

AGENDA  
NITRO CITY COUNCIL  
JULY 7, 2020  
7:00 pm

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: July 28 (Canvass for Municipal Election)

APPROVAL OF COUNCIL MINUTES: June 16

OLD BUSINESS

SECOND READING AN ORDINANCE TO ABANDON A PORTION OF CEDAR STREET TO JOHN T. AND ELLEN K. CRISPLIP: Councilman John Montgomery

OPEN BIDS TO PAINT FIRE DEPARTMENT BAYS: Recorder Rita Cox

OPEN BIDS FOR FIRE DEPARTMENT DOOR REPLACEMENTS: Recorder Rita Cox

OPEN BIDS ADA FOR OPENER: Recorder Rita Cox

PAY RAISES AND PROJECTS: Mayor Dave Casebolt

NEW BUSINESS

APPROVAL POLL WORKERS JULY 21 MUNICIPAL ELECTION: Recorder Rita Cox

PETITION FOR VARIANCE OR SPECIAL EXCEPTION/RIVER VALLEY CONSTRUCTION REQUESTS TO CONSTRUCT 4-UNIT APARTMENT BUILDING 1520 MAIN AVE. SOUTH: Recorder Rita Cox

BUDGET REVISIONS AND RESOLUTIONS: John Young

TREASURER REPORT: John Young

ATTORNEY REPORT: Johnnie Brown

MAYOR COMMENTS

COUNCIL COMMENTS

PUBLIC COMMENTS

ADJOURNMENT

**DRAFT**

NITRO CITY COUNCIL  
MINUTES  
JUNE 2, 2020

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

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

**FUTURE DATES OF COUNCIL:** Recorder Cox said the future dates of Council are June 16 and July 7.

**APPROVAL OF COUNCIL MINUTES:** COUNCILMAN MONTGOMERY MADE THE MOTION TO APPROVE THE MINUTES OF MAY 5, 2020 WITH A SECOND BY COUNCILMAN SHAMBLIN. THE MOTION CARRIED.

**OLD BUSINESS**

**SECOND READING AMENDING ORDINANCE 1803 DISPOSING RUBBISH, SALVAGE, GARBAGE, MATERIALS, MACHINERY, AND EQUIPMENT:** COUNCILMAN MONTGOMERY MADE THE MOTION TO PASS ON SECOND READING AMENDING ORDINANCE 1803 DISPOSING RUBBISH, SALVAGE, GARBAGE, MATERIALS, MACHINERY AND EQUIPMENT BY READING OF TITLE ONLY. THERE WAS A SECOND BY COUNCILMAN HILL. Councilman Montgomery said that by passing this amendment it will give the Building Department more to work with in the ongoing problem of these items being left out in plain sight on private property within the city limits. COUNCIL VOTED UNANIMOUSLY FOR THE MOTION.

**RESOLUTION AND DECLARATION TO PURCHASE GARBAGE TRUCK WITH FINANCING THROUGH HUNTINGTON BANKS WITH THE AMOUNT TO BE FINANCED \$139,500.00:** COUNCILMAN JAVINS MADE THE MOTION TO PASS THE RESOLUTION TO PURCHASE THE GARBAGE TRUCK WITH FINANCING THROUGH HUNTINGTON BANKS FINANCING \$139,500.00. THERE WAS A SECOND BY COUNCILWOMAN ELKINS AND A UNANIMOUS VOTE FOR THE MOTION.

**RESOLUTION AND DECLARATION OF OFFICIAL INTENT TO PURCHASE 2013 INTERNATIONAL DUMP TRUCK WITH FINANCING THROUGH HUNTINGTON BANKS WITH THE AMOUNT TO BE FINANCED \$46,900.00:** COUNCILMAN BILL JAVINS MADE THE MOTION TO PASS THE RESOLUTION AND DECLARATION OF OFFICIAL INTENT TO PURCHASE 2013 INTERNATIONAL DUMP TRUCK FINANCED THROUGH HUNTINGTON BANKS IN THE AMOUNT OF \$46,900.00. THERE WAS A SECOND BY COUNCILMAN MICHAEL HILL AND A VOTE FOR THE MOTION.

**FIRE AND POLICE COMMITTEE RECOMMENDATION ON FIRE ENGINE 851 AND RESCUE TRUCK:** COUNCILMAN ANDY SHAMBLIN MADE THE MOTION TO KEEP BOTH THE FIRE ENGING 851 AND THE RESCUE TRUCK WITH A SECOND BY COUNCILMAN JOHN MONTGOMERY. Councilman Shamblin said the Fire and Police Committee met recently to discuss trading in the equipment or retaining it for city use and the recommendation they decided on was to retain it. He said that the city mechanic thought by holding on to the older truck it will save wear and tear on the new fire truck to be purchased and the rescue truck can be used for other purposes. VOTE WAS UNANIMOUS FOR THE MOTION TO CARRY.

FIREMEN HOLIDAY HOURS: City Attorney Johnnie Brown said that the participants are close to making a resolution and said it may be ready for next Council meeting. Councilman Shamblin said that he would like Council to see the agreement that is reached before voting on it at the next Council meeting.

NEW BUSINESS

PAYMENT FOR SATTES SCHOOL AT TIME OF CLOSING WITH REIMBURSEMENT TO BE MADE WHEN FINANCING IS IN PLACE: COUNCILWOMAN LAURIE ELKINS MADE THE MOTION TO PAY FOR THE SATTES SCHOOL AT THE TIME OF CLOSING ON JUNE 14 WITH FUNDS FROM THE SALES TAX WITH REIMBURSEMENT TO BE MADE TO SALES TAX WHEN FINANCING IS IN PLACE. THERE WAS A SECOND BY COUNCILMAN BILL RACER AND A UNANIMOUS VOTE FOR THE MOTION.

BUDGET REVISION AND RESOLUTION: COUNCILMAN BILL JAVINS MADE THE MOTION TO APPROVE THE RESOLUTION FOR THE BUDGET REVISION WITH A SECOND BY COUNCILMAN JOHN MONTGOMERY. Treasurer John Young said this will be the last revision for the 2019-2020 fiscal year. THE MOTION CARRIED.

TREASURER REPORT: COUNCILMAN ANDY SHAMBLIN MADE THE MOTION TO ACCEPT THE TREASURER REPORTS WITH A SECOND BY COUNCILWOMAN LAURIE ELKINS. THE MOTION PASSED.

ATTORNEY REPORT: Johnnie Brown did not have a report to present.

MAYOR COMMENTS: Mayor Casebolt was not present.

COUNCIL COMMENTS: Recorder Rita Cox said that Tuesday, June 9 is the day for the WV Primary Election and the City Election will be July 21.

PUBLIC COMMENTS: Joe Stevens said that the movie night will be June 23 at the Nitro Library and will be a drive in with Toy Story 4 being shown. He said that Mardi Gras Casino will be opening June 5. He also said the Ridenour Regatta Fishing Tournament will be held July 24.

Ashley Stevens asked some questions by way of Facebook concerning policing. Chief Bobbie Eggleton said he would be pleased to talk with her. Recorder Rita Cox offered her office number to field calls for different department members.

ADJOURNMENT: COUNCILMAN BILL RACER MADE THE MOTION TO ADJOURN AND THERE WAS A SECOND BY COUNCILMAN JOHN MONTGOMERY. THE MOTION PASSED.

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DAVE CASEBOLT, MAYOR

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RITA COX, RECORDER

**DRAFT**



# West Virginia Absentee Ballot Application

**Instructions:** Eligible voters may apply for an absentee ballot beginning January 1<sup>st</sup> or 84 days before the election, whichever is earlier. Voters must apply separately for each election. Voters eligible under section A of number 4 must fill out this application in their own handwriting, unless receiving assistance. Complete the steps below, then mail, fax, or e-mail your application to your County Clerk. He or she must receive your application by the sixth day before the election. Visit [GoVoteWV.com](http://GoVoteWV.com) for contact information. Military and overseas voter should apply using the Federal Postcard Application.

**1** Print your name Last \_\_\_\_\_ First \_\_\_\_\_ Middle \_\_\_\_\_ Suffix \_\_\_\_\_

**2** Your current WV residence address and date of birth Street (not P.O. Box) \_\_\_\_\_ County: \_\_\_\_\_  
City \_\_\_\_\_ State WV Zip Code \_\_\_\_\_ Date of Birth \_\_\_\_/\_\_\_\_/\_\_\_\_

**3** Where should we mail your ballot? Address \_\_\_\_\_ Phone \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**4** Eligibility: Choose one from section A or B

**A. I am applying for a paper ballot by mail because I am not able to vote in person during Early Voting or on Election Day due to:**

- Illness, injury or other medical reason which keeps me confined.
- Immobility due to advanced age or a physical disability.
- Incarceration or detention in jail or home. I am not under conviction of any felony, of treason or of bribery in an election (including any period of probation or parole). If selected, you must complete the statement on Page 2 of this form.
- Employment which because of hours worked and distance from the county seat makes voting in person impossible.
- I am a participant in the Address Confidentiality Program (ACP) with the Office of the Secretary of State. If selected, send your application to the Secretary of State's Office.
- The county absentee voting office and my polling place are inaccessible to me due to my physical disability.
- Personal business or travel. If selected, your ballot must be mailed outside of your county of residence.
- Attendance at college, university, or other place of education or training. If selected, your ballot must be mailed outside of your county of residence.
- Temporarily living outside of the county due to serving as an elected or appointed federal or state officer. If selected, your ballot must be mailed outside of your county of residence.
- Temporarily living outside of the county due to a temporary assignment by my employer for a specific period of four years or less. If selected, your ballot must be mailed outside of your county of residence.

**B. I am applying for an electronic absentee ballot due to:**

- A physical disability that prevents me from voting in person and from voting a paper ballot without assistance.  
If selected, enter your email address: \_\_\_\_\_

**5** Ballot Information

<p>Election (choose <u>one</u>):</p> <p><input type="checkbox"/> Federal/State/County</p> <p><input type="checkbox"/> City/Town (if separate from county election, submit to your city/town clerk or recorder)</p>	<p>Election Type: (choose <u>one</u>)</p> <p><input type="checkbox"/> Primary</p> <p><input type="checkbox"/> General</p> <p><input type="checkbox"/> Special</p>	<p>Which political party's ballot will I receive in a Primary Election?</p> <p>I'm registered as: _____ Ballot you will receive: _____</p> <p>Democrat → Democrat</p> <p>Republican → Republican</p> <p>Mountain → Non-Partisan or Mountain (Jefferson/Harrison/Taylor Counties only)</p> <p>Libertarian → Non-Partisan (the Libertarian party nominates by convention)</p> <p>None of the above → Non-Partisan or request a party ballot here:</p> <p style="text-align: center;"><input type="checkbox"/> Democrat   <input type="checkbox"/> Republican   <input type="checkbox"/> Mountain</p>
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**6** Declaration

I do hereby certify the information given above is true to the best of my knowledge, that I reside at the address given, and that I am qualified and registered to vote in this county. I understand that I must vote in person if I can. I understand that making a false statement on this application is a crime punishable by a fine up to \$1000 and up to one-year imprisonment. If I require assistance with my ballot, the reason for the assistance is stated below and the person who will assist me has signed the oath on number 7 of this form.

Signature/mark of voter (if mark, witness must sign) **X** \_\_\_\_\_ Date: \_\_\_\_\_

Signature of witness to voter's mark (if needed) \_\_\_\_\_ Date: \_\_\_\_\_

Reason for assistance (if needed): \_\_\_\_\_

**7** Oath of Voter's Assistant (if needed)

I, a person giving assistance to the voter above and signing below, hereby swear or affirm, under penalty of law, that: I will not in any manner request, persuade or induce the voter I am assisting into voting for someone other than the candidate of the voter's choice; and I will not keep or make any memorandum or entry of anything, directly or indirectly, nor reveal to any person the name of any candidate or issue voted for by the voter or which ticket he or she voted except when required pursuant to law to give testimony as to the matter in a judicial proceeding.

Signature of person assisting voter \_\_\_\_\_ Date: \_\_\_\_\_

## Voter's Change of Name/Address

If you changed your name and/or address and have not updated your voter registration, please make sure you have entered your new name and/or address on page 1, then enter your previous name and/or address below.

**Previous name:**

Last \_\_\_\_\_ First \_\_\_\_\_ Middle \_\_\_\_\_ Suffix \_\_\_\_\_

**Previous address:**

Street (not P.O. Box) \_\_\_\_\_ County: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

## Statement of Sheriff, Chief of Police or Authorized Deputy

(To be completed for applicants voting absentee because of incarceration or detention)

I, \_\_\_\_\_, hereby declare that the applicant whose signature appears on this application will be confined in the county or city jail or other detention facility or home confinement on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the date of the election, and is not under conviction of treason, bribery in an election, or felony.

Name of Detention Facility \_\_\_\_\_ City/County \_\_\_\_\_

Signature \_\_\_\_\_ Title \_\_\_\_\_



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NITRO CITY COUNCIL  
MINUTES  
MAY 19, 2020

DRAFT COPY

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

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

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

APPROVAL OF COUNCIL MINUTES: RECORDER RITA COX MADE THE MOTION TO APPROVE THE MINUTES OF THE MAY 5, 2020 MEETING OF COUNCIL. THERE WAS A SECOND BY COUNCILMAN SHAMBLIN AND A VOTE FOR THE MOTION.

OLD BUSINESS

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LAND AND WATER CONSERVATION GRANTS/ENTRY WAY PARK AND RIEDNOUR LAKE: Mayor Casebolt said that the city has received two Land and Water Conservation Grants. He wanted to thank Tracy Toler for all the work he has done at Ridenour Park. Laura Cox said that this is the first time she is aware that a city received two grants in one year. She also said that because the Entry Way Park is a new park there will need to be an environmental assessment with the literature for that being available in Nitro City Hall for 30 days public inspection. Recorder Rita Cox said that the legal notice is scheduled to be published in the Charleston Gazette Mail on May 20, 2020 and that will begin the 30 day period for assessment. Mayor Casebolt said the Nitro Armed Forces Commemorative Park grant amount is \$150,000 with \$75,000 coming from the Land and Water Conservation Fund Grant and \$75,000 from the city and the Ridenour Lake Park Improvements grant amount is \$251,000 with \$125,500 from the Land and Water Fund and \$125,500 from the city.

KEEPING FIRE TRUCK 851: Councilman Michael Hill said that he believes the city should not trade in Engine 851. COUNCILMAN HILL MADE THE MOTION THAT THE POLICE AND FIRE COMMITTEE MEET ON WEDNESDAY, MAY 27 AT 3:00 PM IN NITRO CHURCH OF CHRIST TO CONSIDER KEEPING THE FIRE ENGINE AND RESCUE TRUCK RATHER THAN TRADING THEM IN AND REPORTING BACK TO COUNCIL WITH THEIR RECOMMENDATION. THE SECOND TO THE MOTION WAS MADE BY COUNCILMAN SHAMBLIN. Councilman Shamblin said the Police and Fire Committee consists of Councilwoman Donna Boggs, and Councilmen Andy Shamblin and John Montgomery. THE MOTION CARRIED.

FIRST READING AMENDING ORDINANCE 1803 DISPOSING RUBBISH, SALVAGE, GARBAGE MATERIALS, MACHINERY AND EQUIPMENT: COUNCILMAN MONTGOMERY MADE THE MOTION TO PASS ON FIRST READING AN ORDINANCE AMENDING ORDINANCE 1803.7 AS RELATING TO DISPOSING OF RUBBISH, SALVAGE, GARBAGE MATERIALS, MACHINERY AND EQUIPMENT. THERE WAS A SECOND BY COUNCILMAN JAVINS. Councilman Montgomery said that by passing this amendment the Code Enforcement Department will be able to more strenuously enforce existing ordinances. COUNCIL VOTED UNANIMOUSLY FOR THE MOTION.



NEW BUSINESS

UPDATE ON HONORING NITRO HIGH SCHOOL 2020 GRADUATES: Councilman Andy Shamblin said that there will be a parade of cars on Friday, May 22 at 7:00 pm to honor Nitro High School 2020 graduates. He said the parade will line up at the Robert C. Byrd Boat Launch and use the route that is normally used for homecoming with the parade ending at Nitro High School. He said people are invited to socially distance themselves along the parade route to honor the students. He also said that there will be banners installed to honor the graduates.

ATTORNEY REPORT: Johnnie Brown did not have a report to present.

TREASURER REPORT: COUNCILMAN SHAMBLIN MADE THE MOTION TO ACCEPT THE APRIL FINANCIAL REPORTS SUPPLIED BY CITY TREASURER JOHN YOUNG. THERE WAS A SECOND BY COUNCILMAN MONTGOMERY AND THE MOTION CARRIED.

MAYOR COMMENTS: Mayor Casebolt said that the group called Flags of Honor will be coming through town on Wednesday evening to carry a flag to Washington, DC for Memorial Day to honor Viet Nam Veterans and POWS. Mayor Casebolt said he would like to have input from Council about whether to continue having Council meetings at Nitro Church of Christ for distancing or would Council rather move back to Council Chambers. COUNCILMAN JAVINS MADE THE MOTION TO REMAIN AT NITRO CHURCH OF CHRIST WITH A SECOND BY COUNCILMAN MONTGOMERY. Mayor Casebolt said that he thought it was important for Council and the Mayor to set an example for the public on how to respond safely during the pandemic. THE MOTION PASSED WITH A UNANIMOUS VOTE.

COUNCIL COMMENT: Councilman John Montgomery gave Recorder Rita Cox information on all the ordinances that had been passed under his watch on Council so that it can be added to the Codified Ordinances.

ADJOURNMENT: COUNCILMAN JAVINS MADE THE MOTION TO ADJOURN WITH A SECOND BY COUNCILMAN MONTGOMERY AND THE MOTION PASSED.

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DAVE CASEBOLT, MAYOR

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RITA COX, RECORDER



**DRAFT**

NITRO CITY COUNCIL  
MINUTES  
MAY 5, 2020

**CALL TO ORDER:** Mayor Dave Casebolt called the meeting to order at 7:00 pm at the Nitro Church of Christ with the following people in attendance: Recorder Rita Cox, Ward 2 Councilman Bill Racer, Ward 3 Councilwoman Laurie Elkins, Ward 4 Councilman Michael Hill, Councilmen at Large Bill Javins, John Montgomery, and Andy Shamblin, City Treasurer John Young, and Ward 1 Councilwoman Donna Boggs and City Attorney Johnnie Brown on speaker phone.

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

**FUTURE DATES OF COUNCIL:** Mayor Casebolt said the future dates of Council are May 19 and June 2 and 16.

**APPROVAL OF COUNCIL MINUTES:** RECORDER COX MADE THE MOTION TO APPROVE THE MINUTES OF APRIL 7 WITH A SECOND BY COUNCILMAN SHAMBLIN AND A UNANIMOUS VOTE FOR THE MOTION. RECORDER COX MADE THE MOTION TO APPROVE THE MINUTES OF APRIL 21. THERE WAS A SECOND BY COUNCILMAN MONTGOMERY AND THE MOTION PASSED.

**OLD BUSINESS**

**PROCLAMATION OF PRECINCTS 22 AND 23 CHANGE/NITRO, PUTNAM COUNTY FROM RESA CENTER TO J.T.'S TRUCK ACCESSORIES, 3002 1<sup>ST</sup> AVENUE, NITRO:** RECORDER COX MADE THE MOTION TO PASS THE PROCLAMATION AUTHORIZING J.T.'S TRUCK ACCESSORIES AT 3002 1<sup>ST</sup> AVENUE TO BE THE POLLING LOCATION FOR NITRO, PUTNAM COUNTY PRECINCTS 22 AND 23 FOR THE JULY 21, 2020 MUNICIPAL ELECTION. THERE WAS A SECOND BY COUNCILMAN MONTGOMERY AND THE MOTION PASSED WITH A UNANIMOUS VOTE.

**NEW BUSINESS**

**BUDGET REVISION:** COUNCILMAN JAVINS MADE THE MOTION TO APPROVE THE BUDGET REVISION FOR FISCAL YEAR 2020, GENERAL FUND, REVISION NUMBER 6. THERE WAS A SECOND BY COUNCILMAN RACER AND THE MOTION PASSED WITH A UNANIMOUS VOTE.

**TREASURER REPORT:** RECORDER COX MADE THE MOTION TO ACCEPT THE REPORT BY CITY TREASURER JOHN YOUNG WITH COUNCILMAN MONTGOMERY MAKING THE SECOND TO THE MOTION. VOTE WAS FOR THE MOTION.

**ATTORNEY REPORT:** Johnnie Brown said he would be working with Recorder Rita Cox on the arrangements for the municipal election for July 21. He said he would take questions from members of Council.

**MAYOR COMMENTS:** Mayor Casebolt said he is overseeing expenditures and said Department Heads needs to be careful with spending since the taxes going forward will be impacted by the shutdown due to the pandemic. He said he appreciated the work that everyone has put in due to the Covid 19 pandemic.

**DRAFT**

COUNCIL COMMENTS: Councilman Michael Hill asked if there was a way the city could help businesses in town that are having financial problems.

Councilman Andy Shamblin said there will be a parade to honor Nitro High graduates on May 22 and he would have more information later.

PUBLIC COMMENTS: Mayor Casebolt responded to a Facebook question about the reopening of City Hall and said that a plan was being put in place and the public would be informed as soon as it was formulated.

ADJOURNMENT: COUNCILMAN JAVINS MADE THE MOTION TO ADJOURN AND THERE WAS A SECOND BY COUNCILMAN MONTGOMERY. THE MOTION CARRIED.

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DAVE CASEBOLT, MAYOR

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RITA COX, RECORDER