



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 6:02 p.m.
INVOCATION	Given by Father Davis.
PLEDGE OF ALLEGIANCE	Led by Mayor Nystrom.
ROLL CALL	<p><i>Members Present:</i> Mayor James Nystrom, Deputy Mayor Esther Smith, Councilman Pat Cartney, Councilwoman Bonnie Hull, Councilman Jay Reese.</p> <p>Interim City Manager Gary Thomas, Solicitor Richard Winkler, Mary Hill represented The Titusville Herald.</p>
NOTICE OF EXECUTIVE SESSIONS	Mr. Nystrom stated Council held a couple of executive sessions since their last meeting for personnel and work on recruiting a new City Manager.
ADOPTION OF AGENDA	It was <i>moved</i> by Mrs. Smith, <i>seconded</i> by Mrs. Hull, and <i>carried unanimously</i> to adopt the meeting Agenda.
APPROVAL OF MINUTES	<p>It was <i>moved</i> by Mrs. Smith, <i>seconded</i> by Mr. Reese, and <i>carried unanimously</i> to accept the minutes of the regular meeting of March 15, 2011 as submitted.</p> <p>Mrs. Smith questioned under Public Participation - Pastor Hardy read a prepared statement and there was no attachment on their copy. Mrs. Durstine stated everyone already received a copy and the original would be included with the regular minutes.</p>
PUBLIC PARTICIPATION PERTAINING TO AGENDA ITEMS	<p>Larry Manross – 220 W Central Ave</p> <p>Commented in regards to the water meter/Johnson Control vote. He referenced page 86 of the manual he had an opportunity to look at that was passed out addressing the costs and savings. The cost of \$1.4 million and total cost \$1.9 million with interest. He stated in round figures the cost to Council would be \$10-11,000 per month for the next 15 years. Savings, metered savings would raise rates on 2,400 meters an average of \$3 per meter. The second item is operational savings with no meter reader a savings of \$22-34,000 per year. The third savings is leak detection. Mr. Manross stated the only way a savings could be realized here is if we correct these leaks. If we can't afford to correct these leaks there are no savings. Mr. Manross stated he is not saying he supports this or doesn't support it but he wants everyone to understand what this is going to cost. The vote tonight is to spend \$60,000 to move forward with this yes or no. He would recommend that possibly someone go to a location of someone that has done this. He would personally like to see the new manager make a trip to DuBois and spend some time out there.</p>

REPORTS

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

Fire Department / Treasurer's Reports

Mr. Reese commented somewhere between the Fire and Treasurer's report he was glad to see the City was paid for a false alarm.

Public Works

Mr. Nystrom commented on the fiasco on Brown St. He stated it looks like the crews got it back together and he hopes we kept track of the time. Mr. Nebel stated we did keep track of the time, but his most experienced man goes back 30-something years and did not realize that manifold was there. The main was marked but it [the manifold] was not marked so he doesn't know if we have any recourse at this point. It was 6 ½ overtime for 5 gentlemen.

MINUTES OF BOARDS & COMMITTEES

It was moved by Mr. Reese, seconded by Mr. Cartney, and carried unanimously to accept the minutes of the Housing Authority dated 1/25/2011 and 3/22/2011 and place on file.

BILL LISTINGS

It was moved by Mrs. Smith, seconded by Mrs. Hull, and carried unanimously to ratify the bill listing warrants dated 3/17/2011, 3/24/2011, 3/31/2011, 4/6/2011, and 4/13/2011.

Warrant Dated 3/17/2011 - \$39,791.98

Mr. Reese questioned the United Refining bill being a little bit larger and if we are safe with our fuel numbers.

Interim City Manager Gary Thomas stated we are safe at this point in time but we may have to look at it. At budget time we factored in the possibility of a rise, but he said he didn't think anybody factored in the \$4 plus that it is going to be at some point. As an example the PD filled two cruisers at the same time and it was \$130.00.

Warrant Dated 3/24/2011 - \$223,385.48 – no questions

Warrant Dated 3/31/2011 - \$93,550.36 – no questions

Warrant Dated 4/06/2011 - \$222,353.87 – no questions

Warrant Dated 4/13/2011 - \$17,299.87 – no questions

OLD BUSINESS

Resolution No. 11 of 2011
City Real Estate Sale

It was moved by Mr. Cartney, seconded by Mrs. Smith, and carried unanimously to adopt Resolution No. 11 of 2011 as previously read and authorize the City Manager to proceed with the negotiation of an acceptable price on the following property transfers. [K-8-7A (Rt 27), A-7-8-11 (S Franklin St), A-3-22 (St John St)]

Interim City Manager Thomas described each of the properties.

Mr. Nystrom questioned if we need to assign a minimum bid on the properties.

Mr. Winkler stated Council does not have to but that is what he would recommend to give a starting point.

Mr. Cartney stated as long as we get our money back just sell them for the costs we have in to them.

Mr. Thomas stated these properties are going to go back on the tax rolls so the City is going to realize something in the deal. There is an issue with the property on Smock Blvd. The derrick is on it. There are two parcels under one deed. There is an individual interested that is willing to give the derrick back to the City for \$1. The issue is a survey of the property will cost approximately \$2,000.

Mrs. Hull stated the City and Titusville Renaissance have a maintenance agreement with the Derrick. The derrick belongs to the City.

Mr. Winkler stated the City could sell that piece and take back a perpetual lease for that piece that way the City would not have to subdivide it but would maintain the rights to the derrick.

It was moved by Mrs. Smith, seconded by Mrs. Hull, and carried unanimously to adopt Council Bill No. 2 of 2011 – Stormwater Management Ordinance.

Mr. Winkler outlined the overall purpose of the ordinance to impose new regulations regarding construction that will create new impervious ground which then will require control mechanisms for the stormwater that would otherwise pass off the property. The level of regulation depends on how much ground is disturbed.

Mr. Reese stated Council talked about this in a work session and he was waiting for it to show in the minutes that there is not a whole lot we can do about this. He went on to say that he is not in favor of more regulations that add more cost to people that want to build houses and such.

Mr. Winkler stated the ultimate problem is the state passed a statute years ago that required each municipality to adopt a stormwater management ordinance that conforms to the County Stormwater Management Plan. Each municipality has 6 months after the County Plan is approved by DEP. Everybody across the state has to do it like it or not.

It was moved by Mrs. Smith, seconded by Mr. Cartney, and carried unanimously to appoint Richard Winkler of the firm Butcher and Winkler as the City Solicitor for a four year term ending 5/1/2015.

*Council Bill No. 2 of 2011
Stormwater Management
Ordinance*

Appointment of City Solicitor

Energy Performance Agreement

Mr. Reese commented he is glad we went out for bids and we should do it with everything. He went on to say he is glad we found a competitive price.

Mr. Nystrom stated letters were sent out to all attorneys within the Titusville City limits and we had two responses.

It was moved by Mrs. Smith, seconded by Mr. Cartney, and carried unanimously to table entering in to an agreement with Johnson Controls.

Mrs. Smith stated she would like to wait until we get a City Manager in place to make a trip and take a look at it. She stated she thinks there are a lot of gray areas that she would like someone to take a look at and bring information back to her. She stated in her opinion the up front cost of \$60,000, the City does not have that, and at this time she does not feel comfortable proceeding.

Mr. Reese stated Council doesn't need to save too many things to dump all at once on the new City Manager. He went on to say that he hopes that the candidate that Council chooses can pick up in the middle of something. This is a confusing issue and it took two or three meetings for him to get his arms around it. He stated that Mr. Manross' comments are correct in that taxpayers will pay a little bit of this with more accurate meters and if Council is not ready to deal with it now that is fine with him.

Mr. Nystrom stated the Solicitor came up with comments on the contract that have been responded to. He is not comfortable moving forward with outstanding questions on the contract.

Council adjourned to an Executive Session requested by Mr. Winkler at 6:40pm and the meeting was called back to order at 6:45pm.

Mowing and Trimming

It was moved by Mrs. Hull, seconded by Mr. Reese, and carried unanimously to table the award of mowing, trimming, and related work for parks, community properties, and city entities.

New Business

*Resolution No. 9 of 2011
Certificates of Insurance
Policy*

It was moved by Mr. Reese, seconded by Mr. Cartney, and carried unanimously to adopt Resolution No. 9 of 2011 endorsing the City Certificates of Insurance Policy.

Mr. Thomas stated this is a housekeeping issue with our insurance carrier that requires anybody who does business with the City to carry the appropriate insurance.

*Resolution No. 10 of 2011
Safety Committee
Endorsement*

It was moved by Mr. Reese, seconded by Mrs. Smith, and carried unanimously to adopt Resolution No. 10 of 2011 supporting employee safety/risk management and the actions and activities

carried out by the City of Titusville Employee Safety Committee.

Mr. Thomas stated this is also a housekeeping issue with our insurance carrier.

Mr. Reese requested the minutes from the last Safety Committee meeting via Mr. Thomas from Fire Chief Crotty.

It was moved by Mrs. Hull, seconded by Mr. Reese, and carried unanimously to introduce Council Bill No. 3 of 2011 Vacating the Boulevard.

Mr. Thomas stated there is a family that wants to sell a residence of owners who have passed and do not want this portion of the street that was previously dedicated to be a problem. They have offered to pay all costs involved.

Mr. Reese questioned the split of the right of way.

Mr. Winkler clarified if there are different owners on both sides it splits in the middle.

It was moved by Mr. Cartney, seconded by Mrs. Smith, and carried unanimously to remove Larry Roberts from the Leisure Services Board.

Mr. Reese stated Council is obligated to make this change because of residency requirements not merit. Mr. Roberts moved outside of the Titusville Area School District. He went on to say that Council got a lot of support and emails and different things coming in commending Mr. Roberts for his service on the board. His son has had him as a football and baseball coach and the experience was wonderful. He stated he hopes he continues to volunteer.

Mrs. Smith confirmed that a thank you letter will go out.

It was moved by Mr. Reese, seconded by Mrs. Hull, to table the appointment to the Leisure Services Board: vote as follows; Mrs. Hull, Mr. Nystrom, Mr. Reese – Yes, Mrs. Smith, Mr. Cartney No.

Mr. Reese stated the motive behind his motion was that Council was unable to interview the second candidate and there may be more applicants when Council is back next month.

It was moved by Mr. Reese, seconded by Mrs. Hull, and carried unanimously to approve the request from Titusville Leisure Services to have the Soccer Committee erect a 24' by 32' pavilion at the Ed Myer Complex at not cost to the City with perpetual maintenance provided for by the Soccer Committee.

Mr. Reese stated he has seen the design and the bid process but has not seen where exactly it is going to be at the Complex.

Council Bill No. 3 of 2011
Vacating the Boulevard

Leisure Services Board
Removal

Leisure Services Board
Appointment

Approval
Leisure Services Pavilion

Special Event Approval
Lions Club Motorcycle Games

Ken Leach stated the pavilion would be between the first base line and the volley ball courts.

It was moved by Mr. Cartney, seconded by Mrs. Hull, and carried unanimously to approve the Lions Club Motorcycle Games event on Saturday, July 16, 2011.

Mr. Nystrom asked for confirmation that all of the paperwork and insurances were in order.

Mr. Thomas stated they originally wanted it in the City lot and due to the condition of the lot it would be more prudent to have it elsewhere. The event will be held in the Middle School parking lot.

Mr. Reese questioned if the event application passes muster with the Certificate of Insurance Policy that Council just passed.

Mr. Thomas confirmed it does.

PUBLIC PARTICIPATION

Stefanie Rogers – 617 W Elm St Apartments

Read the attached prepared statement in regards to the proposed amendment to the open container ordinance to be brought before Council.

**COMMENTS BY
MAYOR/COUNCIL**

Mr. Reese commented to Council and people in the audience that he has not had a chance to get those thank you cards that you do when a loved one passes away. He was pleased for all the emails and flowers sent by Council and members of the audience. The comments were very heartfelt and he enjoyed seeing them. His family appreciated it.

Mrs. Hull announced that Earth Day cleanup is Saturday at Burgess Park.

Mayor Nystrom announced Council Meetings May, June, July, and August will start at 5:30pm.

ADJOURNMENT

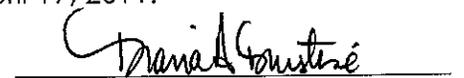
It was moved by Mrs. Smith, seconded by Mrs. Hull, and carried unanimously to adjourn the meeting at 7:10 p.m.

APPROVED BY COUNCIL

THIS 1st DAY OF May, 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 April 19, 2011.


Diana A. Durstine
Recording Secretary