

CITY OF FAIRMONT

Minutes of the Regular Meeting of the City Council

Tuesday, April 12, 2005 — 7:00 P.M. — Council Chambers, City Hall

1. CALL TO ORDER AND ROLL CALL

Mayor L. Okafor called the meeting to order at 7:02 p.m. Present: Council Members Braddock, Chen, Delgado, Ferris, and Whitaker. Absent: none. Also present: City Manager P. Sung, City Attorney M. Rossi, City Engineer T. Vance, and City Clerk A. Dumont.

2. APPROVAL OF MINUTES

Motion by Braddock, second by Chen, to approve the minutes of the March 22, 2005 regular meeting as distributed. Motion carried 5-0.

3. CONSENT AGENDA

Motion by Ferris, second by Delgado, to approve the consent agenda consisting of: (a) payment of claims in the amount of \$148,377.12; (b) renewal of the mowing contract with Greenway Grounds Care for the 2005 season; (c) a temporary sign permit for the Fairmont Spring Festival. Motion carried 5-0.

4. PUBLIC HEARING — PROPOSED ELM STREET EASEMENT

Mayor Okafor opened the public hearing at 7:21 p.m. regarding the proposed 20-foot utility and drainage easement along the west side of Elm Street between Third and Fifth Avenues (the "Elm Street easement"), required for the storm sewer improvement project. City Engineer Vance presented the alignment, stating the easement would affect portions of nine residential parcels and that affected owners had been offered compensation based on the Kessler appraisal dated February 14, 2005.

Mr. Henderson, 214 Elm Street, spoke against the proposal. He stated that the easement would run within twelve feet of his foundation, expressed concern that construction would damage two mature oak trees on his property, and contended the compensation offered did not reflect the loss in property value. He asked the Council to consider shifting the alignment to the east side of the street.

Mrs. Ostrowski, 301 Elm Street, spoke in favor, citing repeated basement flooding on the block. City Engineer Vance responded that an east-side alignment had been evaluated and rejected due to conflicts with the existing gas main and an additional estimated cost of \$212,000. He stated that tree protection measures would be included in the construction specifications. No further persons wishing to be heard, the hearing was closed at 7:48 p.m.

Motion by Whitaker, second by Ferris, to adopt Resolution 2005-31 authorizing acquisition of the Elm Street easement as presented, with direction to staff to incorporate tree protection provisions and to continue negotiations with the owner of 214 Elm Street. On roll call: ayes — Braddock, Chen, Ferris, Whitaker; nays — Delgado. Motion carried 4-1.

5. OLD BUSINESS

City Manager Sung reported that the Fifth Avenue resurfacing project remains on schedule for a June 6 start and that bids for the water tower repainting will be opened May 3.

6. NEW BUSINESS

Motion by Chen, second by Braddock, to appoint J. Amaro to the Planning Commission for a term expiring December 31, 2007. Motion carried 5-0.

7. ADJOURNMENT

There being no further business, motion by Delgado, second by Whitaker, to adjourn. Motion carried 5-0. The meeting adjourned at 8:16 p.m.

Respectfully submitted,

A. Dumont, City Clerk

Approved: _____