

AGENDA
NITRO CITY COUNCIL
MAY 19, 2020
7:00 pm
Nitro Church of Christ

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: June 2 and 16

APPROVAL OF COUNCIL MINUTES: May 5

OLD BUSINESS

LAND AND WATER CONSERVATION GRANTS/ENTRY WAY PARK AND RIDENOUR
LAKE: Mayor Dave Casebolt

KEEPING FIRE TRUCK 851: Mayor Dave Casebolt

FIRST READING AMENDING ORDINANCE 1803 DISPOSING RUBBISH, SALVAGE,
GARBAGE MATERIALS, MACHINERY AND EQUIPMENT: Councilman John
Montgomery

NEW BUSINESS

UPDATE ON HONORING NITRO HIGH SCHOOL 2020 GRADUATES: Councilman
Andy Shamblin

STOCKING RIDENOUR LAKE AT \$1000 PER MONTH: Mayor Dave Casebolt

ATTORNEY REPORT

Income Statement

For Fiscal: 2019-2020 Period Ending: 04/30/2020

Group Summary

Department	Original Total Budget	Current Total Budget	MTD Activity	YTD Activity	Budget Remaining
Fund: 001 - GENERAL FUND					
Revenue					
	7,798,035.00	7,923,035.00	1,087,060.93	7,640,096.81	282,938.19
Revenue Total:	7,798,035.00	7,923,035.00	1,087,060.93	7,640,096.81	282,938.19
Expense					
409 - Mayor	130,347.25	130,347.25	10,717.20	124,705.34	5,641.91
410 - City Council	74,363.00	99,363.00	4,958.15	57,355.98	42,007.02
411 - Recorder	91,545.00	91,545.00	6,360.49	55,105.18	36,439.82
413 - Treasurer	64,006.00	64,006.00	7,711.46	59,284.75	4,721.25
416 - Municipal Court	86,819.12	162,495.12	11,103.18	76,763.99	85,731.13
435 - Regional Development Authority	2,200.00	2,200.00	0.00	2,065.09	134.91
436 - Building Department	141,940.59	142,535.59	16,162.41	157,146.84	-14,611.25
440 - City Hall	469,157.84	469,157.84	28,015.00	411,989.74	57,168.10
457 - Planning & Zoning	0.00	55,000.00	5,590.72	28,943.80	26,056.20
566 - Public Works Department	406,745.98	406,745.98	48,971.04	452,178.76	-45,432.78
700 - Police Department	1,971,931.15	2,024,152.15	193,781.50	1,728,183.86	295,968.29
706 - Fire Department	1,753,149.33	1,872,958.33	112,176.41	1,283,987.94	588,970.39
707 - Dog Warden/Humane Society	5,500.00	5,500.00	503.79	5,294.91	205.09
750 - Streets & Highways	613,624.08	613,624.08	29,264.57	489,250.15	124,373.93
800 - Garbage Department	370,106.48	370,106.48	26,136.08	266,600.10	103,506.38
801 - Landfill & Incinerator Department	165,000.00	165,000.00	15,664.93	157,493.61	7,506.39
900 - Parks & Recreation	117,453.08	177,453.08	9,541.62	151,798.59	25,654.49
901 - Visitors Bureau	112,425.00	112,425.00	6,663.25	126,632.64	-14,207.64
903 - Fair Associations/Festival	35,000.00	48,046.00	0.00	41,069.64	6,976.36
904 - Swimming Pools	107,782.00	149,958.00	286.16	77,529.42	72,428.58
911 - Historical Commission	8,605.00	8,605.00	643.88	9,880.80	-1,275.80
916 - Library	168,048.00	190,475.00	14,804.07	142,244.44	48,230.56
951 - Seniors	50,663.66	50,663.66	3,724.42	42,431.57	8,232.09
975 - General Government	0.00	110,000.00	0.00	103,892.99	6,107.01
976 - Public Safety	406,200.00	181,200.00	0.00	154,525.84	26,674.16
977 - Streets & Transportation	68,923.00	68,923.00	0.00	17,573.73	51,349.27
978 - Health & Sanitation	0.00	115,000.00	0.00	112,665.19	2,334.81
979 - Culture & Recreation	440,000.00	450,000.00	0.00	435,259.95	14,740.05
Expense Total:	7,861,535.56	8,337,485.56	552,780.33	6,771,854.84	1,565,630.72
Fund: 001 - GENERAL FUND Surplus (Deficit):	-63,500.56	-414,450.56	534,280.60	868,241.97	-1,282,692.53
Fund: 002 - COAL SEVERANCE FUND					
Revenue					
	20,000.00	20,000.00	4,324.82	22,411.48	-2,411.48
Revenue Total:	20,000.00	20,000.00	4,324.82	22,411.48	-2,411.48
Expense					
951 - Seniors	20,000.00	30,135.00	3,697.20	22,183.20	7,951.80
Expense Total:	20,000.00	30,135.00	3,697.20	22,183.20	7,951.80
Fund: 002 - COAL SEVERANCE FUND Surplus (Deficit):	0.00	-10,135.00	627.62	228.28	-10,363.28
Total Surplus (Deficit):	-63,500.56	-424,585.56	534,908.22	868,470.25	



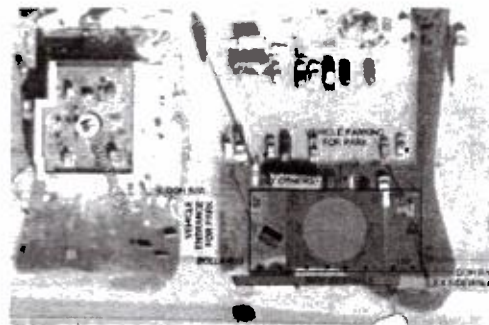
Account	Name	Balance
Fund: 001 - GENERAL FUND		
Assets		
001-101-101	Receipts Account	80,214.01
001-101-102	Disbursements Account	56,858.21
001-101-103	L GOV ACCOUNT	272.56
001-101-104	Payroll Account	32,641.16
001-101-105	THF Bank Account	304,832.41
001-102-106	City of Nitro Hotel, Motel, Ta	68,767.95
001-102-107	Fire Fee Account	166,064.98
001-102-108	Fair & Festivals	6,355.81
001-102-109	Firemen's Equip Fund	90,801.71
001-102-110	Peoples FCU CD	9,163.16
001-102-111	Peoples FCU CD	253,747.50
001-102-113	Police State M-Dent	42,222.34
001-102-114	Police To Be Forfeited	20,240.68
001-102-115	Federal Mdent Fund	15,010.61
001-102-116	Huntington Library Acc	6,630.78
001-102-118	Sales Tax Account	512,674.08
001-102-120	Municipal Court	147,648.99
001-102-121	Abandoned Property Registration	1,387.00
001-109-200	Taxes Receivable	1,316,983.55
001-109-201	Munci Fees Receivable	702,822.73
001-109-202	Accts Receivable Misc	352,884.12
001-109-204	Uncollectible MFS	-446,920.69
001-109-205	Uncollectible AR Misc	-60,200.00
001-124-201	Prepaid Expnes	115,111.82
001-125-201	Investments Real Estate	148,147.15
	Total Assets:	3,944,362.62
		<u>3,944,362.62</u>
Liability		
001-201-220	DISB - Accounts Payable	118,709.73
001-225-210	Insurance Payable	1,299.86
001-229-210	SUTA Tax Payable	2,428.20
001-239-221	Deferred Revenues	161,952.26
001-241-222	Funds Seized Police	21,218.18
001-241-223	Court Bonds Pending	700.00
001-241-224	Unapplied Credit Liabilities	16,140.98
	Total Liability:	322,449.21
Equity		
001-267-200	Restricted General Fund	293,743.13
001-267-201	Committed General Fund	359,076.25
001-267-202	Fund Balance General Fund	661,773.96
001-268-200	Unassigned General Fund	1,439,078.10
	Total Beginning Equity:	2,753,671.44
Total Revenue		7,640,096.81
Total Expense		6,771,854.84
Revenues Over/Under Expenses		868,241.97
	Total Equity and Current Surplus (Deficit):	3,621,913.41
	Total Liabilities, Equity and Current Surplus (Deficit):	<u>3,944,362.62</u>

On May 12th the City was informed that both of its recently submitted Land and Water Conservation Fund Grant Applications had been forwarded from the state level to the US Department of the Interior for review and approval. The two projects are:

The Nitro Armed Forces Commemorative Park

This grant will allow the creation of a small park located along State Route 25(First Avenue) in the historic City of Nitro in Putnam County. The Park is planned to be both an interactive space and a gateway landmark to be seen from the road. A Doughboy Statue will be the main focal point with five pillars representing the military branches. Pavers and combination seating / table spaces will become opportunities for social existence flowing from the McDonalds and other nearby restaurants. Landscape lighting will increase the overall safety of the area and will enhance the visual aesthetics from First Avenue and allow visitors to experience the space at night that will become along with landscaping. The resulting park will be easily accessible for populations with disabilities. Vehicular egress and parking will be by way of the nearby McDonalds parking lot. Pedestrians can also enter the park by means of the extension of the existing sidewalk along First Avenue.

Grant Amount: \$150,000 - \$75,000 from Fund / \$75,000 from City



1" = 100'

CONCEPT SITE PLAN
CITY OF NITRO COMMEMORATIVE PARK

ARMED FORCES COMMEMORATIVE PARK



The Ridenour Lake Park Improvements

This grant will allow the upgrade / expansion of recreational features for the Ridenour Lake Park, located in the heart of the historic City of Nitro in Putnam County. Ridenour Lake is currently used for boating, fishing, hiking, and private gatherings. Existing features are heavily used. The Park Improvements proposed with this grant include a new ADA compliant shelter, a new playground, a bicycle pump track, a floating dock and two kayak launches along with upgrades to an existing dog park. The resulting park will be easily accessible for populations with disabilities. The proposed improvements will this park will positively affect property values in the area and increase community livability.

Grant Amount: \$251,000 - \$125,500 from Fund / \$125,500 from City



ORDINANCE _____

An ordinance to amend Section 1803.7, article 1803 of the Codified Ordinances of the City of Nitro, West Virginia, as amended, relating to the Property Maintenance Ordinance, and establishing the procedure for enforcing such requirements.

BE IT ORDAINED BY THE CITY COUCIL OF THE CITY OF NITRO, WEST VIRGINIA, that Section 1803.7 of the Codified Ordinances of the City of Nitro, West Virginia, as amended, be amended, all to read as follows:

**Article 1803
General Requirements**

Section 1803.7. Rubbish, salvage, and garbage, materials, machinery and equipment.

1803.7(a). Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

1803.7(b). Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

Whenever rubbish, trash or other refuse shall be allowed to accumulate upon any premises within the City in such quantities as to be a fire hazard or detrimental to public health, the owner and person in charge of the premises upon which such accumulation is found shall be jointly and severally responsible for its removal and shall be required to remove or cause to be removed such accumulation within 72 hours after receipt of written notice from Code Enforcement Officer.

If both the owner and the person in charge of such property fails within the time indicated in the order or notice to comply with such notice, the Code Enforcement Officer shall thereupon authorize and direct the Public Works Department to remove such accumulations of refuse; and after the removal of such refuse, the City Treasurer shall collect from the property owner the amount of the expense to the City of such removal.

The provisions of Section 1801.3 relating to collection of Property Maintenance Fees shall be applicable to the charges provided for under this section 1803.7.

1803.7(b)(1). Rubbish storage facilities. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

1803.7(b)(2). Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors; Provided, That prior to being discarded or abandoned but while being retained at the premises, any refrigerator or similar equipment not in operation shall be stored with the doors removed and otherwise in accordance with the requirements established in section 1803.7(d) of this Article.

corrected within the 5 days immediately succeeding issuance of that Warning Citation, the property maintenance inspector shall issue a Citation that requires the violation stated thereon to be corrected within the 10 days immediately succeeding the issuance of the Citation.

1803.7(e)(2). Issuance of a Warning Citation or a Citation shall be prima facie evidence of the violation indicated on the face of the respective Citation. Any person alleging he or she was improperly issued a Citation may, within 10 days after service of the Citation, file a petition for appeal of the Citation or payment thereof, along with the required bond, with the municipal court clerk in accordance with the following procedure:

1803.7(e)(2)(A). In order to properly and timely appeal a Citation, the petition for appeal shall be filed within 10 days after service of the Citation and the alleged violator shall pay the required amount of the applicable fine in full to the municipal court clerk. The amount so paid shall be held by the municipal court clerk as bond pending an evidentiary hearing before and resolution of the case by the municipal court. The municipal court clerk shall issue to the alleged violator a receipt showing the amount of bond paid.

1803.7(e)(2)(B). If any petition for appeal filed in accordance with this section is not timely filed or is not accompanied with the required bond, the alleged violator shall be deemed to have waived his or her right to appeal the Citation, and such petition shall be summarily denied as untimely filed.

1803.7(e)(2)(C). Nothing set forth above shall prevent the municipal court judge from finding, upon a proper showing, that an alleged violator suffers from financial hardship, and, as a result, waiving the requirement that the bond be posted as a prerequisite to filing the petition for appeal.

1803.7(e)(2)(D). Any petition filed with the municipal court clerk shall be in writing, on the form provided by the municipal court clerk, and signed by the alleged violator affirming that the contents of the petition are true and accurate to the best knowledge of the alleged violator at the time of signing. The petition for appeal shall state the facts and reasons in support of the petition. Upon filing the petition for appeal with the municipal court clerk, the alleged violator shall serve a copy of the petition and receipt showing proof of bond or waiver thereof upon the property maintenance inspector who shall receive the documents as a representative for the city attorney.

1803.7(e)(2)(E). Upon filing a petition for appeal with the municipal court clerk, the clerk, or his or her designee, shall place the case on the municipal court docket, set the case for evidentiary hearing within 30 days from the date of filing the petition, provide a notice of hearing to the alleged violator, and forward a copy to the property maintenance inspector. Upon receipt of the petition, the property maintenance inspector shall cause a copy of the Citation at issue to be forwarded to the municipal court clerk who shall file it as the original complaint alleging the violation indicated therein.

1803.7(e)(2)(F). The municipal court shall treat the Citation itself as the original complaint before the court, and shall treat it as prima facie evidence of the violation alleged therein. At the close of all of the evidence, should the municipal judge find against the alleged violator, the bond posted by the alleged violator shall be applied as payment for the fine imposed for the violation. In the event the municipal court judge finds that a violator suffers from financial hardship, the municipal judge may permit alternative sentencing. Should the court find in favor of the alleged violator, the bond shall

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 1ST AVENUE, NITRO: RECORDER COX MADE THE MOTION TO PASS THE PROCLAMATION AUTHORIZING J.T.'S TRUCK ACCESSORIES AT 3002 1ST 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.