



CITY OF TITUSVILLE

BIRTHPLACE OF THE OIL INDUSTRY

COUNCIL PROCEEDINGS

January 13, 2009



The regular meeting of Titusville City Council was called to order by Deputy Mayor Nystrom in the Conference Room at the Titusville Redevelopment Authority at 7:00 p.m. Invocation was given by Deputy Mayor Nystrom. The Pledge of Allegiance was led by Deputy Mayor Nystrom. Present at the meeting were Deputy Mayor James Nystrom, Councilman John Frye, Councilwomen Bonnie Hull and Esther Smith, Michael Allyn, Interim City Manager. Mary Hill represented The Titusville Herald. Jim Gross represented GBS.

It was moved by Mrs. Hull, seconded by Mrs. Smith, and carried unanimously to adopt the meeting Agenda as prepared. It was moved by Mr. Frye, seconded by Mrs. Smith, and carried unanimously to accept the minutes of the regular meeting of December 23, 2008 as submitted and place on file.

APPOINTMENT TO COUNCIL

It was moved by Mrs. Smith, seconded by Mrs. Hull, and carried unanimously to appoint Patrick C. Cartney to fill the vacant seat on Council. His term will expire 1/1/2010. Mr. Butcher administered the Oath of Office to Mr. Cartney.

Mr. Frye thanked the other people who had applied and hopes they will consider filling in on a Commission or Committee they have available.

ELECTION OF MAYOR

At this time, Mr. Nystrom turned the meeting over to the Interim City Manager, Mike Allyn, to conduct the election for Mayor. Mr. Allyn asked for nominations for the position of Mayor. It was moved by Mrs. Hull, seconded by Mrs. Smith, to nominate James Nystrom for Mayor. There were no other nominations for Mayor. It was moved by Mrs. Hull, seconded by Mrs. Smith to close nominations for Mayor. The vote for James Nystrom for Mayor was: Mr. Nystrom - abstained; Mr. Frye, Mr. Cartney, Mrs. Hull, Mrs. Smith -yes.

ELECTION OF DEPUTY MAYOR

It was moved by Mrs. Smith, seconded by Mr. Cartney, to nominate Bonnie Hull for Deputy Mayor. There were no other nominations for the position of Deputy Mayor. It was moved by Mrs. Smith, seconded by Mr. Nystrom to close nominations for Deputy Mayor. Vote on the nomination of Bonnie Hull for the position of Deputy Mayor was: Mrs. Hull - abstained; Mrs. Smith, Mr. Cartney, Mr. Frye, Mr. Nystrom - yes. Mr. Butcher administered the Oath of Office to Mr. Nystrom, Mayor and Mrs. Hull, Deputy Mayor.

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PUBLIC HEARING

Mr. Scott Brush, Armstrong Utilities, Inc. has requested to make a presentation to Council at the Public Hearing on the fact that the Council as part of their 2009 budget increased the franchise fee from 3% to 5%. Mr. Brush stated he is the new Manager at Armstrong for Crawford County. Mr. Brush stated he wanted to acknowledge that Council has the right to raise the franchise fee from 3% to 5%. Mr. Brush asked if Council would consider going to 4% as opposed to 5%. Mayor Nystrom stated back when this Agreement was negotiated in the first part of 2008 at that particular time the Agreement had a 5% rate in it and they did not choose to raise it at that time. Since that time, or at that time, Mayor Nystrom asked if there has been any rate increase in the fees that they have charged the citizens. With this increase that is being proposed are you going to be in a position to raise the rates to the citizens or was that something that was originally planned when they negotiated the Agreement back in that period. Mr. Brush stated there is no guarantee. The fees are governed by the Federal government and are based on a formula. He stated he could not give them an answer on that. Mr. Nystrom asked if he could tell them when the last increase by Armstrong to the citizens of Titusville occurred. Mr. Brush stated he could not. Mr. Allyn asked Mr. Brush at the time this Agreement was negotiated for the City and the 5% franchise fee was included in the Agreement, were not the rates for the users in Titusville included in the Agreement. Mr. Brush stated no. The rates are never included in the Agreement. Franchise Agreements are not tied to rates. Mr. Allyn stated they are trying to determine the time period between the understanding that there would be a 5% fee paid to the City and changes in the rates to the citizens in the Community. Did those rates anticipate a 5% fee to the City or did they anticipate the present fee to the City. Mr. Brush stated that fee they charge was never based on the franchise fee.

Mayor Nystrom asked if anyone from the public had any questions. Mr. Frazier asked why they needed to go to 5%. Mayor Nystrom stated it was a method they had come up to use to help balance the budget. Mayor Nystrom stated he had someone bring something up to him today that there seems to be some channels that are being dropped off the system. Two channels mentioned that are gone are 52 and 53. Mr. Brush stated he would check on this and stated if anyone is having intermittent issues they may call 877-277-5711.

Mayor Nystrom asked Br. Brush to provide Council information to review regarding what the customer would be paying 3% vs. 5%.

Mrs. Hull stated that this rate increase was fought against for quite a long time and it is not something they took lightly.

Mayor Nystrom thanked Mr. Brush for coming and closed the Public Hearing.

PUBLIC PARTICIPATION - Pertaining to agenda items - None.

INTERIM MANAGER'S REPORT - Mr. Allyn stated he was asked to apprise Council what the process was for the adoption of the Zoning Ordinance and where they stood in that process. Mr. Allyn stated there are four remaining steps that have to be accomplished as follows: Receive and review the Solicitor's comments regarding the Crawford County Planning Commission Review and that has yet to be received. Mr. Allyn stated Mr. Winkler was told to put this on the shelf while they were working on the budget and that is why he is just starting on it. The second step is to schedule a Public Hearing before Council. Must give public notice on two consecutive weeks prior to hearing and enactment by Council must occur within 90 days after the Public Hearing. Final step would be subsequent filing requirements with Crawford County. Mayor Nystrom asked Mr. Allyn to contact the Solicitor to give them a certain date when he will have his comments ready for Council to review.

OPERATIONAL REPORTS - It was moved by Mrs. Hull, seconded by Mrs. Smith, and carried unanimously to accept the Operational Reports (Police, Fire, Public Works, Building Inspector) and Treasurer's Report for the month of December and place on file.

BILL LISTING - It was moved by Mr. Frye, seconded by Mrs. Smith, and carried unanimously to ratify the bill listing warrants dated 12/31/08 and 1/9/09. It was moved by Mrs. Hull, seconded by Mr. Frye, and carried unanimously to approve the payment of RBA, Computer Showcase, and Hovis Auto, and to not pay Tyler Technologies until they receive further information for the bill listing warrant dated 1/14/09.

OLD BUSINESS

INVESTMENT POLICY STATEMENT FOR THE POLICE PENSION FUND

Mayor Nystrom stated that the Investment Policy has been approved by the Police Pension Fund Board and they are asking City Council to ratify. It was moved by Mr. Frye, seconded by Mrs. Hull, and carried unanimously to ratify the updated Investment Policy Statement for the Police Pension Fund. (Copy attached.)

INVESTMENT POLICY STATEMENT FOR THE FIREFIGHTERS' PENSION FUND

Mayor Nystrom stated that the Investment Policy has been approved by the Firefighters' Pension Fund Board and they are asking City Council to ratify. It was moved by Mr. Frye, seconded by Mrs. Smith, and carried unanimously to ratify the updated Investment Policy Statement for the Firefighters' Pension Fund. (Copy attached.)

NEW BUSINESS

RE-APPOINTMENT TO AIRPORT AUTHORITY - It was moved by Mr. Frye, seconded by Mrs. Hull, and carried unanimously to re-appoint Ken Kerr to the Airport Authority for a five year term.

RE-APPOINTMENTS TO BOARD OF HEALTH - It was moved by Mr. Frye, seconded by Mrs. Smith, and carried unanimously to re-appoint Mary Ellen Peden and Terry Kerr to the Board of Health for five year terms.

RE-APPOINTMENT TO LEISURE SERVICES BOARD - It was moved by Mrs. Hull, seconded by Mrs. Smith, and carried unanimously to re-appoint David Zaritski to the Leisure Services Board for a five year term.

RE-APPOINTMENT TO BENSON MEMORIAL LIBRARY BOARD - It was moved by Mr. Frye, seconded by Mrs. Smith, and carried unanimously to re-appoint Stephen Coleman to the Benson Memorial Library Board for a three year term.

RE-APPOINTMENTS TO SHADE TREE COMMISSION - It was moved by Mr. Frye, seconded by Mrs. Hull, and carried unanimously to re-appoint Carol Steinbuhler, Diane Robbins, and David Gagnon to the Shade Tree Commission for five year terms.

PUBLIC PARTICIPATION

Mr. Keith Morrison commented that he thinks Council needs to address the Council vacancy on the Pension Boards. Mayor Nystrom stated they plan to take action prior to their next board meeting.

COMMENTS BY MAYOR AND/OR COUNCIL

Mrs. Smith stated that approximately six weeks ago it was brought up by Kelly Evans and Gary Clark regarding a drive thru they would like to put in at their business - Perk Place Cafe. At that time the Chief was against it and she would like to know why. Mrs. Smith stated she would like them to pursue this whatever avenue needs to be pursued and done as quickly as possible because they are waiting for an answer from us. Mr. Frye stated that questions he had were how many cars would be able to line up there before they would be backed out on the street. What they plan to do if there is a problem with a back up, or if they can't get the items that were ordered ready at the time the car is there are they going to make the person wait, or what are they going to do. Mrs. Hull stated she thinks they need to direct it to Planning.

Mayor Nystrom asked Mr. Allyn to check with the Solicitor to see if he can tell him the appropriate movement of such a request.

Mrs. Lemley stated the way she understands it, they are talking about changing the direction of the alley. Mayor Nystrom stated yes. Mrs. Lemley asked if that was a public street. Mayor Nystrom said yes. Mrs. Lemley said they are proposing to put a drive thru on a public street. Is it still going to have thru traffic then or is it not going to be a public street anymore. Mayor Nystrom said it will be a public street. Mrs. Lemley said she doesn't know how they could have two cars go by there and asked if they were going to maintain a public street for a private business then. Mrs. Hull stated those are all questions that need to be answered.

Mr. Frye expressed condolences to the Pondel family. He also congratulated Mr. Cartney.

Mrs. Hull commented that this is the beginning of a new year and as a Community they need an attitude adjustment. Mrs. Hull stated it needs to start at the top and work down through the employees of the City and in the Community. Mrs. Hull stated that if they all chip in and start changing attitude then things are going to be a whole lot better here.

It was moved by Mr. Frye, seconded by Mrs. Hull, and carried unanimously to adjourn the meeting to a personnel session followed by adjournment. Meeting adjourned at 7:12 p.m.

Suzanne Birtciel
Recording Secretary