

NEW BUSINESS

CITY WIDE YARD SALE DURING BOOM TOWN DAYS: Mayor Dave Casebolt

SENIOR FALL TRIP FINANCIAL SUPPORT REQUEST: Bob Schamber

**RECOMMENDATION OF PLANNING COMMISSION TO RETURN THE HOUSE AT
1102 11TH STREET (FORMER NITRO VFW POST) TO RESIDENTIAL USE: Recorder
Rita Cox**

BUDGET REVISION: John Young

CORNERSTONE CHURCH/EXECUTIVE SESSION: Mayor Dave Casebolt

TREASURER REPORT: John Young

ATTORNY REPORT: Johnnie Brown

MAYOR COMMENTS

COUNCIL COMMENTS

PUBLIC COMMENTS

ADJOURNMENT

NITRO CITY COUNCIL
MINUTES
AUGUST 18, 2015

CALL TO ORDER: The meeting was called to order at 7:00 pm by Mayor Dave Casebolt in Council Chambers. In attendance were Recorder Rita Cox, Ward 1 Councilman Al Walls, Ward 2 Councilman Bill Racer, Ward 3 Councilwoman Laurie Elkins, Ward 4 Councilman Andy Shamblin, Councilmen at Large Bill Javins and John Montgomery, City Attorney Johnnie Brown, and City Treasurer John Young. Councilwoman at Large Brenda Tyler was absent.

INVOCATION/PLEDGE OF ALLEGIANCE: The Invocation was given by Councilman Andy Shamblin and the Pledge of Allegiance was led by Nitro Policeman Brian Oxley.

FUTURE DATES OF COUNCIL: Mayor Casebolt said the future dates of Council are September 1 and 15 and October 6 and 20.

APPROVAL OF COUNCIL MINUTES: RECORDER RITA COX MOVED FOR APPROVAL OF THE MINUTES OF AUGUST 4. THE MOTION WAS SECONDED BY COUNCILMAN BILL JAVINS AND VOTE WAS UNANIMOUS FOR THE MOTION.

SWEARING IN OF NEW POLICE CHIEF/STEVE WALKER: Mayor Casebolt administered the Oath to the new Nitro Police Chief, Steve Walker. Mayor Casebolt also introduced family members of the new chief and friends from the law enforcement community who had come to support the Chief Walker.

OLD BUSINESS

FIRST READING ORDINANCE ON EMERGENCY SERVICES USER FEE, FIRE PROTECTION SERVICE FEE, FIRE SERVICE USER FEE, INCIDENT RESPONSE USER FEE: COUNCILMAN JOHN MONTGOMERY MOVED THE ORDINANCE BE PASSED ON FIRST READING ON EMERGENCY SERVICES USER FEE, FIRE PROTECTION SERVICE FEE, FIRE SERVICE USER FEE, INCIDENT RESPONSE USER FEE WITH A SECOND BY COUNCILWOMAN LAURIE ELKINS. Councilman Montgomery said that Council will need to hold a public hearing prior to the second reading of the ordinance. He said that by passing this ordinance it will enable the city to charge a fee to property owners outside the city limits but still covered for fire service protection. He said the fees will be dedicated to fire department equipment and use. THE MOTION WAS PASSED WITH A UNANIMOUS VOTE.

RECOMMENDATION OF PHONE SELECTION COMMITTEE: Robin Smith said that the committee looked at the four bids received and heard presentation from Fonalty and ACS, the two lowest bids. After consideration the committee recommended Fonalty as the choice. COUNCILMAN AL WALLS MOVED COUNCIL ACCEPT THE BID BY FONALTY OF \$27,386.38 WITH A SECOND BY COUNCILWOMAN LAURIE ELKINS. VOTE WAS UNANIMOUS FOR THE MOTION.

SEPARATION OF BUILDING DEPARTMENT INTO PROPERTY MAINTENANCE DIVISION AND NEW CONSTRUCTION DIVISION: Mayor Casebolt said that the Building Department has too much work for just one person and the department in the past had two people working in it. He said that Jeff Elkins and Ron King both said that there is too much to do for one person. According to Mayor Casebolt a new position would be paid \$20,000.00 per year plus health insurance. He said that the position should pay for itself in fees. Councilman Andy Shamblin asked if the new position would be part of the fire

department. Johnnie Brown said that if it is to be full time it will need to be posted and we will need to check about the requirements to qualify for health insurance. COUNCILMAN AL WALLS MOVED THAT THE MATTER BE TABLED TO A FUTURE MEETING WITH A SECOND BY COUNCILMAN BILL JAVINS. THE MOTION CARRIED.

INFORMATION ON ORDINANCE ADDRESSING HISTORICAL COLOR SCHEME REQUIREMENTS: Councilman Montgomery said that he is working on an ordinance that will address the use of certain colors in the historical district.

APPOINTMENTS FOR CVB BOARD OF DIRECTORS: COUNCILMAN BILL RACER MOVED THAT THE FOLLOWING APPOINTMENTS TO THE CVB BE APPROVED: DAVE CASEBOLT-2016, JOHN YOUNG-2018, BILL RACER-2018, JOHN SLATER-2017, BILL JAVINS-2017, ROBERT LAGG-2017, VICKIED SHUMATE-JACKSON-2018, JEFF COVERT-2017, IVAN MEADOWS-2016, JIM MCKAY-2017. THE MOTION WAS SECONDED BY RECORDER RITA COX AND VOTE WAS FOR THE MOTION.

NEW BUSINESS

NITRO HIGH SCHOOL DANCE TEAM BUCKET DRIVE REQUEST AUGUST 22: COUNCILMAN WALLS MOVED A BUCKET DRIVE BE PERMITTED ON AUGUST 22 FROM 8:00 AM TO 1:00 PM ON FIRST AVENUE AND 21ST STREET FOR THE NITRO HIGH SCHOOL DANCE TEAM. THE MOTION WAS SECONDED BY COUNCILMAN RACER AND VOTE WAS FOR THE MOTION.

CITY WIDE YARD SALE DURING BOOM TOWN DAYS: COUNCILMAN SHAMBLIN MOVED A CITY WIDE YARD SALE BE HELD ON SATURDAY, SEPTEMBER 12 DURING BOOM TOWN DAYS WITH A SECOND BY COUNCILWOMAN ELKINS. COUNCIL VOTED FOR THE MOTION TO CARRY.

SENIOR FALL TRIP: Bob Schamber said the senior fall trip is scheduled for September 26 to Amish country and the cost for Nitro seniors is \$40.00, non-resident seniors is \$50.00. COUNCILWOMAN LAURIE ELKINS MOVED THAT \$3000.00 BE PAID BY COUNCIL TO HELP FUND THE TRIP WITH A SECOND BY RECORDER RITA COX. VOTE WAS UNANIMOUS FOR THE MOTION.

RECOMMENDATION OF PLANNING COMMISSION TO RETURN THE HOUSE AT 1102 11TH STREET (FORMER NITRO VFW POST) TO RESIDENTIAL USE: Recorder Cox said the Planning Commission had met on August 6 to hear the petition of Juana Aguirre to return the structure at 1102 11th Street (First Avenue) to Residential Use rather than Business Use and the Planning Commission recommended this be permitted. RECORDER COX MOVED THAT COUNCIL APPROVE THE USE OF THE HOUSE AT 1102 11TH STREET BE PERMITTED AS RESIDENTIAL WITH A SECOND BY COUNCILMAN SHAMBLIN. VOTE WAS UNANIMOUS FOR THE MOTION.

BUDGET REVISION: RECORDER RITA COX MOVED COUNCIL PASS THE RESOLUTION APPROVING THE BUDGET REVISION WITH A SECOND BY COUNCILWOMAN LAURIE ELKINS. VOTE WAS FOR THE MOTION TO CARRY.

TREASURER REPORT: COUNCILMAN BILL JAVINS MOVED COUNCIL ACCEPT THE FINANCIAL REPORTS WITH A SECOND BY COUNCILWOMAN LAURIE ELKINS. COUNCIL VOTED UNANIMOUSLY FOR THE MOTION.

ATTORNEY REPORT: Johnnie Brown did not have a report.

MAYOR COMMENTS: Mayor Casebolt said there is a back to school pool party on Friday at 3:30. Larry Barnett, a retired major league umpire, will be in town Friday and at Mardi Gras Race Track on Saturday. Larry Barnett was born in Nitro.

COUNCIL COMMENTS: Councilman Andy Shamblin thanked Brian Oxley for his service as Chief of Police and welcomed Steve Walker to the job.

Councilman Bill Javins asked Council to look at the paving recommendations from the committee and be prepared to make decisions at the next meetings. He said he would like to have the milling equipment ordered and he welcomed the new police chief.

PUBLIC COMMENTS: Bob Schamber said the seniors will have the indoor yard sale during the Boom Town Days.

CORNERSTONE CHURCH/EXECUTIVE SESSION: COUNCILMAN RACER MOVED COUNCIL GO INTO EXECUTIVE SESSION TO DISCUSS CORNERSTONE CHURCH. THE MOTION WAS SECONDED BY COUNCILMAN MONTGOMERY AND VOTE WAS UNANIMOUS FOR THE MOTION.

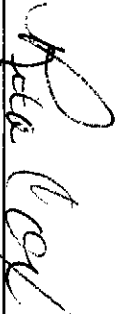
EXECUTIVE SESSION BEGAN: 8:00 pm

EXECUTIVE SESSION ENDED: 8:20 pm

ADJOURNMENT: COUNCILMAN WALLS MOVED COUNCIL BE ADJOURNED AND THE MOTION WAS SECONDED BY COUNCILMAN JAVINS. VOTE WAS FOR THE MOTION.



DAVE CASEBOLT, MAYOR



RITA COX, RECORDER

ORDINANCE _____

An Ordinance to amend the Codified Ordinances of the City of Nitro, West Virginia, as amended, by enacting section 742.05, and amending sections 742.01, 742.02, 742.03, 742.05, 742.06, 742.97, 742.08, and 742.09, all relating to imposition of fees for responding to emergencies and fire calls; adding definitions; imposition of the fire protection service fee; and providing clarification of the fees imposed.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA, that the Codified Ordinances of the City of Nitro, West Virginia, as amended, be amended by enacting a new section designated 742.05, and amending sections 742.01, 742.02, 742.03, 742.05, 742.06, 742.97, 742.08, and 742.09, all to read as follows:

PART SEVEN - BUSINESS AND TAXATION CODE

ARTICLE 742

Emergency Services User Fee, Fire Protection Service Fee, Fire Service User Fee, Incident Response User Fee

742.01 Findings

(a) The City Council finds:

- (1) That the City provides emergency services to residents and non-residents both within and without outside its corporate borders, including non-residents both within and outside the City's Fire Service District;
- (2) That such emergency services include police protection and fire protection;
- (3) That residents of the City and owners of property located in the City pay for the emergency services through payment of ad valorem property taxes, municipal service fees and municipal B&O taxes;
- (4) That non-residents of the City who receive the emergency services do not pay for the emergency services received;
- (5) That the provision of emergency services to non-residents of the City results in the temporary removal from the City of scarce resources in the form of City personnel, City fire and police equipment and City-owned materials;
- (6) That the provision of such emergency services is within the authority of and is at the direct request of Putnam County 911, Kanawha County 911 or the West Virginia State Police;
- (7) That West Virginia Code § 8-15-3 authorizes every municipality to enter into a fire service contract to provide fire protection for property located outside municipal borders;
- (8) That West Virginia Code § 8-15-3 provides the method to calculate the amount of the annual payment for the provision of the fire protection service under a fire service contract;
- (9) That since emergency services other than those emergency services provided under a fire protection contract are only provided to non-residents of the City when directed by either Putnam County 911 or Kanawha County 911, it is reasonable to derive a portion of the cost of providing and maintaining such services from the individuals to whom the services are provided;

(10) That West Virginia Code § 8-13-13 provides that every municipality has the plenary power and authority to provide by ordinance for the installation, continuance, maintenance or improvement of such emergency services, to make reasonable regulations with respect thereto, and to impose by ordinance upon the users of such emergency services reasonable rates, fees and charges to be collected in the manner prescribed in the ordinance;

(11) That all of those individuals who use, enjoy and benefit from these emergency services should bear an equitable share of the costs thereof;

(12) That the imposition of the emergency service user fee established herein is a reasonable system of distributing the costs to all of the users of the emergency services;

(13) That the legislature of the State of West Virginia has conferred upon municipalities the plenary power to enact reasonable administrative provisions to ensure the efficient, orderly and equitable implementation and collection of the emergency service user fees from all users;

(14) That it is in the best interests of the citizens of the city and the users of emergency services to enact this ~~section~~ Article to impose an emergency service user fee;

(15) That there are many individuals who benefit from emergency services who are not owners of property or residents of the city; and

(16) That the fee imposed is reasonable, not excessive, and warranted based upon a reasonable allocation of the fee payers' usage of the emergency services contemplated herein.

742.02 Definitions. The following terms shall have the meaning ascribed herein, unless a contrary meaning is clearly established.

(a) "Apparatus" means fire apparatus which is divided into seven categories by NFPA Standard 1901: Pumper Fire Apparatus, Initial Attack Apparatus, Mobile Water Supply Apparatus, Aerial Apparatus, Quint Fire Apparatus, Special Service fire apparatus including Rescue Truck, and Mobile Foam fire apparatus: Provided, That the definition for each category as defined in detail by the NFPA Standard is incorporated herein by reference.

(b) "Automatic aid" means a formal standing agreement between municipalities for cooperative emergency management on a continuing basis where resources are dispatched from the nearest fire station, regardless of which side of the jurisdictional boundary the incident is on.

(c) "Box alarm" means a fire alarm, regardless of whether the alarm is activated by an actual fire, or is activated in error and results in a false alarm.

(d) "City" means the City of Nitro, West Virginia.

(e) "City Fire Department" means the fire department operated by the City.

(f) "City of Nitro fire service district" or "City fire service district" means the fire service district composed of the area within the boundaries of the City.

(g) "Emergency services" means fire protection or extinguishment services, emergency medical services, or public safety services provided by the City Police Department and the City Fire Department for the purpose of protecting human life and property.

(h) "Emergency services user fee" means the fee imposed on the user of emergency

services other than the incident response user fee, the fire service user fee, and the fire protection service fee.

(j) "Incident response user fee" means the fee imposed on property owners of real property when the City Fire Department responds to a fire service call and there is no fire.

(l) "Fire service user fee" means the fee imposed on a property owner of real property located outside the City and outside the Fire Service District when the City Fire Department responds to a fire service call for that property.

(k) "Fire protection service fee" means the fee imposed on property owners of real property located in the Fire Service District. Provided, That such real property is located outside the municipal boundaries of the City.

(h l) "Fire service district" or "First Due Area" means the agreed-upon area outside the boundaries of the City for the provision of fire and other relevant emergency services as determined by the West Virginia State Fire Commission and the West Virginia State Fire Marshal".

(l m) "Mutual aid agreement" means an agreement between emergency responders to lend assistance, either automatically when an emergency situation occurs or by request only, in the form of available manpower and assistance across jurisdictional boundaries.

742.03 Fee imposed; exemptions.

(a) On and after the first day of March, two thousand nine, there is hereby imposed and shall be collected an emergency services user fee for the provision by the City of emergency services, such fee to be administered as directed in this Article 742: Provided, That the following are exempt from the emergency services user fee:

(a 1) Residents of the City;

(b 2) Residents of any other municipality in West Virginia that has entered into an automatic aid agreement with the City;

(e 3) Non-resident owners of property situated in the City: Provided, That this exemption shall only apply to emergency services provided to the non-resident owner's property located in the City; and

(d 4) Persons who pay the municipal service fee imposed by Article 741 of this Code of Ordinances.

(b) On and after September 15, 2015, there is hereby imposed and shall be collected a fire protection service fee as described in Section 742.05 of this Article.

(c) On and after September 15, 2015, there is hereby imposed and shall be collected a fire service user fee as described in Section 742.06 of this Article.

(d) On and after September 15, 2015, there is hereby imposed and shall be collected an incident response user fee as described in Section 742.07 of this Article.

742.05 Fire protection service fee contracts for non-resident businesses and residences.

(a) Fire protection service shall be continued, maintained and improved by the City, in part, at the charge and expense of the owners of buildings and structures of every kind and nature located within the Fire Service District (First Due Area) of the City Fire Department, which owners are declared to be users and beneficiaries of fire services as contemplated by West Virginia Code 8-13-13. Fire services shall be provided by City

Fire Department as hereinafter defined within the geographic area established by the West Virginia State Fire Commission as the First Due Area of the City Fire Department.

RATES AND CHARGES FOR PROPERTIES LOCATED OUTSIDE OF THE CORPORATE LIMITS OF THE CITY BUT WITHIN THE CITY'S FIRST DUE AREA

| | |
|----------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| <u>(a) Owner single family residential unit of any size</u> | <u>\$150.00 per year or \$37.50 per quarter</u> |
| <u>(b) Owner of any residential unit with one or more detached structures exceeding 1000 square feet</u> | <u>an additional \$75.00 or \$18.75 per quarter</u> |
| <u>(c) Owner - nonresidential unit structure</u> | <u>\$.0675 per square foot</u> |

742.06 Fire service contracts for non-resident businesses and residences.

(a) If the City Fire Department is directed by either Putnam County 911 or Kanawha County 911 to respond to a fire outside the City and outside the Fire Service District, the City Treasurer shall assess a fire service user fee upon the owner of the property, such fee to be calculated as follows: Two hundred fifty dollars (\$250.00) plus seventy-five dollars (\$75.00) for each Fire Department apparatus remaining on the scene of the fire for each half-hour increment, or part thereof, after the initial hour of response. The owner shall also be liable for, and the City shall have the right to recover from such owner, the cost and expense for the utilization of any specialized and disposable equipment or materials necessary to fight the fire and render the scene safe and secure.

(a b) In lieu of the emergency services user fire protection service fee imposed by section 742.03 of this article, the City is authorized to enter into a fire service contract with the owner of any business or residence located outside of but within three miles of the City fire service district. Any such owner that enters into a fire service contract shall annually be assessed a fee of twenty-five dollars (\$25.00) plus an amount equal to sixty percent (60%) of the annual tax levied for current municipal purposes upon property within the City of like classification and valuation to the property under the contract.

(b c) The annual payment for each fire service contract shall be due and payable on the first day of October for each calendar year the fire service contract is in existence. Any annual payment that is delinquent for a period of more than thirty days shall bear interest at the rate of nine percent (9%) per annum and shall be a lien upon the property under contract: Provided, That a notice of that lien is properly recorded in the office of the County Clerk of the county in which the property or the major portion thereof is located. The lien shall be void at the expiration of two years after the delinquent annual payment became due unless within that two-year period a civil action seeking equitable relief to enforce the lien is instituted by the City. The City may by civil action collect any annual payment and the interest thereon at any time within five years after such payment became due: Provided, That upon default in any annual payment, the City may cancel the fire service contract involved.

(e d) Each fire service contract made under the authority of this section shall inure to the

benefit of and be binding upon the successors in title of the property owner making the fire service contract, and the property owner, upon conveying the property subject to fire service contract, shall no longer be liable under the fire service contract, except as to any annual payments which were due prior to the conveyance and which remain unpaid.

(d e) A property owner not delinquent on payment of the fire service contract fee may cancel any fire service contract with respect to the property of the property owner upon giving a thirty-day written notice to the City: Provided, That if notice of cancellation is given subsequent to the first day of July of any calendar year, the next succeeding annual payment shall be made by the property owner as soon as the amount thereof is ascertainable. Upon cancellation of the fire service contract, the City Treasurer shall deliver to the property owner a recordable release discharging that owner and the subject property from any further lien or obligation with respect to the annual payments. The annual payments due under the fire service contract shall be made to the City Treasurer.

742.06 742.07. Charge for responding to fire calls outside the City when there is no fire service contract.

(a) In the event the City Fire Department is directed by either Kanawha County 911 or Putnam County 911 to respond to a residence box alarm, whether for an actual fire or a false alarm, a residence fire service call by other than a box alarm, or any other residential emergency situation outside the City fire service district and the owner of the residence has not entered into a fire service contract with the City, the City shall impose the ~~emergency fire services~~ user fee to pay for the use of City of Nitro personnel, equipment and materials utilized in the response: Provided, That if the residence is located in a fire service district that is the responsibility of another fire department and there is in existence a current mutual aid agreement between the City Fire Department and that other fire department, there shall be no ~~emergency fire services~~ user fee imposed on that response by the City Fire Department if upon arrival of the City Fire Department at the scene, the other fire department: (i) has responded, (ii) has at least one fire department apparatus at the scene, and (iii) has at least two firemen at the scene who are actively engaged in extinguishing the fire: Provided however, That if the enumerated conditions set forth in the immediately preceding proviso are not satisfied, the ~~emergency fire services~~ user fee shall be imposed. The ~~emergency fire services~~ user fee charged to the owner shall be calculated as follows:

(1) actual fire or other emergency services response: ~~five~~ one hundred dollars (\$~~500.00~~ 100.00) plus one hundred dollars (\$100.00) per hour, or part thereof, for each City Fire Department apparatus at the scene of the fire and fifty dollars (\$50.00) per hour, or part thereof, for each member of the City Fire Department at the scene of the fire; Provided, That the time used to respond shall commence when each City Fire Department apparatus dispatch responding shall commence when each City Fire Department apparatus dispatch

(2) false alarm response: two hundred fifty dollars (\$250.00) plus one hundred dollars (\$100.00) per hour, or part thereof, for each City Fire Department apparatus at the scene of the fire and fifty dollars (\$50.00) per hour, or part thereof, for each member of the City Fire Department at the scene of the fire: Provided, That the time used to calculate the ~~emergency services incident response~~ user fee for each apparatus responding shall commence when each City Fire Department apparatus dispatch

notification from either Putnam County 911 or Kanawha County 911, as appropriate, occurs and shall continue until each such City Fire Department apparatus returns to the City Fire Department facility. The City shall also recover from such owner the cost and expense for utilization of any specialized and disposable equipment or materials necessary to render the fire scene safe and secure.

(b) In the event the City Fire Department is directed by either Kanawha County 911 or Putnam County 911 to respond to a box alarm, whether for an actual fire or a false alarm, a fire service call other than by a box alarm, or any other emergency situation at a manufacturing, commercial, professional or other business establishment located outside the City fire service district and the owner of the manufacturing, commercial, professional or other business establishment has not entered into a fire service contract with the City, the City shall impose the ~~emergency~~ fire services user fee to pay for the use of City of Nitro personnel, equipment and materials utilized in the response: Provided, That if the manufacturing, commercial, professional or other business establishment is located in a fire service district that is the responsibility of another fire department and there is in existence a current mutual aid agreement between the City Fire Department and that other fire department, there shall be no ~~emergency~~ fire services user fee imposed on that response by the City Fire Department if upon arrival of the City Fire Department at the scene, the other fire department: (i) has responded, (ii) has at least one fire department apparatus at the scene, and (iii) has at least two firemen at the scene who are actively engaged in extinguishing the fire: Provided however, That if the enumerated conditions set forth in the immediately preceding proviso are not satisfied, the ~~emergency~~ fire services user fee shall be imposed. The ~~emergency~~ fire services user fee or the incident response user fee, as appropriate, charged to the owner of the manufacturing, commercial, professional or other business establishment shall be calculated as follows:

(1) actual fire or other emergency services response: two thousand dollars (\$2,000.00) plus five hundred dollars (\$500.00) per hour, or part thereof, for each City Fire Department apparatus at the scene of the fire and two hundred dollars (\$200.00) per hour, or part thereof, for each member of the City Fire Department at the scene of the fire

(2) false alarm response: one thousand dollars (\$1,000.00) plus five hundred dollars (\$500.00) per hour, or part thereof, for each City Fire Department apparatus at the scene of the fire and two hundred dollars (\$200.00) per hour, or part thereof, for each member of the City Fire Department at the scene of the fire : Provided, That the time used to calculate the ~~emergency~~ services ~~incident response~~ incident response user fee shall commence for each apparatus responding when each City Fire Department apparatus dispatch notification from either Putnam County 911 or Kanawha County 911, as appropriate, occurs and shall continue until each such City Fire Department apparatus returns to the City Fire Department facility. The City shall also recover from such owner the cost and expense for utilization of any specialized and disposable equipment or materials necessary to render the fire scene safe and secure.

(c) Within four work days after the day the City Fire Department responded to a box alarm, whether for an actual fire or a false alarm, a fire service call other than by a box alarm, or any other emergency situation outside the City fire service district and there was neither an applicable fire service contract in existence nor an affirmative response

by another fire department demonstrating the foregoing enumerated conditions were satisfied, the City Fire Department shall provide to the City Treasurer information demonstrating the number of City Fire Department apparatus that responded and the length of time each apparatus was at the scene, the number of City Fire Department personnel who responded and the amount of time each was at the scene, and the quantity of consumables used and the nature of any equipment damaged or destroyed. Within five working days after receiving the information from the City Fire Department, the City Treasurer shall calculate the charge to be assessed and transmit the bill to the property owner. The City Treasurer shall indicate on the bill the date when payment is due: Provided, That the due date for payment of the bill shall be no later than forty-five days subsequent to the date the bill is mailed.

(d) If the fee imposed by this section is not paid when due, the amount shall be in default and may be recovered by the City in any appropriate action. The City is authorized to contract with a debt collector to collect the amount due, to proceed against the property owner in the circuit court of the county wherein the property is located to collect the debt, and to perfect a lien upon the property served and then proceed to judgment to collect the amount due and any expenses resulting from that process.

742.07 742.08. City Treasurer to recommend change in user fee amount

The City Treasurer shall annually, but no later than the first day of March, compose and provide to the City Council for Council's authorization a schedule of fees to be imposed under this Article for the forthcoming fiscal year.

742.08 742.09. Report by the City Treasurer to the City Council.

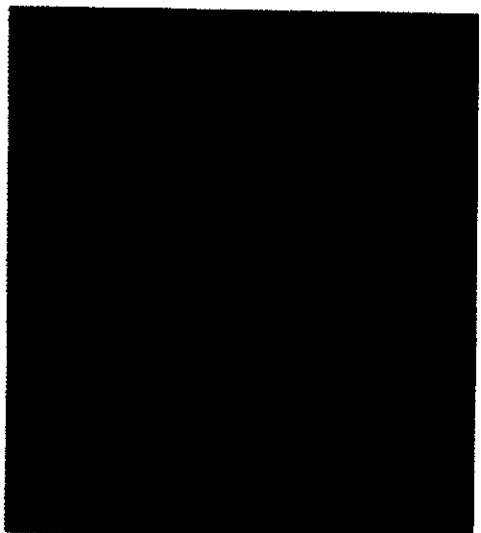
The City Treasurer shall, within sixty days after the end of each fiscal year, report to Council a list of all persons and business establishments who are delinquent in the payment of the emergency service user fee or any portion thereof for the preceding fiscal year.

Passed on First Reading _____

Passed on Second Reading _____

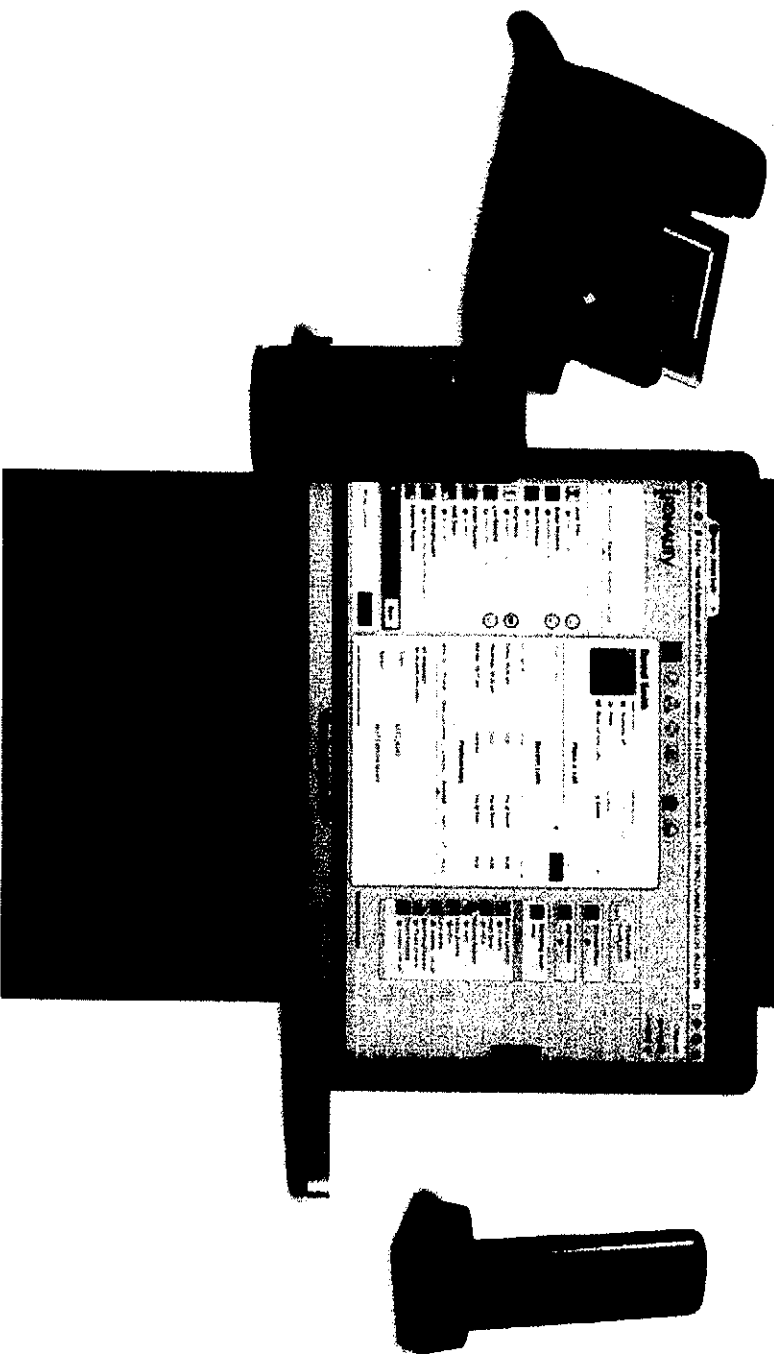
Rita Cox, Recorder

Dave Casebolt, Mayor



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Quote



Fonality Professional

A Business Phone System That's More Than Just Talk

Every business needs some kind of phone system and any vendor can sell you phones that ring. Clients choose Fonality because our systems and services are not only reliable and affordable, but they also help business owners and managers sell, service and collaborate with ease. Whether you prefer to deploy an on-premises solution or one that's hosted in the cloud, Fonality makes it easy.

Fonality Professional customers can also choose to subscribe to additional products and services including:

- HD Video Collaboration with screen sharing for desktop and mobile
- Voicemail Transcription
- Paperless Fax
- FaxLync

Business Impact

Fonality Professional is designed to have an impact on your business well beyond simple dial tone. Here are just a few of the business impacts that Fonality Professional customers enjoy:

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Simple 4-digit dialing between team members and personalized call routing help employees stay in touch with customers, partners and each other in the most efficient way possible.

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Hire the Best, Not Just the Closest – With Fonality's technology powering your business, many of the problems of hiring and training new employees are solved. Fonality allows employees across multiple physical locations to act and communicate as though they are in a single office, even remote employees working from home.

Included Features

- Enterprise Phone System Features
- Fonality Heads Up Display
- Contact Center features for all
- Audio Conferencing
- On-Demand Call Recording
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- CRM Integration
- Customizable call routing tools
- Real time business intelligence
- Multiple location management
- Remote worker support
- Free Softphone
- Smart Start Installation
- Technical Support
- No Commitment

"The phones are an integral part of our business. The Fonality solution has absolutely been right for us. We've seen unexpected benefits, and received excellent support. Other attorneys are blown away when I tell them how affordable and easy to manage it has been for us. I consider Fonality a good call."

◆ Adam Mlynarczyk
Koonitz Mlynarczyk, LLC

Business Phone System Features

Fonality Professional comes complete with all of the features you need from a phone system. Here are just a few of the 50+ features included with the system at no additional charge.

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- Alerts & Notifications
- Analog & IP Phones
- Auto-Attendant
- BLF Support
- Boomerang Mobile Integration
- Branch Office Support
- Call Forwarding
- Call Out
- Call Return
- Call Reports - Inbound/Outbound
- Call Screening
- Conference Calling
- Custom Caller ID
- Dial by Extension
- Dial by Name
- Direct Inward Dial
- Do Not Disturb
- Enhanced 911 Service
- Extension Groups
- IVR Authentication
- Mobile phone integration
- Music-on-Hold
- New Directory
- Nationwide Telephone Numbers
- Night Mode
- Paging
- Password Administration
- Personal Automated Attendant
- PSTN fallback
- Real-Time Reporting
- Redial
- Find Me/Follow Me
- General Voice Mailbox
- Historical System Graphs
- Intercom
- Remote Phone Use
- Report Exporting (.csv)
- Ring-All
- Routed by DIDs
- Shared Line Appearances
- Simple queues
- Speed Dial
- Transfer – Announced
- Transfer – Unannounced
- Upload Voice Prompts
- Voicemail
- Web-based Control Panel

No Commitment But Our Commitment

We only want happy customers. That's why we don't try to lock customers into big commitments. If you are not satisfied with your Fonality service, just let us know, and give us some time to fix it. If you're still not satisfied, you can return any hardware, phones, or upfront discounts we might have provided, and we'll part as friends. How can we be confident enough to make this commitment? Because over 25,000 businesses choose to stay with us every day, and even with more than 275,000 users worldwide, we have the best retention rate in the industry. Our clients *can* leave us, but they don't.

Heads Up Display

Fonality's famous "Heads Up Display" makes it easy to manage your calls and connect with your team using built in presence and instant messaging. Our web-based Heads Up Display is your communications dashboard for:

Drag and Drop Call Handling – Quickly and easily put a call on hold or transfer calls to any extension or voicemail box.

Built-in Presence and Chat – See which team members are on the phone and who is available for a quick chat using the built in presence and IM capabilities.

Audio Conference Control – Start, join, or invite others to a conference call. No reservations are needed.

Voicemail Management – Access voicemail via phone, email, SMS, or the desktop. Voicemail transcription clients can read messages within the Heads Up Display interface.

Integrated Softphone – Work from anywhere with the integrated softphone and a computer headset.

Mobile Freedom – Make and receive calls from your mobile device using your business phone number and enjoy your Heads Up Display wherever you happen to be.

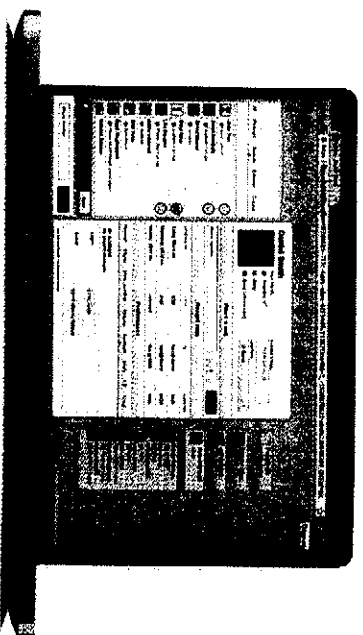
Smart Start Installation

When a customer purchases Fonality Professional, the installation process is handled by our Customer Care team. Customer Care will guide you through the Smart Start Installation process to ensure a successful installation and transition to Fonality.

Smart Start begins with the Configuration Wizard. The Configuration Wizard will gather information about your configuration preferences and deliver it to our team. We will then configure your solution based on the information gathered from the Configuration Wizard. Your representative will guide you through the installation of the phones and any further configuration. Telephone and online training is available to make your transition to Fonality quick and hassle-free.

"Fonality was one of the easiest and best choices we've made for our business. I would recommend Fonality to any business regardless of size. The Heads Up Display and overall system is truly cutting edge and without equal."

• Bo Freeland, Vice President,
Cherry & Irwin



CRM Integration

The two most important technologies in your business are likely your phone system and your CRM system. Fonality brings them together to create a seamless work stream for your staff and powerful analytic data for management. We provide out-of-the-box integration with the most popular CRM systems, such as Salesforce.com, and API integration for other solutions.

Contact Center Features for All

Not every business has a formal contact center, but most can benefit from contact center functionality. That's why Fidelity Professional includes these features for all employees:

Unlimited Queues – Create queues for different departments; track calls into a specific number to measure marketing ROI.

On-Demand Call Recording – Record and store agent calls on-the-fly for training, quality assurance, and review. "Always-on" call recording is also available for an additional fee.

Enhanced Contact Center Add On

For clients that need more contact center features, we offer an optional Advanced Contact Center License which includes:

Skills-Based Routing – Leverage employee skill levels for increased productivity and revenue; send more calls to your experienced agents and fewer calls to those in training. Add an additional prioritization layer based on agent order so you can allow similarly skilled agents to receive calls in round-robin fashion.

Agent and Queue Reporting – Drill down to understand agent call patterns and productivity metrics, or view different parameters by queue.

Barge, Monitor, and Whisper – Allow managers to take over tricker calls when required, monitor customer calls for training and quality, or give direction for agent ears only.

Real-Time Queue Details – Convenient dashboard view of call volumes and available agents. Know who's available, who's on a call or who's waiting for calls so you can reprioritize in a flash.

CRM Integration Feature Highlights

Click-to-Dial – Simply click on a number in the CRM system to dial your Fidelity phone. No more wrong numbers and less wasted time

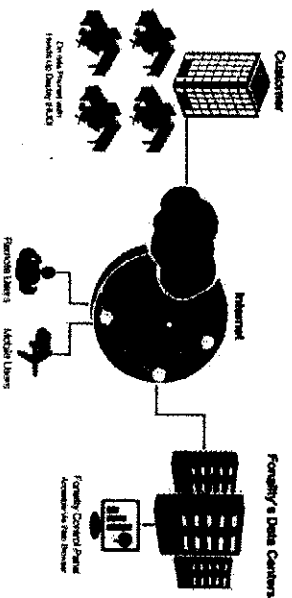
Incoming Call Screen Pops – Deliver outstanding customer service by knowing who is on the line, and scanning their record before you pick up the phone

Automated Call Logs – When calls are automatically added to the CRM, you get accurate records of every call so you can assess representative effectiveness, and identify sales and customer service best practices

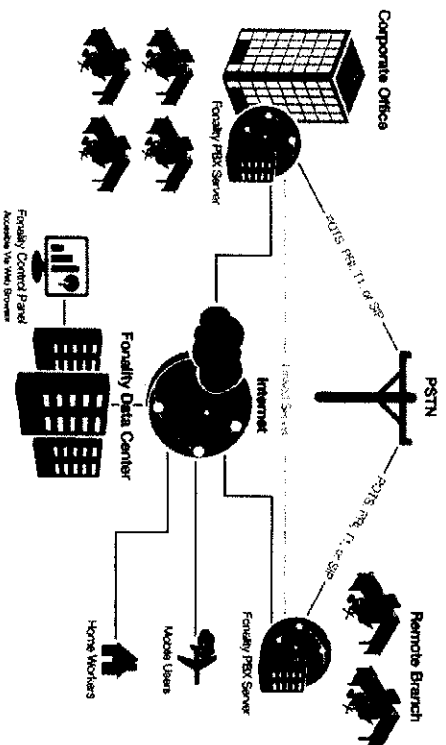
Deployment Options

The "brains" of the Fonality solution reside in our data centers and are delivered via the cloud. All configuration, moves/adds/changes, and reports are done through a web-based control panel on Fonality.com. Add-on services including video collaboration and voicemail transcription are provided in the cloud. Fidelity clients can choose between a cloud-based deployment for voice services, or one where the voice services equipment resides at the client's location. The diagrams below describe how each option works.

Cloud-Based Deployment



On-Premises Deployment



Switch Deployment Models

With Fidelity, you're not locked in to a specific deployment model. You can start in the cloud, and migrate to your own location. Or you can start on premise and migrate to the cloud. Even start with our public cloud and migrate to private cloud. You decide. And for customers with at least 25 seats, we'll pay for your migration up to once per year.

Editions

Fonality offers several editions to fit the needs of our users. This quote is for the Fonality Professional edition.

| | Fonality Essentials | Fonality Professional | Fonality Ultimate |
|-----------------------------------------|----------------------------|------------------------------|--------------------------|
| Business Phone System Features | Included | Included | Included |
| Choice of Business Phones | Included | Included | Included |
| Contact Center – Basic Queues | Included | Included | Included |
| Smart Start Installation | Included | Included | Included |
| Conference Calling* | Included | Included | Included |
| Technical Support | Gold | Gold | Gold |
| Voicemail Transcription | Available | Available | Included |
| Paperless Fax License | Available | Available | Available |
| Unlimited VoIP Service | Available | Available | Available |
| Virtual Extension | Available | Available | Available |
| Voicemail Only Extension | Available | Available | Available |
| HUD Web | | Included | Included |
| HUD Softphone | | Included | Included |
| On-Demand Call Recording | | Included | Included |
| CRM Link | | Included | Included |
| Contact Center – Advanced Features | | Available | Included |
| Barge, Monitor & Whisper Coaching Tools | | Available | Included |
| HD Video Collaboration | | Available | Included |
| HUD Mobile | | Available | Included |
| Full time call recording | | Available | Available |
| Cloud Deployment | Included | Available | Available |
| Premise Deployment | | Available | Available |
| Private Hosted Deployment | | Available | Available |
| Software Deployment | | Available | Available |

Additional Features and Services

In addition to the features and services included with your Fidelity Professional edition, the following options are available for an additional fee, or may be bundled into your attached quotation.

Unlimited VoIP Service

Fidelity provides both business phone systems as well as phone service. Customers can supply their own phone service, such as a PRI, T1 line, or VoIP service from another carrier, or they can choose unlimited VoIP service from Fidelity. Our voice service includes unlimited local calls and unlimited long distance calling to the United States and Canada and is available at a low monthly per-user fee.

HD Video Collaboration and Screen Sharing

Hold high definition video conferences with up to 25 participants from anywhere. Choose your computer, smartphone, or tablet. Collaborate with your team using screen sharing. Eliminate separate, expensive video conferencing and online meeting services.

Voicemail to Email Transcription

Our voicemail to email transcription service makes it easy to read, respond to and archive your voicemail messages. Voicemail transcription makes it easy to be responsive wherever you are. In a noisy conference call or a quiet meeting? No problem. You can read your voicemails without making a sound.

Paperless Fax

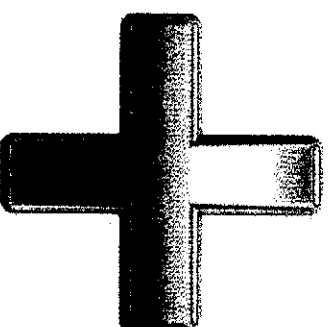
Faxing remains an important tool for many businesses. Fidelity's paperless faxing service gives it a modern spin by allowing users to send and receive faxes via email. This makes it easy to manage faxes, even when you aren't in the office and eliminates the need for a dedicated piece of equipment.

FaxLYnc

FaxLYnc allows users to connect a traditional fax device to "the cloud," so they can completely eliminate the need for an expensive analog phone line. Users can send faxes as they normally do and receive them either to an email address or have them delivered to the FAX machine. Faxes are sent securely over HTTPS.

"Fidelity has been a fantastic partner to my growing business. I needed a system that I could tailor to meet our specific needs and Fidelity answered it. With incredible functions like instant message, emailed voice mail, voice mail text, call reporting, call quality monitoring, etc. It has allowed seamless interaction between locations. In addition to all of this, I saved 50% on my phone bill and have the same dollar amount due each month."

• John A Larson III,
President/CEO, American
Insurance Agencies, LLC.



Available Phones

Fonality offers phones for sale or rental. Clients can also procure supported phones from another source.

Softphone



A softphone allows telecommuters to use their desktops and laptops as regular extensions of the office phone system. When traveling or working remotely, users connect back to the office, making it easier to stay productive on the go. The interface features a familiar phone keypad, and buttons for actions such as hold and call transfers.

Desktop



Desktop phones are well suited for every day phone users who need crystal clear voice with an intuitive interface. These phones require minimal customization and are extremely easy to set up. Desktop phones become a powerful tool with the addition of our Heads Up Display software. Available desk phones include the Polycom 331, 335, VVX 400/410 and the Yealink T21P.

Executive



Executive phones are perfect for management users who wish to support up to four lines. These phones are built with state-of-the-art hardware designed for busy professionals. With additional programmable hard keys and a more advanced user interface, executive phones satisfy the needs of executives and frequent phone users. Available executive phones include the Polycom VVX 500 and VUX 410 GigE-enabled as well as the Yealink T42G.

Reception



Reception models are designed to appeal to attendant users, who require advanced features, applications, and multiple line support. These phones come out of the box with up to 16 programmable hard keys so that calls can be routed with ease. If that's not enough, all reception phones can be expanded with multiple sidecars to support even the largest office. Available reception phones include the GigE-enabled Polycom VUX 500 and the Yealink T46G.

Conference



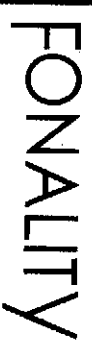
In a world where conference calls with partners, vendors, remote workers and global teams are the norm, crystal-clear conversations are a must for productive meetings. The Polycom 5000 and 6000 deliver superb voice quality, advanced audio processing, and all the features that make conference calls seem as natural as being in the same room. The 6000 has the added benefits of automatic gain control, expandable microphone ports, and added pick-up range for even better call quality.

Wireless



Wireless models expand beyond the desktop without the need for a separate wireless network. With a range of up to 150 feet indoors, your employees are no longer tethered to their desks. If your employees need even more range with their wireless phone, an RT10 repeater can be added to extend the range. The Yealink W52P boasts a high average battery life, running off of 2 AAA rechargeable batteries and has 6 programmable keys.

Quote



Quote #: 126480
 Prepared For: City of Nitro WV, Robin Smith

Date: 08/14/2015
 Quote Good Through: 08/21/2015

Every Proposal Includes

- / No Commitment
- / Remote Installation
- / Web-based Administration
- / Technical Support From Experts
- / Free Updates and Maintenance
- / Best Practice Configuration Guidance

Location Detail

| | Quantity | Unit Price | | Extended Price | |
|-------------------------------------|----------|-------------|---------|---------------------|--------------------------|
| | | One Time | Monthly | One Time | Annually |
| Users | | | | | |
| Advanced User License | 57 | \$ 500.00 | | \$ 28,500.00 | |
| HUD Mobile License | 57 | | | | |
| Features | | | | | |
| VoiceMail-Only Extension | 25 | | | | |
| Virtual Extension | 25 | | | | |
| Phones | | | | | |
| Yealink SIP-T42G | 53 | \$ 179.00 | | \$ 9,487.00 | |
| Environment | | | | | |
| Premise | 1 | | | | |
| Servers | | | | | |
| Dell XE2 | 2 | \$ 803.00 | | \$ 1,606.00 | |
| Server Add-Ons | | | | | |
| Analog Cable | 1 | | | | |
| Rhino 4-port FXO | 8 | \$ 350.00 | | \$ 2,800.00 | |
| 1-port T1/E1 Card (PCIe) | 2 | \$ 657.00 | | \$ 1,314.00 | |
| Live Backup Server | 1 | \$ 500.00 | | \$ 500.00 | |
| Support | | | | | |
| Gold Support | 57 | | \$ 2.00 | | \$ 1,368.00 |
| Professional Installation | | | | | |
| On-Site Day Rate | 3 | \$ 1,600.00 | | \$ 4,800.00 | |
| Subtotal | | | | \$ 49,007.00 | \$ 1,368.00 |
| Discounts | | | | | |
| Software Volume Discount (57 seats) | | | | (\$-10533.60) | |
| Manager Discount | | | | (\$-11542.02) | |
| Total Discounts | | | | -\$22,075.62 | |
| Shipping | | | | | |
| UPS Ground | | | | \$ 455.00 | |
| Grand Total | | | | \$ 27,386.38 | \$ 1,368.00 ¹ |

Your first payment includes your one-time and recurring charges plus taxes and fees depending on your location.

Phone/Router Ship Date

08/14/15

Your Fidelity Account Executive

Cozey Green
 cgreen@fidelity.com
 310-695-7449

Quote Summary

Number of Users

57

Contract

1 year

One-Time Charges

\$ 27,386.38

Annual Charges¹

\$ 1,368.00

Footnotes

| | |
|----------------------------|-----------------|
| Server Ship Date | 08/14/15 |
| Target Install Date | 08/18/15 |

Our One-Pager

We believe in providing easy-to-use solutions, and that starts with an easy-to-understand customer agreement. As a customer of Fonality, your agreement with us and our agreement with you isn't complicated. In fact, this is it.

We agree to provide you with service you'll love. We know we have to earn your business every month.

We will charge you once per month for all services, and send you a bill showing a summary of those charges. This will include recurring charges for the upcoming month, and any non-recurring charges that may have been consumed or ordered in the prior month. In most cases, we will charge your company credit card.

Regardless, you agree to pay us, or we may have to turn you off, so please ensure your charges are always paid. The current pricing for our services is shown on the quotes we provided for you. Those quotes, when attached to this one-pager, are our agreement.

We hope you won't, but you can cancel if you must. Here's how our "no commitment" promise works: if after the first 30 days of service you're not satisfied, let us know, and give us 30 days to fix it. If you're still not satisfied after the second month of service, notify us per the terms and conditions, return any hardware and repay any charges waived and upfront discounts we provided, and we'll part as friends. If you don't cancel, we'll continue to provide you with great service, and will automatically renew your agreement for an additional period of time equal to your initial term unless you let us know at least a couple months in advance.

Because our lawyers made us add this, there are also some other things that you should know, mostly about how emergency services work when using a service like ours, regulatory matters, support, using the service in a lawful way, and cancellation details. They're incorporated here: <http://fonality.com/terms>.

Sign below to indicate your acceptance, and we'll do the same. Thank you for choosing us, and thank you for trusting us. We'll work hard to exceed your expectations.

AGREED: _____
(Your company name, "you" and "your" above)

AGREED: _____
(Our company name, "We" and "Our" above)

BY: _____
(Your authorized representative's signature)

BY: _____
(Our authorized representative's signature)

(Your authorized representative's name)

(Our authorized representative's name)

(Your authorized representative's title)

(Our authorized representative's title)

(Date)

(Date)

2015-2016 NITRO CVB BOARD OF DIRECTORS

OFFICERS:

Chairman: Bill Racer
Vice Chair: John Slater
Secretary: Dave Casebolt
Treasurer: John Young

EXECUTIVE DIRECTOR
Linda Quinn Keeling
304-932-2300 CVB cell
304-721-9800 office

BOARD MEMBERS

Term Ending July

Dave Casebolt
Mayor, City of Nitro
304-419-2333 c

2016

John Young
Treasurer, City of Nitro
304-541-0823 c

2018

*AS RECOMMENDED
by CVB BOARD*

Bill Racer
Nitro City Councilman
304-982-0551

2018

John Slater
DNR and Nitro Moose
304-552-3267

2017

Bill Racer

Bill Javins
Nitro City Councilman
Real Estate
304-539-5211

2017

Robert Lagg
Manager, Mardi Gras Casino & Resort
304-776-1000

2018

Vicki Shumate-Jackson
Senior Account Executive, WV Radio
304-342-8131 x 615

2018

Jeff Covert
Regional Marketing Manager, Bath Fitters
304-634-5745

2017

Ivan Meadown
Retired Nitro Citizen
304-881-6296

2016

Jim McKay
Nitro Citizen
304-415-4514

2017

SEPTEMBER 26, 2015



Amish Country!

We will depart at 7:00 a.m. from Nitro Senior Center.

Stopping en route for a rest stop before arriving in the Amish Country. Upon arrival we will take a short drive down to the Apple Orchard before going to the

"Der Dutchman" for a fabulous home cooked meal, served family style

After our meal we will continue on throughout the day making stops to places where you can stock up on goodies, such as baking items, candies, and soups, etc.

Also we will stop by Amish Flea Market, located in Walnut Creek, where you can browse and buy to your heart's content.

Arrival time back in Nitro will be approximately 10:00 p.m

****cost of trip for Nitro Seniors is \$40.00**

NITRO SENIORS ARE THOSE WHO ATTEND OUR LUNCH PROGRAM, OUR EXERCISE CLASS

PAINT CLASS, BIBLE STUDY, POOL ROOM, WEDNESDAY BINGO, COVERED DISH DINNERS,

ETC.

NON NITRO SENIORS CAN GO BUT THE COST WILL BE \$50.00, AS ALWAYS THERE WILL BE

NO REFUNDS UNLESS WE HAVE A BACKUP LIST

THE TRIP IS PROVIDED BY THE CITY OF NITRO, NITRO SENIOR BOARD



**BACK TO
SCHOOL
POOL PARTY
NITRO CITY
POOL**

Friday August 21st, 2015

3:30-8pm

*Free Pizza and Soda

*DJ from 4-6pm

Not Endorsed By Kanwha County Schools

INVITATION AND PRESS RELEASE

FROM: NITRO CONVENTION & VISITORS BUREAU
304-721-9800 Linda Quinn Keeling, Executive Director

Nitro born Larry Barnett, Major League Umpire will be welcomed back to town on Aug 22, 2015. WCHS radio Business Matters will broadcast live and interview at 1:00 from the Mardi Gras Casino & Resort. Public is welcomed.

Larry Barnett was a Major League Baseball umpire, predominantly in the American League, from 1969 to 1990. His 31 seasons included umpiring in four All-Star Games, seven American League Championship Series and four World Series, including epic 1975 Fall Classic between the Cincinnati Reds and the Boston Red Sox. He also was behind home plate when Vida Blue of the Oakland Athletics pitched a no-hitter on Sept. 21 1970, and was personally asked by Cal Ripken Jr. to call the balls and strikes for the Sept. 6 1995 game at Camden Yards when Baltimore Orioles' star broke Lou Gehrig's record by playing in his 2,131st consecutive game. Four decades later, he still holds the record for being the youngest umpire in history, entering the MLB at the age of 24.

On his travels since 1976 to this date, Larry Barnett has visited every one of the 171 VA Hospitals in the nation and made over 3,000 visits. He shares his stories and has listens to those of veterans from Afghanistan and Iraq along with the World War II vets, Korean War vets and Vietnam War vets.

Nitro CVB and the City of Nitro would like to invite you to join us in welcoming and meeting this honorable man. Take a picture, get an autograph and listen to his exciting story.

Saturday August 22, 2015 at 1:00 pm at the Mardi Gras Casino & Resort in the "Louie" room. We are looking forward to this exciting visit and hope you will join us. This event is sponsored by the Nitro CVB and the Mardi Gras Casino & Resort.

For more information contact the Nitro CVB at 304-721-9800