AGENDA FOR THE REGULAR CITY COUNCIL MEETING
THURSDAY NOVEMBER 3, 2011
COUNCIL CHAMBERS, CITY CENTER
7:00 P.M.

There will be a pre-meeting of the City Council at 6:30 p.m. in Conference Room A. No Council actions are taken at pre-meetings. Pre-meetings are open to the public.

PRESENTATION - Cony High School Students of the Month for September:
   - Jessyca Begin
   - Robert Swain

PUBLIC COMMENTS ON ITEMS LISTED ON THE AGENDA

CONSENT AGENDA

All matters listed under this item will be considered routine and will be enacted by one motion. If a Councilor wishes to discuss one (or more) item(s), Councilor may ask to have the item(s) removed from the Consent Agenda and considered individually.

11-165  Manager (Bureau of City Clerk)
ORDERED, That the minutes of the City Council meeting held October 20, 2011, submitted by the City Clerk, be approved.

11-166  Manager (Bureau of Audit Accounts)
ORDERED, That the Roll of Accounts for the month of October 2011 in the amount of $8,767,700.64 be approved.

11-167  City Manager
ORDERED, That the City Council accept donations in the amount of $1,170.00 from various donors in memory of Peter Morrisette, to purchase fire prevention materials.

11-168  Mayor Stokes
ORDERED, That Nancy Bernier be appointed to the Cable TV & Telecommunications Committee; said term to expire on November 3, 2014.

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OLD BUSINESS AND TABLED MATTERS

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11-146  Councilor O’Brien
ORDERED, That the City Manager be authorized to contract for demolition and improvements to Haymarket Square not including the construction of new bathroom facilities and not to exceed $120,000 from the Downtown TIF.

SECOND READING

11-164  Councilor Byron
BE IT ORDAINED, By the City Council of the City of Augusta, as follows: That Chapter 16. Public Safety, as amended, be further amended by adopting Article IV. Consumer Fireworks as follows:

Article IV  Consumer Fireworks

Sec 16-59  Definitions
As used in this Article, the following terms shall have the meanings:

(a) Consumer Fireworks has the same meaning as the term set forth in 27 Code of Federal Regulations, Section 555.11, as may be amended from time to time, but includes only products that are tested and certified by a third party testing laboratory as conforming with United States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47. “Consumer fireworks” does not include the following products:

(1) Missile-type rockets, as defined by the State Fire Marshal by rule;
(2) Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and
(3) Sky rockets and bottle rockets. For purposes of this paragraph, “sky rockets and bottle rockets” mean cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule, with a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.

(b) Fireworks shall be as defined under Maine State law, 8 MRSA §221(a)(4) as may be amended from time to time.

Sec. 16-60  Prohibition
No person shall use, possess with the intent to use, sell, or offer for sale fireworks or consumer fireworks in the City of Augusta; provided, however, that this Article does not apply to a person issued a fireworks display permit by the City and/or State of Maine pursuant to 8 M.R.S.A. 227-A, as may be amended from time to time. Possession of consumer fireworks without intent to sell or use within the City of Augusta is not prohibited.
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Sec. 16-62 Seizure and Disposal
The City of Augusta may seize fireworks or consumer fireworks that the City has probable cause to believe are used, possessed or sold in violation of this Article or in violation of State law and shall forfeit the seized consumer fireworks to the State of Maine for disposal.

NEW BUSINESS

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BE IT ORDERED, By the City Council of the City of Augusta that a text amendment adding “Aquaculture” as a use allowed either by Conditional Use or as a Permitted Use in the Rural Residential zoning district be initiated and sent to the Planning Board for public hearing, in accordance with Section 1.6.1.2 of the Land Use Ordinance. The Planning Board should consider the following text amendment recommendation, with the stipulation that any recommendation for modification of the proposal be considered by the Board based on public comment or the Board’s knowledge of the area:

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Whether the use should be a use permitted by right or a conditional use should be part of the Planning Board recommendation to the City Council.

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Article IV  Consumer Fireworks

Sec 16-59  Definitions
As used in this Article, the following terms shall have the meanings:

(a)  Consumer Fireworks has the same meaning as the term set forth in 27 Code of Federal Regulations, Section 555.11, as may be amended from time to time, but includes only products that are tested and certified by a third party testing laboratory as conforming with United States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47. “Consumer fireworks” does not include the following products:

(1)  Missile-type rockets, as defined by the State Fire Marshal by rule;
(2)  Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and
(3)  Sky rockets and bottle rockets. For purposes of this paragraph, “sky rockets and bottle rockets” mean cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule, with a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.

(b)  Fireworks shall be as defined under Maine State law, 8 MRSA §221(a)(4) as may be amended from time to time.

Sec. 16-60  Prohibition
No person shall use, possess with the intent to use, sell, or offer for sale fireworks or consumer fireworks in the City of Augusta; provided, however, that this Article does not apply to a person issued a fireworks display permit by the City and/or State of Maine pursuant to 8 M.R.S.A. 227-A, as may be amended from time to time. Possession of consumer fireworks without intent to sell or use within the City of Augusta is not prohibited.
Sec. 16-61    Penalties
   (a) Any person who uses fireworks or consumer fireworks or possesses fireworks or
       consumer fireworks with the intent to sell them in the City of Augusta shall be punished by a fine
       of not less than two hundred dollars ($200.00) and not more than four hundred dollars ($400.00)
       plus costs. For second and subsequent offenses, a fine of not less than three hundred dollars
       ($300.00) and not more than six hundred dollars ($600.00) per violation plus costs shall be
       imposed.
   (b) Any person who sells fireworks or consumer fireworks or possesses fireworks or
       consumer fireworks with the intent to sell them in the City of Augusta shall be punished by a fine
       of not less than five hundred dollars ($500.00) plus cost. For second and subsequent offenses, a
       fine of not less than one thousand dollars ($1000.00) per violation plus costs shall be imposed.

Sec. 16-62    Seizure and Disposal
The City of Augusta may seize fireworks or consumer fireworks that the City has probable cause
   to believe are used, possessed or sold in violation of this Article or in violation of State law and
   shall forfeit the seized consumer fireworks to the State of Maine for disposal.

NEW BUSINESS

11-171    Councilors Coffin and Grant
BE IT ORDERED, By the City Council of the City of Augusta that a text amendment adding
   “Aquaculture” as a use allowed either by Conditional Use or as a Permitted Use in the Rural
   Residential zoning district be initiated and sent to the Planning Board for public hearing, in
   accordance with Section 1.6.1.2 of the Land Use Ordinance. The Planning Board should
   consider the following text amendment recommendation, with the stipulation that any
   recommendation for modification of the proposal be considered by the Board based on public
   comment or the Board’s knowledge of the area:

   Amend the Table of Uses (Table 3.6.A.1) of the Land Use Ordinance to create a new line
   called “Aquaculture” in the Rural Residential zoning district (RRES).

   Whether the use should be a use permitted by right or a conditional use should be part of
   the Planning Board recommendation to the City Council.

COMMUNICATIONS

   Committee Reports

   City Manager’s Report

Respectfully submitted,

Barbara E. Wardwell, City Clerk
October 31, 2011
AGENDA FOR THE REGULAR CITY COUNCIL MEETING  
THURSDAY NOVEMBER 3, 2011  
COUNCIL CHAMBERS, CITY CENTER  
7:00 P.M.

There will be a pre-meeting of the City Council at 6:30 p.m. in Conference Room A. No Council actions are taken at pre-meetings. Pre-meetings are open to the public.

PRESENTATION - Cony High School Students of the Month for September:
- Jessyca Begin
- Robert Swain

PUBLIC COMMENTS ON ITEMS LISTED ON THE AGENDA

CONSENT AGENDA

All matters listed under this item will be considered routine and will be enacted by one motion. If a Councilor wishes to discuss one (or more) item(s), Councilor may ask to have the item(s) removed from the Consent Agenda and considered individually.

11-165 Manager (Bureau of City Clerk)  
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11-166 Manager (Bureau of Audit Accounts)  
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11-167 City Manager  
ORDERED, That the City Council accept donations in the amount of $1,170.00 from various donors in memory of Peter Morriseette, to purchase fire prevention materials.

11-168 Mayor Stokes  
ORDERED, That Nancy Bernier be appointed to the Cable TV & Telecommunications Committee; said term to expire on November 3, 2014.

11-169 Mayor Stokes  
ORDERED, That Amanda Bartlett be appointed to the Cable TV & Telecommunications Committee; said term to expire on November 3, 2014.

11-170 Mayor Stokes  
ORDERED, That Councilor David Rollins be appointed to the Cable TV & Telecommunications Committee; said term to expire on November 3, 2014.
OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND TABLED

11-146 Councilor O’Brien
ORDERED, That the City Manager be authorized to contract for demolition and improvements to Haymarket Square not including the construction of new bathroom facilities and not to exceed $120,000 from the Downtown TIF.

SECOND READING

11-164 Councilor Byron
BE IT ORDAINED, By the City Council of the City of Augusta, as follows: That Chapter 16. Public Safety, as amended, be further amended by adopting Article IV. Consumer Fireworks as follows:

Article IV Consumer Fireworks

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As used in this Article, the following terms shall have the meanings:

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The City of Augusta may seize fireworks or consumer fireworks that the City has probable cause to believe are used, possessed or sold in violation of this Article or in violation of State law and shall forfeit the seized consumer fireworks to the State of Maine for disposal.

NEW BUSINESS

11-171 Councilors Coffin and Grant
BE IT ORDERED, By the City Council of the City of Augusta that a text amendment adding “Aquaculture” as a use allowed either by Conditional Use or as a Permitted Use in the Rural Residential zoning district be initiated and sent to the Planning Board for public hearing, in accordance with Section 1.6.1.2 of the Land Use Ordinance. The Planning Board should consider the following text amendment recommendation, with the stipulation that any recommendation for modification of the proposal be considered by the Board based on public comment or the Board’s knowledge of the area:

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   Whether the use should be a use permitted by right or a conditional use should be part of the Planning Board recommendation to the City Council.

COMMUNICATIONS

Committee Reports

City Manager’s Report

Respectfully submitted,

Barbara E. Wardwell, City Clerk
October 31, 2011
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THURSDAY NOVEMBER 3, 2011  
COUNCIL CHAMBERS, CITY CENTER  
7:00 P.M.

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PRESENTATION - Cony High School Students of the Month for September:  
- Jessyca Begin  
- Robert Swain

PUBLIC COMMENTS ON ITEMS LISTED ON THE AGENDA

CONSENT AGENDA

All matters listed under this item will be considered routine and will be enacted by one motion. If a Councilor wishes to discuss one (or more) item(s), Councilor may ask to have the item(s) removed from the Consent Agenda and considered individually.

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11-166 Manager (Bureau of Audit Accounts)  
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11-167 City Manager  
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ORDERED, That Nancy Bernier be appointed to the Cable TV & Telecommunications Committee; said term to expire on November 3, 2014.

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OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND TABLED

11-146 Councilor O’Brien
ORDERED, That the City Manager be authorized to contract for demolition and improvements to Haymarket Square not including the construction of new bathroom facilities and not to exceed $120,000 from the Downtown TIF.

SECOND READING

11-164 Councilor Byron
BE IT ORDAINED, By the City Council of the City of Augusta, as follows: That Chapter 16. Public Safety, as amended, be further amended by adopting Article IV. Consumer Fireworks as follows:

Article IV Consumer Fireworks

Sec 16-59 Definitions
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NEW BUSINESS

11-171 Councilors Coffin and Grant
BE IT ORDERED, By the City Council of the City of Augusta that a text amendment adding “Aquaculture” as a use allowed either by Conditional Use or as a Permitted Use in the Rural Residential zoning district be initiated and sent to the Planning Board for public hearing, in accordance with Section 1.6.1.2 of the Land Use Ordinance. The Planning Board should consider the following text amendment recommendation, with the stipulation that any recommendation for modification of the proposal be considered by the Board based on public comment or the Board’s knowledge of the area:

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Whether the use should be a use permitted by right or a conditional use should be part of the Planning Board recommendation to the City Council.

COMMUNICATIONS

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October 31, 2011
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October 31, 2011