

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

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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;
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(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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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.

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(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:

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- (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.

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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

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.

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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

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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.

11-169 Mayor Stokes

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

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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

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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:

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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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COMMUNICATIONS

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Respectfully submitted,

Barbara E. Wardwell, City Clerk
October 31, 2011

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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

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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 Morrisette, to purchase fire prevention materials.

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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

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

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NEW BUSINESS

11-171 Councilors Coffin and Grant

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