilor Napolitano's comments, the City still has the overall responsibility for both the city and school OPEB liability. She said she did agree that the money that is earmarked for the School Budget should be put into the City's Reserves.

COUNCILOR CONNOLLY said it is her understanding that the School Department makes the decision on the use of their funds and it could be used for the OPEB liability, or not. CITY MANAGER LAVALLEE responded that while the Schools have accepted responsibility for their

OPEB, the City has been more aggressive in funding it. He agreed with Council Connolly that if the money is appropriated to the Schools the Council cannot ensure that it is used for the OPEB liability.

COUNCILOR COYNE, noting that there will be no change in the tax rate no matter where the money is placed, asked what impact it would have on the bond rating if put in the Reserves and likewise what impact it would have on the bond rating if used for the OPEB liability. FINANCE DIRECTOR LAURA SITRIN responded that she and the auditors agree that if the money is not put into the OPEB Trust to get up to an acceptable rate then the City will have to use a bank rate that will double or triple and, therefore, it makes more sense to put the money in the OPEB Trust.

Following additional discussion, COUNCILOR NAPOLITANO withdrew her motion to assign the $1,095,240 for the Reserves.

MAYOR WALUK moved Item #10 be deleted from consideration as the money is already in the budget. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

MAYOR WALUK moved the budget be adopted as amended. Seconded by COUNCILOR CONNOLLY.

COUNCILOR MC LAUGHLIN moved the Budget be amended further to increase the tax rate from 3.96% to 4.25%. Seconded by COUNCILOR NAPOLITANO.

COUNCILOR MC LAUGHLIN said the City Manager's budget has projections for decreased revenues and increased expenses in future years and limiting the increase to 3.96% will further limit the amount of money the City can raise next year. Citing the rate of $4.25 he recently paid for home heating fuel, he said it would be prudent to increase the tax rate and set the money aside for next year. COUNCILOR LEONARD said many people don't know how they are going to pay their bills this year, and the tax levy cap is a tool to force municipalities to tighten their belts. COUNCILOR NAPOLITANO said that last year the taxes were artificially low and again so this year which is going to result in serious problems next year. She said she agreed with Councilor McLaughlin's proposal to increase the tax rate to 4.25, especially if the City is going to invest in the future and if the city will be looking to borrow money the resulting revenue increase should go into the Reserve account. COUNCILOR COYNE asked how much revenue the rate increase would general for Reserves; CITY MANAGER LAVALLEE responded it would be about $400,000, or, as COUNCILOR MC LAUGHLIN noted, about two and one-half cents on the tax rate.

VOTE on motion to increase the tax rate:

In favor: COUNCILORS MC LAUGHLIN and NAPOLITANO.
Opposed: MAYOR WALUK; COUNCILORS CONNOLLY, COYNE, DUNCAN and LEONARD.

COUNCILOR MC LAUGHLIN then addressed the issue of the schools and "maintenance of effort," of which he said the City should take advantage. He said based upon the number he had from the Dept. of Education website for student enrollment between October '06 and October '07, the School appropriation could be reduced and he then moved that the School Budget appropriation

be reduced by $483,000. (No Second)

DR. AMBROGI disagreed with the use of the numbers taken from the Dept. of Education website and used by Councilor McLaughlin in determining the figure because the information on the website includes tuitioned students, which cannot be counted in the maintenance of effort. He said that based on the actual decrease in enrollment of Newport students the maximum the School budget could be reduced was $175,167.64. Discussion then followed on the disparity in numbers from the website and what Dr. Ambrogi was using. DIANA CROWLEY, of 29 Harrison Ave. and an employee of the Dept. of Education said Dr. Ambrogi's numbers were correct. She said the Dept. of Education often changes the criteria and the City Manager should call the office of the director of information to get the exact numbers.

COUNCILOR CONNOLLY suggested continuing the budget until the correct numbers are received; COUNCILOR COYNE agreed. MAYOR WALUK said any delay in adopting the budget could cause problems, and suggested that Dr. Ambrogi's figure of $175,000 be used.

COUNCILOR MC LAUGHLIN withdrew his motion.

MAYOR WALUK moved the School Budget be reduced by $175,167.54 Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

COUNCILOR MC LAUGHLIN moved the $175.167,54 be put in the OPEB Trust to offset what was proposed to be taken from the Lenthal School proceeds. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

VOTE on the Budget, as amended:

In favor – MAYOR WALUK; COUNCILORS CONNOLLY, COYNE, DUNCAN And LEONARD.
Opposed – COUNCILORS MC LAUGHLIN and NAPOLITANO

a. Ordinance Appropriating Revenues (Second Reading)

MAYOR WALUK moved the ordinance be amended on second reading to reflect the changes to the FY09 Operating Budget. Seconded by COUNCILOR CONNOLLY.

VOTE: In favor – MAYOR WALUK; COUNCILORS CONNOLLY, COYNE, DUNCAN and LEONARD.
Opposed – COUNCILORS MC LAUGHLIN and NAPOLITANO.

MAYOR WALUK moved the ordinance, as amended, be adopted on second reading. Seconded by COUNCILOR CONNOLLY.

VOTE: In favor – MAYOR WALUK; COUNCILORS CONNOLLY, COYNE, DUNCAN and LEONARD.
Opposed – COUNCILORS MC LAUGHLIN and NAPOLITANO.

b. Ordinance Amending Title 3, Personnel (Second Reading)

MAYOR WALUK moved the ordinance be amended (to reflect an increase in the hourly rate for Restroom Aide and eliminate the increase for City Manage. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

MAYOR WALUK moved the ordinance, as amended, be adopted on second reading. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

c. Resolution, re: Omnibus Property Tax Relief & Replacement Act.

MAYOR WALUK moved the resolution be adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

d. Resolution, re: Authorizing Tax Levy

MAYOR WALUK moved the resolution be adopted. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

e. Ordinance Amending Chapter 13.10, Industrial Pretreatment-Wastewater Treatment Rates

MAYOR WALUK moved the ordinance be adopted on second reading. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

f. Ordinance Amending Chapter 13.12.010, Basic Charge - Sewer Rate

MAYOR WALUK moved the ordinance be adopted on second reading. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

g. Ordinance Amending Chapter 13.12.015, CSO Fixed Charge

MAYOR WALUK moved the ordinance be adopted on second reading. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

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. Special Event License:
   1) Robert Potter League for Animals, d/b/a "Tea for Tails" fundraiser; 5 Ocean Lawn Lane, July 13, 2008, from 4:00 p.m. to 6:00 p.m.
   2) Island Moving Company, d/b/a Light of Steps/Dance Performance; Great Friends Meeting House, July 11-13 and July 16-20, 2008, 6:00 p.m. to 9:00 p.m.
   3) Newport Art Museum, d/b/a Wet Paint 2008; 76 Bellevue Ave., August 16, 2008, from 6:30 a.m. to 9:00 p.m., and August 17, 2008, from 10:00 a.m. to 6:00 p.m.

4) Museum of Yachting, d/b/a Tiedemann Classic Yachting Weekend; Fort Adams State Park, July 5 and 6, 2008, 9:00 a.m. to 11:00 p.m.
5) Museum of Yachting, d/b/a NYYC Visit for Olin Stephens; Fort Adams State Park; July 18 and 19, 2008, from 12 Noon to 11:00 p.m.
6) Museum of Yachting, d/b/a Inaugural Marine Art Auction; Fort Adams State Park; July 17-19, 2008, from 8:00 a.m. to 8:00 p.m., and July 20, 2008, from 8:00 p.m. to 5:00 p.m.
7) Museum of Yachting, d/b/a Classic Yacht Regatta; Fort Adams State Park; August 29-31, 2008, from 9:00 a.m. to 11:00 p.m.

c. Catering License, Renewal, NWPT, Inc., d/b/a 180°, 8-10 Broadway

d. Holiday Selling License, New:
1) Shana Gaines, d/b/a Conversation Pieces, 31 Broadway
2) Marianne McLane, d/b/a Luniverre Gallery, 154 Mill Street

e. Holiday Selling License, Renewal, James Higgins, d/b/a Magic Studio, 435 Thames St.

f. Pedicab Operator License:
1) Owen C. Emerson, 7 Great Pasture Rd., Redding, CT.
2) Daniel R. Hunte, 16 Walnut St., Newport, RI
3) Daniel L. Larson, 174 Allston Ave., Middletown, RI
4) Cary P. Latham, 18 Pallas St., Providence, RI
5) Taylor W. Ranney, 85 Third St., Newport, RI

g. Communication from Lisa Heffernan, Property Manager, Newport Heights, requesting permission to use Miantonomi Park for the 2nd Annual Newport Heights Residents Summer Picnic on July 2, 2008, from 11:00 a.m. to 4:00 p.m. (Approve subject to details being worked out with the city administration.)

h. REMOVED: Communication from Tim Tobin, Venue Production Manager, Festival Network, LLC, requesting permission to hang banners on America's Cup Avenue

i. Resignation of Robert R. Novick from the Newport Beach Commission (Receive with regret)

j. CRMC Notice of intention to change the management plans, policies, procedures and regulations regarding planning and managements of the coastal resources of the State -- Objections to be submitted to CRMC by July 2, 2008. (Receive)

k. Claim of Seta B. Lepore, by attorney (Receive and refer to City Solicitor)

COUNCILOR COYNE moved the Consent Calendar, with the exception of Item h, be adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

h. Communication from Tim Tobin, Venue Production Manager, Festival Network, LLC, requesting permission to hang banners on America's Cup Avenue and Memorial Boulevard, from July 25 to August 13, 2008. (Approve subject to details being worked out with the city administration.)

COUNCILOR LEONARD asked if the dates had already been approved for another organization. CITY MANAGER ED LAVALLEE responded that the Boys & Girls Club has agreed to share the

poles with Festival Network. COUNCILOR LEONARD said she would like to see a policy established for the granting of banners.

COUNCILOR LEONARD moved approval be granted subject to details being worked out with the city administration. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

**LICENSES & PERMITS**

3. Annual Entertainment License, Class A, New, The Barking Crab-Newport, LLC, d/b/a The Barking Crab Restaurant, 151 Swinburne Row (Second Hearing; continued from June 11, 2008)
   - Communication from Paul S. Horvitz, owner of a residential Brick Market Condominium, requesting reasonable restrictions be imposed on the license.
   - Communication from John M. Moran, Jr., 316 Swan's Wharf Row, requesting restrictions to prevent problems of excessive noise.
   - Communication from James N. Champagne, Swan's Wharf Row, objection to the indoor entertainment license.

TURNER C. SCOTT, ESQ., representing the applicant, submitted a plan for the proposed location of the entertainment.

COUNCILOR NAPOLITANO moved the plan be received. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

ATTORNEY SCOTT said the building was undergoing renovations and the walls on the north side, where the band will play, are being insulated and doors and windows will remain closed during entertainment.

COUNCILOR LEONARD cited the above letters from neighbors expressing concern; ATTORNEY SCOTT said there have been discussions with the neighbors and most of the discussion has been favorable. COUNCILOR COYNE questioned the location of the door for the small outside bar; ATTORNEY SCOTT responded that the door farther away from bar location will be used.

JOHN FLORES, 318 Swan's Wharf, said in the past the bar was on the side where the parking lot is located, as were the compressors, which are now located on the side of the building facing the residential area. He questioned use of the bar and outdoor service after 10:30 p.m. and said he's not saying they should not have an outdoor bar but that it should be relocated.

COUNCILOR COYNE asked if people would be allowed to hang out at the outside bar area; ATTORNEY SCOTT said that service would probably stop at 10:30 or 11:00 p.m. but noted that other outdoor bars are allowed to operate later.

COUNCILOR COYNE moved the hearing be closed and the license granted subject to doors and windows being closed. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

4. Annual Entertainment License, Class A, Expansion, Newport Bubble Tea, LLC, d/b/a Empire Tea & Coffee, 22 Broadway (Second Hearing)

COUNCILOR COYNE moved the hearing be closed. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

COUNCILOR COYNE moved the expansion be granted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

5. Sidewalk Café License, Renewal, Christian, LLC, d/b/a Rocco's Little Italy, 124 Broadway (Continued from June 11, 2008)

MAYOR WALUK moved the license be denied. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

## COMMUNICATIONS & PETITIONS

6. Communication from the Ad Hoc Committee on Wastewater and Stormwater System Improvements transmitting their Semi-annual Report.

MAYOR WALUK moved the communication be received. Seconded by COUNCILOR CONNOLLY.

COUNCILOR MC LAUGHLIN asked that the document be passed on to the Utilities Director for comments and then at a future date the committee meet with the council to discussion the report.

The motion to receive the report was VOTED UNANIMOUSLY.

7. Communication from Turner C. Scott, Esq., on behalf of David K. Elwell, Jr., owner of two lots (Lots 10 and 10.4 of Plat 41) abutting Underwood School, requesting a drainage easement.

MAYOR WALUK moved the easement be approved. Seconded by COUNCILOR LEONARD and VOTED UNANIMOUSLY.

## 8. APPOINTMENTS TO BOARDS AND COMMISSIONS

Newport-Shimoda 50th Anniversary Committee: Christine Cobaugh

MAYOR WALUK moved Christine Cobaugh be appointed to the Anniversary committee. Seconded by CUONCILOR CONNOLLY and VOTED UNANIMOUSLY.

Zoning Board of Review: Appointment of Rebecca MacSweeney as Chair

MAYOR WALUK moved Rebecca MacSweeney be appointed Chair of the Board of Review. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

MAYOR WALUK thanked Peter O'Connell for his service on the board and as Chairman.

**RESOLUTIONS**

9 Placement of a plaque in Cardine's Field memorializing Rudy J. Boiani, Field Manager, for his many years of dedication to sports and to the citizens of Newport – M. Connolly

COUNCILOR CONNOLLY read the resolution and moved for its adoption. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

10. Requesting the City Administration to seek a solution to odor problems resulting a from private sewer connections on Harrison Avenue, with a report back by July 23, 2008 – S. Waluk

COUNCILOR CONNOLLY recused herself.

MAYOR WALUK said there is a chronic problem in the neighborhood with the sewer connection from an Oceancliff line, and his intent was not to sever the line from the system but to address the odor problem. He then read the resolution and moved for its adoption. Seconded by COUNCILOR COYNE.

COUNCILOR LEONARD said she co-sponsored the resolution because the odor has been an issue for many years. She said people have noticed that the odor is stronger on Mondays and after very busy weekends, and in all the years it's been a problem no one has been able to identify the cause.

CITY MANAGER ED LAVALLEE said the neighbors have been advised to notify the city as soon as they smell the odor so that Earth Tech, who is keeping track of when the odor arises, can be notified.

MAYOR WALUK said the owners claim they are willing to work with the city in addressing the problem. He said experts need to get into the pipe to find a resolution. COUNCILOR COYNE said as a resident of the neighborhood he has smelled the odor. He said he knows that there is an owner of the line and tenants of the line and while the owner has done some work it's time all the parties get together and finally resolve the problem. COUNCILOR LEONARD said in the past Earth Tech did not log complaints on weekends; she also said there had been a suggestion a couple of years ago that the city buy the sewer line but the council did not support that.

The motion to adopt the resolution was VOTED UNANIMOUSLY.

DIANA CROWLEY, 29 Harrison Ave., thanked the Council for taking action, and said Earth Tech has been very good. She said the city took a hard stand four years ago but has since backed off. She suggested the residents should not have to pay property taxes for the past twelve years because of the stench they've had to endure from the sewer line. JACK CURRAN, 62 Harrison Ave., said he had been told the pipe is too small and the pump is insufficient. CHRISTINE MURPHY, 8 Gilroy Street, thanked the Mayor for the resolution and for going to the area to witness the problem without having been asked. She also thanked Councilor Leonard for her work over the years on the

issue. She said the smell from the sewer line begins the end of May and ends around September and during that time one can't even work in the garden because of it. She said while Earth Tech comes and does what they are supposed to do, she hopes the private line is taken out.

11. Requesting a repayment schedule for loans made for the purchase of an algae harvester and for CSO improvements – J. Napolitano

COUNCILOR NAPOLITANO introduced the resolution and moved for its adoption. Seconded by COUNCILOR LEONARD and VOTED UNANIMOUSLY.

**ORDINANCES**

12. Amending Chapter 10.32.100, entitled, "Designated Residential Parking Districts," to include Sullivan Street in the area defined in paragraph F. (Second Reading)

MAYOR WALUK moved the ordinance be approved on second reading. Seconded by COUNCILOR COYNE.

VERONICA BROWN, 3 Harrison Ave., spoke in opposition to resident sticker parking, saying that there was a problem with noise at one neighbor's house, but parking is not an issue and sticker parking would limit the number of visitors a resident could have at one time.

DIANE O'HARA of Sullivan St. said she has lived there since 1994 and the residents are asking for sticker parking because of the problem of illegal parking by non-residents. She cited an instance on May 28th when 20 cars were parked on this dead end street that has seven houses, and nine cars parked abreast in front of her house. She submitted a drawing of how the cars were parked, noting that there was no way an emergency vehicle could have gotten through.

MAYOR WALUK moved the drawing be received. Seconded by COUNCILOR COYNE and VOTED UNANIMOUSLY.

JACK CURRAN, 62 Harrison Ave., concurred that parking is a big problem on Sullivan St. MS. O'HARA said that five of the seven residents have already signed a petition requesting resident parking. COUNCILOR COYNE noted that, if sticker parking is eventually implement, each household on the street will be entitled to one visitor pass. MS. BROWN reiterated that she believed sticker parking is unnecessary and said there is more a problem with the way people drive quickly around the corner onto Sullivan Street with the two-way traffic.

The motion to adopt the ordinance on second reading was VOTED UNANIMOUSLY.

(5-MINUTE RECESS)

13. Amending Chapter 2.120, entitled, "General Fee Schedule," to update fees relative to Drain Layer licenses and permits, Sidewalk Obstruction Permits, Excavation Permits, and Curb Cut Permits. (First Reading)

MAYOR WALUK introduced the ordinance, thanked Public Services Director Bill Riccio for his work in developing this and the following ordinance pertaining to excavations and curb cuts, and moved for its adoption. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

14. Amending Title 12, "Streets, Sidewalks and Public Places," to replace and update the current Chapter 12.08, entitled, "Excavations and Curb Cuts." (First Reading)

MAYOR WALUK moved the ordinance be adopted on first reading. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

15. Amending Title 12, "Streets, Sidewalks and Public Places," to change the provisions of Chapter 12.36, entitled, "Tree Preservation and Protection," to "Tree and Open Space Preservation and Protection." (First Reading)

MAYOR WALUK, introduced the ordinance, thanked Susan Ruf of the Tree Commission for her work in developing it, and moved the ordinance be adopted on first reading. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

16. Amending Chapter 8.24, entitled, "Solid Waste Management," adding Section 8.24.065, "Transfer Stations – Hours of Operation," which would limit the hours of a transfer station to 6:30 a.m. to 6:30 p.m. (First Reading)

MAYOR WALUK moved the ordinance be adopted on first reading. Seconded by COUNCILOR CONNOLLY.

COUNCILOR DUNCAN asked if the limited hours pertain to maintenance as well. CITY MANAGER ED LAVALLEE said there would be no operation of the transfer station and no noise between 6:30 p.m. and 6:30 a.m.

CLARKE ALEXANDER, 47 Garfield St., noted the noise in the early morning from trucks backing up and said there should be a clause that they can't violate the noise ordinance.

The motion to adopt was VOTED UNANIMOUSLY.

17. Amending Chapter 10.24.050, entitled, Two-, Three- and Four-hour Parking, Paragraph C, to add additional parking spaces for motorcycles and like vehicles on Market Square, Memorial Boulevard West, and Thames St. (First Reading)

MAYOR WALUK moved the ordinance be adopted on first reading. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

COUNCILOR COYNE thanked the city administration for seeking out these spaces.

## COMMUNICATIONS FROM THE CITY MANAGER

18. Communication #4415/08, re: Request for Band Concerts in Parks – Warwick Church Group

MAYOR WALUK asked when and where the concerts would take place. KELSI MORALDO responded that the first would be on July 12th in Eisenhower Park, from 7 to 8 or 8:30 p.m.

MAYOR WALUK move the communication be received and the trial concert on July 12th approved. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

19. Communication #4416/08, re: Newport Police Department Communications Upgrade – Phase III

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR LEONARD and VOTED UNANIMOUSLY.

20. Communication #4417/08, re: Bid Award for Traffic Signal Repair and Upgrade – Broadway and Friendship Street

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY.

COUNCILOR NAPOLITANO asked if there would be a change in the type of signal. PUBLIC SERVICES DIRECTOR BILL RICCIO said it would be the same as that which is there now.

The motion to adopt the resolution was VOTED UNANIMOUSLY.

21. Communication #4418/08, re: Bid Award for 2008 Sidewalk Restoration

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

22. Communication #4419/08, re: Bid Award for Park Benches and Trash Receptacles

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

23. Communication #4420/08, re: Award of Contract - Engineering Services for Development of GIS and Hydraulic Model of Water System Project #08-055

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

24. Communication #4421/08, re: Award of Contract - Engineering and Design Services for Water Distribution System Improvements

COUNCILOR COYNE moved the communication be received and the accompanying resolution adopted. Seconded by COUNCILOR CONNOLLY and VOTED UNANIMOUSLY.

**9:02 P.M. ADJOURNED AS COUNCIL AND CONVENED AS BOARD OF LICENSE COMMISSIONERS**

**9:03 P.M. RECONVENEDAS COUNCIL, AND ADJOURNED, BY AN OPEN VOTE, TO EXECUTIVE SESSION IN THE CITY MANAGER'S OFFICE, pursuant to Rhode Island General Laws, Section 42-46-1, and in accordance with Section 42-46-5, Purposes for Which Meetings May Be Closed, Paragraph (a)(5), as amended, to discuss the disposition of publicly held property wherein advanced public information would be detrimental to the interest of the public. The City Council will discuss in Executive Session the disposition of a 5.3 acre of land, or a part thereof, described as Plat 3, Lot 35, situated on J.T. Connell Highway in the City of Newport.**

# BOARD OF LICENSE COMMISSIONERS

**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.

1. Application for a Class F Daily Liquor License, Newport Art Museum & Art Association, d/b/a Wet Paint – Art Show and Auction; August 16 and 17, 2008.

2. Communication from Alexander G. Walsh, Esq., requesting an additional six-month extension be granted to the Fleet Reserve Club to pick up their Class D alcoholic beverage license. (Approve)

COUNCILOR COYNE moved the Consent Calendar be adopted. Seconded by COUNCILOR NAPOLITANO and VOTED UNANIMOUSLY.

9:03 P.M. ADJOURNED AS BOARD OF LICENSE COMMISSIONERS, RECONVENED AS COUNCIL

Kathleen M. Silvia
City Clerk
July 22, 2008