

AGENDA
Amended 12/18/17
NITRO CITY COUNCIL
DECEMBER 19, 2017

CALL TO ORDER: Mayor Dave Casebolt
Ward 1 Councilwoman Donna Boggs
Ward 3 Councilwoman Laurie Elkins
Councilman at Large Bill Javins
Councilman at Large Andy Shamblin

Recorder Rita Cox
Ward 2 Councilman Bill Racer
Ward 4 Councilman Michael Hill
Councilman at Large John Montgomery

INVOCATION/PLEDGE OF ALLEGIANCE

FUTURE DATES OF COUNCIL: January 2 and 16, 2018

APPROVAL OF COUNCIL MINUTES: December 5

OLD BUSINESS

HOME RULE ANNUAL REPORT: Councilman John Montgomery

CHANGE ORDER/MCCLANAHAN CONSTRUCTION/NITRO PARK STREAMBANK
STABILIZATION PROJECT: Mayor Dave Casebolt

NEW BUSINESS

RESOLUTION FOR ADOPTING MEMORANDUM OF UNDERSTANDING FOR
DEMOLITION AND REMOVAL OF ABANDONED, UNINHABITED, DILAPIDATED,
UNSAFE BUILDINGS OR STRUCTURES WITH KANAWHA COUNTY COMMISSION:
Councilman John Montgomery

MEMORANDUM OF UNDERSTANDING BETWEEN KANAWHA COUNTY
COMMISSION AND THE CITY OF NITRO: Mayor Dave Casebolt

REQUEST FOR CITY OF NITRO TO FUND PURCHASE OF TWO BASKETBALL HOOPS
FOR NITRO ELEMENTARY PLAYGROUND: Councilman Michael Hill

ATTORNEY REPORT: Johnnie Brown

TREASURER REPORT: John Young

MAYOR COMMENTS

COUNCIL COMMENTS

PUBLIC COMMENTS

ADJOURNMENT

ATTORNEY REPORT: Johnnie Brown

TREASURER REPORT: John Young

MAYOR COMMENTS

COUNCIL COMMENTS

PUBLIC COMMENTS

ADJOURNMENT

NITRO CITY COUNCIL
MINUTES
DECEMBER 19, 2017

CALL TO ORDER: Mayor Casebolt called the meeting to order at 7:00 pm in the NDA/ CVB Building. Attending with Mayor Dave Casebolt were Recorder Rita Cox, Ward 1 Councilwoman Donna Boggs, Ward 2 Councilman Bill Racer, Ward 3 Councilwoman Laurie Elkins, Ward 4 Councilman Michael Hill, Councilmen at Large John Montgomery and Andy Shamblin, and City Attorney Johnnie Brown and City Treasurer John Young. Councilman at Large Bill Javins was not present.

INVOCATION/PLEDGE OF ALLEGIANCE: The Invocation was given by Councilman Shamblin and the Pledge of Allegiance was led by Councilman Montgomery.

FUTURE DATES OF COUNCIL: Mayor Casebolt said the future dates of Council are January 2 and 16.

APPROVAL OF COUNCIL MINUTES: RECORDER COX MADE THE MOTION THAT THE MINTUES OF DECEMBER 5, 2017 BE APPROVED WITH A SECOND BY COUNCILMAN MONTGOMERY. VOTING FOR THE MOTION WERE COUNCILWOMAN BOGGS, RECORDER COX, AND COUNCILMEN MONTGOMERY, HILL, SHAMBLIN AND RACER. COUNCILWOMAN ELKINS ABSTAINED AND THE MOTION CARRIED.

OLD BUSINESS

HOME RULE ANNUAL REPORT: Councilman Montgomery referred to the Home Rule Annual Report for 2017 that the city is required to present yearly to the WV Home Rule Board. He named some of the projects that the city had been able to enter into due to the sales tax allowed by the home rule status and said he wanted to make Council members aware of the report.

CHANGE ORDER/MCCLANAHAN CONSTRUCTION/NITRO PARK STREAMBANK STABILIZATION PROJECT: COUNCILMAN SHAMBLIN MADE THE MOTION THAT COUNCIL APPROVE THE CHANGE ORDER FOR MCLANAHAN CONSTRUCTION FOR THE RIVERBANK STABILIZATION PROJECT AND PERMIT WORK STOPPAGE FOR THE WINTER. THERE WAS A SECOND BY COUNCILWOMAN ELKINS. Mayor Casebolt said the reason for the change order was the need to cut down more trees than originally planned. He also said that there may be grants available to make a change to the stairs and put in a boat dock but that would be decided at a later date.

NEW BUSINESS

RESOLUTION FOR ADOPTING MEMORANDUM OF UNDERSTANDING FOR DEMOLITION AND REMOVAL OF ABANDONED, UNINHABITED, DILAPIDATED, UNSAFE BUILDINGS OR STRUCTURES WITH KANAWHA COUNTY COMMISSION: COUNCILMAN MONTGOMERY MADE THE MOTION THAT COUNCIL APPROVE THE ADOPTION OF THE MEMORANDUM OF UNDERSTANDING AND AUTHORIZE MAYOR CASEBOLT TO SIGN ON BEHALF OF THE CITY TO ALLOW THE DEMOLITON AND REMOVAL OF THE STRUCTURES WITH THE KANAWHA COUNTY COMMISSION. THERE WAS A SECOND BY RECORDER COX. Councilwoman Boggs asked if the city had to put up matching funds and City Attorney Johnnie Brown said that the city did not have to match the money from the Kanawha County. COUNCIL VOTED UNANIMOUSLY FOR THE MOTION TO ADOPT THE RESOLUTION.

DRAFT COPY

MEMORANDUM OF UNDERSTANDING BETWEEN KANAWHA COUNTY COMMISSION AND THE CITY OF NITRO: RECORDER COX MADE THE MOTION THAT COUNCIL ADOPT THE MEMORANDUM OF UNDERSTANDING AND ALLOW MAYOR CASEBOLT SIGN ON THE CITIES BEHALF TO WORK WITH KANAWHA COUNTY ON THE REMOVAL OF ABANDONED, UNINHABITED, DILAPIDATED, UNSAFE BUILDINGS OR STRUCTURES. THERE WAS A SECOND BY COUNCILMAN RACER. Councilwoman Elkins asked if this agreement would keep the city from working on getting rid of some of these structures and Mayor Casebolt said the city can continue with our process. THE MOTION CARRIED WITH A UNANIMOUS VOTE.

REQUEST FOR CITY OF NITRO TO FUND PURCHASE OF TWO BASKETBALL HOOPS FOR NITRO ELEMENTARY PLAYGROUND: COUNCILMAN HILL MADE THE MOTION THAT COUNCIL APPROVE UP TO \$1500.00 FROM THE HOTEL-MOTEL TAX ACCOUNT TO REPLACE BASKETBALL HOOPS AND HELP WITH INSTALLATION FOR THE NITRO ELEMENTARY SCHOOL PLAYGROUND. THERE WAS A SECOND BY COUNCILWOMAN BOGGS. Councilman Hill said the Physical Education Teacher and Principal are both trying to get the students more active and these hoops would help. VOTE WAS UNANIMOUS FOR THE MOTION.

ATTORNEY REPORT: Johnnie Brown said he is working on the ordinance for the Brookhaven subdivision that would enable the family to sell their property.

TREASURER REPORT: COUNCILWOMAN ELKINS MADE THE MOTION THAT COUNCIL ACCEPT THE REPORTS FROM TREASURER JOHN YOUNG. THERE WAS A SECOND BY COUNCILMAN MONTGOMERY AND A UNANIMOUS FOR THE MOTION.

MAYOR COMMENTS: Mayor Casebolt said that the death of Delmer Bird was a loss for the community and he would be remembered for his work with veterans and the Flag Memorial on First Avenue as well as other projects he helped with. He said he had been a valuable worker on behalf of the city and he was honored to have worked with him.

COUNCIL COMMENTS: Recorder Cox said that Delmer Bird will be missed and he quietly worked with veterans to be sure they would get what they were entitled to for their service. She thanked Councilwoman Donna Boggs and Police Chief Bobbie Eggleton for the work at the new Police Department and Council Chambers/Municipal Court Building.

PUBLIC COMMENTS

Bob Schamber said the Senior Center will have Christmas Dinner on Thursday beginning at 10:00 am.

ADJOURNMENT: COUNCILWOMAN LAURIE ELKINS MADE THE MOTION THAT COUNCIL ADJOURN AND THE SECOND WAS BY COUNCILMAN BILL RACER. VOTE WAS FOR THE MOTION.

DAVE CASEBOLT, MAYOR

RITA COX, RECORDER

MEMORANDUM OF UNDERSTANDING BETWEEN KANAWHA COUNTY COMMISSION AND THE CITY OF NITRO: RECORDER COX MADE THE MOTION THAT COUNCIL ADOPT THE MEMORANDUM OF UNDERSTANDING AND ALLOW MAYOR CASEBOLT SIGN ON THE CITIES BEHALF TO WORK WITH KANAWHA COUNTY ON THE REMOVAL OF ABANDONED, UNINHABITED, DILAPIDATED, UNSAFE BUILDINGS OR STRUCTURES. THERE WAS A SECOND BY COUNCILMAN RACER. Councilwoman Elkins asked if this agreement would keep the city from working on getting rid of some of these structures and Mayor Casebolt said the city can continue with our process. THE MOTION CARRIED WITH A UNANIMOUS VOTE.

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DAVE CASEBOLT, MAYOR

RITA COX, RECORDER

MUNICIPAL HOME RULE
PILOT PROGRAM

City/Town of Nitro,
West Virginia


2017
PROGRESS
REPORT

West Virginia State Code §8-1-5a (m) provides:

“Commencing December 1, 2015, and each year thereafter, each participating municipality shall give a progress report to the Municipal Home Rule Board and commencing January 1, 2016, and each year thereafter, the Municipal Home Rule Board shall give a summary report of all the participating municipalities to the Joint Committee on Government and Finance.”

The Municipal Home Rule Board has developed this standard format for Pilot Program participating municipalities to prepare and submit their respective Annual Progress Reports. The intent of this standard format is to gather and compile information in a consistent, easily understood, and efficient manner that will be used to develop a concise and practical summary report to the Joint Committee on Government and Finance.

Annual Progress Reports must be submitted electronically as an individual file in PDF format no later than the close of business on December 1, 2017, by emailing Courtney Shamblin at courtney.d.shamblin@wv.gov, West Virginia Department of Revenue, West Virginia Home Rule Pilot Program, State Capitol Complex, Building 1, Room W-300, Charleston, West Virginia 25305, 304-558-3356.

| | | |
|--|--|---|
| A. General Information | | |
| Name of Municipality: Nitro, West Virginia | | |
| Certifying Official: Dave Casebolt | Title: Mayor | |
| Contact Person: John Montgomery | Title: Member, Nitro City Council | |
| Address: 214 Brookhaven Drive | | |
| City, State, Zip: Nitro, West Virginia 25143 | | |
| Telephone Number: 304-776-6458 | Fax Number: N/A | |
| E-Mail Address: montysmob@suddenlink.net | | |
| 2010 Census Population: 7,178 | | |
| B. Municipal Classification | | |
| <input type="checkbox"/> Class I | <input type="checkbox"/> Class II | <input checked="" type="checkbox"/> Class III |
| <input type="checkbox"/> Class IV | | |
| C. Pilot Program Entry Phase | | |
| <input type="checkbox"/> Phase I (2007 Legislation) | <input checked="" type="checkbox"/> Phase II (2014 Legislation) | <input type="checkbox"/> Phase III (2015 Legislation) |
| D. Attest | | |
| I hereby confirm that I am the authorized official for this municipality and certify that the information submitted herein and attached hereto is true and accurate and that this report addresses each and every initiative included in the original Home Rule Pilot Program Plan Application for this municipality and any subsequent amendments, if applicable. | | |
| Dave Casebolt | | |
| |  | 12-8-17 |
| Type Name of Certifying Official | Signature of Certifying Official | Date |

Please use this page to report progress on each **non-tax related initiative** included in your Home Rule Application. Each non-tax related initiative must have a separate page.

| | | | |
|---|--|--|--|
| <p>Initiative: The City obtained authority to enact an ordinance that:</p> <p>(1) creates an automatic lien that attaches to all real property immediately upon the imposition of all Nitro municipal fees respecting such property;</p> <p>(2) authorizes Nitro to foreclose on said property, under applicable West Virginia law respecting foreclosure procedures, without the requirement of going to circuit court;</p> <p>(3) requires closing agents, attorneys and others, to contact the City of Nitro prior to closing any real estate transaction involving real property within the City and that all such delinquent fees imposed on said property be paid in full from/at closing; and</p> <p>(4) requires the transferee of real property located within the City to record the deed to the property with the clerk of the County in which the property is located, and that the deed be recorded within 12 months of the date the transfer occurs.</p> | | | |
| <p>Category of Issues Addressed (check all that apply)</p> <p><input type="checkbox"/> Organization <input checked="" type="checkbox"/> Administration <input type="checkbox"/> Personnel <input type="checkbox"/> Other</p> | | | |
| <p>Was this non-tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/>?</p> | | | |
| <p>Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> | | | |
| <p>If yes, when was the ordinance enacted? June 16, 2015</p> | | | |
| <p>If no, please describe challenges faced in enacting the related ordinance(s)</p> | | | |
| <p>SUCSESSES – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>Municipal Service Fee collections initially increased, but have since leveled off at that higher level. The City Attorney is still in the process of drafting the notice to be sent to all closing agents, attorneys, and others who will be involved in closing transactions. However, there has been a positive response from those parties as the municipal service fee collection requirement has become known.</p> | | | |
| <p>LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p> <p>While the City has moved forward in other activities, as demonstrated in other initiatives in this Progress Report, the City is not able to move forward as rapidly as it would like on this initiative; however, the City nevertheless is moving forward.</p> | | | |

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| <p>Initiative: The City obtained authority to adopt a city administrative procedures ordinance pursuant to which it would be able to promulgate administrative regulations covering all aspects of the collection of its B & O tax, municipal service fee, business license tax and other taxes, fees and programs administered by the City.</p> | |
| <p>Category of Issues Addressed (check all that apply)</p> <p><input type="checkbox"/> Organization <input checked="" type="checkbox"/> Administration <input type="checkbox"/> Personnel <input type="checkbox"/> Other</p> | |
| <p>Was this non-tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/>?</p> | |
| <p>Has the ordinance(s) needed to implement this initiative been enacted? Yes <input checked="" type="checkbox"/> No</p> | |
| <p>If yes, when was the ordinance enacted?</p> | |
| <p>If no, please describe challenges faced in enacting the related ordinance(s)</p> <p>The City is in the process of drafting the ordinance. The problems are substantial in that the ordinance will need to include appropriate procedural references to other ordinances and Department policies, hearing procedures applicable to all revenue-raising activities, hearing procedures relevant to property maintenance activities, and hearing procedures relevant to planning and zoning actions. This will all need to fit within the required legal framework. This is time-consuming but will be accomplished.</p> | |
| <p>SUCSESSES – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>There is no success to report on this issue because success will not be measureable until the ordinance is completed.</p> | |
| <p>LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p> <p>As noted above, the City cannot measure success until the ordinance is completed. The lesson learned to this point is that it takes time to complete preparation for moving forward.</p> | |

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| <p>Initiative: The City obtained authority to enact an ordinance providing for municipal oversight of the expenditure of public funds by all public, quasi-public and non-profit organizations affiliated with and located within the City.</p> | | | |
| <p>Category of Issues Addressed (check all that apply)</p> | | | |
| <input type="checkbox"/> Organization | <input checked="" type="checkbox"/> Administration | <input type="checkbox"/> Personnel | <input type="checkbox"/> Other |
| <p>Was this non-tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/>?</p> | | | |
| <p>Has the ordinance(s) needed to implement this initiative been enacted? Yes <input checked="" type="checkbox"/> No</p> | | | |
| <p>If yes, when was the ordinance enacted?</p> | | | |
| <p>If no, please describe challenges faced in enacting the related ordinance(s) Drafting of the necessary ordinance has commenced; however, considerable work remains.</p> | | | |
| <p>SUCSESSES – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance. There can be no success until the necessary ordinance is completed.</p> | | | |
| <p>LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities. Additional time is necessary before lessons may be learned.</p> | | | |

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|---|--|------------------------------------|--------------------------------|
| <p>Initiative: The City obtained authority to reduce speed limits on State highways going through the City, upon the basis of an engineering and traffic investigation, and to have such reductions become effective upon the effective date of an appropriate ordinance</p> | | | |
| <p>Category of Issues Addressed (check all that apply)</p> | | | |
| <input type="checkbox"/> Organization | <input checked="" type="checkbox"/> Administration | <input type="checkbox"/> Personnel | <input type="checkbox"/> Other |
| <p>Was this non-tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/>?</p> | | | |
| <p>Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> | | | |
| <p>If yes, when was the ordinance enacted? June 16, 2015</p> | | | |
| <p>If no, please describe challenges faced in enacting the related ordinance(s)</p> | | | |
| <p>SUCSESSES – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>While the City Council has enacted an ordinance authorizing reduction of the speed limits in certain areas, the actual speed limits have not yet been reduced. The City has received considerable negative public comments relating to change of the proposed speed limits. However, a positive aspect is apparent in that it does appear that more attention to the legal speed limits is being paid by vehicle operators. Additionally, the Police Department is now located adjacent to one of the areas of concern, and that also appears to have a positive effect.</p> | | | |
| <p>LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p> <p>The lesson to be learned is to not get too far ahead of the public when trying to accomplish certain actions.</p> | | | |

Please use this page to report progress on each **non-tax related initiative** included in your Home Rule Application. Each non-tax related initiative must have a separate page.

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|--|--|------------------------------------|--------------------------------|
| Initiative: The City obtained authority to enact an ordinance to establish the procedure for selling City owned property valued at less than \$10,000 without going through the auction process. | | | |
| Category of Issues Addressed (check all that apply) | | | |
| <input type="checkbox"/> Organization | <input checked="" type="checkbox"/> Administration | <input type="checkbox"/> Personnel | <input type="checkbox"/> Other |
| Was this non-tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/> ? | | | |
| Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | | |
| If yes, when was the ordinance enacted? June 16, 2015 | | | |
| If no, please describe challenges faced in enacting the related ordinance(s) | | | |
| <p>SUCSESSES – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>The City followed the procedure provided in the ordinance. Five old (junk) City-owned vehicles were sold for a total amount of \$3,553.00. The City Council approved the respective sales. More revenue was obtained by the City than would have been obtained if the sales had gone through the auction procedure.</p> | | | |
| <p>LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p> <p>If fair and transparent procedures are established and then followed, the public benefits.</p> | | | |

Please use this page to report progress on each **non-tax related initiative** included in your Home Rule Application. Each non-tax related initiative must have a separate page.

| | |
|---|--|
| Initiative: The City was authorized to enact an ordinance to allow the sale by ABCA Class I Retailers of beer and alcoholic beverages at 10:00 a.m. on Sundays. | |
| Category of Issues Addressed (check all that apply) | |
| <input type="checkbox"/> Organization | <input checked="" type="checkbox"/> Administration |
| <input type="checkbox"/> Personnel | <input type="checkbox"/> Other |
| Was this non-tax initiative a part of your original plan application or a plan amendment x? | |
| Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |
| If yes, when was the ordinance enacted? November 1, 2016 | |
| If no, please describe challenges faced in enacting the related ordinance(s) | |
| <p>SUCSESSES – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>The ordinances was enacted quite recently and has not been in existence long enough to determine any successes. However, there was not much in the way of public comment at the public hearings. The authority under the ordinance is available to retailers and while there has been some participation, the activities do not appear to be earth-shattering.</p> | |
| <p>LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p> <p>Generally, if the public is provided all of the necessary information about an action otherwise determined by some to be wrong, the public will be supportive.</p> | |

Please use this page to report progress on each **tax related initiative** included in your Home Rule Application. Each tax related initiative must have a separate page.

Initiative: The City obtained authority to enact an ordinance that imposes a 1% municipal consumers sales and service tax and a 1% municipal use tax that would be administered, collected and enforced by the State Tax Commissioner.

Was this tax initiative a part of your original plan application or a plan amendment ?

Has the ordinance(s) needed to implement this initiative been enacted? Yes No

If yes, when was the ordinance enacted? January 6, 2015

If no, please describe challenges faced in enacting the related ordinance(s)

REVENUES – In the space below, please provide a brief narrative highlighting revenue amounts and revenue categories realized; revenue amounts and revenue categories reduced; net revenue gain; and, any metrics used to track performance.

For the Fiscal Year ending June 30, 2016, (the first year of the City's Municipal Sales Tax), the total sales tax revenue received was \$1,502,832. This is considerably more than the estimated amount approximating \$950,000.

The City reduced by 50% the municipal B&O tax rate on the following classifications: Banking, Amusements, Manufacturing and Wholesale Sales. The City calculated that this will result in an annual reduction of \$50,956 in the municipal B&O tax revenues.

Following is a table demonstrating the net Sales Tax gain.

| | Sales Tax Received (Accrual Accounting) | B&O Tax Reduction | Net Sales Tax Revenue Gain |
|---------|--|----------------------|-------------------------------|
| FY 2016 | \$1,502,832 | \$50,956 | \$1,451,926 |
| FY 2017 | 1,768,057 | 38,333 | 1,729,724 |

As demonstrated in the following section, the revenues are not going to waste.

SUCSESSES – In the space below, please provide a brief narrative highlighting projects, improvements, programming, etc. realized through the implementation of this revenue initiative and any metrics used to track performance.

The City Council is of one mind in moving forward with projects to correct long-ignored City needs. Following are problems addressed in FY 2016:

1. Made increased payments into the Fireman and Police pension funds.

2. Renovated the interior of the City Hall and installed all new windows and doors on the exterior.
3. Purchased equipment, including equipment to mill streets, and to repair and maintain City streets.
4. Purchased a street sweeper for use in the MS4 program.
5. Installed a needed new telephone system in City Hall.
6. Continued City beautification through Streetscape.
7. Commenced rebranding the City to support the City's designation as a "Living Memorial To WW I" which included purchasing life size replicas of Doughboy statutes that were placed at the Nitro/St. Albans Bridge entrance to the City, redesigning letterheads, and many other actions.
8. Completed a major renovation of the library to support increased usage.
9. Completed renovation of the City museum which also supports the branding effort.
10. Moved and expanded the food pantry.
11. Assisted high school ball field repairs.
12. Through use of engineering consultants completed study with recommendations for correcting major storm drainage problems.
13. Removed several dilapidated structures.
14. Purchased a new financial accounting system.
15. Expanded both the street paving and street concrete work.
16. Made payments on new police cars.

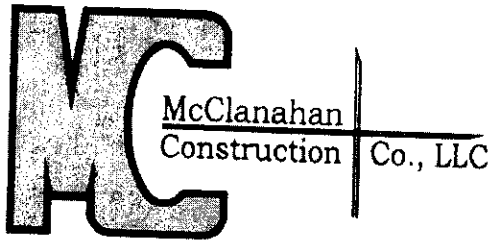
Following are the problems addressed in 2017.

1. Continued making increased payments into the Fireman and Police pension funds.
2. Purchased a 2-story structure to be used for the Police Department, Municipal Court and City Council chambers. It is financed for a 20 year period with the monthly payments being approximately one-half of the monthly rent for the space previously used for those activities.
3. Started repair of the riverbank which has eroded to such an extent that the city park, and the high school football field and soccer field are being affected. The riverbank is being rapped, a walkway will be constructed, shrubs and grasses are being planted, and a covered stage area is being constructed for community entertainment events.
4. As a follow-up to the renovations to the interior of City Hall, the exterior of City Hall was renovated.
5. The Memorial Park was constructed. It incorporates a stage, brick walk-ways with Nitro veterans names on the brick pavers, flags, a doughboy statute, shrubbery and grasses, and a large mural on the wall of an adjacent building.
6. Repairs at Ridenour Lake have started. The large sump pump has been repaired. The banks of the feeder creek are being rapped to reduce erosion.
7. Continued substantially increasing the amount expended on street repairs, street paving and street concrete work.
8. Entered into a contract for design and engineering for correcting major storm water drainage system repairs.
9. Subsequent to obtaining bids, the City entered into a contract with an engineering firm to design a unified landscaping scheme for public ways throughout the City.
10. More dilapidated structures were removed.

This is part of the continuing 10-15 year City improvement program.

LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.

The lesson learned during implementation of this initiative is that patience is necessary because not all activities may be immediately accomplished. City Council has developed a plan for projects to be accomplished during the next four years.



December 11, 2017

Mr. Todd Schoolcraft
GAI Consultants, Inc.
300 Summers Street, Suite 1100
Charleston, WV 25301

Re: *City of Nitro Streambank Stabilization Project
Winter Shutdown Request*

Dear Mr. Schoolcraft:


We respectfully request that McClanahan Construction be afforded a winter shutdown for the above referenced project. The low temperatures for the next 10 days are such that we would have to cover our concrete and to try to maintain certain temperatures, which would almost be impossible to do on the lower level sidewalk.

We also have much concern with our employees traversing and working on the lower level sidewalk via frost covered Rip Rap. It is very difficult to walk on anyway.

As always, you know that we don't like to cover concrete with blankets because it causes it to streak and takes a long time for it to eventually bleach out. We believe the Owner will get a much better looking product if we can resume work in the Spring. Also, please note WV Paving is ceasing seasonal operations in a few days, so we will have to wait until they re-open to do the asphalt work of our contract.

If you and the Owner are in agreement with this request, please provide documentation for such. Thank you for your time and attention to this matter.

Respectfully,


Bruce D. McClanahan
Managing Member

744 Poca River Road North • Poca, WV 25159
304.776.3355 • Fax 304-776-6121
www.mcclanahanconstruction.com
WVCL. # 004165

David Casebolt

From: Todd Schoolcraft <R.Schoolcraft@gaiconsultants.com>
Sent: Thursday, December 14, 2017 10:44 AM
To: 'David Casebolt'
Subject: FW: Nitro Streambank Stabilization Project Request for Winter Shutdown
Attachments: Nitro Streambank Change Order No. 4.pdf

Mayor Casebolt,

Here's the email below I sent to Bruce asking him to clean up the site and make it safe before leaving for winter shutdown. Bruce agreed to take care of the measures below. You may want to include this info with the other for the Council Meeting.

Thank you,

Todd



R. Todd Schoolcraft, PLA, ASLA, LEED® GA

D 681.245.8878 M 304.561.8317

A GAI Consultants, Inc. Service Group

From: Todd Schoolcraft
Sent: Wednesday, December 13, 2017 3:55 PM
To: 'Bruce McClanahan' <bruce@mcclanahanconstruction.com>
Subject: RE: Nitro Streambank Stabilization Project Request for Winter Shutdown

Bruce,

Please find attached Change Order No. 4 for winter shutdown. We do have the following requirements be met to start the shutdown:

1. The site should be properly stabilized. All silt fence must be installed at the right locations and be in good working condition. Disturbed areas should be seeded and mulched, including covering riverbank slopes with ECM.
2. There should be no open excavations or undulations in the ground surface that could create a tripping hazard. The existing asphalt walking trail should be cleaned and free of mud and debris.
3. There should be some type of barrier at the top of the slope to keep people away from the edge of the slope, perhaps orange construction fencing attached to orange construction barrels.

Please let us know when this is completed so we can visit the site and verify conditions.

Once you've signed the attached CO in blue ink, scan and return to me and I'll have the Mayor sign and process.

Thank you,

Todd



R. Todd Schoolcraft, PLA, ASLA, LEED® GA

D 681.245.8878 M 304.561.8317

A GAI Consultants, Inc. Service Group

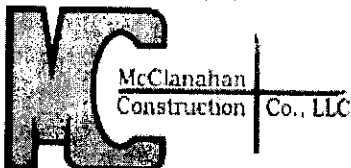
From: Bruce McClanahan [<mailto:bruce@mcclanahanconstruction.com>]
Sent: Tuesday, December 12, 2017 10:45 AM
To: Todd Schoolcraft <R.Schoolcraft@gaiconsultants.com>
Subject: RE: Nitro Streambank Stabilization Project Request for Winter Shutdown

Todd,

Good morning. Yes that is exactly what we mean. No monetary reason, just contract completion days. We would appreciate it if it could be dated today for the start date. We can determine a potential start date in the Spring.

Thank you,

Bruce D. McClanahan



Phone: 304-776-3355

Fax: 304-776-6121

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From: Todd Schoolcraft [<mailto:R.Schoolcraft@gaiconsultants.com>]
Sent: Monday, December 11, 2017 1:55 PM
To: Bruce McClanahan
Subject: RE: Nitro Streambank Stabilization Project Request for Winter Shutdown

Bruce,

Does this mean you'd like to stop the construction (contract) clock and restart it, when the weather breaks? This means the project will be delayed in completion the amount of time you are down for winter. Just wanted to check and make sure. I think I'll have to process a change order, not for monetary reasons, but just to simply delay the construction schedule.

Thanks,

Todd



R. Todd Schoolcraft, PLA, ASLA, LEED® GA

D 681.245.8878 M 304.561.8317

A GAI Consultants, Inc. Service Group

From: Bruce McClanahan [<mailto:bruce@mcclanahanconstruction.com>]
Sent: Monday, December 11, 2017 10:29 AM
To: Todd Schoolcraft <R.Schoolcraft@gaiconsultants.com>
Subject: Nitro Streambank Stabilization Project Request for Winter Shutdown

Todd,

Please see attached correspondence concerning winter shutdown on this project.

Thank you,

Bruce D. McClanahan



Phone: 304-776-3355

Fax: 304-776-6121

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CHANGE ORDER

ORDER NO.: Three (3) (Revised)
DATE: December 6, 2017
AGREEMENT DATE: September 29, 2017

NAME OF PROJECT: Nitro City Park Streambank Stabilization Project

OWNER: City of Nitro, 2009 20th Street, PO Box 308, Nitro, WV 25143

CONTRACTOR: McClanahan Construction Co., LLC, 744 Poca River Road North, Poca, WV 25159

The following changes are hereby made to the CONTRACT DOCUMENTS:
Removal of a diseased trees and re-grade void along the riverbank near the top of the riprap.

Justification: The City of Nitro requested additional diseased and unsightly trees be removed (primarily a partially hollowed 30" Sycamore tree), then fill the void with riprap, cover with topsoil, then seed and roll mulch the site.

| | |
|---|---------------|
| Change to CONTRACT PRICE: | \$ 14,745.00 |
| Original CONTRACT PRICE: | \$ 711,023.00 |
| Current CONTRACT PRICE adjusted by previous CHANGE ORDER: | \$ 719,523.00 |
| The CONTRACT PRICE due to this CHANGE ORDER will be increased by: | \$ 14,745.00 |
| The new CONTRACT PRICE including this CHANGE ORDER will be | \$ 734,268.00 |

Change to CONTRACT TIME: **5 additional days.**
The revised contract date will be: **January 25, 2017.**

Approvals Required:

Requested By: 

Recommended By: 

Ordered By: _____

Accepted By: 

Resolution

FOR ADOPTING A MEMORANDUM OF UNDERSTANDING FOR THE DEMOLITION AND REMOVAL OF ABANDONED, UNINHABITED, DILAPIDATED, UNSAFE BUILDINGS OR STRUCTURES

WHEREAS, The Kanawha County Commission has a long established program that allows for the demolition and removal of abandoned, uninhabited, dilapidated, unsafe buildings or structures located within the unincorporated areas of Kanawha County,

WHEREAS, the Municipality desires the Commission's assistance to demolish and remove substandard structures that pose risks to health and safety; and

WHEREAS, the Commission secured a loan of \$500,000.00 through the West Virginia Housing Development Fund's (WVHDF) Property Rescue Initiative Program, and further Commission has matched the WVHDF loan with a commitment of \$500,000.00 from the Kanawha County Building Permit Fund, with the goal of allocating \$1,000,000.00 towards the demolition and removal of abandoned, uninhabited, dilapidated, unsafe buildings or structures located within Kanawha County

WHEREAS, the Kanawha County Commission has drafted a Memorandum of Agreement between the Kanawha County Commission and the Municipality of Nitro, West Virginia, regarding the responsibilities of each party under that Agreement; and

NOW, THEREFORE, BE IT RESOLVED, that the council members of the Municipality of Nitro, West Virginia, authorize Mayor Dave Casebolt to execute the Memorandum of Agreement between the Kanawha County Commission and the Municipality of Nitro, West Virginia, A copy of the Memorandum of Agreement is attached hereto and made a part hereof.

Adopted this _____ day of December, 2017.

Council Member

Council Member

Council Member

Council Member

Council Member

Council Member

Council Member

City Recorder

MEMORANDUM OF UNDERSTANDING
BETWEEN THE KANAWHA COUNTY COMMISSION AND THE CITY OF NITRO,
WEST VIRGINIA

This agreement made the _____ day of December, 2017, by and between the KANAWHA COUNTY COMMISSION} herein referred to as the "Commission", and the CITY OF NITRO, WEST VIRGINIA, herein referred to as the "Municipality".

The parties **WITNESS:**

WHEREAS, Commission has a long established program that allows for the demolition of abandoned, uninhabited, dilapidated, unsafe buildings or structures located within the unincorporated areas of Kanawha County, and

WHEREAS, Commission's authority for this program is pursuant to W.Va. Code 7-1-3ff; and Commission's Order Establishing the Kanawha County Enforcement Agency; and

WHEREAS, Commission, on August 8th, 2017, secured a loan through the West Virginia Housing Development Fund's (WVHDF) Property Rescue Initiative Program; the purpose of said program being to provide zero interest loans to local governments for the demolition and removal of blighted and unsafe buildings and structures; and

WHEREAS, Commission borrowed \$500,000.00 through the WVDHF Property Rescue Initiative Program; and further Commission has matched the \$500,000.00 WVHDF loan with a commitment of \$500,000.00 from the Kanawha County Building Permit Fund, with the goal of completing \$1,000,000.00 of demolition and removal of abandoned, uninhabited, dilapidated, unsafe buildings or structures located within Kanawha County; and

WHEREAS, Municipality has expressed to Commission its desire for assistance with the removal of abandoned, uninhabited, dilapidated, unsafe buildings or structures located within the corporate limits of Municipality; and

WHEREAS, Commission recognizes that certain municipalities located within Kanawha County, especially those in the eastern portion of County, often lack resources and funding to effectuate the removal of abandoned, uninhabited, dilapidated, unsafe buildings or structures; and

WHEREAS, Commission acknowledges that there are blighted buildings or unsafe structures located within the Corporate limits of Municipality, and further acknowledges that the public good would be served by partnering with Municipality for the removal of said buildings or structures; and

NOW, THEREFORE, BE IT RESOLVED, the parties hereto do mutually agree as follows:

1. That the council of Municipality, at duly notice meeting, will pass a resolution, pursuant to W.Va: Code §§8-11-3(10) and 8-23-3, authorizing the execution of this agreement in order to allow the Commission to perform actions contemplated herein;

2. Municipality will submit to Commission a list of abandoned, uninhabited, dilapidated, unsafe buildings or structures located within Municipality for Commission's consideration;

3. Commission will make reasonable efforts to assist Municipality with the removal of said structures, but Commission makes no guarantee or promise that Commission will ultimately approve and fund the demolition and removal of any building or structure submitted by Municipality;

4. Commission will comply with the standards and procedures set forth in W.Va. Code § 7-1-3ff, the Commission's Enforcement Agency procedures, and all of the applicable laws regarding notice to property owner(s), due process, and the demolition and removal of the unsafe structures; and further Municipality delegates authority to Commission for all necessary procedures and notice requirements set forth in W.Va. Code § 7-1-3ff;

5. Commission will comply with all applicable laws and guidelines regarding procedures to bid, solicit, or negotiate for services necessary to accomplish the work contemplated by agreement;

6. Commission will place liens on any property that is removed or demolished using County funds and resources. The amount of said any lien(s) may include but are not limited to the following costs: cleanup and demolition, title search, asbestos testing and abatement. Further, the Municipality agrees to not allow property owners to get a building permit for any improvement on the property that has been demolished until the lien is paid;

7. Commission may seek all remedies available to it, including legal action against affected property owners, in order to seek reimbursement of the costs incurred by carrying out this agreement;

8. This agreement shall be null and void upon the mutual consent of both parties; and said dissolution shall be by written proclamation executed by all parties;

9. This agreement shall automatically terminate upon the completion of the limited purpose of removing the unsafe structures and the winding up of all business associated therein;

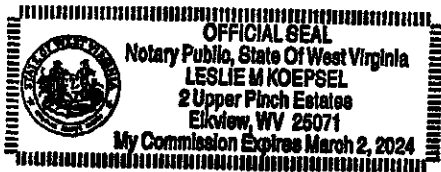
10. Municipality shall and does hereby indemnify the Commission, and further agrees to save and hold the Commission harmless from any and all claims, demands, liabilities, judgments, damages, and any and all other forms of legal liability whatsoever, arising from removal of structures within the corporate limits of Municipality or otherwise arising from this agreement or in the course of the Municipality's rights and obligations hereunder, to the extent allowed by law.

WITNESSETH, that the parties hereto have entered their signatures hereafter with each representing to the other that the execution of this agreement is done with full authority and that attached hereto and made a part hereof is a copy of the resolution, motion, or similar action of the governing body of each directing and authorizing its official representative to act in connection with this agreement.

W. Kent Carper

W. Kent Carper, President
Kanawha County Commission

Subscribed and sworn to before the undersigned, Notary Public of said county, this 16th day
of November, 2017.



Leslie M. Koepsel

Notary Public

Mayor
Town of _____

Subscribed and sworn to before the undersigned, Notary Public of said county, this _____ day
of _____, 2017.

Notary Public



| Account | Name | Balance |
|---|--------------------------------|----------------------------|
| Fund: 001 - GENERAL FUND | | |
| Assets | | |
| 001-101-102 | Disbursements Account | 4,478.30 |
| 001-101-104 | Payroll Account | 8,381.50 |
| 001-102-106 | City of Nitro Hotel, Motel, Ta | 125,788.61 |
| 001-102-108 | Fire Fee Fund | 32,208.59 |
| 001-102-110 | Peoples FCU CD | 9,026.37 |
| 001-102-112 | Peoples FCU CD | 246,925.53 |
| 001-102-114 | Police To Be Forfeited | 930.18 |
| 001-102-116 | Huntington Library Acc | 20,050.36 |
| 001-102-119 | Sales Tax Savings | 220,422.51 |
| 001-109-201 | Munci Fees Receivable | 700,338.79 |
| 001-109-204 | Uncollectible MFS | -285,471.80 |
| 001-122-201 | Prepaid Expenes | 15,421.31 |
| Total Assets: | | 3,232,120.20 |
| | | <u>3,232,120.20</u> |
| Liability | | |
| 001-201-230 | DISB - Accounts Payable | 143,100.50 |
| 001-201-246 | Accounts Payable ST | 23,389.89 |
| 001-225-213 | Insurance Payable | -4,961.75 |
| 001-228-220 | SUTA Tax Payable | 2,474.89 |
| 001-242-000 | Unapplied Credit Liabilities | -110.00 |
| Total Liability: | | 2,178,158.67 |
| Equity | | |
| 001-297-304 | Committed General Fund | 563,913.33 |
| 001-299-306 | Unassigned General Fund | -540,821.87 |
| Total Beginning Equity: | | 481,504.49 |
| Total Revenue | | 3,718,578.15 |
| Total Expense | | 3,146,121.11 |
| Revenues Over/Under Expenses | | 572,457.04 |
| Total Equity and Current Surplus (Deficit): | | 1,053,961.53 |
| Total Liabilities, Equity and Current Surplus (Deficit): | | <u>3,232,120.20</u> |

Balance Sheet

As Of 11/30/2017

| Account | Name | Balance |
|--|---|-----------------------------------|
| Fund: 002 - COAL SEVERANCE FUND | | |
| Assets | | |
| | Coal Severance Acct | 5,276.83 |
| <u>002-109-101</u> | Taxes Receivable Coal Sev | 6,094.32 |
| | Total Assets: | <u>11,371.15</u> <u>11,371.15</u> |
| Liability | | |
| | Total Liability: | <u>0.00</u> |
| Equity | | |
| | Unassigned Coal Severance | -7,497.48 |
| <u>002-298-108</u> | | 7,669.57 |
| | Total Beginning Equity: | <u>7,669.57</u> |
| Total Revenue | | 9,906.58 |
| Total Expense | | 6,205.00 |
| Revenues Over/Under Expenses | | <u>3,701.58</u> |
| | Total Equity and Current Surplus (Deficit): | <u>11,371.15</u> |
| | Total Liabilities, Equity and Current Surplus (Deficit): | <u>11,371.15</u> |

Income Statement

For Fiscal: 2017-2018 Period Ending: 11/30/2017

Group Summary

| Department | Original Total Budget | Current Total Budget | MTD Activity | YTD Activity | Budget Remaining |
|---|--------------------------|-------------------------|--------------------|---------------------|----------------------|
| Fund: 001 - GENERAL FUND | | | | | |
| Revenue | | | | | |
| | 7,495,606.85 | 7,553,179.85 | 549,986.76 | 3,718,578.15 | 3,834,601.70 |
| Revenue Total: | 7,495,606.85 | 7,553,179.85 | 549,986.76 | 3,718,578.15 | 3,834,601.70 |
| Expense | | | | | |
| 409 - Mayor | 98,490.42 | 98,490.42 | 9,853.46 | 42,864.76 | 55,625.66 |
| 410 - City Council | 403,981.10 | 410,692.10 | 13,115.92 | 37,252.95 | 373,439.15 |
| 411 - Recorder | 54,099.39 | 54,099.39 | 8,427.49 | 26,538.21 | 27,561.18 |
| 413 - Treasurer | 70,524.38 | 70,524.38 | 7,315.13 | 28,396.77 | 42,127.61 |
| 416 - Municipal Court | 89,845.96 | 89,845.96 | 8,302.73 | 37,009.48 | 52,836.48 |
| 435 - Regional Development Authority | 3,000.00 | 3,000.00 | 0.00 | 2,029.30 | 970.70 |
| 436 - Building Department | 78,063.56 | 88,063.56 | 10,246.04 | 36,505.50 | 51,558.06 |
| 440 - City Hall | 505,570.56 | 515,570.56 | 51,223.67 | 195,750.99 | 319,819.57 |
| 566 - Public Works Department | 467,290.54 | 473,645.54 | 48,624.59 | 185,248.89 | 288,396.65 |
| 700 - Police Department | 1,792,485.00 | 1,900,562.00 | 242,365.17 | 824,332.23 | 1,076,229.77 |
| 706 - Fire Department | 1,674,525.00 | 1,755,525.00 | 229,382.04 | 770,961.24 | 984,563.76 |
| 707 - Dog Warden/Humane Society | 21,000.00 | 21,000.00 | 0.00 | 0.00 | 21,000.00 |
| 750 - Streets & Highways | 532,320.00 | 539,828.00 | 36,810.07 | 253,260.40 | 286,567.60 |
| 800 - Garbage Department | 356,159.00 | 377,882.00 | 34,967.38 | 138,480.07 | 239,401.93 |
| 801 - Landfill & Incinerator Department | 180,000.00 | 180,000.00 | 0.00 | 73,902.63 | 106,097.37 |
| 900 - Parks & Recreation | 62,950.00 | 62,950.00 | 17,423.19 | 60,079.00 | 2,871.00 |
| 901 - Visitors Bureau | 104,591.00 | 104,591.00 | 8,456.87 | 52,119.00 | 52,472.00 |
| 903 - Fair Associations/Festival | 0.00 | 22,000.00 | 1,202.07 | 1,903.53 | 20,096.47 |
| 904 - Swimming Pools | 114,812.00 | 114,812.00 | 9,282.33 | 73,601.19 | 41,210.81 |
| 905 - Concessions | 27,582.00 | 27,582.00 | 336.00 | 22,885.93 | 4,696.07 |
| 911 - Historical Commission | 4,072.00 | 4,072.00 | 1,061.64 | 2,315.84 | 1,756.16 |
| 916 - Library | 163,342.00 | 163,342.00 | 20,840.90 | 76,982.83 | 86,359.17 |
| 951 - Seniors | 72,809.00 | 72,809.00 | 6,276.43 | 18,681.55 | 54,127.45 |
| 975 - General Government | 39,284.00 | 32,000.00 | 0.00 | 17,869.00 | 14,131.00 |
| 976 - Public Safety | 260,252.00 | 193,756.00 | 0.00 | 91,216.78 | 102,539.22 |
| 977 - Streets & Transportation | 8,352.00 | 0.00 | 0.00 | 42,732.40 | -42,732.40 |
| 978 - Health & Sanitation | 21,723.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 979 - Culture & Recreation | 1,648,653.00 | 1,648,653.00 | 0.00 | 33,200.64 | 1,615,452.36 |
| Expense Total: | 8,855,776.91 | 9,025,295.91 | 765,513.12 | 3,146,121.11 | 5,879,174.80 |
| Fund: 001 - GENERAL FUND Surplus (Deficit): | -1,360,170.06 | -1,472,116.06 | -215,526.36 | 572,457.04 | -2,044,573.10 |
| Fund: 002 - COAL SEVERANCE FUND | | | | | |
| Revenue | | | | | |
| | 15,000.00 | 15,000.00 | 0.00 | 9,906.58 | 5,093.42 |
| Revenue Total: | 15,000.00 | 15,000.00 | 0.00 | 9,906.58 | 5,093.42 |
| Expense | | | | | |
| 410 - City Council | 0.00 | 0.00 | 0.00 | 883.34 | -883.34 |
| 416 - Municipal Court | 0.00 | 0.00 | 0.00 | 883.32 | -883.32 |
| 700 - Police Department | 0.00 | 0.00 | 0.00 | 883.34 | -883.34 |
| 951 - Seniors | 15,000.00 | 15,000.00 | 0.00 | 3,555.00 | 11,445.00 |
| Expense Total: | 15,000.00 | 15,000.00 | 0.00 | 6,205.00 | 8,795.00 |
| Fund: 002 - COAL SEVERANCE FUND Surplus (Deficit): | 0.00 | 0.00 | 0.00 | 3,701.58 | -3,701.58 |
| Total Surplus (Deficit): | -1,360,170.06 | -1,472,116.06 | -215,526.36 | 576,158.62 | -2,048,274.68 |

Fund Summary

| Fund | Original | Current | MTD Activity | YTD Activity | Budget |
|---------------------------------|----------------------|----------------------|--------------------|-------------------|----------------------|
| | Total Budget | Total Budget | | | Remaining |
| 001 - GENERAL FUND | -1,360,170.06 | -1,472,116.06 | -215,526.36 | 572,457.04 | -2,044,573.10 |
| 002 - COAL SEVERANCE FUN | 0.00 | 0.00 | 0.00 | 3,701.58 | -3,701.58 |
| Total Surplus (Deficit): | -1,360,170.06 | -1,472,116.06 | -215,526.36 | 576,158.62 | -2,048,877.87 |