

AGENDA  
NITRO CITY COUNCIL  
SEPTEMBER 15, 2020  
7:00 PM

CALL TO ORDER: Mayor Dave Casebolt  
Ward 1 Councilwoman Donna Boggs  
Ward 3 Councilman Joe Murphy  
Councilwoman at Large Emily Barr  
Councilman at Large Andy Shamblin

Recorder Rita Cox  
Ward 2 Councilwoman Cynthia McGill  
Ward 4 Councilman Michael Hill  
Councilman at Large Bill Javins

INVOCATION/PLEDGE OF ALLEGIANCE

FUTURE DATES OF COUNCIL: October 6 and 20

APPROVAL OF COUNCIL MINUTES: July 30 and August 18

OLD BUSINESS

FIRST READING ORDINANCE ADOPTION WV STATE BUILDING CODE ARTICLE 1711: John Montgomery

OPEN PAVING BIDS: Recorder Rita Cox

OPEN BIDS IMAGING ALIGNMENT LIFT: Recorder Rita Cox

OPEN BIDS DIESEL AND GASOLINE FUME EXTRACTION SYSTEM: Recorder Rita Cox

OPEN BIDS GAS POWERED HOT WATER PRESSURE WASHER: Recorder Rita Cox

OPEN BIDS AIR CONDITIONER RECOVER, RECYCLE, RECHARGE MACHINE: Recorder Rita Cox

OPEN BIDS FOR ENGINEERED WOOD FIBER CHIPS FOR CHILDREN'S PARK: Recorder Rita Cox

OPEN BIDS FOR PLAYGROUND TILES FOR CHILDREN'S PARK: Recorder Rita Cox

OPEN BIDS FOR STORM DRAIN BROOKHAVEN: Recorder Rita Cox

NEW BUSINESS

FIRST READING AN ORDINANCE TO AMEND ARTICLE 505 PROHIBITING LEAVING FOOD OUT FOR ANIMALS: John Montgomery

RECOMMENDATIONS TO COUNCIL FROM PLANNING COMMISSION REQUEST/HUCKABY  
REQUEST TO ABANDON PROPERTY AT LAKEVIEW DRIVE AND GREEN REQUEST FOR ZONING  
VARIANCE AT 103 MAIN AVENUE: Recorder Rita Cox

AMENDMENT TO POLICE REQUEST FOR CARES SPENDING: Councilman Michael Hill

REQUEST TO PAY CARMEN KOSTALANSKY FOR MUSEUM WORK: Councilwoman Cynthia McGill

HOME RULE UPDATES: John Montgomery

OUTDOOR MEETINGS: Michael Hill

ATTORNEY REPORT

TREASURER REPORT

MAYOR COMMENTS

COUNCIL COMMENTS

PUBLIC COMMENTS

ADJOURNMENT

NITRO CITY COUNCIL  
MINUTES  
JULY 30, 2020

LAST COPY

CALL TO ORDER: Mayor Dave Casebolt called the meeting to order at 7:00 pm in Council Chambers with the following in attendance: Recorder Rita Cox, Ward 1 Councilwoman Donna Boggs, Ward 2 Councilwoman Cynthia McGill, Ward 3 Councilman Joe Murphy, Ward 4 Councilman Michael Hill, Councilwoman at Large Emily Barr, Councilmen at Large Bill Javins and Andy Shamblin, City Attorney Johnnie Brown, and City Treasurer John Young.

INVOCATION/PLEDGE OF ALLEGIANCE: The Invocation was given by Councilman Andy Shamblin and the Pledge of Allegiance was led by Councilwoman Emily Barr.

SWEARING IN 2020-2024 COUNCIL MEMBERS: Council members were administered the Oath of Office for the 2020-2024 term.

FUTURE DATES OF COUNCIL: Recorder Rita Cox said the future dates of Council are August 4 and 18.

BUDGET REVISION AND RESOLUTION/GENERAL FUND: COUNCILWOMAN DONNA BOGGS MADE THE MOTION TO APPROVE THE RESOLUTION FOR THE BUDGET REVISION FOR THE GENERAL FUND. THERE WAS A SECOND BY COUNCILMAN MICHAEL HILL AND A UNANIMOUS VOTE FOR THE MOTION TO CARRY.

BUDGET DISCUSSION: Mayor Casebolt had the newly elected members of Council share some of their plans and wants for the upcoming term of Council.

MAYOR COMMENTS: Mayor Casebolt said that he is so proud of the employees of the city and they way they have stepped up during the pandemic. Mayor Casebolt said there will be a meeting of Council on August 8 to discuss the budgetary plans for the future.

COUNCIL COMMENTS: There were no Council comments.

PUBLIC COMMENTS: Kim Reed said she thought the economic development of 19<sup>th</sup> Street to 40<sup>th</sup> Street is off to a good start.

ADJOURNMENT: COUNCILMAN JAVINS MADE THE MOTION TO ADJOURN WITH A SECOND BY RECORDER COX. THE MOTION CARRIED.

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DAVE CASEBOLT, MAYOR

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RITA COX, RECORDER

**CITY OF NITRO JOB DESCRIPTION**

**Position: Legislative Liaison for the City of Nitro, West Virginia**

**Department: Mayor**

**Classification: Part-Time Irregular**

**Direct Supervisor: Mayor**

**Position Duties & Activities:**

- Coordinate the preparation of proposed ordinances for presentation to City Council.
- Provide advice relating to the planning and implementation of Home Rule as authorized by State law. This activity shall include compiling the necessary documentation for the annual Home Rule Report to the State Home Rule Board and subsequently to the State Legislature. Also included is the understanding of the issues involved in amending the Home Rule Application.
- Attend Council Meetings for the purpose of providing advice and consultation on pertinent issues before the City Council.
- Serve on the Land Reuse Authority Board and provide advice and guidance to City Council relating to its functions.
- Attend other Council or City meetings as appropriate so as to better perform the functions of the position.
- Perform other responsibilities as mutually agreed upon by the Mayor and/or Council.

**Education: Minimum – Four year B.A. degree; preferably a Masters Degree or a Law Degree.**

**Work Experience and Knowledge:**

- Experience in drafting legislation, government agency rules and regulations, and municipal ordinances.
- Experience performing research on issues relevant to documents being drafted.
- Understands municipal revenue issues.
- Understands municipal business and occupation taxation and municipal fee structures.
- Understands municipal sales tax administration and issues.
- Understands property taxation issues.
- Understands the State authorized Home Rule requirements.

**Salary:** The salary for this position shall be \$500.00 per month.

**ACKNOWLEDGEMENT**

I acknowledge I have had this job description reviewed with me and I understand the requirements of this job position and understand the duties, job qualifications, and responsibilities.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor Signature

\_\_\_\_\_  
Date

**POSITION:** Legislative Liaison for the City of Nitro, West Virginia

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Understands municipal business and occupation taxation and municipal fee structures.

Understands municipal sales tax administration and issues.

Understands property taxation issues.

Understands the State authorized Home Rule requirements.

**POSITION DUTIES AND ACTIVITIES:**

Coordinate the preparation of proposed ordinances for presentation to City Council.

Provide advice relating to the planning and implementation of Home Rule as authorized by State law. This activity shall include compiling the necessary documentation for the annual Home Rule Report to the State Home Rule Board and subsequently to the State Legislature. Also included is the understanding of the issues involved in amending the Home Rule Application.

Attend Council Meetings for the purpose of providing advice and consultation on pertinent issues before the City Council.

Serve on the Land Reuse Authority Board and provide advice and guidance to City Council relating to its functions.

Attend other Council or City meetings as appropriate so as to better perform the functions of the position.

Perform other responsibilities as mutually agreed upon by the Mayor and/or Council.

**SALARY:** The salary for this position shall be \$500.00 per month.

NITRO CITY COUNCIL  
MINUTES  
AUGUST 18, 2020

DRAFT COPY

DRAFT COPY

CALL TO ORDER: The meeting was called to order at 7:00 pm in Council Chambers with the following attending with Mayor Dave Casebolt: Recorder Rita Cox, Ward 1 Councilwoman Donna Boggs, Ward 2 Councilwoman Cynthia McGill, Ward 3 Councilman Joe Murphy, Ward 4 Councilman Michael Hill, Councilwoman at Large Emily Barr, and Councilmen at Large Bill Javins and Andy Shamblin, City Attorney Johnnie Brown, and City Treasurer John Young.

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

FUTURE DATES OF COUNCIL: Mayor Casebolt said the future dates of Council are September 1 and 15 and October 6 and 20.

APPROVAL OF COUNCIL MINUTES: RECORDER COX MADE THE MOTION TO APPROVE THE MINUTES OF JULY 7 WITH COUNCILMAN JAVINS MAKING A SECOND TO THE MOTION. VOTE WAS FOR THE MOTION. RECORDER COX MADE THE MOTION TO APPROVE THE MINUTES OF THE JULY 27, 2020 MEETING TO ACT AS A BOARD OF CANVASS FOR THE ELECTION. THERE WAS A SECOND BY COUNCILMAN SHAMBLIN AND THE MOTION PASSED.

RECORDER COX MADE THE MOTION TO APPROVE THE MINUTES OF AUGUST 4, 2020. COUNCILMAN JAVINS MADE THE SECOND AND THE MOTION CARRIED.

OLD BUSINESS

SECOND READING AN ORDINANCE TO ABANDON A PORTION OF CEDAR STREET TO SHARON HENDERSON-50 FOOT RIGHT OF WAY MERGED WITH LOTS 1 THRU 4 EAST CRAWFORD CITY: RECORDER RITA COX MADE THE MOTION TO PASS ON SECOND READING AN ORDINANCE TO ABANDON A PORTION OF CEDAR STREET TO SHARON HENDERSON WITH A SECOND BY COUNCILMAN HILL. COUNCIL VOTED UNANIMOUSLY FOR THE MOTION TO CARRY.

SECOND READING AN ORDINANCE TO ABANDON A PORTION OF CEDAR STREET TO MELODY MYNES-50 FOOT RIGHT OF WAY LOT 11 TO THE CORNER LOT CONTAINING 0.07 ACRE EAST CRAWFORD CITY: COUNCILMAN ANDY SHAMBLIN MADE THE MOTION TO PASS ON SECOND READING AN ORDINANCE TO ABANDON A 50 FOOT RIGHT OF WAY TO MELODY MYNES. THERE WAS A SECOND BY RECORDER RITA COX AND THE MOTION PASSED.

APPROVAL OF ACCEPTING PROPERTY FROM JAMES MARRS ON BANK STREET: RECORDER COX MADE THE MOTION TO ACCEPT THE DONATION OF PROPERTY FROM JAMES MARRS ON BANK STREET WHICH CONTAINS PRIMARILY THE PARKING LOT AREA WITH USE OF THE PROPERTY CONTINUING AS IS. THERE WAS A SECOND BY COUNCILMAN JAVINS AND THE MOTION PASSED WITH A UNANIMOUS VOTE.

WV STATE BUILDING CODE AMENDMENT AND ADOPTION: RECORDER RITA COX MADE THE MOTION TO TABLE THE WV BUILDING CODE ADOPTION WITH A SECOND BY COUNCILMAN JAVINS. VOTE WAS FOR THE MOTION.

NEW BUSINESS

DRAFT COPY

APPOINTMENT OF JOHN MONTGOMERY TO POSITON AS LEGISLATIVE LIASON FOR COUNCIL:  
COUNCILMAN MICHAEL HILL MADE THE MOTION TO APPOINT JOHN MONTGOMERY AS LEGISLATIVE  
LIASON OFFICER FOR MAYOR CASEBOLT AND COUNCIL AS AN IRREGULAR PART TIME EMPLOYEE DOING  
20 HOURS OR LESS A WEEK AT \$500 PER MONTH. THERE WAS A SECOND BY COUNCILMAN BILL JAVINS.  
THE VOTE WAS FOR THE MOTION.

PURCHASE OF SPEAKER SYSTEM FOR COUNCIL CHAMBERS: COUNCILWOMAN DONNA BOGGS MADE  
THE MOTION TO ACCEPT THE BID FROM GSI FOR \$4990 FOR A MICROPHONE AND PA SYSTEM FOR  
COUNCIL CHAMBERS. THERE WAS A SECOND BY COUNCILMAN JOE MURPHY AND A UNANIMOUS VOTE  
BY COUNCIL FOR THE MOTION TO CARRY. Councilwoman Donna Boggs said she would like to work with  
Joe Stevens on the installation of the system.

ATTORNEY REPORT: Johnnie Brown did not have a report but was prepared to take questions from  
Council.

TREASURER REPORT: COUNCILWOMAN BOGGS MADE THE MOTION TO ACCEPT THE REPORTS FROM  
TREASURER YOUNG WITH A SECOND BY COUNCILWOMAN MCGILL. THE MOTION CARRIED. John Young  
said that Chief Casey Mathes has gotten two grants at \$10,000 each for the Nitro Fire Department.

MAYOR COMMENTS: Mayor Casebolt said that there is a campaign to clean up the trash in the city.  
There will be a meeting on Wednesday with all interested players at W. Sattes school concerning use of  
the facility.

COUNCIL COMMENTS: Councilman Javins said the Paving Committee will meet to determine what  
needs paved. He said they have determined there is a need for 72 concrete pads.

PUBLIC COMMENTS: Joe Stevens said the fireworks are set for Sunday at Nitro City Park and there is a  
5k on September 7.

ADJOURNMENT: COUNCILMAN JAVINS MADE A MOTION TO ADJOURN THE MEETING WITH A SECOND  
BY COUNCILWOMAN BOGGS. THE MOTION CARRIED.

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DAVE CASEBOLT, MAYOR

DRAFT COPY

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RITA COX, RECORDER



PAID

JUL 13 2020

CITY OF NITRO

ck. # 2494

CITY OF NITRO  
Building Department  
PO BOX 308  
NITRO, WV 25143  
(304) 755-0703

BOARD OF ZONING APPEALS  
PETITION FOR VARIANCE OR SPECIAL EXCEPTION

Pursuant to the Zoning Ordinance, any request for a Variance or Special Exception shall first be submitted by petition to the Board of Zoning Appeals for a Public Hearing. The Board shall give full consideration to the scope and character of the request and verify compliance with the refundable application fee is required and must be submitted with this petition.

Owner / Applicant Information

Owner/Applicant Daniel & Judith Greene Telephone Number 304.690.5042  
Mailing Address: 1924 LINCOLN AVE ST ALBANS, WV 25177

Property Information

Property Address: 103 MAIN AVE NITRO  
District: NITRO Tax Map: 10 Parcel: 210  
Deed Book: 2294 Page: 0620 Lot Square Footage or Acreage: 60X110  
Zoning: \_\_\_\_\_ Land Use: BUSINESS

Nature of Proposed Action

Construction of Custom Single Family Dwelling:  Placement of Modular or Mobile Home:   
Construction of Multi-Family Dwelling:  Remodeling or Addition:   
Construction of Commercial Building:  Building Square Footage Variance:   
Construction or Placement of Storage Building:  Lot Size or Set Back Variance:   
Other-Please Explain: From BUSINESS to RESIDENTIAL

Ownership of Property

IF YOU DO NOT OWN THE PROPERTY, THE OWNERS SIGNATURE OF CONSENT IS REQUIRED.

Do you own the property? Yes  No  Do you lease the property? Yes  No   
Is your purchase of the property contingent upon approval of this request? Yes  No?





I CERTIFY BY MY SIGNATURE BELOW THAT:

1. All the information contained in this application is true and accurate to the best of my knowledge and belief.
2. Withholding information or submitting false information will result in the revocation of the permit, variance, or special exception.
3. A false application is considered a violation and will result in revocation of permit, variance, or special exception.
4. A decision to grant or deny a variance or special exception is solely the decision of the Board of Zoning Appeals.
5. I or any other party may appeal the decision of the Zoning Board of Appeals within 45 days of the date of the hearing at the expense of the appellant.
6. I will not begin or continue construction or placement of the structure until after the hearing.
7. My application, file and hearing are public information.
8. The Board of Zoning Appeals is required to charge a non-refundable fee of \$100.00 for Publication Costs.
9. No hearing can be conducted until the publishing of a Class 1 Legal advertisement at least 15 days prior to the scheduled date of the hearing.
10. I have requested, and have been provided, a copy of the appropriate sections of the Ordinance to which I am requesting a hearing to be granted.

\_\_\_\_\_  
*Signature of applicant*

\_\_\_\_\_  
*Date Petition Completed & Signed*

\_\_\_\_\_  
*Date received by BZA*

\_\_\_\_\_  
*Signature of Owner for Consent (Required)*

\_\_\_\_\_  
*Date Signed*

\_\_\_\_\_  
*Date Received by BZA*

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**FOR OFFICIAL USE ONLY**

MAP IDENTIFICATION

PROPERTY

MAILING

Tax Map, Parcel #

Owner

Address

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USE ADDITIONAL SHEETS IF NECESSARY

If a conditional use, is this a request to operate a home occupation or professional office? \_\_\_\_\_  
 If yes, how many employees? \_\_\_\_\_ Hours of Operation? \_\_\_\_\_  
 If a home occupation or professional office, please provide a brief, detailed description of use \_\_\_\_\_

Please provide a brief, detailed description of the personal hardship that would occur if this request is denied \_\_\_\_\_

Is this a proposed residence? Yes  No \_\_\_\_\_ Dimension of lot, square footage: 60x110  
 Will the Usage be on Public Water? Yes  No \_\_\_\_\_ Public Sewer? Yes  No \_\_\_\_\_

Please provide a brief description of which type of Home you plan to locate on the subject property and the circumstances which require you to request a Conditional Use or Variance.

If this request is for Residential purposes and pertains to Manufactured Homes, Mobile Homes, or Modular Homes respectively. Please provide the following information.

Year: \_\_\_\_\_ Make: \_\_\_\_\_ Model: \_\_\_\_\_ Dimensions: \_\_\_\_\_

Is the residence referred to in this application the only one in the lot? Yes  No \_\_\_\_\_

If this request is for a Special Exception to have more than one single family dwelling per lot of record. Please explain

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Please return completed form to:  
 City of Nitro  
 Board of Zoning Appeals  
 PO Box 308(mailing address)  
 20<sup>th</sup> St & 2<sup>nd</sup> Ave (physical address)  
 Nitro, WV 25143