All members of the Council were present; Mayor Stokes presided.

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

Public comments were held on items listed on the agenda.

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND TABLED

11-146
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.

(NO MOTION TO REMOVE FROM TABLE)

11-164
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.

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.

Motion to table by: Byron Second by: Rollins
Yeas: 6; Byron, Grant, Paradis, O’Brien, Rollins, Coffin
Nays: 1; Munson

NEW BUSINESS

READ AND PASSED, AS AMENDED

11-171
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 specifically, and generally in any and all other zones within the City, 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.

Motion to amend by: Rollins Second by: Coffin
Yeas:  7;               Byron, Grant, Paradis, O’Brien,
                   Rollins, Coffin, Munson
Nays:  0;

Motion for passage by: Rollins Second by: Coffin
Yeas:  5;               Byron, Grant, O’Brien,
                   Rollins, Coffin
Nays:  2;               Paradis, Munson

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

Motion for passage by: O’Brien Second by: Paradis
Yeas:  7;               Byron, Grant, Paradis, O’Brien,
                   Rollins, Coffin, Munson
Nays:  0;

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

Motion for passage by: O’Brien Second by: Paradis
Yeas:  7;               Byron, Grant, Paradis, O’Brien,
                   Rollins, Coffin, Munson
Nays:  0;

11-167
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.

Motion for passage by: O’Brien Second by: Paradis
Yeas:  7;               Byron, Grant, Paradis, O’Brien,
                   Rollins, Coffin, Munson
Nays:  0;
11-168
ORDERED, That Nancy Bernier be appointed to the Cable TV & Telecommunications Committee; said term to expire on November 3, 2014.

Motion for passage by: O’Brien Second by: Paradis
Yeas: 7; Byron, Grant, Paradis, O’Brien, Rollins, Coffin, Munson
Nays: 0;

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

Motion for passage by: O’Brien Second by: Paradis
Yeas: 7; Byron, Grant, Paradis, O’Brien, Rollins, Coffin, Munson
Nays: 0;

11-170
ORDERED, That Councilor David Rollins be appointed to the Cable TV & Telecommunications Committee; said term to expire on November 3, 2014.

Motion for passage by: O’Brien Second by: Paradis
Yeas: 7; Byron, Grant, Paradis, O’Brien, Rollins, Coffin, Munson
Nays: 0;

Meeting adjourned at 8:30 p.m.

Respectfully submitted,

Barbara E. Wardwell, City Clerk
November 14, 2011