

**AGENDA FOR THE REGULAR CITY COUNCIL MEETING
THURSDAY, NOVEMBER 17, 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.

OATH OF OFFICE – Councilor At-Large
Daniel M. Emery

PRESENTATION- Warming Center for 2012 Winter by Rob Gordon and Mary
Frances Bartlett

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.

11-173 **Manager (Bureau of City Clerk)**

ORDERED, That the minutes of the City Council meetings held November 3, 2011 and November 10, 2011, submitted by the City Clerk, be approved.

11-174 **City Manager**

ORDERED, That the City Council accept donations in the amount of \$500.00 from various donors in memory of Peter Morrisette, to purchase fire prevention materials.

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.

11-150 **Councilor Rollins**

WHEREAS, signage in the city of Augusta must both serve the businesses it advertises and respect the visual landscape of the city; and

WHEREAS, the Planning Board held multiple public hearings on the proposed sign changes with business leaders, industry leaders, and residents testifying.

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta that the following amendments be made to the Land Use Ordinance:

Section 5.1.17 be repealed and replaced with a new Section 5.1.17 as attached.

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.

NEW BUSINESS

PART 1 – ORDERS

11-175 Mayor and Council

ORDERED, That the City Council does hereby accept the final report of the East Side Planning Committee and does express its gratitude to Chairman Grant and the members of the committee for their thorough and thoughtful work product. Be it further resolved that the City Manager shall work with Councilor Grant to begin the process of implementing the report's recommendations to include returning individual items to Council for specific follow-up authorizations as necessary.

11-176 City Manager

WHEREAS, The 122nd Maine Legislature passed Chapter 415-L.D. 670 An Act to Protect Children Using Maine's Athletic Fields and Parks from Drug Dealers (Maine Revised Statutes, Title 30-A, Section 3253; and

WHEREAS, This law allows a municipality to designate athletic fields, parks, playgrounds or recreational facilities as "safe zones" for the protection of our children against the influence of drug dealers; and

WHEREAS, The safe zone law is intended to treat athletic fields, parks, and similar areas which attract children similar to schools in order to make drug dealing within 1000 feet of a school or safe zone area subject to more severe penalties; and

WHEREAS, In order for a municipality to designate an area a safe zone, it must be designated by the Municipal Officer, and posted with the sign that contain wording specified by the Commissioner of Public Safety.

NOW THEREFORE BE IT ORDERED, By the Augusta City Council that based on recommendations of the Augusta Chief of Police the following locations be designated as "safe zones":

1. Bicentennial Nature Park, **Route #3**
2. Bond Brook Mini Park, **Mt. Vernon Ave. (Across from Cumberland Farms)**

3. Buker Community Center - Playground, Tennis Courts, Athletic Field; **Armory & Capital St**
4. Calumet Playground, **Northern Ave**
5. Canoe & Kayak Launch, **Canal Street**
6. Capitol Park, **Union Street (Adjacent to YMCA)**
7. CARA-Capital Area Recreational Association, **Piggery Road**
8. Cunningham Park, **North Street**
9. Dog Park, **Canal Street**
10. Eastside Boat Landing, **Howard Street**
11. Elks Club Field, **Civic Center Dr.**
12. Gage Street Park (Former Skate Park); **Gage Street**
13. Garden Club Park, **University Drive**
14. Greenway Trail, **Riverside walk from Eastside Boat landing to AMHI**
15. Gingras Park, **Water Street**
16. Haymarket Square and Fountain Area, (Bus Stop) **Water Street**
17. Kennebec River Rail Trail, (entrance located in MSH parking lot) **Water Street**
18. McCalls Playground, **Eastern Ave**
19. McGee Ball Field, **River Road**
20. Memorial Park, **State Street**
21. Mill Park, **Northern Ave & Canal Street**
22. Mt Vernon Ave. Ball Field, **Mt Vernon Ave**
23. Nordic Ski Area (main entrance from rear of cemetery off Winthrop Street)
24. Northern Avenue Mini Park and Pumping Station, (Adjacent to Bridge) **Mt. Vernon Ave.**
25. Pete Gagne Field, **Old Belgrade Road**
26. Rines Hill Park by "Welcome to Augusta", **Water Street**
27. Viles Memorial Park, **Canal Street**
28. Water Front Park, **Front Street**
29. Water Street Mini Park, (across from Edward's Hotel) **Water Street**
30. Williams Park, (New Skate Board Park) **Bangor Street**
31. Youth Memorial Park, **Capital Street**

NEW BUSINESS (Con't)

PART 2 - ORDINANCES BEING READ FOR THE FIRST TIME
NO VOTE REQUIRED

11-177 Mayor Stokes

WHEREAS, the properties directly across Sewall Street from the State House are a mix of residential and professional offices; and

WHEREAS, the property at 110 Sewall Street is proposed to be used as a law office or professional association office that would be used by individuals primarily having business at the State House.

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta that the following amendments be made to the Land Use Ordinance, Official Zoning Map:

The lot known as Assessor's Map 26, Lot 117 shall be rezoned in accordance with Section 1.6.1(A)(iv)(b) of the Augusta Land Use Ordinance. The new contract zone shall be Institutional/Business/Professional (BP) District with two uses specifically allowed as permitted uses – “business and professional offices and services, specifically law offices” and “business / professional associations”.

11-178 Mayor Stokes and Councilor Byron

BE IT ORDAINED, By the City Council of the City of Augusta, as follows:

That Chapter 18, Section 73 Schedule of no parking, restricted parking areas, of the Revised Code of Ordinances 1990, as amended, be further amended by deleting the following:

Drew Street (Seasonal): No Parking on the east side from Western Avenue to Green Street from November 15 to April 1.

BE IT FURTHER ORDAINED, By adding the following:

Drew Street: No Parking on the east side from Western Avenue to Lincoln Street. No Parking on the east side from Lincoln to Green Street from November 15 to April 1.

COMMUNICATIONS

Committee Reports

City Manager's Report

Respectfully submitted,

Barbara E. Wardwell, City Clerk
November 14, 2011