

AGENDA
NITRO CITY COUNCIL
JUNE 16, 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 7 and Second in July Meeting to be Determined

APPROVAL OF COUNCIL MINUTES: June 2, 2020

PROCLAMATION HONORING THEIR 70TH WEDDING ANNIVERSARY MAKING JUNE 17, 2020
CHARLES AND WANDA SMITH DAY: Mayor Dave Casebolt

OLD BUSINESS

OPEN BIDS FOR ROOFING AT SATTES SCHOOL: Recorder Rita Cox

SECOND READING HOUSING CONSORTIUM ORDINANCE BETWEEN CHARLESTON, BELLE,
CLEDENIN, DUNBAR, MARMET, NITRO, ST. ALBANS, S. CHARLESTON, CEDAR GROVE AND
KANAWHA COUNTY: Recorder Rita Cox

REAPPOINT HARRY MILLER TO THREE YEAR TERM TO NRWU JULY 1, 2020 TO JUNE 30, 2023:
Mayor Dave Casebolt

NEW BUSINESS

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

CREATION OF ONLINE CITY ORDINANCES: Johnnie Brown

ATTORNEY REPORT

TREASURER REPORT

EXECUTIVE SESSION FIRE DEPARTMENT HOLIDAY MOU: Johnnie Brown

EXECUTIVE SESSION TACO BELL: Mayor Dave Casebolt

MAYOR COMMENTS

COUNCIL COMMENTS

PUBLIC COMMENTS

ADJOURNMENT

SMITH

Charles (Charlie) and Wanda Smith of Nitro are celebrating their 70th wedding anniversary this week. The ceremony was performed by The Justice of the Peace at the Lincoln County Court House on June 17, 1950.

Charlie retired from Union Carbide after 35 years of service. The couple have been members of St. Paul's United Methodist Church for nearly 70 years. They are active in children's Bible School and all church activities.

They are the proud parents of Charles "Tom" Smith, Jr. of Brenham, TX, The Late Jan Smith Vineyard (Gary) of Hurricane. They have two grandsons: Bart Smith (Kelly) of Austin, TX



Wanda & Charlie Smith 70 Years

and Craig Vineyard of Huntington, WV.

Wanda and Charlie will be sitting on their front porch on Wednesday June 17th, between 5:00 and 6:00 PM to call greetings to friends and family as they drive by to wave and cheer 70 year accomplishment. We hope you will drive by and congratulate Wanda and Charles "Charlie" Smith

NITRO CITY COUNCIL
MINUTES
JUNE 2, 2020

DRAFT

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 ENGINE 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

HOUSING CONSORTIUM AGREEMENT BETWEEN CHARLESTON, BELLE, CLENDENIN, DUNBAR, MARMET, NITRO, ST. ALBANS, S. CHARLESTON, CEDAR GROVE, AND KANAWHA COUNTY: COUNCILMAN MONTGOMERY MADE THE MOTION TO PASS ON FIRST READING THE HOUSING CONSORTIUM AGREEMENT ORDINANCE WITH A SECOND BY COUNCILMAN HILL. VOTE WAS FOR THE MOTION.

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.

DRAFT
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.

DAVE CASEBOLT, MAYOR

RITA COX, RECORDER

ORDINANCE _____

An Ordinance to abandon a portion of Cedar Street, a street situate in the City of Nitro, West Virginia, as the same is shown on that certain survey map, a copy of which is attached hereto and incorporated herein by reference, dated January 30, 2019, entitled "MAP SHOWING A 50' RIGHT OF WAY TO BE ABANDONED AND DIVIDED BETWEEN TWO PROPERTY OWNERS A 0.06 ACRE TRACT TO BE MERGED WITH LOTS 23 & 24 BLOCK C THE JOHN T. & ELLEN K. CRISLIP PROPOERTY DB 2384, P – 892 / TM 10, PAR. 163 AND A 0.06 ACRE TRACT TO BE MERGED WITH LOT 11 & P/O LOT 12 BLOCK D THE MELODY L. MYNES PROPERTY DB 2535, P – 681 / TM 10, PAR. 178 EAST CRAWFORD CITY SUBDIVISION CITY OF NITRO – KANAWHA COUNTY WEST VIRGINIA", prepared by Calhoun Engineering & Surveying, Scott Depot, West Virginia.

BEFORE THE CITY COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA, TO WIT:

WHEREAS, the City of Nitro, West Virginia, has title to undeveloped and unused real property designated on City maps as Cedar Street, the metes and bounds of which are as follows:

Beginning at a point on the corner of Lot 24, the John T. and Ellen K. Crislip Property, and on the Dupont Avenue right of way; thence running with Lot 24, the John T. and Ellen K. Crislip Property, N 74° 15'00" E 100.00 feet to a point on a sixteen foot alley; thence running with the sixteen foot alley S 11° 10'00" E 25.08 feet to a set 5/8" pin on the center of the abandoned fifty foot right of way; thence severing the abandoned fifty foot right of way S 74° 15'00" W 100.00 feet to a set 5/8" pin on the Dupont Avenue right of way; thence running with the Dupont Avenue right of way N 11° 10'00" W 25.08 feet to the beginning containing 0.06 acre;

and

WHEREAS, the City of Nitro has no plans to construct an actual roadway on the aforesaid real property designated on City maps as Cedar Street; and

WHEREAS, John T. and Ellen K. Crislip, who own real property contiguous to the aforesaid Cedar Street, filed a petition with the City of Nitro Planning Commission requesting the City of Nitro abandon the aforesaid real property designated on City maps as Cedar Street, the metes and bounds of the aforesaid Cedar Street that is contiguous with their real property as stated above; and

WHEREAS, on June 27, 2019, a public hearing was held before the Nitro Planning Commission for the purpose of discussing the abandonment of the aforesaid Cedar Street and no one objected to the abandonment; thus the Nitro Planning Commission approved the request of John T. and Ellen K. Crislip to abandon the aforesaid Cedar Street, the metes and bounds description of which is stated above, and recommended to the City Council of the City of Nitro that the aforesaid real property be abandoned and be deeded to John T. and Ellen K. Crislip; and

WHEREAS, at two regularly called City Council meetings, the City Council for the City of Nitro approved the motion for approval of the aforesaid request for abandonment of the aforesaid Cedar Street in the manner recommended by the Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA, that that portion of Cedar Street as stated in the foregoing metes and bounds description is hereby closed, abandoned and discontinued in the manner recommended by the Planning Commission.

IT IS FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA, that John T. and Ellen K. Crislip take possession of the said portion of Cedar Street subject to any pre-existing easements and/or covenants as may be reflected in the chain of title.

IT IS FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA, that John T. and Ellen K. Crislip shall bear all expenses applicable to conveyance of the aforesaid property.

IT IS FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA, that the City of Nitro does not, in any manner, warrant title to the subject property.

The Mayor of the City of Nitro is hereby authorized and directed to execute, acknowledge and deliver a proper deed conveying all right, title and interest in and to the aforesaid real property to John T. and Ellen K. Crislip.

All ordinances, or part of any ordinance, inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency.

Passed on First Reading _____.

Passed on Second Reading _____.

Dave Casebolt, Mayor

Rita Cox, Recorder

THIS QUITCLAIM DEED Made this ____ day of March, 2020, by and between CITY OF NITRO, WEST VIRGINIA, a municipal corporation, party of the first part, Grantor; and JOHN T. CRISLIP and ELLEN K. CRISLIP, husband and wife, parties of the second part, Grantees.

WITNESSETH:

That in accordance with that certain Ordinance adopted by the City Council of the City of Nitro, West Virginia, a copy of which is attached hereto, the Grantor does hereby RELEASE, REMISE, QUITCLAIM, and CONVEY unto the Grantees all of its right, title, and interest in and to that certain lot, piece, or parcel of land, together with the improvements thereon and the appurtenances thereunto belonging, situate in the Nitro District, Kanawha County, West Virginia, and being more particularly described as follows:

Beginning at a point on the corner of Lot 24, the John T. and Ellen K. Crislip Property, and on the Dupont Avenue right of way; thence running with Lot 24, the John T. and Ellen K. Crislip Property, N 74° 15'00" E 100.00 feet to a point on a sixteen foot alley; thence running with the sixteen foot alley S 11° 10'00" E 25.08 feet to a set 5/8" pin on the center of the abandoned fifty foot right of way; thence severing the abandoned fifty foot right of way S 74° 15'00" W 100.00 feet to a set 5/8" pin on the Dupont Avenue right of way; thence running with the Dupont Avenue right of way N 11° 10'00" W 25.08 feet to the beginning containing 0.06 acre, as shown that certain survey map, prepared by Calhoun Engineering & Surveying, Scott Depot, West Virginia, dated January 30, 2019, entitled "MAP SHOWING A 50' RIGHT OF WAY TO BE ABANDONED AND DIVIDED BETWEEN TWO PROPERTY OWNERS A 0.06 ACRE TRACT TO BE MERGED WITH LOTS 23 & 24 BLOCK C THE JOHN T. & ELLEN K. CRISLIP PROPOERTY DB 2384, P – 892 / TM 10, PAR. 163 AND A 0.06 ACRE TRACT TO BE MERGED WITH LOT 11 & P/O LOT 12 BLOCK D THE MELODY L. MYNES PROPERTY DB 2535, P – 681 / TM 10, PAR. 178 EAST CRAWFORD CITY SUBDIVISION CITY OF NITRO – KANAWHA COUNTY WEST VIRGINIA", which said map is attached hereto and recorded herewith.

This conveyance is made without any warranty of title to the real estate hereby conveyed.

The parties hereto do hereby declare that this deed is exempt from the excise tax on the privilege of conveying real property because it is a quitclaim without consideration and is being transferred from a political subdivision of the State of West Virginia.

Witness the following signature and seal:

CITY OF NITRO, WEST VIRGINIA,
a municipal corporation

by: _____
Dave Casebolt, Mayor

STATE OF WEST VIRGINIA

COUNTY OF KANAWHA, to-wit:

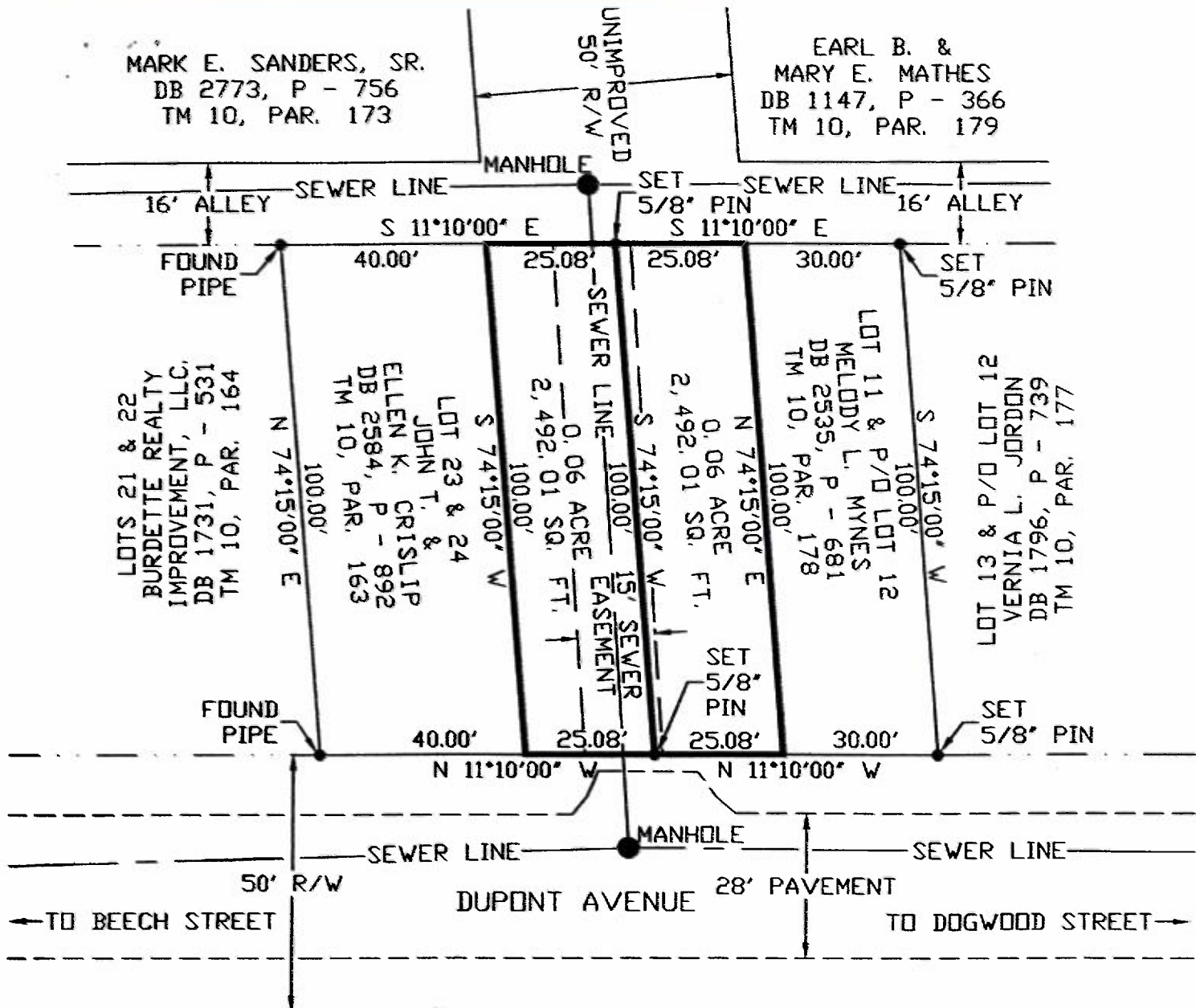
The foregoing instrument was acknowledged before me this ____ day of March, 2020, by Dave Casebolt, Mayor of the City of Nitro.

My commission expires _____.

Notary Public

THIS PROPERTY WILL BE OWNER OCCUPIED

This instrument prepared by:
Keith B. Walker, Esq.
WALKER LAW OFFICE
P. O. Box 11855
Charleston, West Virginia 25339
(304) 550-8882



MAP SHOWING
 A 50' RIGHT OF WAY TO BE ABANDONED AND
 DIVIDED BETWEEN TWO PROPERTY OWNERS
 A 0.06 ACRE TRACT TO BE MERGED WITH
 LOTS 23 & 24 BLOCK C
 THE JOHN T. & ELLEN K. CRISLIP PROPERTY
 DB 2384, P - 892 / TM 10, PAR. 163
 AND A 0.06 ACRE TRACT TO BE MERGED WITH
 LOT 11 & P/O LOT 12 BLOCK D
 THE MELODY L. MYNES PROPERTY
 DB 2535, P - 681 / TM 10, PAR. 178
 EAST CRAWFORD CITY SUBDIVISION
 CITY OF NITRO - KANAWHA COUNTY
 WEST VIRGINIA

JANUARY 30, 2019
 CALHOUN ENGINEERING & SURVEYING
 SCOTT DEPOT, WV

Calhoun P. E. 4782
 P. S. 1011
 SCALE: 1 INCH = 30 FEET

THE ABANDON 50' RIGHT OF WAY IS
 LOCATED IN FLOOD ZONE "AE" - FEMA
 FIRM MAP PANEL NO. 54039C0211E.
 DATED: FEBRUARY 6, 2008.