

Laura Jacobs

AGENDA

NITRO CITY COUNCIL

SEPTEMBER 1, 2015

Amended August 29, 2015

7:00 pm

CALL TO ORDER: Mayor Dave Casebolt

Recorder Rita Cox

Ward 1 Councilman Al Walls

Ward 2 Councilman Bill Racer

Ward 3 Councilwoman Laurie Elkins

Ward 4 Councilman Andy Shamblin

Councilman at Large Bill Javins

Councilman at Large John Montgomery

Councilwoman at Large Brenda Tyler

INVOCATION/PLEDGE OF ALLEGIANCE

FUTURE DATES OF COUNCIL: September 15, October 6 and 20

APPROVAL OF COUNCIL MINUTES: August 18

PRESENTATION TO NITRO FIRE DEPARTMENT FROM WV AMERICAN WATER
COMPANY: Chief Jeff Elkins

OLD BUSINESS

PUBLIC HEARING ORDINANCE ON EMERGENCY SERVICES USER FEE, FIRE
PROTECTION SERVICE FEE, FIRE SERVICE USER FEE ORDINANCE, INCIDENT
RESPONSE USER FEE: Councilman John Montgomery

SECOND READING ORDINANCE ON EMERGENCY SERVICES USER FEE, FIRE
PROTECTION SERVICE FEE, FIRE SERVICE USER FEE, INCIDENT RESPONSE USER
FEE: Councilman John Montgomery

MILLING EQUIPMENT BIDS: Recorder Rita Cox

NEW BUSINESS

RECOMMENDATIONS FOR PAVING BIDS FROM PAVING COMMITTEE: Councilman
Bill Javins

RESOLUTION TO ENTER INTO CONTRACTUAL AGREEMENT WITH THE DIVISION OF JUSTICE AND COMMUNITY SERVICES PURSUANT TO JUSTICE ASSISTANCE GRANT:

Mayor Dave Casebolt

POLICE DEPARTMENT COMP TIME POLICY: Mayor Dave Casebolt

PROPOSAL BY COHEN GROUP TO PERFORM CABLE FRANCHISE SERVICES: Mayor Dave Casebolt

RESOLUTION PERMITTING ACCOUNT FOR LIBRARY LEVY FUNDS: Treasurer John Young

RESOLUTION PERMITTING ACCOUNT FOR SALES TAX FUNDS: Treasurer John Young

TREASURER REPORT: John Young

ATTORNEY REPORT: Johnnie Brown

MAYOR COMMENTS

COUNCIL COMMENTS

PUBLIC COMMENTS

ADJOURNMENT

NITRO CITY COUNCIL
MINUTES
SEPTEMBER 1, 2015

DRAFT COPY

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

INVOCATION/PLEDGE OF ALLEGIANCE: The Invocation was given by Mark Smith of St. Paul's Methodist Church and the Pledge of Allegiance was led by Councilman Bill Javins.

FUTURE DATES OF COUNCIL: Mayor Casebolt said the future dates of Council are September 15 and October 6 and 20.

APPROVAL OF COUNCIL MINUTES: RECORDER RITA COX MOVED FOR APPROVAL OF THE AUGUST 18 MINUTES AND THE MOTION WAS SECONDED BY COUNCILMAN AL WALLS. VOTE WAS UNANIMOUS FOR THE MOTION.

PRESENTATION TO NITRO FIRE DEPARTMENT FROM WV AMERICAN WATER COMPANY: Laura Jordan of WV American Water presented Captain Ron King of the Nitro Fire Department with a check for \$500.00 to be used for ice rescue equipment.

OLD BUSINESS

PUBLIC HEARING ORDINANCE ON EMERGENCY SERVICES USER FEE, FIRE PROTECTION SERVICE FEE, FIRE SERVICE USER FEE ORDINANCE, INCIDENT RESPONSE USER FEE: RECORDER RITA COX MOVED THE PUBLIC HEARING BE OPENED FOR THE EMERGENCY SERVICES USER FEE ORDINANCE WITH A SECOND BY COUNCILMAN BILL JAVINS. Councilman John Montgomery said that by passing this ordinance the city will be able to collect for services outside the corporate area. Councilman Montgomery said that because of changes in the body of the ordinance we will have a second reading at the next meeting. COUNCILMAN JOHN MONTGOMERY MOVED THE PUBLIC HEARING BE CLOSED AND THE MOTION WAS SECONDED BY COUNCILWOMAN LAURIE ELKINS. COUNCIL VOTED UNANIMOUSLY FOR THE MOTION.

SECOND READING ORDINANCE ON EMERGENCY SERVICES USER FEE, FIRE PROTECTION SERVICE FEE, FIRE SERVICE USER FEE, INCIDENT RESPONSE USER FEE: COUNCILMAN JOHN MONTGOMERY MOVED THAT THE ORDINANCE ON THE EMERGENCY SERVICES USER FEE PASS ON FIRST READING WITH A SECOND BY COUNCILMAN AL WALLS. Councilman Montgomery said that due to the amended sections he believes this reading should be considered the first reading of the ordinance and a second reading be done at the next Council meeting. COUNCIL VOTED UNANIMOUSLY FOR THE MOTION.

MILLING EQUIPMENT BIDS: Recorder Rita Cox reported that the invitation to bid has been submitted to the local newspaper for the required two week publication and they would be ready to open at the next meeting.

NEW BUSINESS

DRAFT COPY

RECOMMENDATIONS FOR PAVING BIDS FROM PAVING COMMITTEE: COUNCILMAN BILL JAVINS MOVED COUNCIL SUBMIT FOR BID THE FOLLOWING: FINISH PART OF HILSIDE DRIVE TO THE TURN AROUND, 11TH STREET FROM ROUTE 25 TO 2ND AVENUE, 39TH STREET FROM ROUTE 25 TO 2ND AVENUE, AND CONSIDER PAVING THE PROPERTY AT ROUTE 25 AND 22ND STREET WITH TWO OPTIONS (MILLING DONE BY THE CITY AND MILLING DONE BY THE CONTRACTOR). THE MOTION WAS SECONDED BY COUNCILWOMAN LAURIE ELKINS. Mayor Casebolt said we may need to bring Baker Engineering in for some advice on the Cruz Thru area. COUNCIL VOTED UNANIMOUSLY FOR THE MOTION.

RESOLUTION TO ENTER INTO CONTRACTUAL AGREEMENT WITH THE DIVISION OF JUSTICE AND COMMUNITY SERVICES PURSUANT TO JUSTICE ASSISTANCE GRANT: COUNCILMAN ANDY SHAMBLIN MOVED COUNCIL PASS THE RESOLUTION TO ENABLE US TO KEEP THE RESOURCE OFFICER IN THE SCHOOL SYSTEM. THE MOTION WAS SECONDED BY COUNCILWOMAN LAURIE ELKINS. VOTE WAS UNANIMOUS FOR THE MOTION.

POLICE DEPARTMENT COMP TIME POLICY: Mayor Casebolt said that one of his first requests with Police Chief Steve Walker was to find a solution for the vacation and comp time policy for the Nitro Police Department. Chief Walker said that the policy has been in force for about 15 years and right now we have two police officers who are retired or resigned that will be on the payroll for some time and under this system we currently owe \$214,888.21 to all the police officers. Chief Walker is computing all time into hours and going forward from a date to be named he would like to cap the amount accumulated to 240 hours. He would like to work out a plan to pay what is currently owed and said it would take about a year to get it to a monthly basis. He said he would require that it remain fair for all and no one get less than money or time owed to them. COUNCILMAN AL WALLS MOVED A COMMITTEE BE FORMED WITH MAYOR CASEBOLT, CHIEF WALKER AND JOHN YOUNG TO LOOK AT THE VACATION AND COMP TIME AND TO REPORT BACK TO COUNCIL. THE MOTION WAS SECONDED BY COUNCILMAN MONTGOMERY AND VOTE WAS FOR THE MOTION.

PROPOSAL BY COHEN GROUP TO PERFORM CABLE FRANCHISE SERVICES: Mayor Casebolt said he had recently talked with a representative of the Cohen Group about negotiating an agreement for the cable franchise. Johnnie Brown said that he would recommend the use of a service like this to help protect the interest of the city. COUNCILMAN AL WALLS MOVED THE CITY ENTER A CONTRACT WITH THE COHEN GROUP TO NEGOTIATE CABLE FRANCHISES FOR THE CITY WITH A SECOND BY COUNCILMAN JOHN MONTGOMERY. VOTE WAS UNANIMOUS FOR THE MOTION.

RESOLUTION PERMITTING ACCOUNT FOR LIBRARY LEVY FUNDS: John Young said that this will have to be postponed until a future meeting.

RESOLUTION PERMITTING ACCOUNT FOR SALES TAX FUNDS: COUNCILMAN JOHN MONTGOMERY MOVED THAT COUNCIL PASS THE RESOLUTION PERMITTING THE OPENING OF AN ACCOUNT AT HUNTINGTON BANKS FOR THE SALES TAX FUND WITH THE SIGNATORIES BEING DAVE CASEBOLT, RITA COX, JOHN YOUNG, AND MARY BETH BURT. THE MOTION WAS SECONDED BY COUNCILMAN AL WALLS AND VOTE WAS UNANIMOUS FOR THE MOTION.

TREASURER REPORT: RECORDER RITA COX MOVED THE TREASURER REPORT BE ACCEPTED WITH A SECOND BY COUNCILMAN BILL JAVINS. VOTE WAS FOR THE MOTION.

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

MAYOR COMMENTS: Mayor Casebolt said the Boom Town Days are going to be held the weekend of September 11 and 12 with the Army Band concert and fireworks on Friday night and the Italian Festival and Car Show on Saturday.

PUBLIC COMMENTS: Bob Schamber said bingo would resume for the Seniors on Thursday.

ADJOURNMENT: COUNCILMAN AL WALLS MOVED THE MEETING BE ADJOURNED AND THE MOTION WAS SECONDED BY COUNCILWOMAN LAURIE ELKINS. VOTE WAS FOR THE MOTION

DAVE CASEBOLT, MAYOR

DRAFT COPY

RITA COX, RECORDER

ORDINANCE _____

An Ordinance to amend the Codified Ordinances of the City of Nitro, West Virginia, as amended, by enacting section 742.05, and amending sections 742.01, 742.02, 742.03, 742.05, 742.06, 742.07, 742.08, and 742.09, all relating to imposition of fees for responding to emergencies and fire calls; adding definitions; imposition of the fire protection service fee; and providing clarification of the fees imposed.

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 enacting a new section designated 742.05, and amending sections 742.01, 742.02, 742.03, 742.05, 742.06, 742.07, 742.08, and 742.09, all to read as follows:

**PART SEVEN - BUSINESS AND TAXATION CODE
ARTICLE 742**

**Emergency Services User Fee, Fire Protection Service Fee, Fire Service User Fee,
Incident Response User Fee**

742.01 Findings

(a) The City Council finds:

- (1) That the City provides emergency services to residents and non-residents both within and without outside its corporate borders, including non-residents both within and outside the City's Fire Service District:
- (2) That such emergency services include police protection and fire protection;
- (3) That residents of the City and owners of property located in the City pay for the emergency services through payment of ad valorem property taxes, municipal service fees and municipal B&O taxes;
- (4) That non-residents of the City who receive the emergency services do not pay for the emergency services received;
- (5) That the provision of emergency services to non-residents of the City results in the temporary removal from the City of scarce resources in the form of City personnel, City fire and police equipment and City-owned materials;
- (6) That the provision of such emergency services is within the authority of and is at the direct request of Putnam County 911, Kanawha County 911 or the West Virginia State Police;
- (7) That West Virginia Code § 8-15-3 authorizes every municipality to enter into a fire service contract to provide fire protection for property located outside municipal borders;
- (8) That West Virginia Code § 8-15-3 provides the method to calculate the amount of the annual payment for the provision of the fire protection service under a fire service contract;
- (9) That since emergency services other than those emergency services provided under a fire protection contract are only provided to non-residents of the City when directed by either Putnam County 911 or Kanawha County 911, it is reasonable to derive a portion of the cost of providing and maintaining such services from the individuals to whom the services are provided;

(10) That West Virginia Code § 8-13-13 provides that every municipality has the plenary power and authority to provide by ordinance for the installation, continuance, maintenance or improvement of such emergency services, to make reasonable regulations with respect thereto, and to impose by ordinance upon the users of such emergency services reasonable rates, fees and charges to be collected in the manner prescribed in the ordinance;

(11) That all of those individuals who use, enjoy and benefit from these emergency services should bear an equitable share of the costs thereof;

(12) That the imposition of the emergency service user fee established herein is a reasonable system of distributing the costs to all of the users of the emergency services;

(13) That the legislature of the State of West Virginia has conferred upon municipalities the plenary power to enact reasonable administrative provisions to ensure the efficient, orderly and equitable implementation and collection of the emergency service user fees from all users;

(14) That it is in the best interests of the citizens of the city and the users of emergency services to enact this section Article to impose an emergency service user fee;

(15) That there are many individuals who benefit from emergency services who are not owners of property or residents of the city; and

(16) That the fee imposed is reasonable, not excessive, and warranted based upon a reasonable allocation of the fee payers' usage of the emergency services contemplated herein.

742.02 Definitions. The following terms shall have the meaning ascribed herein, unless a contrary meaning is clearly established.

(a) "Apparatus" means fire apparatus which is divided into seven categories by NFPA Standard 1901: Pumper Fire Apparatus, Initial Attack Apparatus, Mobile Water Supply Apparatus, Aerial Apparatus, Quint Fire Apparatus, Special Service fire apparatus including Rescue Truck, and Mobile Foam fire apparatus. Provided, That the definition for each category as defined in detail by the NFPA Standard is incorporated herein by reference.

(b) "Automatic aid" means a formal standing agreement between municipalities for cooperative emergency management on a continuing basis where resources are dispatched from the nearest fire station, regardless of which side of the jurisdictional boundary the incident is on.

(c) "Box alarm" means a fire alarm, regardless of whether the alarm is activated by an actual fire, or is activated in error and results in a false alarm.

(d) "City" means the City of Nitro, West Virginia.

(e) "City Fire Department" means the fire department operated by the City.

(f) "City of Nitro fire service district" or "City fire service district" means the fire service district composed of the area within the boundaries of the City.

(g) "Emergency services" means fire protection or extinguishment services, emergency medical services, or public safety services provided by the City Police Department and the City Fire Department for the purpose of protecting human life and property.

(h) "Emergency services user fee" means the fee imposed on the user of emergency

services and includes, as applicable, the incident response user fee, the fire service user fee, and the fire protection service fee.

(i) "Incident response user fee" means the fee imposed on property owners of real property when the City Fire Department responds to a fire service call and there is no fire.

(j) "Fire service user fee" means the fee imposed on a property owner of real property located outside the City and outside the Fire Service District when the City Fire Department responds to a fire service call for that property.

(k) "Fire protection service fee" means the fee imposed on property owners of real property located in the Fire Service District. Provided, That such real property is located outside the municipal boundaries of the City.

(h l) "Fire service district" or "First Due Area" means the agreed-upon area outside the boundaries of the City for the provision of fire and other relevant emergency services as determined by the West Virginia State Fire Commission and the West Virginia State Fire Marshal".

(l m) "Mutual aid agreement" means an agreement between emergency responders to lend assistance either automatically when an emergency situation occurs or by request only, in the form of available manpower and assistance across jurisdictional boundaries.

742.03 Fee imposed; exemptions.

(a) On and after the first day of March, two thousand nine, there is hereby imposed and shall be collected an emergency services user fee for the provision by the City of emergency services, such fee to be administered as directed in this Article 742: Provided, That the following are exempt from the emergency services user fee:

(a 1) Residents of the City;

(b 2) Residents of any other municipality in West Virginia that has entered into an automatic aid agreement with the City;

(e 3) Non-resident owners of property situated in the City: Provided, That this exemption shall only apply to emergency services provided to the non-resident owner's property located in the City; and

(d 4) Persons who pay the municipal service fee imposed by Article 741 of this Code of Ordinances.

(b) On and after September 15, 2015, there is hereby imposed and shall be collected a fire protection service fee as described in Section 742.05 of this Article.

(c) On and after September 15, 2015, there is hereby imposed and shall be collected a fire service user fee as described in Section 742.06 of this Article.

(d) On and after September 15, 2015, there is hereby imposed and shall be collected an incident response user fee as described in Section 742.07 of this Article.

742.05 Fire protection service fee contracts for non-resident businesses and residences.

(a) Fire protection service shall be continued, maintained and improved by the City, in part, at the charge and expense of the owners of buildings and structures of every kind and nature located within the Fire Service District (First Due Area) of the City Fire Department which owners are declared to be users and beneficiaries of fire services as contemplated by West Virginia Code 8-13-13. Fire services shall be provided by City

Fire Department as herein defined within the geographic area established by the West Virginia State Fire Commission as the First Due Area of the City Fire Department.

RATES AND CHARGES FOR PROPERTIES LOCATED OUTSIDE OF THE CORPORATE LIMITS OF THE CITY BUT WITHIN THE CITY'S FIRST DUE AREA

- | | |
|--|---|
| <u>(a) Owner single family residential unit of any size</u> | <u>\$150.00 per year or \$37.50 per quarter</u> |
| <u>(b) Owner of any residential unit with one or more detached structures exceeding 1000 square feet</u> | <u>an additional \$75.00 or \$18.75 per quarter</u> |
| <u>(c) Owner - nonresidential unit structure</u> | <u>\$.0675 per square foot</u> |

742.06 Fire service contracts for non-resident businesses and residences.

(a) If the City Fire Department is directed by either Putnam County 911 or Kanawha County 911 to respond to a fire outside the City and outside the Fire Service District, the City Treasurer shall assess a fire service user fee upon the owner of the property, such fee to be calculated as follows: Two hundred fifty dollars (\$250.00) plus seventy-five dollars (\$75.00) for each Fire Department apparatus remaining on the scene of the fire for each half-hour increment, or part thereof, after the initial hour of response. The owner shall also be liable for, and the City shall have the right to recover from such owner, the cost and expense for the utilization of any specialized and disposable equipment or materials necessary to fight the fire and render the scene safe and secure.

(a b) In lieu of the emergency-services-user fire protection service fee imposed by section 742.03 of this article, the City is authorized to enter into a fire service contract with the owner of any business or residence located outside of but within three miles of the City fire service district. Any such owner that enters into a fire service contract shall annually be assessed a fee of twenty-five dollars (\$25.00) plus an amount equal to sixty percent (60%) of the annual tax levied for current municipal purposes upon property within the City of like classification and valuation to the property under the contract.

(b c) The annual payment for each fire service contract shall be due and payable on the first day of October for each calendar year the fire service contract is in existence. Any annual payment that is delinquent for a period of more than thirty days shall bear interest at the rate of nine percent (9%) per annum and shall be a lien upon the property under contract. Provided, That a notice of that lien is properly recorded in the office of the County Clerk of the county in which the property or the major portion thereof is located. The lien shall be void at the expiration of two years after the delinquent annual payment became due unless within that two-year period a civil action seeking equitable relief to enforce the lien is instituted by the City. The City may by civil action collect any annual payment and the interest thereon at any time within five years after such payment became due. Provided, That upon default in any annual payment, the City may cancel the fire service contract involved.

(e d) Each fire service contract made under the authority of this section shall inure to the

benefit of and be binding upon the successors in title of the property owner making the fire service contract, and the property owner, upon conveying the property subject to fire service contract, shall no longer be liable under the fire service contract, except as to any annual payments which were due prior to the conveyance and which remain unpaid.

(d e) A property owner not delinquent on payment of the fire service contract fee may cancel any fire service contract with respect to the property of the property owner upon giving a thirty-day written notice to the City. Provided, That if notice of cancellation is given subsequent to the first day of July of any calendar year, the next succeeding annual payment shall be made by the property owner as soon as the amount thereof is ascertainable. Upon cancellation of the fire service contract, the City Treasurer shall deliver to the property owner a recordable release discharging that owner and the subject property from any further lien or obligation with respect to the annual payments. The annual payments due under the fire service contract shall be made to the City Treasurer.

742.06 742.07. Charge for responding to fire calls outside the City when there is no fire service contract.

(a) In the event the City Fire Department is directed by either Kanawha County 911 or Putnam County 911 to respond to a residence box alarm, whether for an actual fire or a false alarm, a residence fire service call by other than a box alarm, or any other residential emergency situation outside the City fire service district and the owner of the residence has not entered into a fire service contract with the City, the City shall impose the emergency fire services user fee to pay for the use of City of Nitro personnel, equipment and materials utilized in the response: Provided, That if the residence is located in a fire service district that is the responsibility of another fire department and there is in existence a current mutual aid agreement between the City Fire Department and that other fire department, there shall be no emergency fire services user fee imposed on that response by the City Fire Department if upon arrival of the City Fire Department at the scene, the other fire department: (i) has responded, (ii) has at least one fire department apparatus at the scene, and (iii) has at least two firemen at the scene who are actively engaged in extinguishing the fire: Provided however, That if the enumerated conditions set forth in the immediately preceding proviso are not satisfied, the emergency fire services user fee shall be imposed. The emergency fire services user fee, or the incident response user fee, as applicable, charged to the owner shall be calculated as follows:

(1) actual fire or other emergency services response: five one hundred dollars (\$500.00 100.00) plus one hundred dollars (\$100.00) per hour, or part thereof, for each City Fire Department apparatus at the scene of the fire and fifty dollars (\$50.00) per hour, or part thereof, for each member of the City Fire Department at the scene of the fire and fifty dollars (\$50.00) per hour, or part thereof, for each member of the City Fire Department at the scene of the fire;

(2) false alarm response: two hundred fifty dollars (\$250.00) plus one hundred dollars (\$100.00) per hour, or part thereof, for each City Fire Department apparatus at the scene of the fire and fifty dollars (\$50.00) per hour, or part thereof, for each member of the City Fire Department at the scene of the fire: Provided, That the time used to calculate the emergency services incident response user fee for each apparatus

responding shall commence when each City Fire Department apparatus dispatch notification from either Putnam County 911 or Kanawha County 911, as appropriate, occurs and shall continue until each such City Fire Department apparatus returns to the City Fire Department facility. The City shall also recover from such owner the cost and expense for utilization of any specialized and disposable equipment or materials necessary to render the fire scene safe and secure.

(b) In the event the City Fire Department is directed by either Kanawha County 911 or Putnam County 911 to respond to a box alarm, whether for an actual fire or a false alarm, a fire service call other than by a box alarm, or any other emergency situation at a manufacturing, commercial, professional or other business establishment located outside the City fire service district and the owner of the manufacturing, commercial, professional or other business establishment has not entered into a fire service contract with the City, the City shall impose the emergency fire services user fee to pay for the use of City of Nitro personnel, equipment and materials utilized in the response: Provided, That if the manufacturing, commercial, professional or other business establishment is located in a fire service district that is the responsibility of another fire department and there is in existence a current mutual aid agreement between the City Fire Department and that other fire department, there shall be no emergency fire services user fee imposed on that response by the City Fire Department if upon arrival of the City Fire Department at the scene, the other fire department: (i) has responded, (ii) has at least one fire department apparatus at the scene, and (iii) has at least two firemen at the scene who are actively engaged in extinguishing the fire: Provided however, That if the enumerated conditions set forth in the immediately preceding proviso are not satisfied, the emergency fire services user fee shall be imposed. The emergency fire services user fee or the incident response user fee, as applicable, charged to the owner of the manufacturing, commercial, professional or other business establishment shall be calculated as follows:

(1) actual fire or other emergency services response: two thousand dollars (\$2,000.00) plus five hundred dollars (\$500.00) per hour, or part thereof, for each City Fire Department apparatus at the scene of the fire and two hundred dollars (\$200.00) per hour, or part thereof, for each member of the City Fire Department at the scene of the fire

(2) false alarm response: one thousand dollars (\$1,000.00) plus five hundred dollars (\$500.00) per hour, or part thereof, for each City Fire Department apparatus at the scene of the fire and two hundred dollars (\$200.00) per hour, or part thereof, for each member of the City Fire Department at the scene of the fire : Provided, That the time used to calculate the ~~emergency services~~ incident response user fee shall commence for each apparatus responding when each City Fire Department apparatus dispatch notification from either Putnam County 911 or Kanawha County 911, as appropriate, occurs and shall continue until each such City Fire Department apparatus returns to the City Fire Department facility. The City shall also recover from such owner the cost and expense for utilization of any specialized and disposable equipment or materials necessary to render the fire scene safe and secure.

(c) Within four work days after the day the City Fire Department responded to a box alarm, whether for an actual fire or a false alarm, a fire service call other than by a box alarm, or any other emergency situation outside the City fire service district and there

was neither an applicable fire service contract in existence nor an affirmative response by another fire department demonstrating the foregoing enumerated conditions were satisfied, the City Fire Department shall provide to the City Treasurer information demonstrating the number of City Fire Department apparatus that responded and the length of time each apparatus was at the scene, the number of City Fire Department personnel who responded and the amount of time each was at the scene, and the quantity of consumables used and the nature of any equipment damaged or destroyed. Within five working days after receiving the information from the City Fire Department, the City Treasurer shall calculate the charge to be assessed and transmit the bill to the property owner. The City Treasurer shall indicate on the bill the date when payment is due: Provided, That the due date for payment of the bill shall be no later than forty-five days subsequent to the date the bill is mailed.

(d) If the fee imposed by this section is not paid when due, the amount shall be in default and may be recovered by the City in any appropriate action. The City is authorized to contract with a debt collector to collect the amount due, to proceed against the property owner in the circuit court of the county wherein the property is located to collect the debt, and to perfect a lien upon the property served and then proceed to judgment to collect the amount due and any expenses resulting from that process.

742.07 742.08. City Treasurer to recommend change in user fee amount.

The City Treasurer shall annually, but no later than the first day of March, compose and provide to the City Council for Council's authorization a schedule of fees to be imposed under this Article for the forthcoming fiscal year.

742.08 742.09. Report by the City Treasurer to the City Council.

The City Treasurer shall, within sixty days after the end of each fiscal year, report to Council a list of all persons and business establishments who are delinquent in the payment of the emergency service user fee or any portion thereof for the preceding fiscal year.

Passed on First Reading _____

Passed on Second Reading _____

Rita Cox, Recorder

Dave Casebolt, Mayor

Paving suggestions for 2015/2016

More information to follow

1. Finish part of Hillside drive to the turn around (This will complete all of Hillside drive)
2. 11th St from route 25 to 2nd Ave
3. 39th St from route 25 to 2nd Ave
4. Consider paving where the Cruz Thru Building was removed
5. Use our milling machine on sections of streets before they are paved. We know that will help the cost enormously
6. Our major problem is all the concrete work that needs done throughout the city. Copy attached
7. We still have an ongoing problem on Old County Road

We discussed maybe we could put the caged rock along that one section where the toe was cut out several years ago by a homeowner. We did this out on 39th St East and after it settled for four years, we paved that section

More info to follow. We will start our paving the first of October as planned

Chris Zindel

5321 211/16

W 16x 1 5

CONCRETE COST

**170 -- 10 X 20 PADS IN BROOKHAVEN THAT NEED
REPLACED \$600 PER PAD = \$102,000**

**40 -- 10 X 20 PADS FROM WEST 11TH THRU WEST
15TH INCLUDING BROADWAY AVE. AND BOUNDARY
ST. THAT NEED REPLACED \$600 PER PAD = \$24,000**

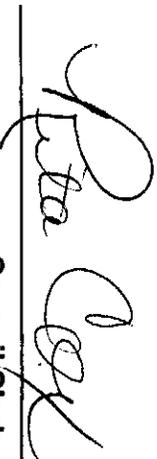
**THIS PRICE IS FOR CONCRETE AND STONE FOR
BASE.**

RESOLUTION

The Council of the City of Nitro met on Sept 7, 2015 (date) with a quorum present and passed the following resolution.

Be it resolved that the Council of the City of Nitro hereby authorizes Dave Casabolt, Mayor of the City of Nitro, to act on its behalf to enter into a contractual agreement with the Division of Justice and Community Services to receive and administer grant funds pursuant to provisions of the Justice Assistance Grant program.

Signed:

A handwritten signature in black ink, appearing to read "Rita Cox", is written over a horizontal line.

Council Clerk

NAME	Total / Holiday hours	Vacation COMP as 26 Aug.	TOTAL CASH OWE D TO OFFICER	years to reduce to 240hrs	cost reduce by 240hrs as of 26 Aug 2015	cost reduce by 240hrs as of 26 Aug 2016	cost reduce by 240hrs as of 26 Aug 2017	cost reduce by 240hrs as of 26 Aug 2018	cost reduce by 240hrs as of 26 Aug 2019	cost reduce by 240hrs as of 26 Aug 2020	cost reduce by 240hrs as of 26 Aug 2021
Chief S. Walker											
Capt. D. Scurlock	1420	0	\$ 34,009.00	\$ 5.92	\$ 5,748.00	will be gone					
Capt. B. Oxley	1312	479.5	\$ 41,992.76	\$ 7.46	\$ 5,625.60	\$ 5,625.60	\$ 5,625.60	\$ 5,625.60	\$ 5,625.60	\$ 5,625.60	\$ 5,625.60
Capt. R. Foster	1489	0	\$ 33,740.74	\$ 6.20	\$ 5,438.40	\$ 5,438.40	\$ 5,438.40	\$ 5,438.40	\$ 5,438.40	\$ 5,438.40	\$ 5,438.40
Lt. C. Greene	724	0	\$ 16,022.12	\$ 3.02	\$ 5,311.20	\$ 5,311.20	\$ 5,311.20				
Lt. C. Flemming	550	0	\$ 11,748.00	\$ 2.29	\$ 5,126.40	\$ 5,126.40					
Lt. J. Garbin	90	0	\$ 1,922.40	\$ -							
Lt. D. Richardson	681	0	\$ 14,362.29	\$ 2.84	\$ 5,061.60	\$ 5,061.60	\$ 5,061.60				
Sgt. C. Nutter	614	0	\$ 12,310.70	\$ 2.56	\$ 4,812.00	\$ 4,812.00	\$ 4,812.00				
Sgt. T. Jarrell (K-9)	932	0	\$ 18,444.28	\$ 3.88	\$ 4,749.60	\$ 4,749.60	\$ 4,749.60	\$ 4,749.60			
Sgt. J. Raynes	304	0	\$ 6,007.04	\$ 1.27	\$ 1,264.64						
Sgt. R. Clay	78	0	\$ 1,523.34	\$ -							
PtIm. H. Blake (PRO)	762	0	\$ 13,792.20	\$ 3.18	\$ 4,344.00	\$ 4,344.00	\$ 4,344.00				
PtIm. E. Whitney	266	0	\$ 4,641.70	\$ 1.11	\$ 453.70						
PtIm. C. Hastings	182	0	\$ 3,028.48	\$ -							
PtIm. C. Farry	82	0	\$ 1,343.16	\$ -							
PtIm. Mikel Clay	0	0	\$ -	\$ -							
					\$ 47,935.14	\$ 40,468.80	\$ 35,342.40	\$ 11,114.00	\$ 11,064.00	\$ 11,064.00	\$ 5,625.60

David Casebolt

From: Natausha Horton <nhorton@cohenlawgroup.org>
Sent: Friday, August 21, 2015 3:12 PM
To: dcasebolt@cityofnitro.org
Subject: Proposal for Cable Franchise Transfer and Cable Franchise Renewal Services
Attachments: City of Nitro Cable Franchise Services Proposal 8.21.15.pdf

Good afternoon, Mayor:

It was good to meet you via phone on Wednesday. I hope you found our conversation to be informative and interesting. Pursuant to our discussion, I have drafted and attached a proposal for cable franchise transfer and cable franchise renewal services. The attached includes an introduction, a discussion of the benefits of cable franchise renewal, a brief history of our firm, and the costs associated with transfer/renewal on a flat fee basis. While there are many areas in the current franchise that should be strengthened (i.e., right of way protections and subscriber protections), there are other areas that need a complete overhaul, including the definition of gross revenues, cable operator accountability standards, technology standards, and enforcement mechanisms.

I strongly recommend that the City negotiate (or begin negotiating) a renewal agreement prior to Altice's complete acquisition of Suddenlink. Once Altice begins offering cable service, it will be important to hold them (as a new cable operator in the area) to the highest standard possible. Also, as we discussed, I would recommend that the City not sign the generic resolution included in the FCC 394 packet, because it does not require Altice to assume Suddenlink's debts or liabilities. Finally, it looks like Section 5 of the current agreement requires Suddenlink to pay for \$2,000 of the City's cost associated with cable franchise transfer, which is great.

Please feel free to call or email me if you would like to discuss the attached in more detail, or if you have any questions. I hope we have the chance to work together.

Best regards,

Natausha

Natausha M. Horton
Cohen Law Group
413 South Main Street, 3rd Floor
Pittsburgh, PA 15215
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**PROPOSAL TO PERFORM
CABLE FRANCHISE SERVICES**

submitted to

THE CITY OF NITRO, WV

by the

COHEN LAW GROUP

**1000 RIDC Park Plaza
1000 Gamma Drive, Suite 305
Pittsburgh, PA 15238**

www.cohenlawgroup.org

(412) 447-0130

August 21, 2015

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I. INTRODUCTION

The Cohen Law Group (“CLG”) welcomes this opportunity to submit a proposal for legal services to assist the City of Nitro (the “City”) in cable franchise transfer and cable franchise renewal services. The City’s current franchise agreement with Suddenlink expired in 2014. In addition, Altice recently announced that it plans to acquire Suddenlink in an equity interest transaction. Federal law grants municipalities the right to approve or deny the transfer of their individual cable franchises. As such, the cable operators have already sent the City an FCC Form 394 requesting approval of the franchise transfer from Suddenlink to Altice. The City must take action on the transfer within the statutory timeframe of 120 days of receipt of the Form 394 or else the transfer is deemed approved.

Municipal officials have three critical roles when it comes to transferring and/or renewing (or, in the rare circumstance, not renewing) a cable franchise. First, municipal officials are effectively the landlords of their cable company. The cable company utilizes the municipality’s public rights-of-way to operate its cable system. Municipal officials manage those rights-of-way as a public trust and are entitled to a fair return for the cable company’s use of those public properties. This includes both financial and non-financial benefits for the municipality.

Second, municipal officials have an obligation to protect and advance the interests of their residents. This means not only obtaining the best possible services from the cable operator today, but also doing everything possible to prepare for the future. A cable franchise agreement must provide for the benefits available from existing technologies, as well as those that may become available from future technologies.

Third and finally, municipal officials are consumers of telecommunications services in all three forms -- voice, video and data. From internet access at City Hall to television service at the

Fire Station, municipalities use a wide range of telecommunications services. They are entitled, therefore, to the most efficient, state-of-the-art services at the best possible prices.

CLG is uniquely qualified to represent the City in cable franchise transfer and cable franchise renewal negotiation services. For 16 years, our firm has specialized exclusively in cable franchise matters on behalf of municipalities, and our attorneys have negotiated more franchise agreements than any other law firm in the tri-state area. We have represented over four hundred (400) municipalities in negotiations with their cable companies, including smaller cable operators like Suddenlink.

The founder and principal of the firm is Dan Cohen. Aside from his credentials as a telecommunications attorney, Mr. Cohen is especially qualified to represent municipalities because he was a municipal official himself. As a member of the Pittsburgh City Council from 1990 to 2002, Mr. Cohen has firsthand knowledge of the challenges and opportunities confronting municipal governments. With twelve years' experience in municipal government, he understands the practical needs and the financial constraints facing municipal officials. In addition, the Cohen Law Group has a strong team that attorney Phil Fraga, attorney Stacy Browdie, attorney Natausha M. Horton, and administrative assistant Akila Iyer.

CLG has developed a three-step approach to cable franchise renewal projects. The first step is the identification of the client's specific needs. Since a given client's needs often become better defined as the negotiation progresses, our attorneys maintain flexibility throughout the process to achieve a cable franchise agreement that accomplishes the client's specific goals. Second, our attorneys negotiate firmly and deliberately with the cable operator in order to reach agreement in a timely fashion. Our cable franchise agreements achieve maximum benefits for our clients. Finally, our attorneys work efficiently to achieve agreements that are cost effective for the

client. We are keenly aware of the fiscal constraints facing municipalities, and focus, therefore, on keeping attorneys' fees and costs as low as possible.

II. POTENTIAL FRANCHISE BENEFITS

There are significant benefits available to municipalities in a cable franchise renewal agreement. The key to receiving these benefits is to know the law and regulations relating to each benefit and to negotiate firmly to obtain them from the cable operator. The following is a list of some of the more important potential benefits based on our experience with various cable operators. We also obtained and reviewed the City's current (expired) agreement, so following each benefit in bold is a brief assessment of that agreement.

1. **Franchise Fee Revenue.** Under federal law, municipalities may assess a franchise fee of up to five percent (5%) of the cable company's "gross revenues" for cable services derived from the City. The City currently assesses a 2.5% fee. The central subject of negotiation with the cable operator is the specific revenue sources to be included in the definition of "gross revenues." CLG has developed a comprehensive list of cable operator revenue sources to which municipalities may apply the franchise fee. **Nitro's current agreement includes a general definition and then enumerates a limited number of revenue sources subject to the franchise fee.** We recommend that the new agreement enumerate all eligible revenue sources (plus a "crystal ball" provision) so as to maximize

franchise fee revenue and avoid disagreements with the cable operator.

2. **Franchise Fee Accountability.** In addition to franchise fee revenue, it is also essential for municipalities to require franchise fee protection and accountability. In a franchise agreement, these include detailed franchise fee verification reports, the right to conduct comprehensive franchise fee reviews with penalties for underpayments, and protections against franchise fee reduction due to bundled service packages. **Nitro's current agreement does not require line item franchise fee reports, interest/penalties for underpayments, or other protections. It also does not permit the City to conduct franchise fee audits.**
3. **Complimentary Services:** Another benefit of franchise renewal is to obtain free services from the cable operator. We would attempt to secure free internet service to the City Hall and free cable service to all municipal facilities, schools, and libraries.
5. **Cable System Extensions.** For municipalities that are not fully served by their cable operator, it is important to negotiate the lowest possible number of "homes-per-mile" required for the cable operator to extend the cable system to the unserved areas. This homes-per-mile number is known as the "density" number. It is also advisable to get the cable operator to perform a "field study" of any unserved areas.

The City's current agreement includes a density number that is within industry standards.

6. **Cable System Upgrade.** Depending on technical features of the current cable systems serving the City, it may wish to negotiate a timeframe for an upgrade or rebuild of the cable system. It is essential to know the specifications of the cable system and whether or not it is technologically current. Even if the system is technologically current, it is important to include the technical specifications of the system in the franchise agreement.

7. **Customer Service Standards.** In a franchise agreement, municipalities may impose customer service standards on the cable company to which the company must adhere. It is important to include comprehensive and enforceable standards. Such customer service standards cover a broad spectrum of requirements that include, but are not limited to, telephone answering time limits for customer service representatives, refunds for service interruptions, rules for resolving customer billing disputes, time limits for cable technicians to arrive at your home, and a prohibition against the premature application of late payment fees. **The customer service standards in Nitro's current agreement are very limited.**

8. **Public, Educational and Governmental (PEG) Channels.** Municipalities have a legal right under federal law to dedicated channel space for public, educational and governmental ("PEG")

programming. The PEG Channels may be used to inform citizens by providing public safety alerts, broadcasting announcements regarding local government activities and/or other programming. For municipalities that currently operate PEG Channels or wish to activate them in the future, it is essential to include key provisions in the franchise agreement.

9. Legal Protections of the Rights-of-Way. Because cable companies place wires and equipment in the City's public rights-of-way, it is critical that a cable franchise agreement include legal protections for any damages or injuries that may occur. These protections include safety standards for construction and installation, requirements for repair and restoration of property damage, emergency removal of equipment, indemnification of the City and full insurance coverage.

The right-of-way provisions in the City's current agreement are limited.

10. Enforcement. Once the cable operator agrees in a franchise agreement to provide certain benefits to the City, the City must be able to enforce these obligations. It is essential to include strict and practical enforcement tools to ensure the company's faithful performance of its obligations under the agreement. These tools may include, but are not limited to, monetary fines, a performance bond and the right to revoke the franchise in extreme circumstances. **The**

only enforcement tool in the City's current agreement is revocation, which is neither practical nor effective.

11. Length of Term. Because telecommunications technology changes so rapidly, municipalities typically seek a shorter length of term in the franchise agreement. On the other hand, cable companies typically seek longer terms to protect their capital investment in the cable system. The difference between these two positions is resolved through negotiation.

III. SCOPE OF SERVICES

The following is the scope of services that CLG will perform if hired to assist the City in cable franchise renewal services.

A. Preliminary Setting of Priorities

We will arrange an initial conference call with City officials. We will describe the franchise transfer and renewal process, including both the formal and informal processes prescribed by Section 626 of the federal Cable Act, 47 U.S.C. §546. We will also inform the officials regarding their legal rights, including the substantive areas in which the City has legal authority over the cable operator and those areas in which the City does not.

In addition, we will outline the potential financial and non-financial benefits available to the City as well as solicit the concerns and needs of the officials with respect to the cable operator. We will also discuss with the officials and decide upon a list of priorities and timeline for the cable franchise services. This list of priorities will be very helpful in guiding negotiations with the cable

operator. We will also advise the City with respect to any other legal and regulatory requirements pertaining to a franchise fee transfer and renewal.

B. Cable Franchise Transfer

Alice recently announced that it planned to acquire Suddenlink. Given that the City has transfer language in its current franchise agreement, it received from Suddenlink an FCC Form 394, along with a proposed resolution to approve the transfer of your cable franchise to Alice. The Form 394 includes detailed financial and legal information regarding the transfer. **We strongly recommend that you do not approve the proposed resolution without first protecting your legal rights.**

Protecting the City's rights includes protecting the City from any cable operator non-compliance issues—both current issues that need to be resolved prior to the transfer as well as future non-compliance issues. Such issues may include, but are not limited to, unpaid franchise fees, inadequate insurance coverage, customer service violations, or cable system upgrades that have not been completed. The City must protect itself from cable operator violations that are both known and unknown at the time of the transfer. In addition, the City must ensure that the new cable operator agrees in writing to honor all of the terms and conditions of the municipality's current franchise agreement until a new agreement is negotiated. This includes assuming all of the obligations contained in the current franchise agreement. As part of the scope of services for this project, CLG will do the following:

1. Review of Form 394 and Negotiations with Suddenlink/Alice

We will then review the financial and legal documents included in the Form 394 (including exhibits) and will prepare a written legal assessment of these materials for the City.

This assessment will take the form of a short legal memorandum that addresses information

relevant to the City. We will then contact the applicable Altice franchise director and attempt to negotiate the following: 1) legal protections for the City; and 2) possible discrete franchise benefits that are not in its current franchise agreements. We will then report informally to the City on the results of our negotiations.

2. Drafting of Approval Resolution

Upon completion of our negotiations with Altice, we will draft a transfer resolution that includes the agreed upon legal protections and possible franchise benefits for the City. We will then send the proposed resolution to Altice and negotiate the contents of the resolution with the cable operator before presenting it to the City Attorney, Council and Mayor for their review.

3. Consideration by the City Board

Finally, we will send the recommended transfer approval resolution and legal memorandum to City Council for formal consideration. We will also follow up with the City to answer any questions and make any changes.

C. Drafting of Proposed Agreement

After the City's passes the drafted resolution drafted by our office, our attorneys will draft a proposed franchise agreement that provides the City with all of the benefits and legal protections to which it is entitled under current law and current technology. The agreement will include the results of the setting of priorities stage above, as well as our judgment as to the legal provisions that would advance the City's interests and meet their future cable-related needs. We will then submit the agreement to the client for informal review and comment. Any suggested changes will be incorporated into the agreement and the proposed agreement will be presented to representatives of the cable operator.

D. Negotiation with Cable Operator

The most important stage in the process is negotiating a franchise renewal agreement. The working document for these negotiations will be the draft franchise agreement informally approved by the client. We will preserve the City's legal rights under the formal process, but proceed to negotiate with the cable operator under the informal process outlined in the federal Cable Act. The negotiation typically consists of one face-to-face negotiation session with the cable operator at the City Hall, multiple conference calls with cable operator representatives, status conferences with the clients, multiple revisions of the proposed franchise agreement, redrafting specific franchise agreement provisions, and editing the final draft of the cable franchise agreement.

E. Consideration by City Council

After tentative agreement has been reached, CLG will report to the client on the substantive provisions of the deal. Specifically, we will present the City with the final cable franchise agreement (and any side agreements) negotiated by the parties and recommended by CLG. We will also draft an executive summary of the major provisions of the final agreement. Finally, we will draft a recommended ordinance authorizing approval of the agreement for consideration by City Council.

IV. PROFESSIONAL BACKGROUND

The Cohen Law Group specializes in representing municipalities in cable and telecommunications matters. Collectively, our attorneys have worked on cable and telecommunications issues on behalf of municipalities for fifty (50) years. CLG has represented over four hundred (400) municipal clients, both large and small, in negotiations with cable

companies and telecommunications providers. Our firm has negotiated with major national companies as well as smaller regional companies to obtain benefits for our clients.

CLG's legal services to municipal clients include the following:

- Drafting cable franchise agreements and ordinances
- Cable franchise renewal negotiations with cable companies
- Franchise fee audits
- Drafting of right-of-way ordinances and development of right-of-way fees
- Right-of-way management and enforcement
- Drafting pole attachment agreements
- Pole attachment negotiations with cable and telephone companies
- Transfer or sale of franchise ownership or control
- Cable compliance reviews
- Evaluation of and public, education and governmental ("PEG") channels
- Identification and marketing of municipality's vertical assets to wireless firms
- Development of wireless facilities ordinances
- Negotiation with cellular tower and antenna companies
- Wireless facility litigation

As an active member of the National Association of Telecommunications Officers and Advisors (NATOA) and other professional organizations, CLG stays current with frequent changes in cable and telecommunications law. Dan Cohen has written articles on cable franchising and telecommunication matters that have been published in such publications and *Public Management Magazine* and *Government Procurement Magazine*. He is also a frequent speaker at regional and national municipal conferences.

In addition to providing professional counsel to municipalities on cable and telecommunications matters, Mr. Cohen served as an elected municipal official for twelve (12) years. He served on the Pittsburgh City Council from 1990 to 2002. As a result, he has firsthand knowledge of the challenges and opportunities confronting municipal governments. During his tenure on City Council, he worked on municipal budgets, public rights-of-way matters and other public issues from a municipal perspective. He is keenly aware of the practical needs and financial constraints facing municipalities.

Mr. Cohen served as Chair of City Council's Cable Television Committee for ten years. In 1999, he was a principal negotiator of cable franchise renewal with Comcast for the City of Pittsburgh. He also served on the Mayor's Telecommunications Committee. Mr. Cohen led Pittsburgh's efforts to regulate cable rates in the early 1990s. Those efforts resulted in a refund ordered by the Federal Communications Commission for all City of Pittsburgh cable customers. Mr. Cohen graduated from Yale University and Stanford Law School.

The other principal of the firm, Phil Fraga, brings significant private sector experience to his role in serving as outside counsel to municipalities. Mr. Fraga served as assistant general counsel to a major cable company and was general counsel for two telecommunications companies prior to joining the firm in January of 2006. Mr. Fraga has negotiated hundreds of cable franchise agreements, pole attachment agreements, and right-of-way agreements. Mr. Fraga's knowledge of corporate practices has provided a special benefit for our clients. Mr. Fraga has undergraduate degrees from Bethany College (Finance) and Carlow College (accounting), an MBA from the University of Steubenville, and a law degree from the Duquesne University School of Law.

Attorney Stacy Browdie has also been an integral part of the firm since its inception. She has many years of experience working with municipalities in cable and telecommunications matters. While adept in many areas of the firm's practice, Ms. Browdie concentrates primarily in cable franchise agreements, franchise fee audits, right-of-way management, and PEG channels. Ms. Browdie graduated from the University of Pennsylvania and from the University of Pittsburgh School of Law.

Attorney Natausha Horton served as a Law Clerk to the Pennsylvania Supreme Court prior to joining CLG in 2012. She graduated *summa cum laude* from the University of Pittsburgh and received her law degree at the University of Pittsburgh School of Law. In law school, she received

the Gerald K. Gibson Award and the Duquesne award for Best Brief and Oral Argument. Ms. Horton served as the Law Clerk for the Chapter 13 Bankruptcy Trustee for the Western District of Pennsylvania. There she worked with debtors and creditors to establish bankruptcy repayment plans and monitored the accounting and computation of such payments to the Trustee. At CLG, Ms. Horton has concentrated primarily on franchise fee audits, cable franchise negotiation, and wireless facilities regulation.

V. COST OF SERVICES

The following represents the cost of services if the City of Nitro engages the Cohen Law Group to perform cable franchise transfer and franchise renewal services. We propose to perform the franchise renewal on a flat fee basis as set forth below, because our significant experience in the cable franchise arena lends predictability to our efforts on behalf of the City. In addition, a flat fee provides “price certainty” to the City.

Flat Fee Amount for Franchise Transfer:	\$2,500
Flat Fee Amount for Cable Franchise Renewal:	\$7,900

The fee amounts above do not include the unlikely possibility of extraordinary services requested by the client outside the scope of services contained in this proposal or any significant unforeseeable developments. In the event of such extraordinary or unforeseeable developments, CLG will contact the City to discuss such developments prior to rendering services related to such developments. If such services are authorized, CLG would charge a fee of \$225 per hour,

including travel time. Finally, the fees above do not include expenses, such as travel, postage and copying expenses, which are kept to a minimum.

Please note that our normal billing policy is to bill one-half of the fee for each project at the commencement of the project and one-half at the conclusion of each project. Thank you for the opportunity to submit this proposal.

**Annual Report of Policemen's and Firemen's Pension and Relief Funds
to the Municipal Pensions Oversight Board
as required by WV Code §8-22-19(d)(1)(B) and §8-22-22a(a)**

Pension Fund

North Branch Police and Fire Fund

Treasurer

John Young

Municipality

City of North Branch

Fiscal Year (July 1 - June 30)

July 1, 2009 - June 30, 2010

Actuarial Funding Method

<input checked="" type="checkbox"/>	Standard Funding Method
<input type="checkbox"/>	Optional Funding Method
<input type="checkbox"/>	Alternative Funding Method (107%)
<input type="checkbox"/>	% Necessary to Maintain Plan Solvency for 15 Years
<input type="checkbox"/>	Conservation Funding Method

PART I

Beginning Fair Value of Pension Plan

July 1

Item

Amount

I. Revenue During Fiscal Year			
1. Employee Contributions for employees hired prior to Jan. 1, 2010		Percent of Gross Salary	
Total amounts contributed by employees or withheld from their salaries			
2. Employee Contributions for employees hired on or after Jan. 1, 2010		Percent of Gross Salary	9.50%
Total amounts contributed by employees or withheld from their salaries			
3. Employee Contributions for Plans utilizing the Conservation Funding Method		Percent of Gross Salary	1.50%
Total amounts contributed by employees or withheld from their salaries			
4. Government Contributions			
a. From Parent Local Government			
Required: employer contributions from your municipality			
b. Additional employer contributions from your municipality			
c. From State Government			
Municipal Pensions Oversight Board (premium surcharges on fire and casualty insurance)			
5. Earnings on Investments			
a. Net Appreciation/(Depreciation) of Fair Value of Investments			
b. Short Term & Fixed Income Interest			
c. Dividends			
d. Net Realized Gain (loss) on Sale or Exchange of Assets			
e. Other			
f. Less Investment Expense			
Net Investment Income			
6. All Other Revenues			
Please Specify			

Total Revenues The sum of items I.1. through I.6. **\$ 315,374.08**

II. Expenditures During Fiscal Year

Item

Amount

1. Benefits Paid		Does not include Investment Expenses, see I.5.1. on first page.	
Retirement, disability, survivor, and any other benefits.			
2. Withdrawals			
Amount paid to employees or former employees or their survivors, representing return of contributions made by employees during the period of their employment			

**Annual Report of Policemen's and Firemen's Pension and Relief Funds
to the Municipal Pensions Oversight Board
as required by WV Code §8-22-19(d)(1)(B) and §8-22-22a(a)**

3. Other Payments

Administrative expenses and other costs or payments non-representing benefit payments or withdrawals:
a. Administration Municipal Administration fees.

b. Other Example: Pension Secretary expenses; Rent; etc.

Total Expenditures The sum of items II.1. through II.3.b. **\$ 294,391.00**

Net Income/(Loss) **\$ 20,983.08**

Ending Fair Value of the Pension Plan **June 30** **\$ 777,651.44**

III. Asset Allocation at End of Fiscal Year

1. Cash and Cash Equivalents - Short Term **Percent of Total Assets** **10.45%**

Financial Institution or Money Manager	Type of Account	Fair Value
	Checking	
	Treasury Bills	
	Savings or Money Market Account	
	Short Term Investment Funds	
	Re-Purchase Agreements	
	Commercial Paper	
	COs and Bankers' Acceptances	
Total Cash and Cash Equivalents		\$ 81,227.03

The sum of items 1.a. through 1.g.

2. Fixed Income - Long Term **Percent of Total Assets** **38.43%**

Financial Institution or Money Manager	Type of Account	Fair Value
	US Govt Agencies & Instruments	
	Foreign Govt, Subdivisions, Agencies or Enterprise	
	International agencies or supranational entities	
	Mortgage-related or others asset back securities	
	Corporate Debt Securities	
	Corporate Inflation-Index bonds	
	Bank CD's, fixed time deposits, Bankers' Acceptance	
	State & Local Govt Debt Securities	
	Mutual Funds (Bonds)	
	International Mutual Funds - Bonds	
	Exchange Traded Funds (ETF) - Bonds	
	International Exchange Traded Funds (ETF) - Bonds	
Total Fixed Income (at fair value)		\$ 298,876.00

The sum of items 2.a. through 2.l.

3. Equity Investments **Percent of Total Assets** **51.12%**

Financial Institution or Money Manager	Type of Account	Fair Value
	Individual Stocks Held	
	Mutual Fund Shares (Equities)	
	Exchange Traded Funds (ETF)	
	International Stocks Held	
	International Mutual Funds - Equities	
	International Exchange Traded Funds (ETF)	
Total Equity Investments (at fair value)		\$ 397,501.77

The sum of items 3.a. through 3.f.

**Annual Report of Policemen's and Firemen's Pension and Relief Funds
to the Municipal Pensions Oversight Board
as required by WV Code §8-22-19(d)(1)(B) and §8-22-22a(a)**

4. Alternative Investments	0.01%
Financial Institution or Money Manager	Type of Account
	Fair Value
	Real Estate Investment Trust
	Private Equity Fund
	Hedge Funds
	Other Alternative Investments

Total Alternative Investments (at fair value) The sum of Items 4.a. through 4.d. Fair Value
\$ 46,64

Total Assets Sum of III.1. through III.4. \$ 777,651.44

III.5 Total return on Investments for the period of July 1 thru June 30 (Obtain from financial institution or money manager)

PART II

Membership and Beneficiaries

* Please report the figures requested below, for the fiscal year reported on page 1. To figure the Average Monthly Number of Persons, add figures for each month and divide by 12. Please round to two decimal places. An employee must have been paid for 100 hours in any month to be included in that month.

** Please report the total number of disability applications received during the fiscal year, the status of each application at the end of the fiscal year, the total applications granted and denied, and the percentage of disability benefit recipients to the total number of active members of the fund. This requirement satisfies §8-22-23a(e) of the WV Code if the report is submitted to the Municipal Pensions Oversight Board prior to August 1st of each year.

I. Members of your Pension Fund	Exclude Beneficiaries	Term	Avg. Monthly #
1. Active Members	Current number of employees contributing to the pension fund		
2. Inactive Members	Non-active vested members and employees on extended leave without pay		
II. Beneficiaries Receiving Periodic Benefit Payments During Fiscal Year			
1. Retirees			
2. Disability Retirees	Includes the new applications approved during reporting period		
a. Number of Disability Applications received during the fiscal year			
b. Status of each Disability Application at end of fiscal year - please attach separate sheet with details			
(1.) Disability Applications Approved during Fiscal Year			
(2.) Disability Applications Denied during Fiscal Year			
3. Percentage of Disability Benefit Recipients to the Total of Active Members in the fund			21.43%
4. Survivors (of Deceased Members) Drawing Benefits			

PART III

Legal Thresholds for Investments

	(1)	(2)	(3)
	%	Maximum % and \$	(Over) Under
Equity Investments	51%	75%	24%
International Securities	0%	30%	30%
Alternative Investments	0%	25%	25%
Cash/Cash Equivalents and Fixed Income (Low 25%; High 75%)	49%	25%	-24%
Short Term Investment - (90 days of expenses)	\$	\$ 73,597.75	\$ (7,629.28)

**Annual Report of Policemen's and Firemen's Pension and Relief Funds
to the Municipal Pensions Oversight Board
as required by WV Code §8-22-19(d)(1)(B) and §8-22-22a(a)**

Pension Fund	
Treasurer	
Municipality	
Fiscal Year (July 1 - June 30)	
Actuarial Funding Method	<div style="display: flex; align-items: center;"> <div> <p>Standard Funding Method</p> <p>Optional Funding Method</p> <p>Alternative Funding Method (107%)</p> <p>% Necessary to Maintain Plan Solvency for 15 Years</p> <p>Conservation Funding Method</p> </div> </div>

PART I		Item	Amount
Beginning Fair Value of Pension Plan July 1			
I. Revenue During Fiscal Year			
1.	Employee Contributions for employees hired prior to Jan. 1, 2010	Percent of Gross Salary	
Total amounts contributed by employees or withheld from their salaries			
2.	Employee Contributions for employees hired on or after Jan. 1, 2010	Percent of Gross Salary	9.50%
Total amounts contributed by employees or withheld from their salaries			
3.	Employee Contributions for Plans utilizing the Conservation Funding Method	Percent of Gross Salary	1.50%
Total amounts contributed by employees or withheld from their salaries			
4. Government Contributions			
a. From Parent Local Government			
Required employer contributions from your municipality			
b. Additional employer contributions from your municipality			
c. From State Government Municipal Pensions Oversight Board (premium surcharges on fire and casualty insurance)			
5. Earnings on Investments			
a. Net Appreciation/(Depreciation) of Fair Value of Investments			
b. Bond Interest			
c. Dividends			
d. Net Realized Gain (Loss) on Sale or Exchange of Assets			
e. Other			
f. Less Investment Expense			
Net Investment Income			\$ 287,530.17
6. All Other Revenues			
Please Specify			
Total Revenues			\$ 703,366.43

The sum of items 1.3. through 1.6.

**Annual Report of Policemen's and Firemen's Pension and Relief Funds
to the Municipal Pensions Oversight Board
as required by WV Code §8-22-19(d)(1)(B) and §8-22-22a(a)**

		Item	Amount
II Expenditures During Fiscal Year <small>Does not include Investment Expenses, see L51, on first page.</small>			
1. Benefits Paid			
<small>Retirement, disability, survivor and any other benefits.</small>			
2. Withdrawals			
<small>Amount paid to employees or former employees or their survivors, representing return of contributions made by employees during the period of their employment</small>			
3. Other Payments			
<small>Administrative expenses and other costs or payments non representing benefit payments or withdrawals.</small>			
a. Administration			
<small>Municipal administration fees.</small>			
b. Other			
<small>Example: Pension Secretary expenses; Rent; etc.</small>			
Total Expenditures			\$ 289,638.36
<small>The sum of Items II.1. through II.3.b.</small>			
Net Income/(Loss)			\$ 413,728.07
Ending Fair Value of the Pension Plan			\$ 2,875,469.84
June 30			
III Asset Allocation at End of Fiscal Year			
1. Cash and Short-Term Investments			
	Percent of Total Assets		20.80%
Institution or Money Manager		Type of Account	Fair Value
		Checking	
		Non-Interest Bearing	
		Savings or Money Market Account	
		Certificates of Deposit	
		Re-Purchase Agreements	
Total Cash and Short-Term Investments			\$ 598,169.76
<small>The sum of Items 1.a. through 1.e.</small>			
2. Government Securities			
	Percent of Total Assets		0.00%
Institution or Money Manager		Type of Account	Fair Value
a.		Treasury Notes and Bonds	
b.		State and Municipal Bonds	
c.		Mutual Funds (Government Bonds)	
Total Government Securities (at fair value)			\$ -
<small>The sum of Items 2.a. through 2.c.</small>			
3. Corporate Bonds			
	Percent of Total Assets		30.71%
Institution or Money Manager		Type of Account	Fair Value
a.		Bonds	
b.		Mortgage-backed Securities	
c.		Debentures	
d.		Mutual Funds (Corporate Bonds)	
Total Corporate Bonds (at fair value)			\$ 883,101.00
<small>The sum of Items 3.a. through 3.d.</small>			

**Annual Report of Policemen's and Firemen's Pension and Relief Funds
to the Municipal Pensions Oversight Board
as required by WV Code §8-22-19(d)(1)(B) and §8-22-22a(a)**

4. Corporate Stocks	Percent of Total Assets	48.49%
Institution or Money Manager	Type of Account	Fair Value
	Individual Stocks Held	
	Mutual Fund Shares (Equities)	
Total Corporate Stocks (at fair value)	The sum of Items 4.a. through 4.b.	\$ 1,394,199.08
Total Assets	Sum of III.1. through III.5.	\$ 2,875,469.84

PART II

Membership and Beneficiaries

* Please report the figures requested below, for the fiscal year reported on page 1. To figure the Average Monthly Number of Persons, add figures for each month and divide by 12. Please round to two decimal places. An employee must have been paid for 100 hours in any month to be included in that month.

** Please report the total number of disability applications received during the fiscal year, the status of each application at the end of the fiscal year, the total applications granted and denied, and the percentage of disability benefit recipients to the total number of active members of the fund. This requirement satisfies §8-22-23a(a) of the WV Code if the report is submitted to the Municipal Pensions Oversight Board prior to December 31st of each year.

	Item	Avg. Monthly #
I. Members of your Pension Fund	Exclude Beneficiaries	
1. Active Members	Current number of employees contributing to the pension fund	
2. Inactive Members	Non-active vested members and employees on extended leave without pay	
II. Beneficiaries Receiving Periodic Benefit Payments During Fiscal Year		
1. Retirees		
2. Disability Retirees	Includes the new applications approved during reporting period	
a. Number of Disability Applications received during the fiscal year		
b. Status of each Disability Application at end of fiscal year - please attach separate sheet with details		
(1.) Disability Applications Approved during Fiscal Year		
(2.) Disability Applications Denied during Fiscal Year		
3. Percentage of Disability Benefit Recipients to the Total of Active Members in the Fund		23.53%
4. Survivors (of Deceased Members) Drawing Benefits		

**City Of Nitro FY Current
Aged Payables
As of Jul 31, 2015**

Filter Criteria includes: 1) Includes Drop Shipments. Report order is by ID. Report is printed in Summary Format.

Vendor ID Vendor Contact Telephone 1	0 - 30	31 - 60	61 - 90	Over 90 d	Amount
ABBWRE ABBOTT'S WRECK	150.00				150.00
AUTOSOUN AUTO SOUNDS IN	545.97				545.97
CENHAR CENTER HARDWA	8.99				8.99
CHADEP CHARLESTON DE	179.98				179.98
CLAXSMI SMITH CONCRETE 304-755-5000	1,059.90				1,059.90
COMINS COMMERCIAL INS	23,857.60	666.67			24,524.27
CPI COMPUTER PROJ	171.60				171.60
CREDE CREDE POWER E	89.00				89.00
DAVHEA DAVIS HEATING &	155.00				155.00
GCRTIRE GCR TIRE CENTE	247.54				247.54
GRESHAM GRESHAM PLBG &	379.77				379.77
KANBRI KANAWHA BRICK	55.35			-0.01	55.34
KANVAL	10,243.36				10,243.36

**City Of Nitro FY Current
Aged Payables
As of Jul 31, 2015**

Filter Criteria Includes: 1) Includes Drop Shipments. Report order is by ID. Report is printed in Summary Format.

Vendor ID	0 - 30	31 - 60	61 - 90	Over 90 d	Amount
Vendor Contact Telephone 1					
KANAWHA VALLE					
KOMAX KOMAX	257.45				257.45
LOUWEN LOU WENDELL MA	53.92				53.92
MATHENY COPORATE BILLIN	87.54				87.54
MITCELL MITCHELL 1	152.24				152.24
NITREG NITRO REGIONAL	1,284.36				1,284.36
NOVA NOVA RUBBER	22.00				22.00
PILE PILE HARDWARE	81.86				81.86
PREPUM PRECISION PUMP	2,789.00				2,789.00
PULFOW PULLIN, FOWLER,	3,500.00				3,500.00
REGINT REGIONAL INTER	1,964.59				1,964.59
744-4258					
REGJAI WV REGIONAL JAI	1,013.25				1,013.25
RIDKEN RIDGEVIEW KENN	180.00				180.00

**City Of Nitro FY Current
Aged Payables
As of Jul 31, 2015**

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Vendor ID Vendor Contact Telephone 1	0 - 30	31 - 60	61 - 90	Over 90 d	Amount
SUDDLIN-CIT SUDDLINLINK					103.26
WASNAT WASHINGTON NA					694.63
844-877-6907					
WESVIRTAX WEST VIRGINIA S					8,237.00
304-558-3333					
WVAMER WV AMERICAN W					1,097.82
1,097.82					
WVSPR WEST VIRGINIA S					17.54
17.54					
Report Total	58,680.52	666.67	-0.01	59,347.18	

**City Of Nitro FY Current
Check Register
For the Period From Jul 1, 2015 to Jul 31, 2015**

Filter Criteria Includes: 1) Accounts Payable only. Report order is by Date.

Check #	Date	Payee	Cash Accou	Amount
43250	7/1/15	THE HUNTINGT	001-101-05	5,583.5
43251	7/1/15	THE HUNTINGT	001-101-05	1,269.4
43252	7/1/15	CITY NATIONAL	001-101-05	1,810.2
43253	7/1/15	NITRO FIREME	001-101-05	46.64
43254	7/1/15	DAWN LYNCH	001-101-05	100.00
1057	7/1/15	SCOTT ISAACS	001-101-19	1,345.0
ach070215	7/2/15	TRANSFER TO	001-101-00	6,000.0
ach070216	7/2/15	TRANSFER TO	001-101-00	40,000.
43256	7/2/15	AMERHEALTH	001-101-05	24,149.
ach070615	7/6/15	TRANSFER TO	001-101-00	35,000.
1040	7/7/15	CITY OF NITRO	001-101-51	810.02
43257	7/7/15	KANAWHA CO	001-101-05	11.00
43258	7/7/15	PEOPLES FED	001-101-05	1,746.2
43259	7/7/15	STATE TAX DE	001-101-05	102.81
43260	7/7/15	CAPITOL CITY	001-101-05	211.60
43261	7/7/15	POLICEMEN'S	001-101-05	3,034.1
43262	7/7/15	NITRO FIREME	001-101-05	2,203.8
43263	7/7/15	NITRO FIREFIG	001-101-05	252.00
43264	7/7/15	NITRO FIREFIG	001-101-05	28.00
43265	7/7/15	VOYA FINANCI	001-101-05	715.00
C66221	7/7/15	DEPT OF HEAL	001-101-05	940.94
85695877	7/7/15	HUNTINGTON B	001-101-05	26,641.
ach070815	7/8/15	TRANSFER TO	001-101-00	40,000.
43267	7/8/15	NITRO REGION	001-101-05	50.00
ach070915	7/9/15	TRANSFER TO	001-101-00	10,000.
43268	7/10/1	SAMS WHOLES	001-101-05	112.68
43269	7/10/1	SAMS WHOLES	001-101-05	125.80
ach071015	7/10/1	THE TRANSFER	001-101-15	38,500.
43270	7/10/1	PUTNAM CO. CI	001-101-05	106.00
43271	7/10/1	POSTMASTER	001-101-05	232.80
ACH071015	7/10/1	TRANSFER TO	001-101-00	10,000.
43272	7/10/1	RAY BLAKE	001-101-05	140.25

**City Of Nitro FY Current
Check Register**

For the Period From Jul 1, 2015 to Jul 31, 2015

Filter Criteria includes: 1) Accounts Payable only; Report order is by Date.

Check #	Date	Payee	Cash Accou	Amount
1041	7/10/1	RAY BLAKE	001-101-51	349.62
43273	7/13/1	RETREE HEAL	001-101-05	13,302.
43274	7/13/1	POSTMASTER	001-101-05	500.00
43275	7/13/1	WV PUBLIC EM	001-101-05	11,527.
43276	7/13/1	CHASITY BUCK	001-101-05	24.48
43277	7/13/1	HSA BANK	001-101-05	1,537.0
94497721	7/13/1	HUNTINGTON BA	001-101-00	970.00
35231491	7/13/1	HUNTINGTON B	001-101-00	2,660.0
43278	7/13/1	SAMS WHOLES	001-101-05	544.88
1-318-864-3	7/15/1	WEST VIRGINI	001-101-05	8,334.0
ACH JULY	7/15/1	HUNTINGTON	001-101-05	3,609.1
1275	7/17/1	DANNY DAWS	001-101-17	645.00
ach071715	7/17/1	TRANSFER TO	001-101-00	48,000.
43279	7/17/1	AFLAC	001-101-05	593.54
43280	7/17/1	ALARM PRO SE	001-101-05	184.05
43281	7/17/1	AMERICAN ASP	001-101-05	307.20
43282	7/17/1	AMERICAN GE	001-101-05	713.88
43283	7/17/1	APPALACHIAN	001-101-05	9,091.9
43284	7/17/1	AT&T MOBILITY	001-101-05	775.21
43285	7/17/1	B-52 JET LLC	001-101-05	607.01
43286	7/17/1	CENTER HARD	001-101-05	360.84
43287	7/17/1	CHANNING RO	001-101-05	30.00
43288	7/17/1	CLEAN & DRY	001-101-05	165.00
43289	7/17/1	COLONIAL LIFE	001-101-05	48.65
43290	7/17/1	CREDE POWE	001-101-05	480.60
43291	7/17/1	DE LAGE LAND	001-101-05	185.85
43292	7/17/1	DIRECTV	001-101-05	83.20
43293	7/17/1	ELECTRONIC C	001-101-05	688.00
43294	7/17/1	ERIE FAMILY LI	001-101-05	44.00
43295	7/17/1	LUMOS NETWO	001-101-05	2,022.9
43296	7/17/1	FRONTIER	001-101-05	345.48
43297	7/17/1	GALLS/QUART	001-101-05	149.25

Check Register

For the Period From Jul 1, 2015 to Jul 31, 2015

Filter Criteria Includes: 1) Accounts Payable only. Report order is by Date.

Check #	Date	Payee	Cash Accou	Amount
43298	7/17/1	GCR TIRE CEN	001-101-05	299.95
43299	7/17/1	HASLER	001-101-05	496.17
43300	7/17/1	INTERNAL REV	001-101-05	468.54
43301	7/17/1	JAMES THOMP	001-101-05	20.00
43302	7/17/1	JEFF DORSEY	001-101-05	20.00
43303	7/17/1	JOSH CONRAD	001-101-05	40.00
43304	7/17/1	KANAWHA VAL	001-101-05	101.81
43305	7/17/1	KEVINS AUTO	001-101-05	8,269.4
43306	7/17/1	LCN ELECTRIC	001-101-05	196.10
43307	7/17/1	LEONARDS EL	001-101-05	167.62
43308	7/17/1	MATTHEW BEN	001-101-05	227.51
43309	7/17/1	LOWES	001-101-05	118.72
43310	7/17/1	COPORATE BIL	001-101-05	704.34
43311	7/17/1	MAYOR DAVID	001-101-05	165.09
43312	7/17/1	METLIFE INSU	001-101-05	213.37
43313	7/17/1	MIRACLE RECR	001-101-05	190.08
43314	7/17/1	MOSES FORD-	001-101-05	1,392.6
43315	7/17/1	MOUNTAINEER	001-101-05	907.18
43316	7/17/1	NITRO LIBRAR	001-101-05	44.12
43317	7/17/1	OLD REPUBLIC	001-101-05	100.00
43318	7/17/1	PETROLEUM P	001-101-05	169.77
43319	7/17/1	PETROLEUM P	001-101-05	1,153.3
43320	7/17/1	PINNACLE ENV	001-101-05	40.00
43321	7/17/1	RAOCAT RUBB	001-101-05	31.26
43322	7/17/1	WV REGIONAL	001-101-05	579.00
43323	7/17/1	RESAIII	001-101-05	275.00
43324	7/17/1	SAFETY CAUTI	001-101-05	163.00
43325	7/17/1	STATEWIDE SE	001-101-05	497.40
43326	7/17/1	SUDDENLINK	001-101-05	105.30
43327	7/17/1	SUDDEN LINK	001-101-05	123.15
43328	7/17/1	SUTPHEN COR	001-101-05	76.00
43329	7/17/1	TAYLOR FRYE	001-101-05	100.00

City Of Nitro FY Current
Check Register
For the Period From Jul 1, 2015 to Jul 31, 2015

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Check #	Date	Payee	Cash Accou	Amount
43330	7/17/1	TIFFANY WILD	001-101-05	26.50
43331	7/17/1	TRAVLERS	001-101-05	1,568.0
43332	7/17/1	TRUGREEN	001-101-05	150.00
43333	7/17/1	UNITED BANKC	001-101-05	17,461.
43334	7/17/1	US BANK EQUI	001-101-05	74.99
43335	7/17/1	US BANK EQUI	001-101-05	393.97
43336	7/17/1	WAGWORKS	001-101-05	192.00
43337	7/17/1	WASTE MANAG	001-101-05	326.30
43338	7/17/1	WV PUBLIC EM	001-101-05	50.00
43339	7/17/1	WV ASSOCIATI	001-101-05	3,634.0
43340	7/17/1	APPAREL SEW	001-101-05	1,925.3
43341	7/17/1	WV AMERICAN	001-101-05	2,720.5
43342	7/17/1	WV PEIA	001-101-05	33,762.
43343	7/17/1	WEST VIRGINI	001-101-05	4.36
43344	7/17/1	WV STATE POL	001-101-05	380.00
43345	7/17/1	WV TRACTOR	001-101-05	241.41
43346	7/17/1	ZEE MEDICAL	001-101-05	104.10
1279	7/17/1	CI THORNBUR	001-101-17	1,769.2
1280	7/17/1	CITY NEON INC	001-101-17	300.00
1281	7/17/1	KANAWHA CO	001-101-17	
1282	7/17/1	UNITED BANKC	001-101-17	110.43
1016	7/17/1	UNITED BANKC	001-101-20	722.50
1043	7/17/1	UNITED BANKC	001-101-51	1,411.2
1044	7/17/1	MIDWEST RAD	001-101-51	630.00
1283	7/17/1	KANAWHA CO	001-101-17	500.00
1017	7/17/1	HOOTEN EQUI	001-101-20	3,515.0
1018	7/17/1	HIDDEN TRAIL	001-101-20	543.08
43347	7/20/1	STATE TAX DE	001-101-05	116.61
ach072015	7/20/1	TRANSFER TO	001-101-00	20,000.
ach072015a	7/20/1	TRANSFER TO	001-101-00	
ach072015	7/20/1	TRANSFER TO	001-101-00	50,000.
43325V	7/21/1	STATEWIDE SE	001-101-05	-497.40

**City Of Nitro FY Current
Check Register
For the Period From Jul 1, 2015 to Jul 31, 2015**

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Check #	Date	Payee	Cash Accou	Amount
1285	7/21/1	STATEWIDE SE	001-101-17	497.40
43348	7/21/1	SAMS WHOLES	001-101-05	248.87
43349	7/21/1	SAMS WHOLES	001-101-05	1,015.8
43350	7/21/1	PEOPLES FED	001-101-05	1,746.2
43351	7/21/1	CAPITOL CITY	001-101-05	225.84
43352	7/21/1	NITRO FIREME	001-101-05	2,001.8
43353	7/21/1	POLICEMEN'S	001-101-05	3,040.6
43354	7/21/1	NITRO FIREFIG	001-101-05	252.00
43355	7/21/1	NITRO FIREFIG	001-101-05	28.00
43356	7/21/1	VOYA FINANCI	001-101-05	715.00
C66979	7/21/1	DEPT OF HEAL	001-101-05	808.78
52967512	7/21/1	HUNTINGTON B	001-101-05	25,569.
ach072215	7/22/1	TRANSFER TO	001-101-00	60,000.
43357	7/23/1	CRYSTAL ADA	001-101-05	190.00
ach072315	7/23/1	TRANSFER TO	001-101-00	18,500.
43359	7/23/1	HUNTINGTON	001-101-05	1,342.4
43360	7/23/1	COMMERCIAL I	001-101-05	10,000.
43358V	7/24/1	HUNTINGTON	001-101-05	-1,342.
ach07	7/27/1	TRANSFER TO	001-101-00	10,000.
43361	7/27/1	POSTMASTER	001-101-05	1,058.0
43362	7/28/1	CHASITY BUCK	001-101-05	17.03
43362V	7/28/1	CHASITY BUCK	001-101-05	-17.03
43363	7/28/1	CHASITY BUCK	001-101-05	17.03
1285	7/28/1	DANIEL WATS	001-101-17	6,000.0
ach072815	7/28/1	TRANSFER TO	001-101-00	20,000.
43364	7/29/1	KINGS WAY CH	001-101-05	2,525.0
43365	7/29/1	KINGS WAY CH	001-101-05	3,385.0
43366	7/30/1	WEST VIRGINI	001-101-00	3,119.7
43367	7/30/1	B-52 JET LLC	001-101-00	607.01
43368	7/30/1	THE HUNTINGT	001-101-00	5,583.5
43369	7/30/1	THE HUNTINGT	001-101-00	1,269.4
43370	7/30/1	CITY NATIONAL	001-101-00	1,810.2

**City Of Nitro FY Current
Check Register**

For the Period From Jul 1, 2015 to Jul 31, 2015

Filter Criteria Includes: 1) Accounts Payable only. Report order is by Date.

Check #	Date	Payee	Cash Accou	Amount
43371	7/30/1	SAMS WHOLES	001-101-05	847.73
073115pr	7/31/1	TRANSFER TO	001-101-00	60,000.
43372	7/31/1	DANNY DAWS	001-101-00	<u>525.00</u>
Total				<u><u>761.32</u></u>

**City Of Nitro FY Current
Aged Payables
As of Jul 31, 2015**

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ABBWRE ABBOTT'S WRECK	150.00				150.00
AUTOSOUN AUTO SOUNDS IN	545.97				545.97
CENHAR CENTER HARDWA	8.99				8.99
CHADep CHARLESTON DE	179.98				179.98
CLAXSMI SMITH CONCRETE 304-755-5000	1,059.90				1,059.90
COMINS COMMERCIAL INS	23,857.60	666.67			24,524.27
CPI COMPUTER PROJ	171.60				171.60
CREDE CREDE POWER E	89.00				89.00
DAVHEA DAVIS HEATING &	155.00				155.00
GCRTIRE GCR TIRE CENTE	247.54				247.54
GRESHAM GRESHAM PLBG &	379.77				379.77
KANBRI KANAWHA BRICK	55.35			-0.01	55.34
KANVAL	10,243.36				10,243.36

**City Of Nitro FY Current
Aged Payables
As of Jul 31, 2015**

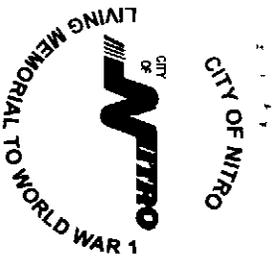
Filter Criteria Includes: 1) Includes Drop Shipments. Report order is by ID. Report is printed in Summary Format.

Vendor ID Vendor Contact Telephone 1	0 - 30	31 - 60	61 - 90	Over 90 d	Amount
KANAWHA VALLE					
KOMAX KOMAX	257.45				257.45
LOUWEN LOU WENDELL MA	53.92				53.92
MATHENY COPORATE BILLIN	87.54				87.54
MITCEL1 MITCHELL 1	152.24				152.24
NITREG NITRO REGIONAL	1,284.36				1,284.36
NOVA NOVA RUBBER	22.00				22.00
PILE PILE HARDWARE	81.86				81.86
PREPUM PRECISION PUMP	2,789.00				2,789.00
PULFOW PULLIN, FOWLER,	3,500.00				3,500.00
REGINT REGIONAL INTER 744-4258	1,964.59				1,964.59
REGJAI WV REGIONAL JAI	1,013.25				1,013.25
RIDKEN RIDGEVIEW KENN	180.00				180.00

**City Of Nitro FY Current
Aged Payables
As of Jul 31, 2015**

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Vendor ID	0 - 30	31 - 60	61 - 90	Over 90 d	Amount
SUDDLN-CIT					103.26
SUDDENLINK	103.26				103.26
WASNAT					694.63
WASHINGTON NA	694.63				694.63
844-877-6907					
WESVIRTAX					8,237.00
WEST VIRGINIA S	8,237.00				8,237.00
304-558-3333					
WVAMER					1,097.82
WV AMERICAN W	1,097.82				1,097.82
WVSPR					17.54
WEST VIRGINIA S	17.54				17.54
Report Total	58,680.52	666.67	-0.01	59,347.18	



To: City Employees:

From: John H Young, City Treasurer

It has come to my attention that everyone is wondering where the City found \$642,000 at the end of the year. I will do my best to explain this.

Every year in the last meeting of July the State Auditors require that the council allocate all cash in bank accounts to the next year budget. The city has 15 separate accounts many of which are restricted in use. This is not a new requirement and has been done every year since I became Treasurer.

I am attaching a listing of these accounts with their restrictions as well as their balances on June 30th the last few years. The City has budgeted to spend \$5,662,000 in fiscal year 2016 which is \$471,833 per month. Our payroll takes \$100,000.00 per pay date and in the month of August we have three paydays. On July 1st the City owes for both its Commercial Liability Policy and its Workers' Compensation Policy these payments were \$44,628. & \$26,946.

The bank accounts are as follows.

General Fund no restrictions:

Accounts Receivable	\$80,007
Accounts Payable	\$ 7,717
L Gov	\$ 98
THF Account	\$44,056
Peoples FCU 3 CD's "Rainy Day Funds"	\$341,297

We typically have use the Rainy Day Fund for emergencies such as when our billing system went down for 28 days or large purchases.

Restricted Funds:

Police Mdent	\$38,356
Police To Be Forfeited	\$ 939

DAVE CASEBOLT
MAYOR
304-755-0705

P. O. BOX 308
NITRO, WEST VIRGINIA 25143

RITA COX
RECORDER
304-755-0707

These funds are restricted for Police use with very limited types of items that can be purchased

Committed Funds	
Hotel Motel	\$88,581
Fairs & Festival	\$10,662
Fire Equipment Fund	\$20,607

These items are committed by Council and or State Law. For example State Law prohibits the Hotel Motel account to be used only for Tourism, Recreation, and the Library.

Assigned Funds:

Coal Severance	\$ 1,621.
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Can only be used for specific use – Historically we have used it for vehicle payments.

City Of Nitro
Cash Accounts
June 30, 20xx

Cash Accounts	Jun-15	Jun-14	Jun-13	Jun-12
Receipts Account	\$ 80,007	\$ 112,591	\$ 125,982	\$ 326,759
Disbursements Account	\$ 7,717	\$ 4,475	\$ 1,031	\$ (57,240)
L GOV ACCOUNT	\$ 98	\$ 100		
Payroll Account	\$ 711	\$ 1,532	\$ 6,484	\$ 9,576
THF Bank Account	\$ 44,026	\$ 4,931	\$ 5,881	\$ 4,963
City of Nitro Hotel, Motel, Ta	\$ 88,581	\$ 108,625	\$ 64,378	\$ 48,104
Fairs & Festival Account	\$ 10,662	\$ 14,312	\$ 22,296	\$ 25,908
Firemen's Equip Fund	\$ 20,607	\$ 6,426	\$ 2,108	\$ 10,763
Peoples FCU CD	\$ 8,951	\$ 8,919	\$ 108,815	\$ 108,152
Peoples FCU CD	\$ 89,789	\$ 89,118	\$ 88,089	\$ 25,896
Peoples FCU CD	\$ 242,556	\$ 240,744	\$ 237,963	\$ 233,065
Police M-Dent	\$ 38,417	\$ 36,859	\$ 31,082	\$ 28,663
PoliceTo Be Forfeited	\$ 939	\$ 939	\$ 931	\$ 2,283
Police Canine Fund	\$ 2,850	\$ 146	\$ 146	\$ 181
Coal Severance Tax Acct	\$ 1,621	\$ 1,372	\$ 8,529	\$ 12,235
Total Balance as of June 30th	\$ 637,533	\$ 631,089	\$ 703,715	\$ 779,308