

City Manager..... (802) 334-5136  
 City Clerk/Treasurer ..... 334-2112  
 Public Works/Parks ..... 334-2124  
 Zoning Adm./Assessor .... 334-6992  
 Recreation ..... 334-6345  
 Fax..... 334-5632



City of Newport  
 222 Main Street  
 Newport, Vermont 05855  
[www.newportvermont.org](http://www.newportvermont.org)

**Newport City Council Meeting**  
**Regular Meeting Agenda**  
**Monday, March 20, 2023, beginning at 6:30 p.m.**  
**Council Room**  
**Municipal Building**

**Google Meet joining info**

**Video call link: <https://meet.google.com/hdm-dorp-vov>**

**Or dial: (US) +1 662-912-6101 PIN: 466 091 724#**

City Council: Beth Barnes, Mayor  
 John Wilson  
 Kevin Charboneau  
 Chris Vachon  
 Clark Curtis

Laura Dolgin, City Manager  
 James D. Johnson, City Clerk/Treasurer

Call the Regular Council Meeting to Order

1. Approve Minutes of March 6, 2023, March 7, 2023 Annual Meeting, and the March 13 Special Meeting
2. Comments by Members of the Public
3. Election of City Council President: VOTE
4. Annual Update of Rules of Procedure: VOTE
5. Appointment to DPW Negotiations Team: VOTE
6. Authorization to Sign Warrants, 24 V.S.A. § 1623(a)(1): VOTE
7. City Government Appointments: VOTE

a. City Attorney	g. Health Officer
b. Cemetery Commission	h. Tree Warden
c. Recreation Committee	i. Representative to NVDA (2)
d. Planning Commission & Historic Preservation	j. Building Safety Officer
e. Harbor Commission	k. E911 Coordinator
f. Development Review Board	l. Emergency Management Director

8. Request to Schedule a Public Hearing for a Zoning Bylaw Amendment for April 17, 2023, 24 VSA 4415, Zoning Administrator and Planning Commission Chair; VOTE
9. New Business
10. Old Business
11. Set next meeting: Regularly Scheduled Council Meeting: April 3, 2023 @ 6:30pm
12. Adjourn

Non-confidential materials pertaining to this agenda are available for inspection at the City Clerk's office commencing at 9:00 a.m., the morning of the meeting.

#### Newport City Council Meeting Participation Guidelines

Newport City Council meetings are for the purpose of allowing Council members to conduct City business. Distinct from public hearings or town meetings, City Council meetings are held in public, but are not meetings of the public. City Council meetings are the only time the City Council members have to discuss, deliberate and decide upon City matters. In an effort to conduct orderly and efficient meetings, the Mayor kindly requests your cooperation and compliance with the following guidelines per the policy adopted on December 21, 2015 and ratified annually :

1. Please be respectful of each other, Council members, city staff, and the public.
2. Please raise your hand to be recognized by the Mayor. Once recognized, please state your name and address or affiliation.
3. Please address only the Mayor and not members of the public, staff, or presenters.
4. Please abide by any time limits. Time limits will be used to ensure everyone is heard and that there is sufficient time for the Council to complete their agenda within a reasonable timeframe.
5. The Mayor will make a reasonable effort to allow everyone to speak once before speakers address the Council a second time per the limits adopted on January 23, 2017.
6. Once public comment has been heard, discussion will be limited to the City Council members.
7. Please do not interrupt or mock other speakers or otherwise exhibit disruptive behavior during the City Council meeting.
8. Please do not repeat the points made by others, except to indicate agreement or disagreement with other views.
9. Please use the hallway for side conversation. It is difficult to hear speaker remarks when side conversations are occurring in the Council Chamber.
10. Presentations to the Council are not open to public comment. However, per the policy adopted on December 21, 2015, matters on the agenda requiring a vote are open to public comment immediately prior to the Council vote.
11. Individuals who do not abide by these procedures will be asked to leave the Council Chamber.

## **Council Minutes**

**March 6, 2023**

A duly warned meeting of the Newport City council was held on Monday, March 6, 2023, immediately following the informational meeting. Present were Mayor Paul Monette, Council President John Wilson, Council members Melissa Pettersson, Kevin Charboneau, Chris Vachon, City Manager Laura Dolgin, City Clerk/Treasurer James D. Johnson, Police chief Travis Bingham, fire chief John Harlamert, Public works director tom Bernier, Zoning Administrator Francis Cheney, Program Administrator Rebecca Therrien, members of the Press and Public.

Mayor Monette called the meeting to order at 7:18 PM immediately following the Information meeting.

### **Approval of Minutes**

Mr. Vachon moved to approve the minutes of February 27, 2023. Seconded by Ms. Pettersson, motion carried unanimously.

### **Comments by the Public**

Mr. Wilson presented plaques to Mayor Paul Monette and Council Member Melissa Pettersson in appreciation for their service to the City of Newport.

### **New Business**

Mr. Charboneau moved to approve Liquor License applications for Miller's Pub and Jasper's Tavern. Seconded by Mr. Wilson, motion carried unanimously.

Mr. Wilson moved to approve the Loan documents for the new police cruiser. Seconded by Mr. Charboneau, motion carried unanimously.

### **Old Business**

Mr. Charboneau moved to approve the Resolution for the Grandstand Earmark Grant. Seconded by Mr. Vachon, motion carried unanimously.

Ms. Pettersson and Mr. Monette thanked the Department Heads and city employees for their great work and Support.

DRAFT

**Adjournment**

Mr. Charboneau moved to adjourn at 7:40 PM. Seconded by Ms. Pettersson, motion carried unanimously.

Attested \_\_\_\_\_ this \_\_\_\_\_ day of March 2023

\_\_\_\_\_  
Mayor

## Annual Meeting

March 7, 2023

The 105<sup>th</sup> Annual Meeting of the City of Newport, Vermont was held on Tuesday, March 7, 2023, in the Newport Municipal Building.

Articles 1 thru 16 were voted on by Australian Ballot. The polls opened at 8:00 AM and closed at 7:00 PM.

Articles 1 thru 16 passed. Article 17, Any Other Business that may come before the Annual Meeting was address in the Municipal Building starting at 8:00 PM. Present were Council President John Wilson, Council Members Melissa Pettersson, Chris Vachon, Kevin Charboneau, City Manager Laura Dolgin, City Clerk/Treasurer James D. Johnson, Police Chief Travis Bingham, Public works Director Tom Bernier, Fire chief John Harlamert and members of the Press and public. Mayor Paul Monette was absent. Council President John Wilson presided.

City Clerk James D. Johnson read the election results.

Articles 1 thru 16 passed.

### For Mayor

Beth Barnes	230*
Carl P. King	53
Roderick Owens	154
Nathan St. George	34

### For City Council

Clark Curtis	218*
Carter Finegan	203
Carl P. King	120
Christopher Vachon	368*

**For Trustee to Union School District #22 (for three years)**

Wendy McGillivray 463\*

**For City School Trustee (for three years)**

Mary Ellen Prairie 458\*

**For City School Trustee (for two years)**

Debra A. Prue 465\*

No one ran for and no one was elected to the positions of City School Moderator, Grand Juror, or Constable.

**Article 17**

**Other business that may legally come before the Annual Meeting**

None.

**Adjournment**

Mr. Vachon moved to adjourn the Annual Meeting at 8:12 PM. Seconded by Mr. Charboneau, motion carried.

Attested \_\_\_\_\_ this \_\_\_\_\_ Day March 2023

\_\_\_\_\_  
Mayor

DRAFT

**Newport City Council Special Meeting  
March 13, 2023**

A duly warned Special Meeting of the Negotiation Team for the Newport City Council was held on Monday, March 13, 2023, in the city council room of the Newport Municipal Building. Present were Council President John Wilson, Council Member Kevin Charboneau, Police Chief Travis Bingham, Programs Administrator Rebecca Therrien, City Attorneys John Klesch and Marilyn Mahusky via remote, and City Manager Laura Dolgin.

Council President John Wilson called the meeting to order at 3:34 p.m. for the purposes of conducting an internal discussion of labor negotiations.

**Executive Session:**

Kevin Charboneau moved to find that premature public knowledge of internal labor negotiations strategy and analysis would place the city at a substantial disadvantage, and that we should therefore enter executive session under 1 V.S.A. § 313(a)(1)(B), and invite the City Attorney, City Manager, Police Chief, and Programs Administrator to join. Council President John Wilson seconded the motion, and it passed. The executive session began at 3:34 pm.

The executive session ended at 5:27 pm.

John Wilson made a motion to adjourn the meeting at 5:28 pm, with Kevin Charboneau seconding, and the motion carried.

Attested \_\_\_\_\_ this \_\_\_\_\_ day of March, 2023.

\_\_\_\_\_  
Mayor

# NEWPORT CITY RULES OF PROCEDURE FOR CITY COUNCIL MEETINGS

## A. PURPOSE.

The City Council of Newport City is required by law to conduct its meetings in accordance with the Vermont Open Meeting Law. 1 V.S.A. §§ 310-314. Meetings of the City Council of Newport City must be open to the public at all times, except as provided in 1 V.S.A. § 313.

## B. APPLICATION.

This policy setting forth rules of procedure shall apply to the City Council of Newport City, which is referred to below as “the body.” These rules shall apply to all regular, special, and emergency meetings of the body.

## C. ORGANIZATION.

1. The body shall annually elect a president. The mayor of the body or, in the mayor’s absence, the president shall preside over all meetings. If both the mayor and the president are absent, a member selected by the body shall act as chair for that meeting.
2. The mayor shall preserve order in the meeting and shall regulate its proceedings by applying these rules and making determinations about all questions of order or procedure.
3. A majority of the members of the body shall constitute a quorum. If a quorum of the members of the body is not present at a meeting, no meeting shall take place.
4. No single member of the body shall have authority to represent or act on behalf of the body unless, by majority vote, the body has delegated such authority for a specific matter at a duly-noticed meeting and such delegation is recorded in the meeting minutes.
5. Motions made by members of the body do require a second. A motion will only pass if it receives the votes of a majority of the total membership of the body.
6. There is no limit to the number of times a member of the body may speak to a question. A member may speak or make a motion only after being recognized by the mayor. Motions to close or limit debate will be entertained.
7. Any member of the body may request a roll call vote. Pursuant to 1 V.S.A. § 312(a)(2), when one or more members attend a meeting electronically, a roll call vote is required for votes that are not unanimous.
8. Meetings may be recessed to a time and place certain.
9. All electronic devices used by council members, the public and others present must be silenced (turned off or put on ‘vibrate’ during council meetings. Texting, unless authorized by the city council for official city business, will be prohibited by members of the city council, the city manager, and clerk/treasurer during the meeting.
10. These rules may be amended by majority vote of the body, and must be re-adopted annually.

#### **D. AGENDAS.**

1. Each regular and special meeting of the body shall have an agenda. Those who wish to be added to the meeting agenda shall contact the City Manager to request inclusion on the agenda at least 3 days prior. The mayor shall determine the final content of the agenda.
2. At least 48 hours prior to a regular meeting, and at least 24 hours prior to a special meeting, a meeting agenda shall be posted in or near the municipal office and at the following designated public places in the municipality: Newport City Municipal Building, Goodrich Memorial Library and the U.S. Post Office. At least 48 hours prior to a regular meeting, and at least 24 hours prior to a special meeting, a meeting agenda shall be posted on <http://newportvermont.org/website/>. The agenda must also be made available to any person who requests such agenda prior to the meeting.
3. All business shall be conducted in the same order as it appears on the noticed agenda, except that any addition to or deletion from the noticed agenda must be made as the first act of business at the meeting. No additions to or deletions from the agenda shall be considered once the first act of business at the meeting has commenced. Any other adjustment to the noticed agenda, for example, changing the order of business, postponing or tabling actions, may be made by majority vote of the body.

#### **E. MEETINGS.**

1. Regular meetings shall take place on the first and third Monday of the month at 6:30 p.m. in the Council Room of the Municipal Building, unless otherwise warned.
2. Special meetings shall be publicly announced at least 24 hours in advance by giving notice to all members of the body unless previously waived; posting in the municipal clerk's office and at the following designated places in the municipality Newport City Municipal Building, Goodrich Memorial Library, the U.S. Post Office, posted on <http://newportvermont.org/website/> and to any person who has requested notice of such meetings.
3. Emergency meetings may be held without public announcement, without posting of notices, and without 24-hour notice to members, provided some public notice thereof is given as soon as possible before any such meeting. Emergency meetings may be held only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the public body.
4. A member of the body may attend a regular, special, or emergency meeting by electronic or other means without being physically present at a designated meeting location, so long as the member identifies him or herself when the meeting is convened, and is able to hear and be heard throughout the meeting. Whenever one or more members attend electronically, voting that is not unanimous must be done by roll call. If a quorum or more of the body attend a meeting (regular, special, or emergency) without being physically present at a designated meeting location, the agenda for the meeting shall designate at least one physical location where a member of the public can attend and participate in the meeting. At least one member of the body, or at least one staff or designee of the body, shall be physically present at each designated meeting location.

**F. PUBLIC PARTICIPATION.**

1. All meetings of the body are meetings in the public, not of the public. Members of the public shall be afforded reasonable opportunity to express opinions about matters considered by the body during public comment, so long as order is maintained according to these rules.
2. At the beginning of each agenda, but before any action is taken by the public body, there may be as much as 15 minutes afforded for open public comment. By majority vote, the body may increase the time for open public comment.
3. Comment by the public or members of the body must be addressed to the chair or to the body as a whole, and not to any individual member of the body or public.
4. Members of the public must be acknowledged by the mayor before speaking.
5. If a member of the public has already spoken on a topic, he or she may not be recognized again until others have first been given the opportunity to comment.
6. Order and decorum shall be observed by all persons present at the meeting. Neither members of the body, nor the members of the public, shall delay or interrupt the proceedings or the peace of the meeting or interrupt or disturb any member while speaking. Members of the body and members of the public are prohibited from making personal, impertinent, threatening, or profane remarks.
7. Members of the body and members of the public shall obey the orders of the mayor or other presiding member. The mayor should adhere to the following process to restore order and decorum of a meeting, but may bypass any or all steps when he or she determines in his or her sole discretion that deviation from the process is warranted:
  - a. Call the meeting to order and remind the members of the applicable rules of procedure.
  - b. Declare a recess or table the issue.
  - c. Adjourn the meeting until a time and date certain.
  - d. Order law enforcement to remove disorderly person(s) from the meeting.

**Dated this 20th day of March, 2023:**

\_\_\_\_\_  
Beth Barnes, Mayor

\_\_\_\_\_  
Council President

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

# The Vermont Statutes Online

## **Title 24 : Municipal And County Government**

### **Chapter 051 : Finances; Accounts And Audits**

#### **Subchapter 003 : Orders Drawn By Municipal Bodies**

(Cite as: 24 V.S.A. § 1623)

#### **§ 1623. Signing orders**

(a) The selectboard may do either of the following:

(1) Authorize one or more members of the board to examine and allow claims against the town for town expenses and draw orders for such claims to the party entitled to payment.

(A) Orders shall state definitely the purpose for which each is drawn and shall serve as full authority to the treasurer to make the payments.

(B) The selectboard shall be provided with a record of orders drawn under this subdivision (1) whenever orders are signed by less than a majority of the board.

(2) Submit to the town treasurer a certified copy of those portions of the selectboard minutes, properly signed by the clerk and chair or by a majority of the board, showing to whom and for what purpose each payment is to be made by the treasurer. The certified copy of the minutes shall serve as full authority to the treasurer to make the approved payments.

(b) This section shall apply to all municipal public bodies authorized by law to draw orders on the municipal treasurer. (Added 1995, No. 110 (Adj. Sess.), § 1; amended 2017, No. 130 (Adj. Sess.), § 13.)

City Manager..... (802) 334-5136  
City Clerk / Treasurer..... 334-3891  
Public Works..... 334-2112  
Zoning Adm. / Assessor..... 334-3892  
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Fax..... 334-6992  
334-6345  
334-5632



City of Newport  
222 Main Street  
Newport, Vermont 05855

Ms. Laura Dolgin  
City Manager  
222 Main Street  
Newport, VT 05855

7 March 2023

Good afternoon Laura,

This is to advise you that Mayor Paul Monette will be joining the East Main Street Cemetery Commission upon his retirement this evening. He will be replacing Mr. John Ward, Sr. who has stepped down after many years of service on the commission.

Jean Condon and I wish to thank Mr. Ward for his service and look forward to working with Mr. Monette who will continue to serve the citizens of the city of Newport.

Respectfully submitted,

Denis A. Chenette  
East Main Street Cemetery Commission

# MEMO

**To:** Newport City Council  
Laura Dolgin, City Manager

**From:** Michael Brown, Recreation Director 

**Date:** March 13, 2023

**Re:** Recreation Committee Appointments

Two members of the Recreation Committee have terms that expire in March of 2023: Jaime Comtois and Kelli Rhodes. They are both willing to serve and we recommend re-appointment for a new 2-year term.

Thank you.

MEB

# Memo

**To:** Mayor Beth Barnes, Newport City Council, City Clerk/Treasurer James Johnson, City Manager Laura Dolgin  
**From:** Frank Cheney, Zoning Administrator  
**Date:** March 14, 2023  
**RE:** Commission Appointments

## **Newport City Planning Commission and Historic Preservation**

John Monette, Chair ..... Term Ends 2024  
Denis Chenette ..... Term Ends 2025  
Vacant ..... Term Ends 2024  
Kevin Mead ..... Term Ends 2023  
Carole O'Connell ..... Term Ends 2023

The Newport City Planning/Historic Preservation Commission and Frank Cheney Zoning Administrator recommend the following reappointments:

Kevin Mead - Reappointment for 3 year Term, ending 2026  
Carole O'Connell - Reappointment for a 3 year Term, ending 2026



## **Newport City Developmental Review Board**

John Harlamert, Chair ..... Term ends 2024  
Agathe Coburn ..... Term ends 2023  
Jay Gonyaw, Secretary ..... Term ends 2025  
Daniel Pickering ..... Term ends 2023  
Harriet Hall, Alternate ..... Term ends 2023

The Newport City Developmental Review Board and Frank Cheney Zoning Administrator recommend the following adjustments:

Daniel Pickering- Remove as full member and add as an Alternate member for 2 year Term, ending 2025.  
Denis Chenette- Appoint as an Alternate member for 2 year Term ending 2025  
Harriet Hall- Remove as an Alternate member.



Laura Dolgin <laura.dolgin@newportvermont.org>

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## HC Appointments

1 message

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**James Johnson** <james.johnson.clerk@newportvermont.org>

Mon, Mar 13, 2023 at 12:10 PM

To: Laura Dolgin <laura.dolgin@newportvermont.org>

To; City council

From: James Johnson

Steve Edgerly, James Johnson, Tom Latta, and John Monette need to be reappointed to the Harbor Commission. Terms will expire 2025

James Johnson



**FOR OFFICE USE ONLY**  
 Beginning Date: \_\_\_\_\_  
 Expiration Date: \_\_\_\_\_  
 Resignation Date: \_\_\_\_\_  
 Entered: \_\_\_\_\_

## Town Health Officer Recommendation Form

This is a:                     New Appointment     Re-appointment

Is a resignation letter needed from previous Health Officer?     Yes     No

Start Date: \_\_\_\_\_ Town/Municipality: City of Newport

County: Orleans Full Name: John G. Harlament

Home Delivery Address: 252 Fairview St., Newport, Vt. 05855  
(DO NOT USE the Town Clerk Office or a Business for your Home Address)

Street Address for UPS Deliveries: 252 Fairview St.

Email Address: \_\_\_\_\_

Telephone(s): W: 802-334-7419 H: 802-673-9702 Cell: 802-673-9702

Education: High School  College \_\_\_\_\_ Other (list) \_\_\_\_\_

Professional Degree: \_\_\_\_\_ (e.g. MD, RN, DVM, DDS) Occupation: Fire Chief

Please give a brief statement noting why the select board believes the recommended individual will make a good Health Officer: reappointment

Signed: \_\_\_\_\_ Date \_\_\_\_\_  
Chair of the Select Board

Print Name: \_\_\_\_\_

**Return completed recommendation form to:**  
 VT Department of Health / Environmental Health  
 108 Cherry Street • PO Box 70  
 Burlington, VT 05402

To: Newport City Council  
From: Laura Dolgin, City Manager  
Date: March 14, 2023

Re: Annual Appointments of City Attorney, Health Officer, Tree Warden, NVDA, Building Safety Officer, and E911 Coordinator

The following individuals are willing to be appointed or reappointed as follows:

- Chief John Harlamert as the Health Officer
- City Landscaper Robert Gosselin as the Tree Warden
- City Manager Laura Dolgin to the NVDA Board  
    \*\* Newport City is entitled to two members - one vacancy exists if either a member of the city council or planning commission is interested in being appointed.
- Zoning Administrator Frank Cheney is willing to be appointed as Building Safety Officer, which is in alignment with the zoning bylaws. (Chief John Harlamert currently holds this position)
- Chief John Harlamert as the E911 Coordinator.
- Chief John Harlamert as the Emergency Management Director

# Memo

March 20, 2023

To: Newport City Council

From: Frank Cheney Zoning Administrator

RE: Notice of Public Meeting

Dear City Council Members,

The Newport Planning Commission is requesting that the Newport City Council approve the scheduling of a publicly warned hearing on April 17, 2023, at 6:00 p.m. to consider a proposed Interim amendment to the Newport City Zoning Bylaws.

The purpose of the Interim Bylaw is to clarify and expand the range of uses allowed on the ground floor of some downtown buildings where that use is currently limited to 'retail' while Newport undertakes and completes a comprehensive review and amendment of its Zoning & Subdivision Bylaws. The proposed Interim Bylaw will affect properties currently located within the Form 1 or Form 2 form-based code districts. The full text of the current bylaw and proposed Interim Bylaw is provided below:

## Currently Adopted Bylaw

### §210 Retail General Intentions

Retail is required on the ground level at primary streets and to a lesser degree, on secondary street see specific BES §211. The inclusion of retail enlivens the street and creates a purpose for pedestrians to make use of the streets. Unless otherwise noted, retail is an inclusive phrase that encompasses consumer comparison - goods, general merchandise, apparel, furnishings and other types of similar merchandise, convenience goods, food/deli, gifts, drugstore items, cards/stationary, business services, restaurants, grocery stores, lodging, hotel, theater, and other uses that provide visual interest and create an active street life.

### **Retail types:**

Retail 1: Uses that provide for direct exchange of goods/commodities with the consumer and or venues that provide entertainment or leisure activities. Generally, Retail 1 promotes high walk-in customer counts, or are shopping destinations. Retail 1 includes stores, restaurants, barber shops, beauty salons, theater/ entertainment venues and hotel lobbies.

Retail 2: Uses that provide business/professional services. Generally, Retail 2 provides essential services that are not typically high-volume foot traffic. All direct to consumer goods and services (retail) are divided into these two categories/types. Unless otherwise noted, in BES all ground floor retail refers to definition #1: Retail 1. When Retail 1 is required on ground level. Retail 2 is allowed on all levels above ground floor.

## **Proposed Interim Bylaw**

### **§210 Active Ground Floor Use**

Active ground floor uses are required in the story at sidewalk level on primary streets and, to a lesser degree on secondary streets as specified in BES §211. Active ground floor uses include any retail, dining (including drinking establishments), lodging, service (including government, professional, financial, healthcare, personal and social service uses), recreation, arts or entertainment uses that regularly generate pedestrian traffic from customers or clients and contribute to an active street life.

Where a use will be in a building with storefront windows, those window openings must be retained in a manner that enlivens the street with merchandise displays or views into an active interior space (this will not be interpreted to prevent use of interior window blinds or curtains as needed to filter light or provide privacy). Fully or partially filling in ground floor window openings will only be permitted if necessary to meet fire safety code or access requirements.

Where an active ground floor use is maintained along the street frontage for a depth into the building of at least 30 feet, interior ground floor space may be converted to a non-active, non-residential use.

All references to retail, Retail 1, and Retail 2 in any of the charts and diagrams in §211 will be interpreted to refer to active ground floor use in accordance with this section.

I have attached a copy of a draft Public Meeting Notice for your convenience. Please feel free to contact me anytime If you require additional Information relevant to the proposed bylaw amendment. Thank you for your consideration.

Frank Cheney Zoning Administrator

CC: Laura Dolgin City Manager

City Manager..... (802) 334-5136  
City Clerk/Treasurer ..... 334-2112  
Public Works/Parks ..... 334-2124  
Zoning Adm./Assessor .... 334-6992  
Recreation ..... 334-6345  
Fax..... 334-5632



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## City Of Newport

### Notice Of Public Hearing- Zoning Bylaw Amendment

Notice is hereby given to the residents of Newport, Vermont that the Newport City Council will hold a public hearing in the Newport City Council Room on Monday, April 17, 2023, at 6:00 p.m. The hearing will be held for public review and comment on a proposed Interim amendment of the Newport City Zoning Bylaws, pursuant to Title 24 VSA, Chapter 117.

The purpose of the Interim Bylaw is to clarify and expand the range of uses allowed on the ground floor of some downtown buildings where that use is currently limited to 'retail' while Newport undertakes and completes a comprehensive review and amendment of its Zoning & Subdivision Bylaws. The proposed Interim Bylaw will affect properties currently within the Form 1 or Form 2 form-based code districts. The full text of the proposed Interim Bylaw is provided below:

#### Proposed Interim Bylaw

Strike §210 Retail General Intentions in its entirety and replace with:

#### §210 Active Ground Floor Use

Active ground floor uses are required in the story at sidewalk level on primary streets and, to a lesser degree on secondary streets as specified in BES §211. Active ground floor uses include any retail, dining (including drinking establishments), lodging, service (including government, professional, financial, healthcare, personal and social service uses), recreation, arts or entertainment uses that regularly generate pedestrian traffic from customers or clients and contribute to an active street life.

Where a use will be in a building with storefront windows, those window openings must be retained in a manner that enlivens the street with merchandise displays or views into an active interior space (this will not be interpreted to prevent use of interior window blinds or curtains as needed to filter light or provide privacy). Fully or partially filling in ground floor window openings will only be permitted if necessary to meet fire safety code or access requirements.

Where an active ground floor use is maintained along the street frontage for a depth into the building of at least 30 feet, interior ground floor space may be converted to a non-active, non-residential use.

All references to retail, Retail 1, and Retail 2 in any of the charts and diagrams in §211 will be interpreted to refer to active ground floor use in accordance with this section.