



<b>CALL TO ORDER</b>	The regular meeting of Titusville City Council was called to order by Mayor Nystrom in the Conference Room at the Titusville Redevelopment Authority at 5:30 p.m.
<b>INVOCATION</b>	Given by Pastor Tom Cangelo.
<b>PLEDGE OF ALLEGIANCE</b>	Led by Mayor Nystrom.
<b>ROLL CALL</b>	<p><i>Members Present:</i> Mayor James Nystrom, Deputy Mayor Esther Smith, Councilman Pat Cartney, Councilman Jay Reese.</p> <p>Councilwoman Bonnie Hull was absent.</p> <p>Interim City Manager Gary Thomas, Mary Hill represented The Titusville Herald. GBS Television taped the proceedings.</p>
<b>NOTICE OF EXECUTIVE SESSIONS</b>	Mr. Nystrom stated Council held some of executive sessions over the last couple of weeks interviewing for a new City Manager.
<b>ADOPTION OF AGENDA</b>	It was <i>moved</i> by Mrs. Smith, <i>seconded</i> by Mr. Reese, and <i>carried unanimously</i> to adopt the meeting Agenda as prepared.
<b>APPROVAL OF MINUTES</b>	It was <i>moved</i> by Mr. Reese, <i>seconded</i> by Mr. Cartney, and <i>carried unanimously</i> to accept the minutes of the regular meeting of April 19, 2011 as submitted and place on file.
<b>PUBLIC PARTICIPATION PERTAINING TO AGENDA ITEMS</b>	<p>Leah Carter – taxpayer at 214 W Spruce St</p> <p>Commented in regards to the City Real Estate proposed to go up for sale under new business. She stated she is concerned with selling the property the gateway derrick is on because of the agreement/obligation for maintenance and questioned why Council would sell the property the gateway is on after all the community has invested in it. She asked what measures would be taken to protect the City's investment.</p> <p>Mr. Nystrom stated Council's understanding from the Solicitor is that arrangements would be made to maintain and keep that property as is even if by the new property owner.</p> <p>Mr. Thomas stated the property is probably going to change hand because the City had a successful bidder, but a caveat will be put in that that portion of the property would remain under the care and control of the City.</p> <p>Mr. Reese stated it was cost prohibitive to get the property subdivided. The goal was to get the Derrick back with the least possible money spent by the City.</p>
<b>REPORTS</b>	It was <i>moved</i> by Mrs. Smith, <i>seconded</i> by Mr. Reese, and <i>carried</i>

unanimously to accept the Operational Reports; Building Inspector, Fire, Police, Public Works, and Treasurer for the month of April 2011 as submitted and place on file.

Fire/Safety Committee

Mr. Reese questioned the Haz Mat call. Mr. Thomas will get information from Chief Crotty and report back to Council.

Mr. Reese commented on the Safety Committee report that from his experience employee safety committees work when employees bring concerns to management.

Police

Mr. Nystrom commented on the high theft count going on right now.

Mr. Thomas stated we are unfortunately in to the time of the year where more people are out and they tend to pick up things that aren't exactly tied down and don't necessarily belong to them. The high number can be attributed to this right now.

Mr. Reese questioned police involvement with the bridge out.

Mr. Thomas stated there have been quite a few citations and stop sign violations issued.

Treasurer

Mr. Reese requested the running total/yearly comparison be put back on the front page of the monthly Treasurer's reports.

**MINUTES OF BOARDS & COMMITTEES**

It was moved by Mr. Reese, seconded by Mr. Cartney, and carried unanimously to accept the minutes of the Titusville Leisure Services Board and place on file.

Mr. Reese questioned in the last paragraph the low income rent amount the City receives from the apartment. Mr. Cartney will email Council on this.

**BILL LISTINGS**

It was moved by Mrs. Smith, seconded by Mr. Reese, and carried unanimously to ratify the bill listing warrants dated 4/20/2011, 4/28/2011, 5/5/2011, & 5/11/11.

Warrant Dated 4/20/2011 - \$48,776.36

Mr. Reese questioned the \$700 tire bill. He thinks he has seen this charge twice now.

Mrs. Smith questioned the ATS invoice for \$7,500 and its relation to the new water pump.

Warrant Dated 4/28/2011 - \$21,294.97

Mrs. Smith questioned a year to date for arbitration.

Mr. Reese stated it had been sent by email, is all there, and is not

pleasant reading.

Mr. Thomas will re-forward the email to Council.

Warrant Dated 5/5/2011 - \$34,961.32

Mr. Reese questioned the Gannett Fleming bill. Mr. Thomas will forward it to Council.

Warrant Dated 5/11/2011 - \$70,484.17 – no questions.

**OLD BUSINESS**

*Council Bill No. 3 of 2011  
Vacating the Boulevard*

It was moved by Mr. Cartney, seconded by Mrs. Smith, and carried unanimously to adopt Council Bill No. 3 of 2011 – Vacating the Boulevard on second reading.

Mr. Thomas described the extension of the Boulevard beyond Spruce St. The Peebles family would like to sell the property and would like the vacation so the new owners do not have to worry about any extension of Murdoch Boulevard.

Mr. Reese clarified that the entire right of way is not going to one owner it will be divided by all of the property owners.

*Council Bill No. 1 of 2011  
Compensation of Elected  
officials*

It was moved by Mr. Reese, seconded by Mrs. Smith, and carried unanimously to introduce Council Bill No. 1 of 2011 – Compensation of Elected officials.

Mr. Thomas read the Ordinance and described that the Mayor and members of Council can use their salary to pay for their health insurance. Anything above that would be up to them to pay for whatever coverage they desire.

Mr. Reese stated he was behind this one. When he came on board Council could either take the stipend or health insurance. He stated at one time this was probably fairly priced.

*Resolution No. 13 of 2011  
ACT 537 Plan Approval*

It was moved by Mr. Reese, seconded by Mr. Cartney, to table Resolution No. 13 of 2011 approving the Act 537 Sewage Facilities Plan Update vote as follows: Mr. Cartney, Mrs. Smith, Mr. Reese – yes Mr. Nystrom – no.

Mr. Reese stated that he understands this will incur a special meeting and some cost to the taxpayers. It is unfortunate and he will take the blame. He promised to get questions to the engineer and did not get them out until Friday at noon and got some answers back just moments before the meeting. He thought that all of his questions were pretty legitimate and he wants to gain confidence in the engineer. He went on to say voting against this tonight would basically be voting for a new engineer in such a way. He stated he thinks is workable and is going to take one more week to do it.

Mrs. Smith stated her husband and Planning had questions and she doesn't feel they were satisfied. She would personally like to see an informal roundtable to hash out this just a little bit longer because she has had her doubts from day one.

Mr. Reese stated one more week of this and he will either gain a lot confidence in the engineer and the public works director or he won't but at this time he still has his doubts.

Mr. Nystrom stated there will have to be a special meeting advertised and a decision made before the 31<sup>st</sup> of May which is DEPs deadline to approve the plan.

*Council Bill No. 5 of 2011  
Open Container Allowance*

It was moved by Mrs. Smith, seconded by Mr. Cartney, not to introduce Council Bill No. 5 of 2011 – Allowing open alcoholic beverage containers within designated Special Events areas.  
Vote as follows: Mr. Cartney, Mrs. Smith, Mr. Nystrom – Yes  
Mr. Reese – No.

Mr. Reese stated he respects what other Council are doing. It was going to go one way or another. He respects other Council's opinions on this. Council could have done it the other way and he could have voted for it and they could have voted against it.

Mrs. Smith stated she thinks she has voiced her opinion on she feels her constituents have asked her to vote so she is not going to beat a dead horse.

*Appointment to the Leisure  
Services Board*

It was moved by Mr. Cartney, seconded by Mrs. Smith, and carried unanimously to appoint Sharon Lemley to the Leisure Services Board for an unexpired term ending 1/1/2012.

Mr. Reese commented that Council interviewed three candidates that were interested in the position and he defers to Pat and Esther who sit on the board to who they think will work best.

Mrs. Smith stated all three were all great and she would just hope that they apply for another board.

Mr. Cartney stated that Sharon Lemley has attended quite a few of the Leisure Services meeting that is why he nominated her because she has been there and has been following up on all of the stuff that is going on.

**New Business**

*Council Bill No. 4 of 2011  
No parking zones*

It was moved by Mrs. Smith, seconded by Mr. Cartney, and carried unanimously to introduce Council Bill No. 4 of 2011 Amending Article 521; no parking zones on first reading.

Mr. Nystrom stated this has been discussed in previous work sessions

Resolution No. 12 of 2011  
Sale of Surplus City Property

The University of Pitt had some areas and our Chief of Police added some.

Mr. Reese stated he feels it is important to note that the University of Pitt is going to take care of signage.

It was moved by Mrs. Smith, seconded by Mr. Cartney, and carried unanimously to adopt Resolution No. 12 of 2011 approving the sale of surplus city property/equipment for sale.

Mr. Thomas read the items and estimated values. 1995 Elgin Whirlwind Street Sweeper \$10,000.00, 1993 Jeep Wrangler \$1,000, 1995 Chevy Astro Van \$400, 2001 Ford Crown Victoria \$400, 1990 ODB Leaf Vac \$1,000, 1997 Chevy Van \$400. Total estimated value \$13,200.

Mr. Reese thanked Mr. Cartney for catching the diesel truck that was designated for sale. Mr. Cartney stated that by selling these vehicles the City may be able to be refurbished and we could have that 4 wheel drive truck still at our needs. Mrs. Smith stated Council never did hear back from Mr. Nebel and its no longer on the list.

Resolution No. 14 of 2011  
Sale of City Real Estate 56K-8-7A

It was moved by Mr. Cartney, seconded by Mr. Reese, and carried unanimously to adopt Resolution No. 14 of 2011 approving the sale of City property at 56K-8-7A.

Mr. Reese stated Mr. Cartney has done a lot of work on this and he appreciates what he has done. The appraisal on this property was \$3,000 and we are accepting \$2,000 and we thought the appraisals were a little inflated which he is ok with to get it back on the tax rolls.

Mr. Thomas stated this property is located on Route 27 east near the City line across from the Kwik Fill on the east side of the street that comes down and on the west side of the roller rink. Its about 200 feet long and 80 feet wide.

Mr. Smith questioned if this was putting it up for sale or the sale.

Mr. Nystrom stated this is approving the sale if all terms are met. It is up to our Solicitor to tick and tie everything.

Resolution No. 15 of 2011  
Sale of City Real Estate 59A-7-8-11

It was moved by Mr. Reese, seconded by Mrs. Smith, and carried unanimously to reject this bid based on the appraisal value.

Mr. Thomas stated this is the property located at the corner of South Franklin St and Smock Blvd and Fleming Road.

Mr. Nystrom stated documentation regarding the maintenance of the derrick would be taken care of by the Solicitor so that issue will not become an issue.

Mr. Reese stated he doesn't think that \$500 with the appraisal of that

property and everything involved is a respectful bid. He doesn't want to see the property sat on for 20 years either.

Mrs. Smith stated she is concerned with what Leah brought to Council. She is concerned with the area becoming an eyesore. She stated she doesn't have a problem with the sale but she does have a problem with anything taking place around that derrick. She wants to revisit this.

Mr. Cartney requested Rich bring something to Council at the next voting meeting in regards to the derrick.

Mr. Reese stated we paid for an appraisal and we have asked Rich a question so in effect if we accept this bid we would probably have just given the property to the landowner for what we have in it. We would probably be going backwards for the first two years on taxes. He stated he thinks we need a little more on it.

Mrs. Smith stated from what she recalls none of Council actually gave a price.

Mr. Reese stated that with the lay of the land and everything else he understands that the appraisals were a little high, but this was about 5% of the appraised value.

Mr. Nystrom stated this is something Council can bring back on another day.

Mr. Thomas stated there was a third property that was for sale that is currently leased to a business owner that is next to it in the mid to late 80s by previous administration. The owner was given verbal permission to build on it. Now one of their buildings is encroaching on it which could be a legal nightmare. Our Solicitor suggested we reject all bids and see a solution down the road.

*Special Event Approval  
Oil Festival and Parade*

*It was moved by Mrs. Smith, seconded by Mr. Cartney, and carried unanimously to approve the Oil Festival & Parade August 12-14, 2011.*

*Special Event Approval  
Titusville Memorial Day  
Parade & Service*

*Mr. Nystrom stated the special event application was received and confirmed the insurance certificate was submitted. This is an annual event.*

*It was moved by Mr. Cartney, seconded by Mr. Reese, and carried unanimously to approve the Titusville Memorial Day Parade & Service May 30, 2011.*

*Resolution No. 16 of 2011  
Bond Counsel associated*

*Mr. Nystrom stated this is certainly an annual event.*

*It was moved by Mr. Reese, seconded by Mrs. Smith, and carried unanimously to table Resolution No. 16 of 2011; authorizing and*

with the WWTP Upgrade Project

Approving a legal services agreement for Bond Counsel services associated with the Wastewater Treatment Plant Upgrade Project.

**PUBLIC PARTICIPATION**

Leah Carter – 214 W Spruce St

Announced an invitation to everyone for Saturday, June 4<sup>th</sup> at 9:00 a.m. The Take Pride in Titusville Committee will be assisting the Garden Club with putting out the garden boxes. They usually meet in the Save-A-Lot parking lot. The design committee of Renaissance would like to expand that following the lead of some of our neighbors and something we used to do here. Going back in the yesteryear column to 1911 the City would get its annual scrubbing. Oil City is in its 33<sup>rd</sup> year of wash day. The fireman flush the hydrants and wash down the City streets and they encourage business owners to get their windows washed and clean things up. She would like the City to consider authorizing the City Manager to make June 4<sup>th</sup> or the day that the flower boxes get put out each year a "Clean and Green Day" and have the street sweeper and firemen out.

**COMMENTS BY MAYOR/COUNCIL**

Mr. Cartney wanted the Fire and Police Chiefs to know he appreciates their men being down helping with the rescue of the gentleman in Oil Creek.

Mr. Thomas stated that Pitt asked him if it would be ok if they took care of Murdoch Blvd. They said they had the guys and the stuff to do it so they did and they did a fine job mulching and mowing.

**ADJOURNMENT**

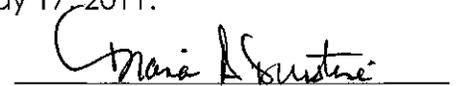
It was moved by Mr. Reese, seconded by Mrs. Smith, and carried unanimously to adjourn the meeting at 6:30 p.m. to an Executive Session.

**APPROVED BY COUNCIL**

THIS 21 DAY OF June, 2011

  
James A. Nystrom, Mayor

I hereby certify the foregoing to be a true and correct copy of the minutes of the Council Meeting of May 17, 2011.

  
Diana A. Durstine  
Recording Secretary