AGENDA NITRO CITY COUNCL NOVEMBER 17, 2015 7:00 PM

CALL TO ORDER: Mayor Dave Casebolt Ward 1 Councilman Al Walls Ward 3 Councilwoman Laurie Elkins Councilman at Large Bill Javins Councilwoman at Large Brenda Tyler

INVOCATION/PLEDGE OF ALLEGIANCE

FUTURE DATES OF COUNCIL: December 1 and 15, January 5 and 19

APPROVAL OF COUNCIL MINUTES: November 3, 2015

UNFINISHED BUSINESS

THIRD READING AN ORDINANCE AUTHORIZING THE ACQUISITION AND CONSTRUCTION OF CERTAIN EXTENSIONS, ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE EXISTING SEWERAGE SYSTEM OF THE CITY OF NITRO AUTHORIZING THE ISSUANCE OF NOT MORE THAN \$10,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF SEWERAGE SYSTEM REVENUE BONDS, IN ONE OR MORE SERIES AS DESIGNATED IN A SUPPLEMENTAL RESOLUTION, OF THE CITY OF NITRO, THE PROCEEDS OF WHICH, SHALL BE USED, ALONG WITH OTHER FUNDS AND MONEYS OF, OR AVAILABLE TO, THE CITY OF NITRO, WHICH MAY BE LAWFULLY EXPENDED FOR SUCH PURPOSES, TO PERMANENTLY FINANCE THE COST OF SUCH DESIGN, ACQUISITION AND CONSTRUCTION, TO FUND RESERVE ACCOUNTS FOR SUCH BONDS TO PAY OTHER COSTS IN CONNECTION THEREWITH: AUTHORIZING THE ISSUANCE OF NOT MORE THAT \$9,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF SEWERAGE SYSTEM BOND ANTICIPATION NOTES, TO TEMPORARILY FINANCE A PORTION OF THE COST OF SUCH DESIGN ACQUISITION AND CONSTRUCTION; PROVIDING FOR THE RIGHTS AND REMEDIES OF AND SECURITY OF THE REGISTERED OWNERS OF SUCH BOND AND NOTES: AND ADOPTING OTHER PROVISIONS RELATED THERETO: Samme Gee

CITY OF NITRO SEWERAGE SYSTEM BOND ANTICIPATION NOTES, SERIES 2015 SUPPLEMENTAL RESOLUTION: Samme Gee

CITY OF NITRO SEWERAGE SYSTEM REVENUE BOND, SERIES 2015 A (WEST VIRGINIA CWSRF PROGRAM) SUPPLEMENTAL RESOLUTION: Samme Gee

FIRST DRAW RESOLUTION 2015 BONDS/RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NITRO APPROVING INVOICES RELATING TO THE DESIGN OF CERTAIN IMPROVEMENTS AND EXTENSIONS AND CERTAIN EMERGENCY REPAIRS TO THE EXISTING PULIC SEWER FACILITY OF THE CITY AND AUTHORIZING PAYMENT THEREOF: Samme Gee

SWEEP RESOLUTION/MONTHLY DEBT SERVICE PAYMENTS ON THE BONDS AND NOTES TO THE WEST VIRGINIA MUNICIPAL BOND COMMISSION: Samme Gee

NEW BUSINESS

FIRST READING AN ORDINANCE TO REPEAL SECTION 157-02 AND 157-72 AND TO AMEND SECTIONS 157-81,131, 132 AND 133 REPEAL PENALTY SECTION; REPEAL EMPLOYMENT AGE SECTION; SICK LEAVE; FUNERAL LEAVE WITH PAY; AND ANNUAL LEAVE (POLICE AND FIRE EXCEPTED): Councilman John Montgomery

APPROVAL OF FUNDING TO CODIFY ORDINANCE: Mayor Dave Casebolt

LIVE/WORK PLANNING POLICY/NDA: Rich Hively

MS4 INFORMATION: Mayor Dave Casebolt

OLD BUSINESS

HIRING OF A NEW POLICE OFFICER: Mayor Dave Casebolt

OPENING BIDS FOR CONCRETE WORK: Recorder Rita Cox

FORMATION OF COMMITTEE TO STUDY NITRO PARK RENOVATION: Mayor Dave Casebolt

HALLOWEEN DECORATING CONTEST WINNERS AND REQUEST FOR CHRISTMAS DECORATING CONTEST: Mayor Dave Casebolt

APPOINTMENT OF SUSAN VALLEAU AND SHERRY WILEY TO CONVENTION AND VISITORS BUREAU BOARD: Councilman Bill Racer

BUDGET REVISION AND RESOLUTION: John Young

TREASURER REPORT: John Young

ATTORNEY REPORT: Johnnie Brown

MAYOR COMMENTS

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COUNCIL COMMENTS

PUBLIC COMMENTS

ADJOURNMENT

NITRO CITY COUNCIL MINUTES TUESDAY, NOVEMBER 17, 2015

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

INVOCATION/PLEDGE OF ALLEGIANCE: The Invocation was given by Councilwoman Brenda Tyler and the Pledge of Allegiance was led by Rich Hively.

FUTURE DATES OF COUNCIL: Mayor Casebolt said that the future dates of Council are December 1 and 15 and January 5 and 19.

APPROVAL OF COUNCIL MINUTES: RECORDER RITA COX MADE THE MOTION THAT COUNCIL APPROVE THE MINUTES OF THE NOVEMBER 3 MEETING WITH A SECOND BY COUNCILMAN BILL JAVINS. THE VOTE WAS UNANIMOUS FOR THE MOTION.

UNFINISHED BUSINESS

THIRD READING AN ORDINANCE AUTHORIZING THE ACQUISITION AND CONSTRUCTION OF CERTAIN EXTENSIONS, ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE EXISTING SEWERAGE SYSTEM OF THE CITY OF NITRO AUTHORIZING THE ISSUANCE OF NOT MORE THAT \$10,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF SEWERAGE SYSTEM REVENUE BONDS, IN ONE OR MORE SERIES AS DESIGNATED IN A SUPPLEMENTAL RESOLUTION, OF THE CITY OF NITRO, THE PROCEEDS OF WHICH, SHALL BE USED, ALONG WITH OTHER FUNDS AND MONEYS OF, OR AVAILABLE TO, THE CITY OF NITRO, WHICH MAY BE LAWFULLY EXPENDED FOR SUCH PURPOSES, TO PERMANENTLY FINANCE THE COST OF SUCH DESIGN, ACQUISITION AND CONSTRUCTION, TO FUND RESERVE ACCOUNTS FOR SUCH BONDS TO PAY OTHER COSTS IN CONNECTION THEREWITH: AUTHORIZING THE ISSUANCE OF NOT MORE THAN \$9,000,0000 IN AGGREGATE PRINCIPAL AMOUNT OF SEWERAGE SYSTEM BOND ANTICIPATION NOTES. TO TEMPORARILY FINANCE A PORTION OF THE COST OF SUCH DESIGN ACQUISITION AND CONSTRUCTION; PROVIDING FOR THE RIGHTS AND REMEDIES OF AND SECURITY OF THE REGISTERED OWNERS OF SUCH BOND AND NOTES: AND ADOPTING OTHER PROVISION RELATED THERETO: COUNCILMAN JOHN MONTGOMERY MADE THE MOTION THAT THE ORDINANCE PASS ON THIRD READING WITH A SECOND BY RECORDER RITA COX. NRWU Attorney Sammi Gee said that the public hearing was held at the most recent meeting of Council and a second reading was done at that time. She said this reading is the third reading. COUNCIL VOTED UANIMOUSLY FOR THE MOTION.

CITY OF NITRO SEWERAGE SYSTEM BOND ANTICIPATION NOTES, SERIES 2015 SUPPLEMENTAL RESOLUTION: COUNCILMAN ANDY SHAMBLIN MADE THE MOTION THAT THE SUPPLEMENTAL RESOLUTION RELATING TO THE BOND ANTICIPATION NOTES PASS AND COUNCILWOMAN LAURIE ELKINS SECONDED THE MOTION. COUNCIL VOTED FOR THE MOTION TO CARRY.

CITY OF NITRO SEWERAGE SYSTEM REVENUE BOND, SERIES A (WEST VIRGINIA CWSRF PROGRAM) SUPPLEMENTAL RESOLUTION: COUNCILMAN BILL JAVINS MADE THE MOTION THAT THE SUPPLEMENTAL RESOLUTION RELATING TO SERIES A (WEST VIRIGNIA CWSRF PROGRAM)

SUPPLEMENTAL RESOLUTION PASS AND THE MOTION WAS SECONDED BY COUNCILMAN JOHN MONTGOMERY. COUNCIL VOTED UNANIMOUSLY FOR THE MOTION.

FIRST DRAW RESOLUTION 2015 BONDS/RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NITRO APPROVING INVOICES RELATING TO THE DESIGN OF CERTAIN IMPROVEMENTS AND EXTENSIONS AND CERTAIN EMERGENCY REPAIRS TO THE EXISTING PUBLIC SEWER FACILITY OF THE CITY AND AUTHORIZING PAYMENTS THEREOF: RECORDER RITA COX MADE THE MOTION THAT COUNCIL ADOPT THE RESOLUTION APPROVING INVOICES RELATING TO THE DESIGN OF CERTAIN IMPROVEMENTS AND EXTENSION AND CERTAIN EMERGENCY REPAIRS TO THE EXISTING PUBLIC SEWER FACILITY OF THE CITY AND AUTHORIZING PAYMENTS THEREOF WITH A SEONCD BY COUNCILMAN BILL JAVINS. COUNCIL VOTED FOR THE MOTION WITH A UNANIMOUS VOTE.

SWEEP RESOLUTION/MONTHLY DEBT SERVICE PAYMENTS ON THE BONDS AND NOTES TO THE WEST VIRGINIA MUNICIPAL BOND COMMISSION: COUNCILMAN JOHN MONTGOMERY MADE THE MOTION THAT THE SWEEP RESOLUTION PASS WITH A SECOND BY RECORDER RITA COX. VOTE WAS UNANIMOUS FOR THE MOTION.

NEW BUSINESS

FIRST READING AN ORDINANCE TO REPEAL SECTION 157-02 AND 157-72 AND TO AMEND SECTIONS 157-81, 131, 132, AND 133 REPEAL PENALTY SECTION; REPEAL EMPLOYMENT AGE SECTION; SICK LEAVE; FUNERAL LEAVE WITH PAY; AND ANNUAL LEAVE (POLICE AND FIRE EXCEPTED): COUNCILMAN JOHN MONTGOMERY MADE THE MOTION THAT COUNCIL PASS ON FIRST READING AN ORDINANCE TO REPEAL SECTION 157-02 AND 157.72 AND TO AMEND SECTIONS 157-81, 131, 132 AND 133 OF CODIFIED ORDINANCE, ALL RELATING TO CIVIL SERVICE (POLICE AND FIRE EXCEPTED). THE MOTION WAS SECONDED BY COUNCILMAN ANDY SHAMBLIN. Councilman Montgomery said that by passing the ordinance it will repeal the sections that make violation of the civil service ordinance a misdemeanor, take the nepotism decision away from the mayor and change the sick leave/funeral time from days to hours. COUNCIL VOTED UNANIMOUSLY FOR THE MOTION TO CARRY ON FIRST READING.

APPROVAL OF FUNDING TO CODIFY ORDINANCES: COUNCILMAN BILL JAVINS MADE THE MOTION THAT FUNDING THE CODIFIED ORDINANCES BE TABLED WITH A SECOND BY COUNCILMAN JOHN MONTGOMERY. VOTE WAS UNANIMOUS FOR THE MOTION.

LIVE/WORK PLANNING POLICY/NDA: Rich Hively presented Council with a proposal to consider enacting an ordinance that would allow business and living quarters to be housed in the same structure rather than requiring requests to go through the Board of Zoning Appeals or the Planning Commission. He said his research has shown this is a trend that is happening nationally. Councilman Montgomery said he would look at the research done by Rich and do some more work to put together an ordinance.

MS4 INFORMATION: Mayor Casebolt said that one of the requirements to be in compliance with the storm water management program referred to as MS4 is a monthly newsletter to make information available to the public in the storm water management area. He said he had met with Mayor Calloway of St. Albans and the person who takes care of the newsletter for St. Albans called "Stormin' Norman." They agreed to put information out for Nitro for the cost of two hours a month. Mayor Casebolt said the yearly cost will be approximately \$4600 for work on the newsletter, printing and mailing along with the municipal service bill. RECORDER RITA COX MADE THE MOTION THAT NITRO WORK WITH ST.

ALBANS IN PUTTING TOGETHER THE NEWSLETTER REQUIRED FOR THE MS4 PROGRAM AND COUNCILMAN JOHN MONTGOMERY SECONDED THE MOTION. COUNCIL VOTED UNANIMOUSLY FOR THE MOTION.

OLD BUSINESS



HIRING OF A NEW POLICE OFFICER: Chief Steve Walker said that he would like to hire two new policemen from the current list instead of one as originally planned so that they can both begin the 16 week academy training in the January class. By "over hiring" Chief Walker said that the city force can be ready when Don Scurlock is off the books. COUNCILWOMAN LAURIE ELKINS MADE THE MOTION THAT TWO OFFICERS BE HIRED BEGINNING DECEMBER 21. THERE WAS A SECOND BY COUNCILMAN BILL JAVINS AND VOTE WAS UNANIMOUS FOR THE MOTION.

OPENING BIDS FOR CONCRETE WORK: COUNCILMAN BILL JAVINS MADE THE MOTION THAT THE BID RECEIVED FROM TRI-STATE PIPELINE BE REFERRED TO THE PAVING COMMITTEE WITH THE AUTHORITY TO PROCEED WITH A SECOND BY RECORDER RITA COX AND VOTE WAS UNANIMOUS FOR THE MOTION.

FORMATION OF COMMITTEE TO STUDY NITRO PARK RENOVATION: RECORDER RITA COX MADE THE MOTION THAT A COMMITTEE BE FORMED TO EVALUATE THE COST, FEASIBILTY AND RECOMMENDATION FOR THE PARK RENOVATION WHETHER IN PARTS OR AS A WHOLE WITH COUNCILWOMAN LAURIE ELKINS CHAIRING, AND CONSISTING OF COUNCILMEN ANDY SHAMBLIN AND BILL JAVINS, IVAN MEADOW, JOEY MURPHY AND JASON REDMAN. THERE WAS A SECOND BY COUNCILMAN JOHN MONTGOMERY AND VOTE WAS FOR THE MOTION.

HALLOWEEN DECORATING CONTEST WINNERS AND REQUEST FOR CHRISTMAS DECORATING CONTEST: Mayor Casebolt said the winners of the Halloween decorating contest were as follows: Michael George, 221 Lee Avenue, first place-\$100; Donna Boggs, 3727 2nd Avenue, second place-\$50; Nancy Hudson, 604, 6th Street, third place-\$25. Mayor Casebolt said Donna Boggs and Nancy Hudson requested the winnings they were to receive be given to the Nitro Food Pantry. COUNCILMAN MONTGOMERY MADE THE MOTION THAT A CHRISTMAS DECORATING CONTEST BE HELD WITH THE PRIZES BEING \$100, \$50, AND \$25 WITH A SECOND BY COUNCILWOMAN ELKINS. COUNCIL VOTED FOR THE MOTION.

APPOINTMENT OF SUSAN VALLEAU AND SHERRY WILEY TO CONVENTION AND VISITORS BUREAU BOARD: RECORDER RITA COX MADE THE MOTION THAT THE APPOINTMENT OF SUSAN VALLEAU AND SHERRY WILEY TO THE BOARD OF THE CVB WITH COUNCILWOMAN LAURIE ELKINS SECONDING THE MOTION. VOTE WAS FOR THE MOTION.

BUDGET REVISION AND RESOLUTION: RECORDER RITA COX MADE THE MOTION THAT THE BUDGET REVISION BE APPROVED AND COUNCILWOMAN LAURIE ELKINS SECONDED THE MOTION. VOTE WAS UNANIMOUS FOR THE MOTION.

TRASURER REPORT: REORDER RITA COX MADE THE MOTION THAT COUNCIL ACCEPT THE REPORTS SUPPLIED BY CITY TREASURER JOHN YOUNG. THERE WAS A SECOND BY COUNCILMAN BILL JAVINS AND A UNANIMOUS VOTE FOR THE MOTION.

ATTORNEY REPORT: Johnnie Brown was not in attendance.

MAYOR COMMENTS: Mayor Dave Casebolt said the windows for City Hall have been order from Central Glass and they may be ready to install in January.

COUNCIL COMMENTS: Councilwoman Brenda Tyler told Council that St. Paul's Methodist Church is hosting Thanksgiving dinner on November 19 from 4:00 to 7:00 and everyone is invited. Councilman Bill Javins said the Paving Committee will meet on Thursday at 3:00 pm.

PUBLIC COMMENTS: Bob Schamber said there will be a Western Dance held on Saturday at the Senior Center.

Ivan Meadows said Nitro High School won the completion for food donation versus St. Albans High School with 2800 cans.

Rich Hively said there will be a public meeting on December 3 at 5:30 at the Nitro Moose Lodge hosted by the NDA and CVB to tell some of the projects going on in the city. The public is invited.

ADJOURNMENT: COUNCILMAN JAVINS MADE THE MOTION TO ADJOURN AND THE SECOND WAS BY COUNCILMAN SHAMBLIN WITH COUNCIL VOTING FOR THE MOTION.

DAVE CASEBOLT, MAYOR



RITA COX, RECORDER

ORDINANCE

An Ordinance to repeal sections 157-02 and 157-72, Article 157 of the Codified Ordinances of the City of Nitro, West Virginia, as amended, and to amend sections 157-81, 157-131, 157-132 and 157-133 of said Codified Ordinances, all relating to Civil Service (Police and Fire Excepted) Employment Provisions; repeal penalty section; repeal employment age section; sick leave; funeral leave with pay; and annual leave.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA, that the Codified Ordinances of the City of Nitro, West Virginia, as amended, be amended by repealing sections 157-02 and 157-72, and further by amending sections 157-81, 157-131, 157-132 and 157-133, all to read as follows:

ARTICLE 157 CIVIL SERVICE (POLICE AND FIRE EXCEPTED) EMPLOYMENT PROVISIONS

Sec. 157-02. Penalty

Any person who willfully violates any provision of this article shall be guilty of a misdemeanor and shall upon conviction be punished by a fine of not more than \$100.00 or imprisoned not more than 30 days, or both such fine and imprisonment, in the discretion of the court; Provided, That effective January 1, 2016, this section is repealed.

Sec. 157-72. Age Requirements

All applicants for positions in the civilian classified service shall not be less than 16 years of age nor more than 70 years of age; except that the personnel director may, with approval of the mayor, modify the minimum or maximum age requirement when it is in the interest of the city to do so. The maximum age requirement shall not apply to promotional opportunities. Any person, other than an elected official, in the paid service of the city who shall have attained the age of 70 years shall be retired. Upon the written request of any such person, the mayor may continue such person in the service after age 70, from year to year only, but in no case beyond the age of 75; Provided, That effective January 1, 2016, this section is repealed.

Sec. 157-81. Nepotism

No member of the immediate family of any supervisor shall be employed in that supervisor's department unless the written approval of the mayor is obtained; Provided, That effective January 1, 2016, the Mayor may not approve the employment of a member of the immediate family of any supervisor to be employed in that supervisor's department.

Sec. 157-131. Sick Leave

(a) Except as otherwise provided in this article, each employee, including non-classified

and classified, shall be entitled to and shall receive sick leave when and if needed with full pay computed on the basis of one working day eight hours for each complete calendar month of service, or major portion. Part- time regular employees shall have sick leave computed on the basis of one half day four hours for each calendar month of service, or major portion.

(b) Sick leave, with pay, shall not be accorded to irregular part-time, temporary or seasonal employees.

(c) In cases of emergency, the Mayor may, at his/her discretion, grant advance sick leave up to 30 working days <u>240 hours</u> beyond that accumulated; provided that all regularly earned sick and vacation leave have been used.

(d) The minimum charge against sick leave shall be one-half day one hour, and additional leave shall be charged in multiples. Absences of less than half a day shall be recorded and shall be charged in multiples of half a day as they accumulate.

(e) Employees shall have the right to carry over from year to year any unused sick leave. When the service of an employee has been terminated, all sick leave credited to such employee shall be canceled as of his/her last working day with the city. However, after a reduction in force, any accumulated sick leave may be reinstated, if a permanent employee is reinstated to the city within a period of one year from date of separation. When a permanent employee retires, the employee may elect to have any accrued sick leave converted to insurance benefits based on the formula of two days sick leave for one month singe coverage insurance premium or three days sick leave for one month family coverage insurance premium: Provided, That effective January 1, 2016, when a permanent employee retires, the employee may elect to have any accrued sick leave be used for either extended employer-paid health insurance in accordance with PEIA guidelines as outlined in their Summary Plan Description or to acquire additional credited service as allowed by the WV Public Employee Retirement System. Employees may also contribute to a Sick Day Pool which will allow employees to donate sick days to other municipal employees.

(f) Sick leave shall be granted to employees for the following reasons:

(1) Illness on the part of or injury to the employee, incapacitating such employee for duty.

(2) Illness in the immediate family (see definition in Section 157-04) of such a critical nature as to require the presence of the employee. This provision shall not be construed to cover absence for the purpose of nursing or caring for members of the family not declared by the attending physician to be critically ill.

(3) Exposure to contagious disease and determination by his supervisor that the presence on duty of the employee may jeopardize the health of others.

(4) Illness due to pregnancy may be charged to sick leave under the same conditions applying to any other illness. A pregnant employee is deemed able to work unless she provides a physician's statement stating that she is unable to work.

(5) Doctor, dentist, eye doctor appointments or any medical procedures such as, but not limited to lab work.

(g) An employee shall furnish a certificate from the attending physician for all consecutive days <u>hours</u> of sick leave granted beyond three <u>24 consecutive</u> working days <u>hours</u>.

(h) After the equivalent of one-half of annual sick leave is used and that use is without a physician's excuse or documentation, the employee shall furnish documentation from a physician or other medical provider establishing reason for relief from duty for use of additional sick leave. If additional days are taken without a physician's or other medical provider's excuse, the additional sick leave is an unexcused absence.

(i) In the event of an emergency, as declared by the mayor and by resolution of the city council, an attending physician's excuse may be required for any day missed; and, further, during such emergency the mayor may suspend, in whole or in part, any sick leave as permitted by subsection (f) of this section.

Sec. 157-132. Funeral Leave With Pay

In the case of death of the mother, father, brother, sister, stepmother, stepfather, stepbrother, stepsister, husband, wife, child, stepchild, mother-in-law or father-in-law, grandparent or grandchild, or in the case of death of any other relative residing in the immediate household of an employee, the employee shall be allowed two days' <u>16 hours</u> funeral leave with regular pay without deduction form his/her pay or accumulated sick leave. In the case of death of a sister-in-law, brother-in-law, son-in-law, daughter-in-law, aunt, uncle, nephew, niece or fist cousin of the employee or spouse, the employee shall be allowed one day's 8 hours funeral leave with regular pay without deduction from his/her pay or accumulated sick leave. In addition, the employee may be allowed to use two days <u>16 hours</u> of his accumulated sick leave, in the case of death of any of these persons.

Sec. 157-133. Annual Vacation

(a) <u>Annual vacation leave may not be taken prior to having been accumulated by</u> <u>the employee.</u> The eligibility of full-time and part-time regular employees, including nonclassified and classified employees, to receive a vacation with pay within the current calendar year shall be determined in accordance with the following schedule:

Net Credited Services of December 31 of the Calendar	Vacation
Year as of the first day of the month containing the	
employee's employment anniversary date.	
(1) a. Less than six months	None
b. Six months or more but less than 12 months	1/2 day 4 hours per month of

	total service
(2) One year of more but less than 5 years	10 days 7 hrs./month
(3) Five years or more but less than 15 years	15 days 10 hrs./month
(4) Fifteen years of more	20 days 13.5 hrs./month

Part-time employees earn half the vacation days hours per month that full-time employees earn.

(b) An employee may carry forward no more than five days of accumulated <u>unused</u> annual vacation from one calendar year <u>of employment</u> to <u>another and the next year of</u> <u>employment but</u> may accumulate <u>and carry</u> forward no more than 25 <u>200</u> <u>unused</u> vacation days <u>hours at the end of any employment year</u>. If an employee's services are terminated for any reason, including his resignation, such employee shall be paid for accumulated annual vacation, but <u>such payment shall be</u> for no more than 25 days <u>200</u> <u>hours</u>. No employee is entitled to any vacation with pay prior to becoming a regular employee.

(c) An employee's weekly wages for vacation pay purposes shall consist of the basic weekly wage paid on the week prior to the vacation period.

(d) The minimum charge against annual vacation shall be one-half days <u>1 hour</u>, and additional vacation shall be charged in multiples of such days <u>1 hour increment</u>.

(e) Annual vacation may be granted to an employee because of illness, provided all earned sick leave has been exhausted.

(f) In the event of death of an employee who has not used all of his/her earned annual vacation, payment for accumulated vacation shall be made to his heirs or estate.

(g) If a holiday is observed within the vacation period, that day shall not be counted as a vacation day for the employee on vacation.

(h) If an employee begins a leave of absence without first taking all earned vacation leave, such leave will begin to run immediately. When vacation leave has expired, the leave of absence officially begins and runs until the employee returns to work. Leave of absences shall be no longer than six months.

(i) Vacation request of employees shall be permitted to the extent permitted by work requirements, service conditions and availability of employees, as determined by the appointing authority.

(j) Any employee charged with or convicted of a felony or a crime relating to employment with the city, and who has been dismissed because of this misconduct, shall forfeit all or any part of such accrued vacation hours.

(k) Any employee seeking to receive annual vacation of four or more thirty-two or more

consecutive workdays hours must request it three weeks in advance. Supervisors must respond to such requests within one week. Any employees seeking annual leave of three or less than thirty-two consecutive workdays hours must request such leave at least 48 hours in advance. Supervisors must respond to these requests within 24 hours of the request and may not cancel approved vacation unless in the event of an emergency. Supervisors may, at their discretion, grant request for leave that fail to meet the time requirements in this section. Where two or more employees request the same days as annual vacation and a request must be denied to ensure the efficient operation of the department, then annual vacation will be granted on the basis of seniority. However, if the same individuals again request annual leave on the same days, the supervisor may, in his discretion, grant annual vacation to the individual with less seniority, as fairness dictates.

To the extent not otherwise indicated, this ordinance is effective January 1, 2016.

Passed on First Reading _____

Passed on Second Reading _____

David Casebolt, Mayor

Rita Cox, Recorder

The **Nitro Development Authority** requests that City Council consider an ordinance allowing mixed land use [<u>work/live and live/work</u>] within the same building and within the same zoning area of the city.

<u>A live/work ordinance is intended to allow modest, low-impact business or</u> <u>commercial uses within a residence in a residential zone.</u>

In contrast, a work/live ordinance allows incidental residential use within commercial, office, or industrial buildings and zones.

Communities today are once again embracing many features of traditional town planning. The notion of residents living and working on a single premise was the norm until the early decades of the twentieth century. Storekeepers, tradespeople, doctors, lawyers, and others commonly lived upstairs from or adjacent to their shops or offices.

A wide range of economic, societal, and political factors resulted in such arrangements becoming uncommon and even outlawed. Rapid suburbanization, increased car dependence, continued adoption of Euclidean zoning codes that called for separating land uses by category, a burgeoning middle class, and a desire on the part of urbanites for relief from overcrowding and urban pollution all contributed to such change.

The purposes of this ordinance are to be:

(a) Provide for the appropriate development of units that incorporate both living and working space;

(b) Provide flexibility for the development of live/work units, particularly within existing buildings;

(c) Provide locations where appropriate new businesses can start up;

(d) Provide opportunities for people to live in mixed use industrial and commercial areas when it is compatible with existing uses;

(e) Protect existing and potential industrial uses and nearby residential uses from conflicts with one another

Thanks for your consideration.



Rich Hively Executive Director 201 21st Street Nitro, WV 25143

<u>NDA@NitroDevelopment.org</u> Promoting the Business Growth & Development of Nitro

HALLOWEEN DECORATING CONTEST WINNERS 2015

FIRST PLACE	MICHAEL GEORGE, 221 LEE AVENUE, \$100
SECOND PLACE	DONNA BOGGS, 3727 2 ND AVENUE, \$50
THIRD PLACE	NANCY HUDSON, 604 6 TH STREET, \$25

BUSINESS WINNER

NITRO ANTIQUE MALL, 110 21ST STREET, PLAQUE

RESOLUTION

At a regular session of the municipal council, held (Month, day and year) <u>November</u> <u>17th</u>, <u>2015</u>, the following order was made and entered:

<u>SUBJECT</u>: The revision of the Levy Estimate (Budget) of the (Town or City of) <u>City of Nitro</u>. The following resolution was offered:

<u>RESOLVED</u>: That subject to approval of the State Auditor as ex officio chief inspector of public offices the municipal council does hereby direct the budget be revised <u>PRIOR TO THE EXPENDITURE</u> <u>OR OBLIGATION OF FUNDS FOR WHICH NO APPROPRIATION OR INSUFFICIENT</u> <u>APPROPRIATION CURRENTLY EXISTS</u>, as shown on budget revision number <u>1</u>, a copy of which is entered as part of this record.

The adoption of the foregoing resolution having been moved by

______, and duly seconded by the vote thereon was as follows: <u>William Javins & Laurie Elkins</u> <u>Yes or No</u> <u>William Racer & John Montgomery</u> <u>Yes or No</u> <u>Andy Shamblin & Rita Cox</u> <u>Yes or No</u>

Dave Casebolt_____Yes or No

Yes or No

<u>WHEREUPON</u>, <u>Mayor Casebolt</u>, declared said resolution duly adopted, and it is therefore ADJUDGED and ORDERED that said resolution be, and the same is, hereby adopted as so stated above, and the <u>City Treasurer</u> is authorized to fix his signature on the attached "Request for Revision to Approved Budget" to be sent to the State Auditor for approval

City Of Nitro FY Current Balance Sheet October 31, 2015

	ASS	SETS
Cash Accounts General Receipts Account Disbursements Account L GOV ACCOUNT Payroll Account Total Cash Accounts	\$ 166,891.18 9,036.79 197.63 95,619.76	271,745.36
Cash Accounts Restricted THF Bank Account City of Nitro Hotel, Motel, Ta Fairs & Festival Account Firemen's Equip Fund Peoples FCU CD Peoples FCU CD Police M-Dent PoliceTo Be Forfeited Police Canine Fund Coal Severance Tax Acct Huntington Library Acc Huntington Sales Tax Total Restricted Funds	67,633.12 65,163.73 9,517.14 37,716.50 89,959.06 243,015.19 32,436.98 939.01 9,899.00 4,194.97 21,955.27 228,238.85	819,627.88
Other Current Assets Taxes Receivable Munci Fees Receivable Accts Receivable Misc	360,391.73 525,033.65 72,938.11	
Total Current Assets		958,363.49
Property and Equipment	<i></i>	
Total Property and Equipment		0.00
Other Assets Prepaid Expenes	(5,598.16)	
Total Other Assets		(5,598.16)
Total Assets	\$	2,044,138.57

LIABILITIES AND CAPITAL

Current Liabilities		
Accounts Payable	\$ 77	,562.59
Policemens Pension Payable		(0.63)
Public Employees Retirement	3	,406.84
Insurance Payable	2	,874.12
Fire Union		270.00
Other Deductions Payable		103.81
THF PAYABLES	24,	,201.65
SUTA Tax Payable		302.35
Deferred Revenues	120,	895.07
	Ber a sa v	
Total Current Liabilities		229,615.80

Long-Term Liabilities Investment in San. Board

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(420,507.28) Unaudited - For Management Purposes Only

City Of Nitro FY Current Balance Sheet October 31, 2015

OPEB Liability	2,124,603.69	
Total Long-Term Liabilities		1,704,096.41
Total Liabilities		1,933,712.21
Capital Fund Balance General Fund Restricted General Fund Committed General Fund Unassigned General Fund	(140,452.95) 39,356.05 122,700.12 (273,835.03)	
Total General Fund Assigned Coal Severance	1,621.15	(252,231.81)
Total Coal Severance Fund Net Income	361,037.02	1,621.15
Total Capital		110,426.36
Total Liabilities & Capital	\$	2,044,138.57

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For the Four Months Ending October 31, 2015 City Of Nitro FY Current Income Statement

Year to Date

Year to Date

(23,032) (318) (27,363) (8,082) 3,210 20,219 (2,852) (3,884) (51) (101) (20) (300) 2,364 6,297 10,364 762 28 14,687 7,653 200 345 1,346 1,447 3,253 51,707 3,131 177 22,103 573 216 ł CY Vs Budget CY Vs LY 5 \$ 60 \$ 5 69 \$ \$ \$ \$ \$ \$ \$ \$ (2,093) (11,274) 38,652) (1,471) (4, 332)(41,000)(8,214) 5,090 25,668 1,518 9,100 35,872 4,965 4,289 11,286 (17,712) 84,247 76,438 6,742 52,248 1,199 425 10,232 8,363 209 1,7775,491 54,405 607 200 398 254 \$ \$ \$ \$ \$ \$ \$ \$ 60 60 \$ 69 60 5 69 60 5 \$ 60 5 5 60 \$ \$ \$ 123,089 198.344 77,000 22,750 13,046 82,961 15,600 93,675 15,528 1,569 23,779 75,809 15,745 519 1,020 9,158 53,603 897 50,414 463,824 50,801 33,144 10,965 7,932 23,772 19,366 3,075 2,1864,546 305 1 1 Year to Date LY 301,680 23,252 8,668 6,000 68,168 41,000 260 17,580 84,168 51,332 111,332 13,332 25,832 64,892 1,132 500 65,668 37,600 18,668 68,668 13,332 7,332 6,332 5,332 6,668 2,168 40,000 2,133 23,333 267 1 Budget 69 60 15,410 7,518 18,739 26,240 99,690 89,258 77,000 00,058 22,432 04,040 52,248 925 469 18,618 2,331 70,633 47,832 27,031 72,957 11,861 8,109 1,00071,073 2,775 200 22,288 5,119 520 185.927 23,071 2,531 1 Current Year B&O TAX-ELEC. & OTHER POWER CO 3&O TAX - OTHER PUBLIC UTILITY B&O TAX - RENTAL & ROYALTIES 3&O TAX - ELECTRIC/DOMESTIC **B&O TAX- MANUFACTURED** B&O TAX - CONTRACTING Revenues **B&O TAX - WHOLESALE B&O TAX - AMUSEMENT** Pool Concessions Contracted 3&O TAX - WATER CO. Property Tax Excess Levy Pool Revenue Credit Card Oil & Gas Severance Tax Swimming Pool Revenue **3&O TAX - BANKING B&O TAX - SERVICE** Donation - Park & Rec. Regional Jail Fund Tax THF Realty B&O Tax **B&O TAX - RETAIL** Hotel Occupancy Tax Court Costs and Fees Parks & Recreation Plan Review Fees Pool Concessions **Building Permits Business License** Franchise Fees Property Tax Jiquor Tax Juility Tax RP FEES

11/13/2015 at 10:10 AM

For the Four Months Ending October 31, 2015 City Of Nitro FY Current Income Statement

(10,067)(1,741)(300) (1, 843)(3,419) 5,715 1.320) 20.541) (3, 181)(2, 441)(3.674) (6,968) (37) (1.805) (\mathfrak{Z}) (737) (5, 265)5,766 5,926 3,840 (33) 375 368 24,589 407 700 1,511 765 321 CY Vs Budget CY Vs LY \$ 5 5 \$ 6 5 \$ 5 5 \$ \$ 5 5 60 (2,612) (440) (1,332) (532) (1,740)(2,030)(8) (100) (1,000)(2, 520)(396) (1, 332)(877) (41,072) (1) 326 500 (8) 14,833 4,779 5,754 (75,667) 827 425 4,140 348 1.172 5,615 213 8.921 461 1 1 289,119 1,8802,10019,185 8,697 300 5,678 19,437 21,934 132 632 10,067 45,183 6,968 4,305 1,230 1,843 7,104 8,537 5,040 44,627 3,181 4,577 627 737 721 . 1 Year to Date LY 280,000 20,332 2,668 1,332 2,668 1,000 1,332 1,252 8,668 100 2,000 1,168 2,520 2,612 7,000 53,332 3,668 1,000 2,452 18,332 75,667 15,332 120,000 45,472 668 6,667 667 424 8 5,668 ,920,737 100 Year to Date Budget \$ 5 560 2,800 24,086 3,840 2,136 8,660 7,425 2,260 2,208,657 1,128 118,260 2,500 3,272 0,806 24,589 294,833 43,442 994 1,995 25,111 20,947 375 66 637 Year to Date Current Year \$ Reimb: Insurance Workers' Com Property Tax Library Exce Levy Contributions from Other Funds Reimburse Capitol Cons Dist Reimb: Public Works Wages **Fable Games - Greenbrier** Reimburse City Calendar Rebates Purchasing Card Reimb: Insurance Claims Concessions Credit Card Dog Track Table Games MDent Receipts Federal M Dent Receipts - State Other Lottery Revenues Reimb: Hospitalization Municpal Service Fees State & County Grants Senior Citizens Reimb. Miscellaneous Income Reimb: Police Wages Reimburse Lakeview Reimburse Insurance Dog Track - Lottery Reimb: Fire Wages Reimb. Legal Ads Accident Reports Other Trash Fees Interest Income Rental Property Coal Severance **Total Revenues** Dumpster Fees Contributions Fire Reports

Page: 2

70,388

\$

287,919

\$

2,138,269

11/13/2015 at 10:10 AM

For Management Purposes Only

151,179 \$ (1,725) 553 2,002 (5,302) \$ (1,965) \$ (1,965) 3,308 CY Vs Budget CY Vs LY 1 26,106 \$ (9,971) \$ \$ \$ \$ \$ 5,939 2,949 7,730 1 \$ \$ \$ \$ \$ 18,273 21,624 33,818 18,867 1 Year to Date LΥ For Management Purposes Only \$ \$ \$ 60 \$ \$ 24,021 22,804 38,240 171,176 21,436 Year to Date Budget 6 \$ \$ \$ 69 1,965 \$ 21,072 19,997 30,510 16,865 31,407 Year to Date Current Year \$ \$ 69 \$ \$ \$ **Regional Development Authority** Total Regional Development Authority **City Council Expenses Mayor Expenses Municipal Court City Recorder** Expenses Total City Council Expenses Treasurer 11/13/2015 at 10:10 AM Total Municipal Court Total Mayor Expense Total City Recorder Total Treasurer

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		Year to Date Current Year	Year to Date Budget	Year to Date LY CY	CY Vs Budget CY Vs LY
Building Department					
Total Building Expense	\$	35,698 \$	27,836 \$	30,693 \$	(7,862) \$ (5,004)
City Hall	I				
Total City Hall	\$	193,201 \$	144,764 \$	180,787 \$	(48,437) \$ (12,414)
Public Works					
Total Public Works	↔	150,312 \$	114,040 \$	126,357 \$	(36,272) \$ (23,955)
Police		-			
Total Police Expenses	€	565,730 \$	556,652 \$	569,444 \$	(9,078) \$ 3,714
Fire	I				
Total Fire Expenses	↔	382,729 \$	388,284 \$	378,117 \$	5,555 \$ (4,611)
Dog Warden & Humane Society					
Total Dog Warden/Humane Society	↔		9,668 \$	524 \$	9,668 \$ 524
Streets & Transportation					

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For Management Purposes Only

(450) (37) 176,483 \$ (69,519) \$ (44,608) 10,818 5,030 2.899 906,6 CY Vs Budget CY Vs LY (450) \$ 6,715 \$ 87,970 \$ (35,132) \$ 22,075 \$ (5,685) \$ \$ 69 52.083 5,984 \$ \$ 69 \$ 38,254 97,084 1 Year to Date LΥ \$ \$ \$ \$ 11,360 \$ \$ \$ 6,752 34,332 42,020 151,572 146,268 i Year to Date Budget \$ 60 69 \$ 60 \$ \$ 17,045 28,348 77,152 450 37 94,185 221,091 Year to Date Current Year \$ \$ \$ \$ \$ \$ \$ **Historicial Commission** Health & Sanitation Fairs & Festivals Visitor's Bureau Total Streets & Transportation Recreation Total Historical Commission Library Pool Total Visitors & Festivals Total Health & Sanitation Total Visitors Bureau Total Recreation Total Pool

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11/13/2015 at 10:10 AM

For Management Purposes Only

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Total Library \$ 53,399 \$ 54,124 \$ 51,346 \$ 725 \$ (2,053) Social Services Seniors Senior's Support \$ 28,178 \$ 23,988 \$ 51,346 \$ 725 \$ (2,053) Total Senior's Support \$ 28,178 \$ 23,988 \$ 56,751 \$ (1,427) \$ (1,427) Total Senior's Support \$ 28,178 \$ 23,988 \$ 26,751 \$ (1,427) \$ (1,427) Total Senior's Support \$ 28,111,208 \$ 101,648 \$ 4,719 \$ (4,840) \$ Total Expenses \$ 2,006,223 \$ 24,687 \$ (4,840) \$ \$ 5 24,687 \$ 669,635 \$ 5 5 669,635 \$ 5 5 669,635 \$ 5 669,635 \$ 5 5 5 5 5 5		Ye	Year to Date Current Year	Yea	Year to Date Budget	Year to Date LY	cY	CY Vs Budget CY Vs LY	CY Vi	sLY
ocial Services Seniors \$ 28,178 \$ 23,988 \$ 26,751 \$ (4,190) \$ *s Support \$ 28,178 \$ 23,988 \$ 26,751 \$ (4,190) \$ Testial Projects \$ 106,489 \$ 111,208 \$ 101,648 \$ 4,719 \$ I Projects \$ \$ 106,489 \$ 111,208 \$ 101,648 \$ 4,719 \$ \$ \$ \$ 5 2,6677 \$	al Library	69	53,399	69			Ś	725	69	(2,053)
^{rls Support s Support Capital Projects I Projects }	Social Services Seniors									
Capital Projects \$ 100,648 \$ 111,208 \$ 4,719 \$ Il Projects \$ 2,006,323 \$ 4,719 \$	al Senior's Support	÷	1	64	6 - C		\$	(4,190)	\$	(1,427)
ll Projects <u>\$ 106,489 \$ 111,208 \$ 101,648 \$ 4,719 \$</u> ses <u>\$ 2,006,223 \$ 24,687 \$</u> <u>\$ 132,798 \$ (179,808) \$ 132,046 \$ 312,606 \$</u>	Capital Projects									
ses \$ 2,075,858 \$ 2,100,545 \$ 2,006,223 \$ \$ 5 \$ 132,798 \$ (179,808) \$ 132,046 \$ 3	al Capital Projects	\$	106,489	\$				4,719		(4,840)
\$ 132,798 \$ (179,808) \$ 132,046 \$ 312,606 \$	al Expenses	69		6	2,100,545 \$	2,006,223	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	24,687	\$ \$ \$	(69,635) -
	Income	S	132,798 \$		(179,808) \$	132,046	÷	312,606	. s	753

11/13/2015 at 10:10 AM

Consumer Sales Tax Revenues Expenses

Receipts	Oct \$ 242,931	Nov		Dec	Jan		Feb	Mar	Apr	L	May	Jun		Budget O Receipts	t	Budget Ja Receipts	get Jan ipts
Expenditures														\$ 24	\$ 242,931	\$ S	\$ 363,000
Pensions																	
Police	\$ 5 970																
Fire	\$ 5.566													¢ S	72 805	÷	
Additional Police															CC0'C7	n u	
Additional Fire														3 7	107	n 1	
Vehicle Payments	¢ 0.1F0																000,05
Fire																<u>ہ</u>	20,000
Public Works														Ŷ	9 903	-0	002.00
Equipment															501	.	601/67
Paving														γ τ γ τ	170'0	n 1	798'NT
Concrete															19,500	\$	28,700
														\$ 65	65,000	ŝ	30,000
City Hall														\$ 50	50,000	ŝ	50.000
Road Repairs														\$ 20	20,000		222
MS 4 Funding															10.000		
B&O Reimbursements														i -	2	v	00000
Savings																ς. γ. υ	000,00
Total Expenditures	\$ 14.693 \$	<i>·</i>	1	v	ł									\$ 18.000	000		40,000
		ŀ		י ጉ	Ŷ	ı	ب	، ج	ŝ	I	÷ خ	Ş	,	\$ 242,183	,183		340.271
Monthly Net Surplus/ Deficit Cumlative Surplus/ Deficit	\$ 228,238 \$ 779 720	5 5 5		Ş.		ī	، ج	، ب	ŝ	Е	ۍ ۱	Ŷ	,	v	077		
	007'077 4		728,238	\$ 228,238	- 1	\$ 228,238	\$ 228,238	\$ \$228,238		\$ 228,238	\$ 228.238	\$ 278732	920	Դ	/40	~	67/77
											10-10-1-1		007				

Print Date/Time:11/03/2015 12:19Login ID:metro\bhylbertLayer:ORIAreas:WV0200400	From Date: 10/01/2015 00:00(Continuous) To Date: 10/31/2015 23:59 Agency Type: Police	
CALL FOR SERVICE TYPE	CALLS FOR SERVICE	PERCENT OF TOTAL
>New Call<	4	0.12
744-OTHER	-	0.12
911 HANG-UP / OPEN LINE	2	0.25
ACCIDENT - NO EMS	1	0.12
ACCIDENT - NO INJURIES	20	2.49
ACCIDENT - w/INJURIES	7	0.87
ALARM B&E	18	2.24
ALARM BURGLARY	8	1
ALARM PANIC	1	0.12
ANIMAL COMPLAINT	43	5.35
ANIMAL TETHER	- L	0.12
ASSIST POLICE	4	0.5
ATV	1	0.12
B&E (VEHICLE)	4	0.5
BOLO	20	2.49
BURGLARY	6	0.75
CARDIAC ARREST	З	0.37
CHECK WELL-BEING (LE & EMS)	2	0.25
CHECK WELL-BEING (LE ONLY)	15	1.87
COMPLAINT	153	19.03
DECEASED	1	0.12
DECREASED LOC	-	0.12
DISABLED VEHICLE	7	0.87
DISTURBANCE	43	5.35
DOMESTIC	9	1.12
DRUG ACTIVITY	4	0.5
Page: 1 of 3		

Call For Service By Call Type Report

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Call For Service By Call Type Report

Login ID:metro\bhylbertLayer:ORIAreas:WV0200400	From Date: 10/01/2015 00:00(Continuous) To Date: 10/31/2015 23:59 Agency Type: Police	
CALL FOR SERVICE TYPE	CALLS FOR SERVICE	
DRUNK		PERCENT OF TOTAL
DU	، د د	0.37
ESCORT	c	0.37
	<u>ــ</u>	0.12
	40	4.98
	22	2.74
FIGHT	3	0.37
FOOT PATROL	2	0.25
FORGERY / FRAUD	-	0.12
GENERAL MEDICAL / SICK-UNKNOWN	1	0.12
GUN SHOTS	ω	0.37
INVESTIGATION FIRE	1	0.12
	36	4.48
I ADDENK	-	0.12
	17	2.11
MENTAL	2	0.25
MISSING	1	0.12
	σ	0.75
	8	-
PERSON DOWN	2	0.25
PROWLER	× ص	0.75
RECOVERED	۔ د	0.12
SERVE	<u>م</u> د	0.37
SEXUAL ASSAULT	× 0	0.75
SHOPLIFTING	- 1	0.12
STOLEN VEHICLE		4.6
		0.12

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Call For Service By Call Type Report

		Total Calls For Service:
0.25	2	WANTED PERSON
22.39	180	TS
0.37	ω	TRESPASSING
1.49	12	TRAFFIC
0.62	Ch	SUSPICIOUS VEHICLE
0.75	6	SUSPICIOUS PERSON
1	8	SUSPICIOUS ACTIVITY
0.25	2	SUICIDE ATTEMPT
0.25	2	SUICIDAL THOUGHTS
PERCENT OF TOTAL	CALLS FOR SERVICE	CALL FOR SERVICE TYPE
		Areas: WV0200400
	Agency Type: Police	Layer: ORI Ager
	From Date: 10/01/2015 00:00(Continuous)	Print Date/Time: 11/03/2015 12:19 From

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