



**CALL TO ORDER**

The regular meeting of Titusville City Council was called to order by Mayor Nystrom in the Conference Room at the Titusville Redevelopment Authority at 6:03 p.m.

**MOMENT OF SILENCE**

Observed.

**PLEDGE OF ALLEGIANCE**

Led by Mayor Nystrom

**ROLL CALL**

Mayor James Nystrom, Deputy Mayor Esther Smith, Councilman Pat Cartney, Councilwoman Bonnie Hull (arrived at 6:15pm), and Councilman Jay Reese were present.

City Manager Larry Manross, Police Chief Thomas, Public Works Director Nebel, Building Inspector Lorenz, Assistant Fire Chief Leach, Executive Director TRA Jim Becker. Mary Hill represented The Titusville Herald. GBS Television taped the proceedings.

**NOTICE OF EXECUTIVE SESSIONS**

Mayor Nystrom stated there was an executive session after the last work session on personnel and a legal matter.

**ADOPTION OF AGENDA**

It was *moved* by Mrs. Smith, *seconded* by Mr. Cartney, and *carried unanimously* to adopt the meeting Agenda as prepared.

**APPROVAL OF MINUTES**

It was *moved* by Mr. Reese, *seconded* by Mrs. Smith, and *carried unanimously* to accept the minutes of the regular meeting of November 15, 2011 as submitted and place on file.

**PUBLIC HEARING**

*Sheetz Land Development Plan*

Mayor Nystrom called the Public Hearing to order. Sheetz attorney Jim McCormick spoke in regards to the land development application by Sheetz seeking approval for the construction of facilities in the City of Titusville for a new Sheetz store. He highlighted the following points using :

- The new store will be located on a 1.17 acre parcel running on both West Central Avenue and West Spring Street.
- Consists of 3 lots and the vacated portion of Monroe Street. 2 lots have already been purchased by PTMLP an entity of Sheetz. The Genesis and BP parcels.
- The purchase of the third parcel, the Medicine Shoppe parcel will be closed in late January, early February.
- All the parcels are in the C2 district.
- The planned convenience store will have approximately 6,558 square feet.
- A canopy covering 5 multi-pump dispensers is included in the design
- 39 parking spaces (33 are required by Ordinance)

Sheetz is seeking approval to complete this facility and they think it

will be a very nice addition to the City of Titusville. There was testimony at the December 6<sup>th</sup> Work Session on how many new jobs it is going to create and hopefully it will create some new revenue for the City also. Mr. McCormick displayed and described highlights of the stores design and said Sheetz has also been working with the Titusville Renaissance group committee to try to cooperate with them for certain enhancements for the property. Johnathon Garczewski a Civil Engineer fwith Gateway Engineers the consulting engineer retained by Sheetz, Michael Haberman, the Traffic Engineering Manager from Wooster and Associates, and David Hazlett, Director of Real Estate for Sheetz were in attendance to answer questions.

Mayor Nystrom stated Sheetz presented to Council at the December 6<sup>th</sup> Work Session. He went on to say this is coming to Council from the Planning Commissions and the Building Inspector for approval. Council is having this public meeting for the public to have any questions they have addressed. Mr. McCormick stated Sheetz appeared before the Planning Commission in November and there was a unanimous recommendation for approval subject to Sheetz complying with Crawford County's requirements.

There was no public comment.

Mr. Reese asked a question that was asked of him; for clarification that there is not a place for a heavy truck to fuel up with diesel but there will be automotive diesel. David Hazlett stated that it is a matter of space. The lot is very small. Typically High Flow diesel pumps are on the ends of the canopies for large trucks.

It was *moved* by Mrs. Smith, *seconded* by Mr. Cartney, and *carried unanimously* to close the Public Hearing regarding the Sheetz Land Development Plan.

**PUBLIC HEARING**

*Proposed 2012 Budget*

Mayor Nystrom called the Public Hearing to order. He stated Council had passed the 1<sup>st</sup> reading of the budget at the November meeting. It has been on the internet and at City Hall and the Library for the public to have a chance to review it.

There was no public comment and no questions by Council.

It was *moved* by Mr. Reese, *seconded* by Mr. Cartney, and *carried unanimously* to close the Public Hearing regarding the proposed 2012 Budget.

**PUBLIC PARTICIPATION  
PERTAINING TO  
AGENDA ITEMS**

None

**REPORTS**

It was moved by Mrs. Smith, seconded by Mr. Reese, and carried unanimously to accept the Operational Reports; Building Inspector, Fire, Police, Public Works, and Treasurer for the month of November 2011 as submitted and to be placed on file.

*Building Inspector*

Mrs. Smith did not have questions on the report but asked Building Inspector Lorenz what the procedure is for someone to complain about disabled vehicles. Mr. Lorenz stated they need to contact the Police Department.

*Fire Department*

Mayor Nystrom stated there was a house destroyed this morning. Assistant Fire Chief Leach said the house was occupied recently, but vacant when they got there and there were no injuries. The house was a total loss.

*Police Department*

Mr. Reese questioned the speed limits near Burgess Park and the meeting that Chief Thomas had with PennDot where the State and City agreed that it is legally posted at 25 and does that leave it open to something else. Chief Thomas stated the City had someone challenge the City in court and their challenge was that it wasn't legally posted. The magistrate dismissed the charges until we could find out. It is legally posted because it was posted prior to say 1982. Anything after that year has to have a traffic study done. Ours was posted in 1947 so we were safe. PennDot is suggesting that we rethink the speed limit out there so that is what we are in the process of doing. His argument is he thinks it should go down. PennDot thinks it should go up. Since Burgess Park is there and ball fields are there and foul balls go in to the street and with kids chasing them it should be lower than 25 and it should be at 15 in his opinion. PennDot says it should be 35 but since it is legally posted PennDot can't make the City do anything but we are negotiating. If the City looks at changing it, it would have to go up.

*Public Works*

Mayor Nystrom stated with the lack of snowfall he assumes we are ahead on the salt usage or non-usage this year. Mr. Nebel stated non-usage would be the term there. Public Works has already used 13-14 tons so far this year. By comparison last year on this day we were up around 165 tons....he joked so 90 days until spring.

Mrs. Smith questioned when winter hours start. Mr. Nebel stated the Monday after New Year's.

**MINUTES OF BOARDS & COMMITTEES**

*Planning Commission  
Redevelopment Authority*

It was moved by Mr. Reese, seconded by Mrs. Hull, and carried unanimously to accept the minutes of the November 10, 2011 meeting of the Planning Commission and the January through September 2011 Redevelopment Authority meetings as submitted and to place them on file.

Mr. Reese stated there is some merit going through an entire year's TRA history at one time but he would prefer not to do it again.

Mr. Cartney asked Mr. Becker how the project on the 2<sup>nd</sup> & 3<sup>rd</sup> floor is coming along. Mr. Becker stated TRA awarded the contracts at the last Redevelopment Authority meeting to 4 major contractors. General, Electrical, HVAC and plumbing. The on-site preconstruction meeting with all of the contractors and architects was today and they expect demolition as early as next week. The completion date set at this point is May 18<sup>th</sup>.

**BILL LISTINGS**

It was moved by Mrs. Smith, seconded by Mrs. Hull, and carried unanimously to ratify the bill listing warrants dated 11/17/2011, 11/30/2011, 12/07/2011, & 12/15/2011.

Mayor Nystrom commented that these come out on a weekly basis and there are questions that are asked which are responded to by the City Manager.

Warrant Dated 11/17/2011 - \$46,603.74 – No questions

Warrant Dated 11/30/2011 - \$176,610.44 –No questions

Warrant Dated 12/07/2011 - \$33,588.44 – No questions

Warrant Dated 12/15/2011 - \$32,639.51

Mr. Reese stated 12/15 is where he had questions that Mr. Manross answered on the pump repairs on Engine 26-8 and the Gannett Fleming bill. He stated he appreciates Larry getting him the answer quickly.

**Old Business**

2<sup>nd</sup> Reading - Council Bill No. 9 of 2011- Fixing the Real Property Tax Rate for 2012

It was moved by Mrs. Hull, seconded by Mrs. Smith, and carried unanimously to adopt Council Bill No. 9 of 2011 on 2<sup>nd</sup> reading.

Mr. Manross read the summary paragraph and recapitulation of the Ordinance.

Mayor Nystrom stated these are the same rates as were in effect for 2011 so there is no tax increase in this budget.

2<sup>nd</sup> Reading - Council Bill No. 10 of 2011- 2012 Budget

It was moved by Mrs. Smith, seconded by Mr. Cartney, and carried unanimously to adopt Council Bill No. 10 of 2011 on 2<sup>nd</sup> reading.

Mr. Manross read the summary paragraph and each line item of the revenue and expenditures and totals.

Mr. Reese said it is in good order and it is not perfect. There are some

*Resolution No. 30 of 2011 –  
Approval: Certificate of  
Termination TIDA*

things that Council wanted. He went on to say Larry and Diana did a good job putting it together. It is what it is. It is not a tax increase. We'll work hard to extend the paving. We'll look at the numbers in the Spring.

*It was moved by Mrs. Smith, seconded by Mrs. Hull, and carried unanimously to adopt Resolution No. 30 of 2011.*

Mr. Manross read a portion of the resolution.

Mr. Reese stated there has been a lot of discussion. As he understands it the money is being transferred in to a loan only fund. Past debts have been deemed uncollectible. If there is someone that believes otherwise he would like to know that before he votes.

Mrs. Smith stated she thinks there has been some misunderstanding and she is just pleased to get this resolved. She stated she was disappointed a little bit with the process but Mr. Becker and the 5 board members were kind of thrown in to a situation that was tough. They had to come to an adequate conclusion and communication got a little lost in the shuffle but she appreciates what they have done and she is glad to see this put behind us.

**New Business**

*Sheetz Land Development  
Plan Approval*

*It was moved by Mrs. Hull, seconded by Mr. Cartney, and carried unanimously to approve the Sheetz Land Development Plan with provisions recommended by the Crawford County Planning Commission and Titusville Planning Commission.*

Mr. Cartney thanked the gentlemen from Sheetz for all of the time and effort they have put in coming to Titusville. He really appreciates the business they will be bringing in to Titusville.

Mr. McCormick stated on behalf of Sheetz he would like to thank Council.

*Resignation from Civil Service  
Commission*

*It was moved by Mr. Cartney, seconded by Mrs. Smith, and carried unanimously to accept the resignation of Dennis Hartle from the Civil Service Commission.*

Mayor Nystrom requested a letter to go out from Council thanking him to serve.

*Resignation from the Shade  
Tree Commission*

*It was moved by Mrs. Smith, seconded by Mr. Reese, and carried unanimously to accept the resignation of Diane Robbins from the Shade Tree Commission.*

*Resolution No. 28 of 2011 –  
Sale of Surplus Property:  
Traffic Lights*

*It was moved by Mr. Cartney, seconded by Mrs. Smith, and carried unanimously to adopt Resolution No. 28 of 2011.*

Mr. Manross stated this is actually authorization to sell the traffic lights

that were removed. What we would like to do is to place them on MunicBid to get a value or we will start the value at \$25 for the lights and \$5 for the no walk signs. Once we get a value then we can offer them for sale.

Mayor Nystrom confirmed from these lights we took off the parts we need to fixed lights in other parts of town and these are more valuable for us to sell then to store them someplace and convert them in to cash for the City.

Mr. Nebel stated they have cannibalized everything possible and it is in storage. Anything that is left over is what we are planning on selling.

It was moved by Mrs. Smith, seconded by Mr. Reese, to adopt Resolution No. 29 of 2011 approving the contract in current form subject to further clarification and negotiation with Gannett Fleming, vote as follows:

Mr. Cartney, Mrs. Smith, Mayor Nystrom, Mrs. Hull – Yes

Mr. Reese - No

Mr. Manross read portions of the resolution.

Mr. Reese stated he has been critical of this firm one time or another. The City's Solicitor reviewed this and put together a couple of pages of things that he wanted to point out not leading Council one way or another. One part in there was they were going to supply someone to be on site for construction at a cost of \$160,000 but then if there was a problem with construction they would not be part of it. The stormwater information from the engineer came in at the 11<sup>th</sup> hour for the Sheetz project and this came in at the 11<sup>th</sup> hour and he is not going to do something that he wouldn't do at work during the day and he is just not going to support it at this time. He went on to say he is sure there is a logical explanation for it but this is something that should be taken care of at a work session in his opinion.

Mayor Nystrom asked for a timetable on this.

Solicitor Winkler stated his understanding is the USDA is looking for a contract to be part of the package in order to continue to proceed with the grant process. As a suggestion if there are areas of concern perhaps it could be approved subject to further negotiation of terms with Gannett Fleming in accordance with comments. At least that way we would have something approved so that we can indicate to USDA that there is a contract in place.

Mr. Manross referred the Solicitor's question on insurance to Dick Shaffer the City's agent and Dick said our coverage is adequate.

Resolution No. 29 of 2011 –  
WWTP Phase III Engineering  
Agreement

Mrs. Hull asked if the motion would be amended subject to further clarifications.

Mr. Nystrom asked Mrs. Smith since she made the first motion if she would amend it with further review.

Mrs. Smith stated yes she would.

Mr. Nebel stated the timetable that exists falls under our consent order. It was a portion of the Act 537 study that we took to the 11<sup>th</sup> hour as well. We have to have the preliminary design done by March 31, 2012. He went on to say, in his estimation to table it would be probably detrimental to them being able to complete their work on time.

Mr. Nystrom asked for the motion on the table at the present time.

Solicitor Winkler stated he did not have the actual verbiage in front of him, but it is along the lines to approve the contract in current form subject to further clarification and negotiation with Gannett Fleming.

Mr. Nystrom stated then it could be instituted at any time down the road with those discussions which could take place then at the first work session in January. If it is satisfactory it could then be moved forward at that point.

*Checks-By-Web Authorization Agreement*

It was moved by Mrs. Hull, seconded by Mrs. Smith to authorize the Mayor to sign the Check-By-Web Agreement allowing the City to take payments by check via the City's website.

Mr. Manross stated this is an agreement that allows the City people to make payments on their taxes and utilities by using the internet and getting the money taken directly out of their checking account.

Mr. Reese clarified the verbiage change to the State of Pennsylvania has been taken care of.

Mr. Nystrom stated this authorizes the capabilities to pay by check over the website.

**PUBLIC PARTICIPATION**

Tom Kopper – 323 W Main St

Thanked Council for the time they take to run the City.

**COMMENTS BY  
MAYOR/COUNCIL**

Mr. Reese said he wished he was eloquent enough to say enough nice things about Mayor Nystrom and Mrs. Hull and all of Council. A lot of hard work and bumps were along the road and he looks forward to the new part of the team but thanked them again and said it has been a pleasure to work with them.

Hull

Mr. Cartney stated he would like to thank Mayor Nystrom and Mrs. ~~Smith~~ for the time they appointed him as Council member. He appreciates them doing that for him. He went on to say he has learned a lot from them and he really appreciates all the time they put up with him and he thanked them for everything.

Mrs. Hull said the last 4 years have been interesting and haven't always been fun. There have been some rough spots. This Council has worked together on one occasion and on other occasions we have been totally dysfunctional. She went on to say that she is hoping that the new members of Council can all work together with present Council remaining and that things will move forward instead of backward. She just wants to say thank God she is done.

Mr. Nystrom stated when he came on Council 4 years ago there were things that he wanted to see changed. Some of them we were able to change and some of them we were not and that is because Council should serve and do what they think is in the best interest of the City. That doesn't mean that people can not disagree, but you should be able to agree to disagree and move on beyond that. There were some highlights as well as lowlights as we went through this, but he has enjoyed the time he has been here. Sometimes it was frustrating some times it wasn't very pleasant but he is glad he did it.

**ADJOURNMENT**

It was moved by Mrs. Hull, seconded by Mrs. Smith, and carried unanimously to adjourn the meeting at 7:00 p.m.

**APPROVED BY COUNCIL**

THIS 3<sup>rd</sup> DAY OF January 2012

Eschel M. Smith  
Mayor

I hereby certify the foregoing to be a true and correct copy of the minutes of the Council Meeting of December 20, 2011.

Diana A. Durstine  
Diana A. Durstine  
Recording Secretary