

**AGENDA FOR THE REGULAR CITY COUNCIL MEETING
THURSDAY, OCTOBER 20, 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 - The Healing of America Book Club and author T.R. Reid's visit to Augusta November 7th, 2011, by Lithgow Library Director Betsy Pohl.

PRESENTATION - An Up-date on the Sewer / Stormwater Project in Ward 3 by Greater Augusta Utility District

PUBLIC HEARING – Kennebec Valley Gas Company Development Program and Tax Increment Financing District

PUBLIC COMMENTS ON ITEMS LISTED ON THE AGENDA

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.

NEW BUSINESS

PART 1 – ORDERS

11-159 Manager (Bureau of City Clerk)

ORDERED, That the minutes of the City Council meeting held October 6, 2011, submitted by the City Clerk, be approved.

11-160 Councilors

WHEREAS, the City of Augusta (the "City") is authorized pursuant to Chapter 207 of Title 30-A of the Maine Revised Statutes, as amended, to designate a specific location within the City as the "Kennebec Valley Gas Company Development Program and Tax Increment Financing District" (the "District") and to adopt a Development Program for the District (the "Development Program"); and

WHEREAS, there is a need for commercial development in the City of Augusta; and

WHEREAS, there is a need to provide employment for the citizens of the City of Augusta and the surrounding region; to improve and broaden the tax base of the City of Augusta and the State of Maine; and

WHEREAS, implementation of the Development Program will help to provide additional investment in the City of Augusta and stabilize employment; improve and broaden the tax base in the City of Augusta and improve the economy of the City of Augusta and the State of Maine; and

WHEREAS, there is a need to encourage the expansion, improvement and continuation of commercial activities through the establishment of the District in accordance with the provision of Chapter 207 of Title 30-A; and

WHEREAS, the City desires to designate the Kennebec Valley Gas Company Development Program and Tax Increment Financing District, and to adopt a Development Program for the District; and

WHEREAS, it is expected that approval will be obtained from the Maine Department of Economic and Community Development (the "Department"), approving the designation of the District and the adoption of the Development Program for the District.

NOW THEREFORE BE IT ORDERED, That the attached Development Program, which creates the Kennebec Valley Gas Company Development Program and Tax Increment Financing District, be approved and that the City Manager is authorized to sign a Credit Enhancement Agreement with the developer consistent with the Development Program adopted herein.

11-161 Manager (Department of Community Services)

ORDERED, That the City Council adopt the General Assistance maximum levels in accordance with Department of Health and Human Services (DHHS) in compliance with Title 22 M.R.S.A. §4305 (4).

11-162 City Manager

ORDERED, That the City Manager is authorized to accept grant funding in the amount of \$5,000.00 from the State of Maine, Bureau of Highway Safety. In accordance with grant specifications, grant funding will be allocated for the Augusta Police Department to participate in the 2011 High Visibility Impaired Driving Enforcement Campaign. The grant money would be utilized for directed patrols for the purpose of impaired driving enforcement.

11-163 City Manager

ORDERED, That the City Manager be authorized to contract with Revolution Energy, LLC in an amount not to exceed \$52,000 for services related to a study of a provision of alternative ways to build and provide renewable energy for city/school buildings with the proviso that the City shall be liable for payment of this amount only in the event that the City opts not to contract with Revolution Energy for the follow-up, long-term "purchase of energy" contract that said study shall recommend.

NEW BUSINESS (Con't)

PART 2 – ORDINANCE BEING READ FOR THE FIRST TIME
NO VOTE REQUIRED

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.

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.

COMMUNICATIONS

Committee Reports

City Manager's Report

Respectfully submitted,

Barbara E. Wardwell, City Clerk
October 17, 2011