

September 15, 1964

The City Council met in session Tuesday, September 15, 1964.

There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Bfohard, Earl W. Dye, Keith H. Estep, Thomas R. Griffith, Mrs. E. Robert Hamilton and L. I. Hoke, M. D. members of the Council. Councilman B. E. Gewin being absent.

Mayor Alexander called the meeting to order.

Councilman Dye moved, seconded by Councilman Hamilton, to dispense with reading of the minutes of session held September 1, 1964. Motion carried.

Councilman Hoke moved, seconded by Councilman Griffith, the financial statement for the month of August be accepted. Motion carried.

Mayor Alexander informed council that Mr. Fields of Boettcher and Company had requested the council to grant his company a fifteen day extension of their option of the survey refunding sewer bond program.

Thereupon Councilman Hoke moved, seconded by Councilman Hamilton, Boettcher and Company be granted the fifteen day extension on the option regarding the refunding program. Motion carried.

Mrs. C. E. Smith appeared before the council regarding her problem she presented at the July meeting, regarding the city street paving having been installed on her property on 18th Street Hill. Mayor Alexander again presented Engineer's maps showing the paving installed on Mrs. Smith's property 91 feet, the widest point being 4 foot 4 inches. Mayor Alexander informed Mrs. Smith that they had two alternatives: 1) The Engineers had advised that the paving could

be cut off her property and installed on the opposite side of street at an estimated cost of from \$ 325.00 to \$350.00. 2) Mrs. Smith could sell the part of her property covered by the pavement to the city. The Mayor then asked Mrs. Smith what she wished the council to do to settle this matter. Mrs. Smith asked of the council what they were going to do about water, during heavy rainfall, flowing down Third Avenue into her garage located on Third Avenue. There arose a discussion of the drainage lines on Third Avenue, the catch basins located on Third Avenue, Mrs. Smith's garage being ^{on} city property some 17 feet, also that other buildings having been erected on street right of way on Third Avenue, the markings given by the late J. E. Spence, Engineer, for Mrs. Smith's sidewalk being approximately 7 feet, the poor engineering job on 18th Street Hill road, discussion at length on the restoration of Mrs. Smith's footage on 18th Street Hill, the original cost per foot of the paving in comparison with the engineer's present estimate of cutting the street from Mrs. Smith's property and replacing street on opposite side. Mrs. Smith informed council that she would rather have a survey of her property made before deciding how she wanted this matter settled.

Councilman Griffith reported complaints of speeding on 21st Street, particularly during noon hour. The Mayor informed that the police planned to use the radar in this area.

There arose a discussion of the need of an additional police officer. Mayor pointed out that due to the illness of Mr. Post, the men were working a lot of overtime, also that it was very difficult

to have adequate coverage of the town. It was the conscientious of council that another police officer had been needed for a long time and now it was a necessity.

Thereupon Councilman Dye moved, seconded by Councilman Brohard, the Police Civil Service Commission be authorized to hold an examination and certify men for eligibility list as police officers to the Mayor. Upon a vote motion carried.

Mayor Alexander informed council that there was some confusion in house numbers on Hillside Drive, in that there seemed to be a duplication of numbers. The Mayor requested the Street Numbering Committee to check this matter.

The Mayor and Council entered into discussion of the complaints being received regarding old merchandise and junk setting on the grounds of the Bargain Center (old 8th Street Grocery property).

Thereupon Councilman Hoke moved, seconded by Councilman Griffith, that Mr. Larry Armstrong, owner of the Bargain Center, be sent a letter instructing him to clear the grounds around his store and that merchandise be moved inside the building and further that if property is not cleared that it will be necessary for council to take action. Upon a vote motion carried.

The Mayor and Council entered into a discussion of Ordinance to regulate such public nuisance and the question of displaying merchandise. The Attorney was requested to check into the law regarding an ordinance of this kind.

Councilman Dye informed council that the Park Board was considering installing a parking lot on park property to be used at football games and charging a fee of 25 cents for parking, also informing that the Civilian Police had offered their services in parking the cars. This matter was approved by council.

Councilman Griffith approached the council regarding the matter of the Two Hundred Million Road Bond Issue to be voted upon by the people of West Virginia in the November election, pointing out that he felt that council should encourage the passage of said bond issue and that he would be glad to answer any questions. In discussion of this subject some of the questions and points were: the need of the bond issue passage, that it was necessary in order that the State complete road program, the bond issue would enable the state to acquire monies for the program from the Federal Government on a 90 - 10 basis without a tax increase to the general public, the revolving bond issue in amount of Fifty Million dollars that expires January 1, 1965, the maintenance of secondary roads coming for the general fund of the state.

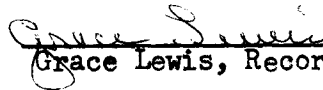
Thereupon Councilman Griffith proposed the city council go on record of recommending the passage of the Two Hundred Million Road Bond Issue. Motion seconded by Councilman Estep. The council entered into discussion again and majority of the members stated that they would like to have more information and several questions answered before voting on the question. Thereupon motion was withdrawn and matter tabled.

The question of burning trash was mentioned and the Mayor informed that during the fire season that no burning was allowed.

There being no further business to come before the council at this time a motion by Councilman Dye for adjournment carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

October 6, 1964

The City Council met in regular session Tuesday, October 6, 1964.

There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Keith H. Estep, B. E. Gewin, Mrs. E. Robert Hamilton, and L. I. Hoke, M. D. members of the council. Councilmen Earl W. Dye and Thomas R. Griffith being absent.

Councilman Hoke moved, seconded by Councilman Gewin, to dispense with reading of minutes of meeting held September 15th. Motion carried.

Councilman Hoke moved, seconded by Councilman Hamilton, to table the question of council's approval of the Two Hundred Million Road Bond Issue of the State of West Virginia.

Report was made that Mr. Larry Armstrong, owner of the Bargain Center at 8th Street, had complied, in part, with request of the Council to clean up the premises of the business.

A letter from Workmen's Compensation was presented to the council, said letter setting out the order of the commission granting to William M. Kelley an additional 5% permanent partial disability over and above the 35% previously granted and paid and also giving wither party concerned thirty days to appeal said grant. Thereupon, after due consideration, Councilman Hamilton moved, seconded by Councilman Gewin, that the council let the award of 5% be paid Mr. Kelley, unless he and his attorneys appeal said order of the commission. Motion carried.

Mr. Michael, Attorney, explained to members of the council the law on service tax relative to providing funds for a swimming pool and the library. The Council discussed the law in relationship to above items and the matter was tabled until pertinent information was secured from the State Tax Commissioner.

Councilman Hoke moved, seconded by Councilman Estep, permission be granted the Charleston Area Chapter of Muscular Dystrophy Association of America, Inc. to solicit funds in the city during the period of November 15 to December 15, 1964. Motion carried.

The Recorder reported to the council that Mrs. Lelia Dabney of 3607 36th Street had made a report to her (the Recorder) on September 24, 1964 of a fall she (Mrs. Dabney) had on 1st Avenue at 23rd Street at 5:30 o'clock P. M. on August 22, 1964 and that as result of fall Mrs. Dabney had a broken her shoulder.

Councilman Hoke moved, seconded by Councilman Gewin, that the Mayor be granted permission to set the celebration of Halloween Trick and Treat night to conform with other neighboring towns. Motion carried.

Mayor Alexander presented a map from the State Road Commission showing the portion of Third Avenue that remains in the State highway system being a total of 0.35 mile from Nitro Corporation line to dead end below 40th Street. The council then discussed the problem of drainage of Third Avenue in the vicinity of Mrs. C. E. Smith's garage and the Mayor informed that after checking the area, the Engineers recommended a wall approximately 2 block high and 6 feet wide be constructed at a point south of Mrs. Smith's garage along Third avenue in an effort to keep the water from flowing into Mrs. Smith's garage.

Thereupon Councilman Hoke, seconded by Councilman Hamilton, moved that the wall be constructed. Upon a vote motion carried.

Mayor Alexander informed council that he had had a request for additional street lights be installed in the area of the Nitro Junior High School and the park area, however, there were not power poles in said area.

Thereupon Councilman Hoke moved, seconded by Councilman Estep, that the Appalachian Power Company be requested to install five 6000 lumen street lights without a cost to city for the installation of poles. Upon vote motion carried.

The Mayor informed that the East Nitro Baptist Church had requested permission to black top their property including the sidewalk area and that the church agreed to maintain said paving and sidewalk.

Thereupon Councilman Hoke moved, seconded by Councilman Brohard, that permission be granted to the East Nitro Baptist Church to pave the property around their church including sidewalk area, that the sidewalk right of way be designated by lines and that city reserve the right to install a sidewalk at any time. Upon a vote motion carried.

The Council granted permission to the Nitro Lions Club to block 21st Street from 1st Avenue to 2nd Avenue, for a street dance Halloween night, October 31, 1964.

Mayor Alexander informed council that the Park Board and Swimming Pool committee felt that additional land should be acquired for the swimming pool, further that the Monsanto Company owned 5.77

acres of land between the football field and the plant road and advised the council that it would be wise for the city to go on record by notifying the Monsanto that the city proposes to condemn the property for recreational purposes.

Thereupon after considerable discussion, Councilman Gewin moved, seconded by Councilman Hamilton, the city go on record by taking the first step of condemnation proceedings for said property. Upon a vote motion carried.

Councilman Brohard reported that Councilman Griffith had requested him to inform council that the Charleston Humane Association requested the city to pay \$13.50 per month, beginning with July, 1964, to defray cost of providing animal shelter services for the city. This matter was discussed at length and it was pointed out that the city should have some form of invoice from the Humane Association before paying said request. The matter was tabled until more information could be secured.

There being no further business to come before the council at this time a motion for adjournment by Councilman Hoke carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

October 20, 1964

The City Council met Tuesday, October 20, 1964.

There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Earl W. Dye, Thomas R. Griffith and L. I. Hoke, M. D., members of the council. Councilmen Dayton Brohard, Keith H. Estep, B. E. Gewin and Mrs. E. Robert Hamilton being absent.

Thereupon Councilman Hoke moved, Seconded by Councilman Dye, since there was not a quorum present the meeting be recessed until October 27th at 8:00 o'clock P. M. and was so ordered.



W. W. Alexander


Grace Lewis, Recorder

October 27, 1964

The City Council met in regular session Tuesday, October 27, 1964.

There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Earl W. Dye, Keith H. Estep, Thomas R. Griffith, Mrs. E. Robert Hamilton and L. I. Hoke, M. D., members of the Council. Councilman B. E. Gewin being absent.

Mayor Alexander called the meeting to order.

Councilman Hamilton moved, seconded by Councilman Dye, the minutes of October 6th be approved. Motion carried.

Councilman Hoke moved, seconded by Councilman Hamilton, the financial statement for the month of September be accepted. Motion carried.

Mr. Arthur Fields appeared before the Council and explained the program of the Sewer refunding and improvement bonds at a par \$966,000., plus accrued interest from September 1, 1964 to date of delivery of said bonds. The Mayor, members of the Council and Mr. Fields discussed this program at length.

The Mayor announced to the Council that the members of the Nitro Sanitary Board approved the refunding and improvement Revenue Bond program at interest rate of $4\frac{1}{4}$ per cent per annum.

Thereupon Councilman Hamilton moved, seconded by Councilman Brohard, the City enter into the following contract with Boettcher and Company of New York. Upon a vote motion carried and was so ordered.

The Honorable Mayor and City Council
Nitro, West Virginia

October 27, 1964

Gentlemen:

In accordance with our option and agreement dated October 1, 1964, (and your extension thereof) we hereby confirm our purchase of \$966,000 CITY OF NITRO, WEST VIRGINIA, SEWER REFUNDING AND IMPROVEMENT REVENUE BONDS, at a price of par, \$966,000, plus accrued interest from September 1, 1964 to the date of the delivery of said bonds to us.

These bonds are to be in denominations of \$5,000 or \$1,000, at our option, to be dated September 1, 1964, to bear interest at the rate of $4\frac{1}{4}$ per cent per annum, payable March 1, 1965 and semi-annually thereafter until maturity, and to mature on September 1, in the following amounts in the years specified below:

YEAR	AMOUNT	YEAR	AMOUNT
1965	\$ 5,000	1982	\$ 25,000
1966	5,000	1983	25,000
1967	5,000	1984	25,000
1968	5,000	1985	25,000
1969	191,000	1986	25,000
1970	15,000	1987	30,000
1971	15,000	1988	30,000
1972	15,000	1989	30,000
1973	15,000	1990	30,000
1974	15,000	1991	35,000
1975	15,000	1992	35,000
1976	20,000	1993	35,000
1977	20,000	1994	40,000
1978	20,000	1995	40,000
1979	20,000	1996	40,000
1980	20,000	1997	45,000
1981	20,000	1998	30,000

All of the bonds which mature September 1, 1975, through September 1, 1998, inclusive, are to callable at the option of the City in inverse numerical order on September 1, 1974, and on subsequent interest

dates at par plus a premium of 3 per cent in accordance with the provisions of the resolution authorizing their issuance.

The proceeds of these refunding bonds together with the moneys or securities in the sinking funds for the 1959 Sewer Revenue Bonds and the 1961 Sewer Revenue Bonds shall be deposited with the State Sinking Fund Commission in trust and shall be used solely for the payment of the principal of and interest on said 1959 Sewer Revenue Bonds and the 1961 Sewer Revenue Bonds as the same mature and become due and for the payment of the premium due on said 1959 Sewer Revenue Bonds and said 1961 Sewer Revenue Bonds on the prior redemption thereof on September 1, 1969 and September 1, 1971 respectively. These funds shall be held by the State Sinking Fund in a segregated trust for these purposes and the agreement under which they are so held shall provide for their investment in direct obligations of the United States of America and shall also provide that the income from such investment shall be payable to the City in accordance with its provisions for the purpose of providing for the payment of principal of and interest on the \$155,000 bonds by which this issue exceeds the aggregate amount of the City's outstanding sewer revenue bonds -- i.e. \$727,000 bonds dated September 1, 1959 and \$84,000 bonds dated September 1, 1961; a total of \$811,000 sewer revenue bonds -- the issuance of said bonds being necessary to comply with requirements of the State Sinking Fund Commission.

Our purchase and your sale of these bonds is subject to the following conditions:

1. The City will adopt the appropriate resolutions and other proceedings for their issuance, such proceedings to be prepared by Messrs. Caldwell, Trimble & Mitchell, Attorneys, New York, New York and the bonds shall be accompanied on their delivery by the unqualified approving opinion of Caldwell, Trimble & Mitchell as to their legality.
2. The City will maintain a schedule of sewer rates which shall be sufficient, after payment of necessary expenses of operation and maintenance, to produce net revenues equal to not less than 125 per cent of the principal and interest coming due in the next succeeding year on all outstanding bonds. Because net revenues through June 30, 1964 have been less than this amount and in order to afford an opportunity for the City to increase its net revenues by the use of more efficient collection procedures now being employed, no increase in rates will be required prior to February 1, 1965. During January, 1965, the accounts of the sewer department covering the period July 1, 1964 through December 31, 1964 will be audited. This audit will be made by Certified Public Accountants acceptable to both the City and the underwriters and the expenses of the audit shall be paid by the underwriters. If this audit does not show, on a pro forma basis for calendar 1965, that net revenues, including payment of penalties on sewer charges due June 1, 1964 or subsequent thereto, but excluding sewer charges and penalties thereon which were due prior thereto, the City agrees to institute procedures for an appropriate rate adjustment to be effective February 1, 1965.
3. We will pay all costs incident to the issuance of the bonds including printing and delivery costs and the fees of Caldwell, Trimble & Mitchell but excluding any expenses incurred by the City in connection with an increase of sewer rates.
4. We retain the right to rescind this contract, and to the return of our good faith deposit, if the City has not taken all action necessary to the performance of the contract and the delivery of the bonds, in accordance with the terms hereof, by December 1, 1964. We will furnish the printed bonds at least 15 days prior to that date.

As a guarantee of our good faith and to insure our compliance with the terms hereof, we tender herewith our certified check in the amount of \$19,320. This check is to be held by the City pending delivery of the bonds and the amount thereof is to be applied against the purchase price. In the event of our breach of this agreement this sum is accepted by the City as full and complete liquidated damages. If the City fails to perform the contract, the check is to be returned forthwith.

Respectfully Submitted

BOETTCHER AND COMPANY
ROBERT L. CONNERS & CO.

AGF:tg

By SS. Arthur L. Field
Boettcher and Company

Accepted by resolution of the City Council duly adopted this 27
day of October, 1964.

SS. W. W. Alexander
Mayor

SS. Grace Lewis
Recorder

Councilman Griffith moved, seconded by Councilman Hoke, Council approve the payment of \$13.50 per month to the Charleston Humane Association, the City's share of operating expenses of the Animal Shelter, effective July 1, 1964. Upon a vote motion carried.

A letter was presented to the Council from the Kanawha Valley Heart Association requesting permission to conduct its annual Heart Fund Frive during the month of February, 1965. Thereupon Councilman Hoke moved, seconded by Councilman Griffith, that permission be granted the Kanawha Valley Heart Association to conduct a drive for funds during the month of February 1965. Motion carried.

A letter was presented from Carl R. Sullivan, Public Affairs

Coordinator of A A Y Program, relative to the conversion of the old Washington School, again requesting the Council to consider helping with the cost of renovation of said school. The Council discussed the matter and expressed that their action of a previous meeting stand.

A letter from the Nitro Planning Commission was presented to the Council - letter advising that the City Planning Commission had circulated a Questionnaire to the homes in Nitro and the Planning Commission advised that the said Questionnaire had as the Number One priority, a swimming pool and the said Planning Commission suggested that the Council place a swimming pool on the list as the most needed improvement.

Mayor Alexander appointed Paul B. Hill as Civil Defense Director for Nitro for a period of one year. Thereupon Councilman Dye, moved, seconded by Councilman Estep, that the Mayor's appointment be approved. Motion carried.

Mayor Alexander reported to the Council that he had had persons approach him regarding parking of camper trailers on their lots. The Mayor and Council discussed the trailer ordinance, which prohibits house trailers being parked in the City limits, the difference between camp trailers and house trailers and property line involvement. The Traffic Committee was asked to make a study of this matter and report at next meeting.

The matter of the swimming pool was again discussed, method of paying for same, the method of increasing the rate of fees collected by the garbage department, fees to cover garbage collections, trash collections, and street cleaning, thereby releasing some funds to defray the cost and expense of a swimming pool and the library.

Thereupon the following ordinance was introduced by Councilman Dye, seconded by Councilman Hamilton, that said ordinance be published in the local newspaper and considered for passage at a later date. Motion carried.

AN ORDINANCE TO AMEND AND RE-ENACT ORDINANCE NO. 97, OF THE CITY OF NITRO ESTABLISHING A MUNICIPAL SERVICE FOR THE COLLECTION AND DISPOSAL OF ALL GARBAGE, RUBBISH AND OTHER REFUSE ACCUMULATED IN THE CITY; PROVIDING FOR A DIRECTOR OF THE REFUSE COLLECTION SERVICE; PRESCRIBING REGULATIONS FOR THE STORAGE AND COLLECTION OF GARBAGE AND OTHER REFUSE; PROVIDING FOR THE MAINTENANCE OF SANITARY CONDITIONS OF PUBLIC AND PRIVATE PREMISES IN THE CITY; PROVIDING FOR THE COLLECTION OF ALL GARBAGE, RUBBISH AND OTHER REFUSE BY THE CITY OF NITRO, FROM PRIVATE AND PUBLIC PREMISES IN THE CITY OF NITRO AND PRESCRIBING THE TERMS THEREOF, AND PRESCRIBING PENALTIES FOR VIOLATION OF CERTAIN PROVISIONS OF THIS ORDINANCE.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NITRO, THAT ORDINANCE No. 97, BE AMENDED AND RE-ENACTED TO READ AS FOLLOWS:

1. Short Title: This ordinance shall be known and may be cited as the "Municipal Refuse Collection Service Ordinance of the City of Nitro"

2. Definitions: For the purpose of this Ordinance the following terms phrases, words and their derivations shall have the meaning given herein.

(a) "Garbage" is putrescible animal and vegetable wastes from the handling, preparation, cooking and consumption of food.

(b) "Rubbish" is nonputrescible solid wastes (excluding ashes), consisting of both combustible and non-combustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.

(c) "Refuse" is all putrescible and non putrescible solid wastes (except body wastes) including garbage, rubbish, ashes, street

cleaning, dead animals, abandoned automobiles, and solid market and solid market and industrial wastes.

(d) "City" is the City of Nitro.

(e) "Director" is the Director of the Municipal Refuse Collection Service of the City of Nitro and as such shall have authority to administer the service and to prescribe reasonable rules and regulations under the provisions hereof.

(f) "Superintendent" is the person who shall be in charge and responsible to the Director for the proper operation of the Municipal Refuse Collection Service and collection of fees.

3. Collection: All refuse accumulated in the City shall be collected, conveyed and disposed of by the City of Nitro, and subject to all the provisions hereof and all reasonable rules and regulations at any time adopted by the Director or by Council. No person other than the City of Nitro, shall collect or convey over any of the streets or alleys of the City, or dispose of, any refuse accumulated in the City, except that the actual producers of refuse, or the owners of premises upon which refuse has accumulated, may personally collect, convey and dispose of such refuse providing such producers or owners comply with the provisions of this ordinance and other governing laws.

4. Precollection Practices:

(a) All garbage shall be placed and stored in closed containers, and shall have drained from it all free liquids and wrapped in paper. All rubbish shall be drained of liquid before being deposited for collection. All cans and bottles which have contained food shall be cleaned and washed before being deposited for collection.

(b) Duty to Provide and Maintain Refuse Containers:

Refuse containers shall be provided by the owner, tenant, lessee or occupant of the premises. Refuse containers shall be maintained in good condition. The Director shall have the authority to refuse collection services for failure to comply herewith.

(c) Garbage containers shall be made of metal, equipped with suitable handles and tight fitting covers, and shall be water tight.

(d) No person shall place any refuse in any street, alley, or other public place, or upon any private property whether owned by such person or not, within the City except it be in proper containers for collection or under express approval granted by the Director. Nor shall any person throw or deposit any refuse in any stream or other body of water.

(e) Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within thirty days after the effective date of this Ordinance shall be deemed a violation of this Ordinance.

(f) No person shall case, place, sweep or deposit any where within the City any refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place, or into any occupied premises within the City.

(g) No person shall suffer or permit any garbage to accumulate and remain on the premises in containers, or otherwise, longer than a period of one week in any event.

5. Collection Practices:

(a) Refuse accumulated by residences shall be collected at least twice each week, unless less frequent collection be approved by the Director because of weather conditions or other emergency conditions.

(b) Commercial establishments may enter into an agreement for a greater frequency of collection. Where deemed necessary to protect the public health, the Director shall have the authority to require that more frequent collections be made.

6. The Director shall have the authority to promulgate reasonable rules and regulations in connection with the collection and disposal of refuse accumulated in the City. The Director shall be the Mayor or some person designated by him for the performance of such service.

7. The Director shall designate and appoint a superintendent who shall have the responsibility for the proper operation of this Ordinance including the collection of accounts from customers. The Superintendent shall execute a bond in the penal sum of \$3,500.00 conditioned for the faithful performance of the obligations imposed by the terms of this ordinance.

The Superintendent shall be directly responsible to the Director, and receive a salary approved by Council.

8. The City shall have the exclusive right to collect garbage within the corporate limits of the City of Nitro. The Director shall collect a service charge for such services from each owner, tenant or occupant of any premises, both residential and commercial.

9. Street Cleaning: The Director shall be in charge of all street cleaning of the public streets, sidewalks, alleys and ways, within the City of Nitro, and the Superintendant so designated by him shall see that such street cleaning is performed at regular intervals, and appropriate equipment shall be furnished him to clean said public streets, sidewalks, alleys and ways.

10. Rates:

(a) For the aforesaid services, the Director shall collect a service charge for such services from each owner, tenant or occupant of any premises, both residential and commercial, located within the City of Nitro.

(b) Such Service charge for each owner, tenant or occupant of residential premises shall be the sum of Three Dollars, (\$3.00) per month, due and payable on the last day of each calendar month, for which the service is rendered.

(c) Such service charge for each owner, tenant or occupant of commercial premises shall be a minimum service charge of Three Dollars, (\$3.00) per month, due and payable on the last day of each calendar month, for which the service is rendered. An additional service charge may be made by the Director for excess garbage, rubbish and refuse, depending on the volume, which increased rate shall be fixed and agreed upon by the director and commercial user.

(d) Such service charges for both residential and commercial shall be paid at the Office in the City Building of said City of Nitro, provided for the collection of such service charges.

11. DELINQUENT ACCOUNTS: All accounts shall be considered delinquent if not paid by the last day of each month for which the

service is rendered. All delinquent accounts are subject to stoppage of service without notice. The Director shall cease all refuse collections for the delinquent accounts.

12. PENALTY: Any person, firm or corporation who shall violate any of the provisions hereof shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed One Hundred Dollars (\$100.00)

13. Each provision of this article shall be separable and if any part thereof shall be adjudged invalid by a court of competent jurisdiction, the remaining and valid portion of this ordinance shall remain in full force and effect.

14. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

15. This ordinance shall take effect as of the 1st day of January, 1965.

W. W. Alexander, Mayor

Grace Lewis, Recorder

There being no further business to come before the Council at this time, a motion to recess the meeting by Councilman Hoke carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

November 10, 1964

The City Council met in regular session Tuesday, November 10, 1964.

There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Earl W. Dye, Keith H. Estep, B. E. Gewin, Thomas R. Griffith, Mrs. E. Robert Hamilton and L. I. Hoke, M. D., members of the Council.

Mayor Alexander called the meeting to order.

A delegation of some twelve people was present and Mayor Alexander called on their spokesman. Ben Hughes informed that the group was interested in the increase of the \$1.00 on garbage service and asked why the sudden enthusiasm for a swimming pool. Mayor Alexander explained to the group that the Nitro Planning Commission had conducted a survey of the town and a swimming pool was the one thing that had top priority and the second was a library. The Planning Commission had recommended that the Council look into the matter of building a swimming pool. The Swimming Pool Committee had been working on this project, also the Finance Committee had made a study of ways to raise the money.

The Mayor explained further that all monies go into the General Fund, that the City had for a number of years had a trash pick-up conducted monthly, city wide that was getting to be a costly item to the City. At this point there was a discussion as to the way other towns conduct a trash pick-up, in that a charge is made for the amount of trash or time consumed and some present thought it a wise idea that Nitro should put such a method in effect.

The Mayor also pointed out that the Library was nearing opening date and that operating of the Library would be an additional expense to the City, and that a part of the increase would go toward Library expenses.

It was pointed out by some of the delegation that an increase will work a hardship on people living on Social Security or retirement benefits and this factor seemed to be the strongest objection to the increase. Mayor Alexander explained that any time an improvement was made in the town that it was a hardship on the retired people and also the widows, also he pointed out that it most certainly was not the intention of the City Council to hurt anyone. The Mayor also pointed out that other towns had put on Service taxes, also explaining that the main reason of changing the garbage fee to a service tax was that the City has the collecting office already and that the cost of administering the service tax would not be an additional cost.

Several from the delegation stated that they did not feel that Nitro needed a swimming pool in that some of the local industries had pool facilities. The point was made that not all plant employees had access to the industrial pools and that there were numbers of persons who did not work in the local industries also the industry pools were not centrally located and that a community pool would be.

The question of government matching funds for a pool was discussed. It was pointed out that the last check made on matching funds did not include swimming pools.

On the question of the Water Shed Program Lake, it was explained that swimming was not included in said program.

Amother point made was that the questionnaire could have been misleading in that the persons requesting a pool may not approve of the method of financing.

It was pointed out that the people/^{of Nitro}would be charged a lesser fee for the use of the pool than outsiders. At this point the racial problem was brought into the discussion. Some feeling that it would create a problem here that so far Nitro has not had and also it might be better to have a swimming pool for Nitro residents only.

Another point made was that the City needed new equipment for the Fire Department, Street Department and Garbage Department, also that the air pollution authorities had told the Mayor that it would be necessary for the users of the dump in South Charleston to find other means of disposing of garbage and this could mean building an incinerator.

It was also pointed out that there was only one piece of property adjacent to the City Park available to the City, which the City had already authorized condemnation proceedings, said property the site for the proposed swimming pool.

The question of exempting retired people from the increase, which the Attorney said could not be done as the State law set out the service tax on users.

Mayor Alexander explained to the people that over an hour had been devoted to this discussion that the meeting had been called for Council to consider another matter, however, he wished to thank the interested persons for coming to the meeting, that they were welcome

to come at any time to express their feeling on matters and that he felt sure the members of the City Council would take all points into consideration when making their decision on the swimming pool.

Councilman Dye moved, seconded by Councilman Hamilton, the Council approve the Rules and Regulations of the Nitro Policemen's Pension or Relief Fund. Upon a vote motion carried.

RULES AND REGULATIONS SUBMITTED BY THE TRUSTEES OF THE POLICEMEN'S PENSION OR RELIEF FUND, OF THE CITY OF NITRO TO THE COMMON COUNCIL OF THE CITY OF NITRO FOR APPROVAL BY SAID COUNCIL.

RULES AND REGULATIONS

1.

The Trustees of the Policemen's Pension or Relief Fund shall be authorized to pay sick benefits not inconsistent with applicable provisions of Chapter 8, Article 6, of the Code of West Virginia, prior to the expiration of the three years from the time of creation of such fund, out of the corpus of said fund, provided, that such enabling Ordinance as provided in Chapter 8, Article 6, Section 19, of the Code of West Virginia, has been adopted by the Common Council of the City of Nitro.

2.

No person shall be eligible for appointment to the Nitro Police Department, unless such member has presented himself for an examination before the Board of Medical Examiners, which shall consist of not less than three members appointed by the Board of Trustees of the Policemen's Pension or Relief Fund, and his condition was approved by a majority of said Board of Medical Examiners.

3.

No payment shall be made to any member of the Policemen's Pension or Relief Fund who shall at anytime become injured or become sick so as to render such member temporarily disabled until the expiration of forty five (45) days, from the date that such member is declared temporarily disabled.

4.

No person shall be considered for payment of benefits out of said fund, until such injury or sickness has been continuous for thirty (30) consecutive days.

5.

No person shall be eligible to receive any benefits out of said Fund so long as the City of Nitro is paying sick benefits or vacation pay.

6.

The Board of Trustees shall not act on any payment benefits out of said Fund, until the expiration of sixteen (16) days, from the last date on which the City of Nitro has paid and sick benefits, or vacation pay.

7.

New rules and regulations may be added at any time provided such rules and regulations are first approved by the Members of the Policemen's Pension or Relief Fund, and by the Common Council of the City of Nitro.

Respectfull submitted by:

The Board of Trustees of the
Policemen's Pension or Relief Fund.

Thereupon Councilman Dye moved, seconded by Councilman Estep, the following ordinance be adopted. Motion carried and was so ordered.

AN ORDINANCE AUTHORIZING THE PAYMENT OF BENEFITS TO POLICEMEN OUT OF THE CORPUS OF THE POLICEMEN'S PENSION OR RELIEF FUND PRIOR TO THE EXPIRATION OF THREE YEARS, FROM THE TIME OF CREATION OF SUCH CORPORATION.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NITRO:

That the Trustees of the Policemen's Pension or Relief Fund, be authorized to pay such benefits to the members of such fund out of the corpus prior to the expiration of three years from the time of creation of such fund, provided that such payments are made in compliance with the rules and regulations prepared by the Trustees of such fund and approved by the Common Council of the City of Nitro, and provided further that any payments made hereunder are not inconsistent with the applicable provisions of Chapter 8, Article 6, of the Code of West Virginia.

That the purpose of this ordinance is to comply with Chapter 8, Article 6, Section 19, of the Code of West Virginia.

This ordinance shall be effective from the date of passage.

Dated this 10th day of November, 1964.

Mayor

Attest:

City Recorder

November 17, 1964

The City Council met in regular session Tuesday, November 17, 1964.

There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Earl W. Dye, Keith H. Estep, B. E. Gewin, Thomas R. Griffith, Mrs. E. Robert Hamilton and L. I. Hoke, M. D., members of the City Council.

Mayor Alexander called the meeting to order.

Councilman Dye moved, seconded by Councilman Estep, to dispense with reading of minutes of meeting held October 27th and November 10th. Motion carried.

Councilman Hoke moved, seconded by Councilman Gewin, the financial statement for the month of October be approved. Motion carried.

The Council then proceeded to consider resolution pertaining to \$966,000 Sewer Revenue Refunding Bonds Program.

Thereupon Councilman Dye moved, seconded by Councilman Hamilton, the following resolution be adopted. Upon a vote motion carried and was so ordered.

"RESOLUTION AMENDING A RESOLUTION ENTITLED
"A RESOLUTION AUTHORIZING THE REFUNDING OF
CERTAIN OUTSTANDING OBLIGATIONS HERETOFORE
ISSUED BY THE CITY OF NITRO, WEST VIRGINIA;
AUTHORIZING THE ISSUANCE OF \$966,000 SEWER
REVENUE REFUNDING BONDS TO FINANCE PART OF
THE COST OF SUCH REFUNDING AND PROVIDING FOR
THE RIGHTS OF THE HOLDERS OF SAID BONDS."

WHEREAS, the Council of the City of Nitro, West Virginia, did on the 10th day of November, 1964 adopt a resolution entitled: "A RESOLUTION AUTHORIZING THE REFUNDING OF CERTAIN OUTSTANDING OBLIGATIONS HERETOFORE ISSUED BY THE CITY OF NITRO, WEST VIRGINIA; AUTHORIZING THE

ISSUANCE OF \$966,000 SEWER REVENUE REFUNDING BONDS TO FINANCE PART OF THE COST OF SUCH REFUNDING AND PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SAID BONDS"; and

WHEREAS, said Council deems it desirable and in the best interest of the City that certain sections of said resolution be amended; now, therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA:

Section 1. That the fifth paragraph of the bond form on page eleven of said resolution is amended to read as follows:

"This Bond and the coupons appertaining hereto are payable solely from, and secured by a lien upon and pledge of the net revenues derived from the operation of the municipally owned Sewer System of said City, and does not constitute an indebtedness of the City of Nitro within the meaning of any constitutional, statutory or charter provision or limitation, and the City of Nitro shall not be obligated to pay this Bond or the interest thereon except from the revenues of said Sewer System as provided in said resolution. The credit or taxing power of said City shall not be deemed to be pledged to, nor shall a tax ever be levied for, the payment of the principal of or interest on this Bond. The City covenants with the holders of the Bonds of this issue beginning with July 1, 1964 to establish and at all times maintain such rates and collect such charges for the services and other facilities rendered by said Sewer System, and to revise the same from time to time whenever necessary, as will always provide revenues sufficient to pay in each year, one hundred per centum (100%) of the amount required for the Operation and Maintenance Fund in such year, and

one hundred twenty-five per centum (125%) of the principal of and interest maturing on the Bonds in such year, excluding the year 1969. Said City has entered into certain other covenants with the holders of the Bonds of this issue for the terms of which reference is made to said resolution."

Section 2. That subsection 3.04 A. on page eighteen of said resolution is amended to read as follows:

"A. RATES. That the City will, beginning with July 1, 1964, fix such rates and collect such rentals, fees or other charges for the services and facilities of said Sewer System, and revise the same from time to time whenever necessary, as will always provide revenues sufficient to apy in each year, one hundred per centum (100%) of the amounts required for the Operation and Maintenance Fund in such year, one hundred twenty-five per centum (125%) of the principal of and interest maturing on the Bonds in such year, excluding the year 1969; and that such rates, fees, rentals and other charges shall not be reduced so as to be insufficient to provide adequate revenues in each year for such purposes."

Section 3. That this resolution shall take effect immediately.

Councilman Hoke moved, seconded by Councilman Gewin, the adoption of the follwoing resolution. Upon a vote motion carried and was so ordered.

"A RESOLUTION AUTHORIZING THE EXECUTION OF AN ESCROW DEPOSIT AGREEMENT BETWEEN THE CITY OF NITRO, WEST VIRGINIA, AND THE STATE SINKING FUND COMMISSION, CHARLESTON, WEST VIRGINIA."

WHEREAS, the City of Nitro, West Virginia, has pursuant to a resolution duly adopted by the Council of said City on November 10, 1964 as amended on the 17th day of November 1964, (hereinafter referred to

as "Resolution"), authorized the issuance of \$966,000 Sewer Revenue Refunding Bonds of said City, dated September 1, 1964 (hereinafter sometimes referred to as "Bonds"), for the purpose of providing the necessary funds to refund and refinance the outstanding Sewer Revenue Bonds, dated September 1, 1959, and the outstanding Sewer Revenue Bonds, Series 1961, dated September 1, 1961 (hereinafter collectively referred to as "Outstanding Bonds") heretofore issued by said City; and

WHEREAS, said Resolution provided for the deposit of the proceeds of the sale of said Bonds, together with other moneys lawfully available therefor, into an irrevocable trust fund with the State Sinking Fund Commission, Charleston, West Virginia, the said moneys to be applied in the manner provided in the Escrow Deposit Agreement set out herein; and

WHEREAS, said Resolution further provided that prior to the delivery of said \$966,000 Sewer Revenue Refunding Bonds, dated September 1, 1964, there shall be delivered to the said State Sinking Fund Commission a resolution of the Council of the City irrevocable instructing authorizing and directing said State Sinking Fund Commission in the name of the City to publish notices of the prior redemption of said Outstanding Bonds promptly upon the delivery of said Bonds and to again publish said notices at least once not more than sixty (60) days and not less than thirty (30) days prior to the date of redemption of said Outstanding Bonds, at the times and places set out herein; now therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA:

Section 1. That pursuant to said Resolution an Escrow Deposit Agreement shall be entered into by and between the City of Nitro,

West Virginia, and the State Sinking Fund Commission, Charleston, West Virginia, and said Escrow Deposit Agreement shall be executed in the name of and on behalf of the City of Nitro by the Mayor of said City and the seal of the City shall be impressed thereon, and attested by the City Recorder of said City, and said officers be and they are hereby authorized to execute and deliver said Escrow Deposit Agreement without further authority from this Council.

Section 2. That said Escrow Deposit Agreement shall be in substantially the following form:

ESCROW DEPOSIT AGREEMENT

WHEREAS, the City of Nitro, West Virginia, by ordinance duly enacted by the Council of said City, authorized the issuance of \$750,000 Sewer Revenue Bonds, dated September 1, 1959 of which the principal amount of \$727,000 are now outstanding and unpaid and mature on September 1 of the years 1965 to 1999, both inclusive; and

WHEREAS, said City by ordinance duly enacted authorized the issuance of \$84,000 Sewer Revenue Bonds, Series 1961, dated September 1, 1961, all of which are now outstanding and unpaid and mature on September 1 of the years 2000 and 2001; and

WHEREAS, all of said outstanding Sewer Revenue Bonds maturing in the years 1970 to 1999, both inclusive, are redeemable prior to maturity, on September 1, 1969, at the redemption price and under the terms and provisions provided in the ordinance which authorized their issuance; and

WHEREAS, all of said outstanding Sewer Revenue Bonds, Series 1961, are redeemable prior to maturity, on September 1, 1971, at the redemption price and under the terms and provisions provided in the

ordinance which authorized their issuance; and

WHEREAS, the City of Nitro, West Virginia, has pursuant to a resolution duly adopted by the Council of said City on November 10, 1964, as amended on November 17, 1964 (hereinafter called "Resolution"), authorized the issuance of \$966,000 Sewer Revenue Refunding Bonds, dated September 1, 1964 (hereinafter referred to as "Bonds"); and

WHEREAS, Section 3.03 (2) of said Resolution provides that the proceeds of the sale of said Bonds, excluding accrued interest, together with the amounts available in and to be withdrawn from the Sinking Funds including the reserves therein created for said Outstanding Bonds, in an amount sufficient in the aggregate to equal the aggregate amount of principal of and interest which will mature and become due on said outstanding Sewer Revenue Bonds to and including September 1, 1969, plus the amount which will be necessary to pay the principal of and redemption premium due on said outstanding Sewer Revenue Bonds maturing after September 1, 1969, on the prior redemption thereof on September 1, 1969 plus the amount which will be necessary to pay the interest which will mature and become due on said outstanding Sewer Revenue Bonds, Series 1961, to and including September 1, 1971, plus the amount which will be necessary to pay the principal of and redemption premium due on said outstanding Sewer Revenue Bonds, Series 1961, maturing after September 1, 1971, on the prior redemption thereof on September 1, 1971 shall be deposited with the State Sinking Fund Commission, Charleston, West Virginia, one of the paying agents for said Outstanding Bonds, in a fund to be known as the Outstanding Bonds Redemption Fund; now therefore,

IT IS HEREBY AGREED, by and between the City of Nitro, West Virginia, a municipal corporation of the State of West Virginia (hereinafter sometimes called the "City"); and the State Sinking Fund Commission, a public body duly organized and created by law, located in the City of Charleston, West Virginia, (hereinafter sometimes referred to as "Commission"), as follows:

Section 1. There is hereby created and established a special segregated and irrevocable trust fund, to be held by the Commission and designated as the "Outstanding Bonds Redemption Fund" (hereinafter sometimes referred to as "Fund"). Said Fund shall consist of two separate accounts, the Sewer Revenue Bond Redemption Account and the Sewer Revenue Bond, Series 1961, Redemption Account, which separate accounts are hereby created and established.

Section 2. The Sewer Revenue Bond Redemption Account shall consist of a sufficient amount of Bond proceeds which together with the amount available in and to be withdrawn from the Sinking Fund including the reserve therein heretofore created for said outstanding Sewer Revenue Bonds shall be equal to the aggregate amount of principal and interest which will mature and become due on said outstanding Sewer Revenue Bonds to and including September 1, 1969, and the principal of and redemption premium due on said outstanding Sewer Revenue Bonds maturing after September 1, 1969, on the prior redemption thereof on September 1, 1969.

Section 3. The Sewer Revenue Bond, Series 1961, Redemption Account shall consist of a sufficient amount of Bond proceeds which together with the amount available in and to be withdrawn from the Sinking Fund including the reserve therein heretofore created for

said outstanding Sewer Revenue Bonds, Series 1961, shall be equal to the aggregate amount of interest which will mature and become due on said outstanding Sewer Revenue Bonds, Series 1961, to and including September 1, 1971, and the principal of and redemption premium due on said outstanding Sewer Revenue Bonds, Series 1961, maturing after September 1, 1971, on the prior redemption thereof on September 1, 1971.

Section 4. The outstanding Sewer Revenue Bonds to be retired and redeemed from the moneys on deposit in the Sewer Revenue Bond Redemption Account in the Outstanding Bonds Redemption Fund held by the Commission are further described as follows:

\$727,000 - Sewer Revenue Bonds, dated September 1, 1959, in the denomination of \$1,000 each, bearing interest (payable semi-annually March 1 and September 1) at the rate of four and three-quarters per centum ($4\frac{3}{4}\%$) per annum on the bonds maturing in the years 1965 to 1979, both inclusive, and at the rate of four and seven-eighths per centum ($4\frac{7}{8}\%$) per annum on the bonds maturing in the years 1980 to 1999, both inclusive, numbered and maturing on September 1 in the years and amounts as follows:

<u>Numbers (all inclusive)</u>	<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Numbers (all Inclusive)</u>	<u>Year of Maturity</u>	<u>Principal Amount</u>
24 to 32	1965	\$ 9,000	239 to 257	1982	\$19,000
33 to 41	1966	9,000	258 to 277	1983	20,000
42 to 50	1967	9,000	278 to 298	1984	21,000
51 to 60	1968	10,000	299 to 319	1985	21,000
61 to 70	1969	10,000	320 to 341	1986	22,000
71 to 81	1970	11,000	342 to 364	1987	23,000
82 to 92	1971	11,000	365 to 388	1988	24,000
93 to 104	1972	12,000	389 to 414	1989	26,000
105 to 116	1973	12,000	415 to 441	1990	27,000
117 to 129	1974	13,000	442 to 469	1991	28,000
130 to 142	1975	13,000	470 to 499	1992	30,000
143 to 156	1976	14,000	500 to 530	1993	31,000
157 to 171	1977	15,000	531 to 562	1994	32,000
172 to 187	1978	16,000	563 to 596	1995	34,000
188 to 203	1979	16,000	597 to 632	1996	36,000
204 to 220	1980	17,000	633 to 669	1997	37,000
221 to 238	1981	18,000	670 to 708	1998	39,000
			709 to 750	1999	42,000

Section 5. The outstanding Sewer Revenue Bonds, Series 1961, to be retired and redeemed from the moneys on deposit in the Sewer Revenue Bond, Series 1961, Redemption Account in the Outstanding Bonds Redemption Fund held by the Commission are further described as follows:

\$84,000 - Sewer Revenue Bonds, Series 1961, dated September 1, 1961, in the denomination of \$1,000 each, bearing interest (payable semi-annually March 1 and September 1) at the rate of four and three-quarters per centum ($4\frac{3}{4}\%$) per annum, numbered and maturing on September 1 in the years and amounts as follows:

<u>Numbers (all inclusive)</u>	<u>Year of Maturity</u>	<u>Principal Amount</u>
1 to 41	2000	\$41,000
42 to 84	2001	43,000

Section 6. The deposit of such moneys in the Sewer Revenue Bond Redemption Account and the Sewer Revenue Bond, Series 1961, Redemption Account (hereinafter sometimes collectively referred to as

"Accounts") in the Outstanding Bonds Redemption Fund, and the income or earnings realized from the investment and reinvestment of such moneys in trust will be applied by the Commission solely for the payment of the principal of and interest on said outstanding Sewer Revenue Bonds as they shall mature and become due to and including September 1, 1969, and the payment on September 1, 1969, of the principal of and redemption premium due on said outstanding Sewer Revenue Bonds which mature after September 1, 1969, on the prior redemption thereof on September 1, 1969, and for the payment of interest on said outstanding Sewer Revenue Bonds, Series 1961, as it shall mature and become due to and including September 1, 1971, and the payment on September 1, 1971, of the principal of and redemption premium due on said outstanding Sewer Revenue Bonds, Series 1961, which mature after September 1, 1971, on the prior redemption thereof on September 1, 1971.

Section 7. All of the moneys on deposit in the Accounts in said Fund shall be invested and reinvested in direct obligations of the United States of America maturing at such time or times as will provide sufficient moneys not later than ten (10) days prior to the dates upon which such moneys will be needed to make the payments provided for in Section 6 of this Agreement; and said Commission is hereby authorized to make such payments of principal of, interest on and redemption premium due from the moneys on deposit in said Fund in the manner and at such times as provided for in Section 6 of this Agreement without further authority from the City, provided, however, that the Commission shall liquidate any of such investments whenever necessary to provide funds which, together with any moneys then available from the income and earnings in the Accounts in said Fund, will be sufficient

to make the required payments on the Outstanding Bonds as the same become due and payable as provided in this Agreement.

Section 8. The Commission is hereby further authorized and directed to transfer from said Accounts in said Fund and deposit with the First National City Bank, New York City, New York, the alternate paying agent for said Outstanding Bonds, such moneys as may be required by the First National City Bank to make the payments of principal of, interest on and redemption premium due on the Outstanding Bonds and/or coupons presented to said Bank for payment at the times provided in Section 6 of this Agreement.

Section 9. After the delivery of the Bonds, the Commission shall promptly publish notices in the name of the City calling the outstanding Sewer Revenue Bonds which mature after September 1, 1969, for prior redemption on September 1, 1969, and calling the outstanding Sewer Revenue Bonds, Series 1961, which mature after September 1, 1971, for prior redemption on September 1, 1971. Such notices shall again be published by the Commission at least once not more than sixty (60) days and not less than thirty (30) days prior to the date of redemption. Said notices shall be published in a financial newspaper or journal published in the City of New York, New York, and a copy shall be filed with the Council of the City. Each notice shall set forth the date of prior redemption and the redemption price of par plus a premium of three per centum (3%) of the par value thereof, and plus accrued interest to the date of redemption, and that all interest on said Outstanding Bonds called for prior redemption shall cease to accrue after the date of such prior redemption.

Section 10. Prior to the delivery of said Bonds there shall be delivered to said Commission a resolution of the Council of said City irrevocable instructing and directing said Commission in the name of the City to publish said notices of prior redemption on September 1, 1969, of said outstanding Sewer Revenue Bonds which mature after September 1, 1969, and on September 1, 1971, of said outstanding Sewer Revenue Bonds, Series 1961, which mature after September 1, 1971, at the times provided in Section 9 above.

Section 11. The Commission shall at least ten (10) days prior to September 1, 1969, set aside and reserve sufficient moneys in the Sewer Revenue Bond Redemption Account in said Outstanding Bonds Redemption Fund for the payment of the principal of and interest on said outstanding Sewer Revenue Bonds becoming due and payable on September 1, 1969, and for the payment of the principal of and redemption premium due on said outstanding Sewer Revenue Bonds maturing after September 1, 1969, on the prior redemption thereof on September 1, 1969, and for the payment of any principal of and interest on said outstanding Sewer Revenue Bonds which matured prior to September 1, 1969, which have not theretofore been paid; and may further moneys then remaining on deposit in said Sewer Revenue Bond Redemption Account in said Outstanding Bonds Redemption Fund shall be withdrawn and transferred as follows:

(a) there shall be deposited in the Sewer Revenue Bond, Series 1961, Redemption Account in said Outstanding Bonds Redemption Fund such amount as may be needed to meet any deficiency which may exist therein for payment of the interest on said outstanding Sewer Revenue Bonds, Series 1961, as the same matures and becomes due to and including September 1, 1971, and payment on September 1, 1971, of the principal of and redemption premium due on said outstanding Sewer Revenue Bonds,

Series 1961, on the prior redemption thereof on September 1, 1971, and (b) the amount then remaining shall be deposited in the Sewer Revenue Bond and Interest Sinking Fund created by said Resolution and used, together with revenues derived from the operation of the Sewer System, for the payment of the principal of and interest on said Bonds maturing and becoming due and payable on September 1, 1969.

Section 12. The Commission shall at least ten (10) days prior to September 1, 1971, set aside and reserve sufficient moneys in the Sewer Revenue Bond, Series 1961, Redemption Account in said Outstanding Bonds Redemption Fund for the payment of interest on the outstanding Sewer Revenue Bonds, Series 1961, becoming due and payable on September 1, 1971, and for the payment of principal of and redemption premium due on said outstanding Sewer Revenue Bonds, Series 1961, maturing after September 1, 1971, on the prior redemption thereof on September 1, 1971, and for the payment of any interest on said outstanding Sewer Revenue Bonds, Series 1961, which matured prior to September 1, 1971, which have not theretofore been paid; and any further moneys then remaining on deposit in said Sewer Revenue Bond, Series 1961, Redemption Account in said Outstanding Bonds Redemption Fund shall be withdrawn and deposited in the Reserve Account created by said Resolution or used for the purchase of said Bonds of the last ten (10) maturities then outstanding at a price not greater than the then redemption price of said Bonds or for the prior redemption of said Bonds in the manner provided in said Resolution.

Section 13. The Commission may construe any of the provisions of this Agreement as they may appear to it to be ambiguous or inconsistent with any other provisions hereof; and any construction of any such provision hereof by the Commission, in good faith, shall be binding on the parties hereto.

Section 14. The trust hereby created shall be irrevocable, and the holders of said Outstanding Bonds shall have an express lien on all moneys in the Accounts in the Outstanding Bonds Redemption Fund until paid out, used and applied in accordance with this Agreement.

Section 15. In consideration of the services rendered by the Commission under this Agreement, the City agrees to and shall pay to the Commission hereunder its proper fees and expenses; but the Commission shall have no lien upon any of the moneys in the Accounts in the Outstanding Bonds Redemption Fund for such proper fees and expenses.

Section 16. All recitals herein are made by the City, and the Commission shall have no responsibility or liability whatsoever for (i) any of the recitals herein (ii) the performance of and/or compliance with any covenant, condition or provision of said Resolution, and (iii) any undertaking or statement of the City hereunder or under any other resolution or agreement or instruments.

The Commission shall act as agent for the City under this Agreement and shall hold all moneys hereunder in trust for the benefit of the holders of said Outstanding Bonds as herein provided. In the performance by the Commission of its duties as agent hereunder the Commission shall take and perform only such actions as are specifically provided to be taken or performed by the express provisions of this Agreement and the Commission shall have no implied actions or duties hereunder.

IN WITNESS WHEREOF, the City of Nitro has caused this Agreement to be executed in its name and behalf by its Mayor and the corporate seal of said City to be impressed hereon and attested by its City Recorder, and the State Sinking Fund Commission has caused this Agreement to be executed in its name and behalf by its Assistant Secretary, all as of the day of , 1964.

CITY OF NITRO, WEST VIRGINIA

By _____
Mayor

(SEAL)

ATTEST:

By _____
City Recorder

STATE SINKING FUND COMMISSION

By _____
Assistant Secretary

Section 3. That upon the delivery of and payment for said \$966,000 Sewer Revenue Refunding Bonds, dated September 1, 1964, said outstanding Sewer Revenue Bonds maturing after September 1, 1969, shall be called for prior redemption on September 1, 1969, and said outstanding Sewer Revenue Bonds, Series 1961, maturing after September 1, 1971, shall be called for prior redemption on September 1, 1971, in the manner provided in the proceedings which authorized the issuance of said Outstanding Bonds; and said State Sinking Fund Commission is hereby authorized and directed, upon the delivery of and payment for said \$966,000 Sewer Revenue Refunding Bonds, dated September 1,

1964, to publish a notice in the name of the City calling said outstanding Sewer Revenue Bonds which mature after September 1, 1969, for prior redemption on September 1, 1969, and calling said outstanding Sewer Revenue Bonds, Series 1961, which mature after September 1, 1971, for prior redemption on September 1, 1971, and to again publish said notices at least once not more than sixty (60) days and not less than thirty (30) days prior to the said dates of redemption, both such publications of said notices to be made in a financial newspaper or journal published in the City of New York, State of New York.

Said notices of prior redemption of all of said outstanding Sewer Revenue Bonds maturing after September 1, 1969, and said outstanding Sewer Revenue Bonds, Series 1961, maturing after September 1, 1971, shall be in substantially the following forms:

NOTICE OF REDEMPTION

CITY OF NITRO, WEST VIRGINIA
SEWER REVENUE BONDS
DATED SEPTEMBER 1, 1959

NOTICE IS HEREBY GIVEN that the City of Nitro, West Virginia, has exercised its option to call for redemption on September 1, 1969, \$680,000 Sewer Revenue Bonds, dated September 1, 1959, numbered 71 to 750, both inclusive, and maturing on September 1 in the years 1970 to 1998, both inclusive, at the price of par and accrued interest to September 1, 1969, plus a premium equal to three per centum (3%) of the par value thereof.

Said Bonds will be paid upon presentation to the State Sinking Fund Commission, Charleston, West Virginia, or, at the option of the holder at the First National City Bank, New York, New York, on September 1, 1969, and shall cease to bear interest on said date.

CITY OF NITRO, WEST VIRGINIA

By _____
City Recorder

NOTICE OF REDEMPTION

CITY OF NITRO, WEST VIRGINIA
SEWER REVENUE BONDS, SERIES 1961
DATED SEPTEMBER 1, 1961

NOTICE IS HEREBY GIVEN that the City of Nitro, West Virginia, has exercised its option to call for redemption on September 1, 1971, \$84,000 Sewer Revenue Bonds, Series 1961, dated September 1, 1961, numbered 1 to 84, both inclusive, and maturing on September 1 of each year, \$41,000 in 2000, and \$43,000 in 2001, at the price of par and accrued interest to September 1, 1971, plus a premium equal to three per centum (3%) of the par value thereof.

Said Bonds will be paid upon presentation to the State Sinking Fund Commission, Charleston, West Virginia, or, at the option of the holder at the First National City Bank, New York, New York, on September 1, 1971, and shall cease to bear interest on said date.

CITY OF NITRO, WEST VIRGINIA

By _____
City Recorder

Section 4. That this resolution shall take effect immediately.

Thereupon Councilman Gewin moved, seconded by Councilman Dye, the adoption of the following resolution. Upon a vote motion carried and was so ordered.

RESOLUTION AUTHORIZING THE TRANSFER
AND INVESTMENT OF MONEYS AND SECUR-
ITIES ON DEPOSIT WITH THE STATE SINK-
ING FUND COMMISSION AND THE PROCEEDS
OF THE SALE OF \$966,000 SEWER REVENUE
REFUNDING BONDS AND RATIFYING AND
CONFIRMING THE SALE OF SAID BONDS.

WHEREAS, the Council of the City of Nitro, West Virginia,

has heretofore enacted an ordinance authorizing the issuance of \$750,000 Sewer Revenue Bonds, dated September 1, 1959, of which the principal amount of \$727,000 are now outstanding and unpaid, and has heretofore enacted an ordinance authorizing the issuance of \$84,000 Sewer Revenue Bonds, Series 1961, dated September 1, 1961, all of which are now outstanding and unpaid (hereinafter collectively referred to as "Outstanding Bonds").

WHEREAS, the City has heretofore adopted a resolution on November 10, 1964, as amended on the 17th day of November, 1964 (hereinafter referred to as "Resolution"), authorizing the issuance of \$966,000 Sewer Revenue Refunding Bonds, dated September 1, 1964 (hereinafter referred to as "Bonds"), for the purpose of refunding and refinancing said Outstanding Bonds; and

WHEREAS, Section 3.03 (2) of said Resolution provides for the depositing of the Bond proceeds and the transfer of moneys and securities in the Sinking Funds including the reserves therein for said Outstanding Bonds into an Outstanding Bonds Redemption Fund to be held in trust by the State Sinking Fund Commission under the terms and provisions of an Escrow Deposit Agreement; and

WHEREAS, the Council of said City did on the 27th day of October, 1964, accept and approve the proposal of Boettcher and Company, dated the 27th day of October, 1964, for the purchase of said Bonds; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA:

Section 1. That the proper officers of the City be and they are authorized to direct the State Sinking Fund Commission to transfer all moneys and securities in the Sinking Funds including the reserves

therein for said Outstanding Bonds and deposit the same in said Outstanding Bonds Redemption Fund in the manner provided in the Escrow Deposit Agreement.

Section 2. That the proper officers of the City be and they are hereby further authorized to transfer to the State Sinking Fund Commission the Bond proceeds, excluding accrued interest, for deposit in said Outstanding Bonds Redemption Fund and to provide for the investment of such Bond proceeds together with the other moneys and securities deposited therein under the provisions of Section 1 hereof.

Section 3. That the proposal of Boettcher and Company dated October 27, 1964, for the purchase of said Bonds bearing interest at the rate of four and one-quarter per centum and maturing on September 1 of each of the years 1965 to 1998, both inclusive, and heretofore accepted and approved by this Council under date of October 27, 1964, is hereby ratified, confirmed and approved in all respects.

Section 4. This resolution shall take effect immediately.

Again there were a number of persons present who expressed their interest and requested answers pertaining to the \$1.00 increase on the garbage fee. Thereupon Mayor Alexander called upon Councilman Estep to explain the Survey he had compiled which was as follows:

GARBAGE DEPT. EXPENSE

Wages (including Social Security, Insurance and Retirement)	\$2500/Mo.	\$30,000/Yr.
Dump Charges	\$75/Mo.	\$900/Yr.
Expenses (Gasoline, Maintenance on equip. Materials)	\$550/Mo.	\$6,600/Yr.
Collection Costs	\$300/Mo.	<u>\$3,600/Yr.</u>
Total Garbage Dept. Operating Expense		\$41,100/Yr.

STREET DEPT. EXPENSE

Wages (including Social Security, Insurance and Retirement)	\$1016/Mo.	\$12,200/Yr.
Expenses (Gasoline, Maintenance, and Materials)	\$358/Mo.	\$4,300/Yr.
Total Street Dept. Operating Expense		\$16,500/Yr.
Income from present \$2.00/Mo. Garbage Fee		\$52,200/Yr.
*Operating expenses of Garbage Dept.		\$41,100/Yr.
Profit from Garbage Dept.		\$11,100/Yr.
Operating expenses of Street Dept.		\$16,500/Yr.
Net operating loss of Garbage & Street Depts.		\$5,400/Yr.
Anticipated additional revenue from \$1.00 per Mo. increase in Service fee		\$26,000/Yr.
Anticipated surplus of Garbage and Street Depts. as result of \$1.00 Ser. fee increase		\$20,600/Yr.
General fund revenue that was being used to operate the Street Dept. and will now be available for City services		\$16,500/Yr.
Existing general fund money budgeted toward purchase of New Fire Truck		<u>\$3,000/Yr.</u>
Total money available to city services for new expenditures		\$40,100/Yr.
* No provision for replacing equipment		
Proposed Disbursement of Money Available to City Services for New Expenditures		
Total Available		\$40,100/Yr.
Replacing Garbage Trucks (1965-1966 only)		\$12,000/Yr.
Increased cost of garbage disposal to comply with expected air pollution controls		\$3,000/Yr.
Purchase new fire truck		\$6,000/Yr.
Subsidizing public library		\$4,000/Yr.
Purchase 6 acres of land adjacent to Nitro Park and finance construction of a public swimming pool		\$15,000/Yr.

Construct Library Building

Construct a Community Building

\$40,100/Yr.

Functions of City Services

Garbage Collection twice a week.

Trash pick-up once a month or more if requested.

Street Sweeping.

Street Cleaning.

Painting Curbs and Cross Walks.

Minor Street Repairs.

Maintenance of Street Signs.

Spreading cinders and Salt in Winter.

Cutting weeds in the summer.

Contribute toward operation of Library.

Finance construction of Library Building and Community Building.

Construct and operate a municipal swimming pool.

Increase City Park property by 35%.

At the completion of the explanation all present participated in an open discussion, at conclusion of the discussion Mayor Alexander, asked those in attendance to indicate if they were in favor of the pool and practically all present indicated that they were in favor.

Representatives of the Kanawha Cable Company were present and explained their program to the Council of piping by cable additional T V channels to the citizens of Nitro at a maximum cost of \$25.00 initial and \$5.00 monthly rate. This program would bring in at least five additional channels and perhaps more, with all participants having same reception. The program is not in any way compulsory. The representatives offered

an ordinance for a franchise at a minimum of \$500.00 per year plus one dollar for each hook-up over 500 plus all taxes which come under our City tax system. The Mayor, members of Council and representatives discussed this matter at length. Thereupon Councilman Dye moved, seconded by Councilman Griffith, the following ordinance be adopted. Upon a vote motion carried unanimously.

ORDINANCE

AN ORDINANCE GRANTING TO KANAWHA CABLE TELEVISION COMPANY A FRANCHISE TO ERECT AND OPERATE A SYSTEM OF DISTRIBUTING AND RELAYING SIGNALS BY MEANS OF WIRE CABLE, OR OTHER LIKE CONNECTIONS IN, THROUGH, AND FROM THE STREETS, ALLEYS, PUBLIC GROUNDS AND PUBLIC PLACES TO RECEIVING SETS OF SUBSCRIBERS TO ITS SERVICE IN THE CITY OF NITRO, WEST VIRGINIA.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA:

SECTION I

KANAWHA CABLE TELEVISION COMPANY, HEREINAFTER SOMETIMES TERMED THE "GRANTEE" IS HEREBY GRANTED FOR A PERIOD OF TWENTY-FIVE YEARS (25) FROM THE DATE OF ADOPTION HEREOF, A FRANCHISE OR RIGHT TO STRING, LOCATE OR RUN COAXIAL CABLE, MESSENGER CABLE AND GUY WIRES, IN, THROUGH, OVER, AND FROM THE STREETS, SIDEWALKS AND ALLEYS OF THE CITY OF NITRO, WEST VIRGINIA, TO SUPPLY SIGNALS TO THE CITIZENS, FIRMS AND CORPORATION OF SAID CITY, AND TO LEVY AN APPROPRIATE CHARGE TO RECIPIENTS FOR SAID SIGNALS.

SECTION II

WITHOUT LIMITING THE GENERALITY OF THE PROVISIONS OF SECTION I, THIS FRANCHISE OR GRANT SHALL AND HEREBY DOES INCLUDE THE RIGHT OVER, IN, THROUGH AND FROM THE STREETS, SIDEWALKS, ALLEYS,

PUBLIC GROUNDS AND PUBLIC PLACES OF SAID CITY, TO ERECT, OPERATE, OR IN ANY WAY ACQUIRE USE OF, AS BY LEASING, LICENSING, ALL LINES AND EQUIPMENT NECESSARY TO THE SYSTEM, SUCH AS POLES OR POSTS, CONDUITS, SERVICE PIPES, WIRES, CABLES, CONNECTORS, BOOSTERS AND OTHER ELECTRICAL DEVICES, OR ANY OF THEM, AND THE RIGHT TO MAKE HOUSE AND BUILDING CONNECTIONS TO SUBSCRIBERS THROUGH, IN, OVER, AND FROM THE STREETS, SIDEWALKS AND ALLEYS OF SAID CITY AND ALSO THE RIGHT TO REPAIR, REPLACE, ENLARGE AND EXTEND SUCH LINES, EQUIPMENT AND CONNECTIONS.

SECTION III

THE SAID GRANTEE, ITS SUCCESSORS AND ASSIGNS, SHALL REPLACE ANY PUBLIC GROUNDS AND PUBLIC PLACES ON AND IN WHICH ANY WORK SHALL BE DONE UNDER THE PROVISIONS OF THIS ORDINANCE IN AS GOOD ORDER AND CONDITION AS THE SAME WERE BEFORE THE DOING OF SUCH WORK.

SECTION IV

ALL LINES, EQUIPMENT AND CONNECTIONS SHALL BE ERECTED AND OPERATED IN SUCH A MANNER AS NOT TO INTERFERE WITH TRAVEL ON THE STREETS, SIDEWALKS, ALLEYS AND PUBLIC GROUNDS OR PLACES OF SAID CITY.

SECTION V

IN THE MODE OF USE OF THE SURFACE, SUB-SURFACE, SPACE ABOVE, OR ADJOINING THE STREETS, SIDEWALKS AND ALLEYS OF SAID CITY, THE GRANTEE SHALL, AT ALL TIMES, BE SUBJECT TO AND COMPLY WITH ALL PROPER AND LEGAL ORDINANCES, RULES AND REGULATIONS OF SAID CITY NOW EXISTING OR HEREAFTER ENACTED. POLES, POSTS AND OTHER STRUCTURES OF TELEPHONE COMPANIES, POWER COMPANIES, FOR LEASING OR LICENSING, SHALL BE USED TO THE EXTENT PRACTICABLE IN ORDER TO MINIMIZE INTERFERENCE WITH TRAVEL. BEFORE THE GRANTEE SETS POLES ON CITY PROPERTY, IT SHALL FILE WITH THE

CITY NOTICE OF ITS INTENTIONS, WHICH NOTICE SHALL SPECIFY THE EXACT LOCATION, HEIGHT AND DIMENSIONS OF THE POLES: SAID POLES SHALL NOT BE ERECTED THEREAFTER UNTIL SUCH SPECIFICATIONS SHALL BE APPROVED BY APPROPRIATE CITY OFFICIAL(S).

SECTION VI

THE GRANTEE SHALL AT ALL TIMES FULLY INDENIFY AND SAVE HARMLESS THE CITY FROM AND AGAINST ANY AND ALL LIABILITIES, DAMAGE OR LOSS RESULTING FROM OR BY REASON OF THE ERECTION OR OPERATION OF SAID SYSTEM OR RESULTING FROM OR BY REASON OF ANY NEGLECT, FAULT, OR MISCONDUCT, FAILURE ON ITS OR THEIR PART TO OBSERVE AND COMPLY WITH THE CONDITIONS AND PROVISIONS OF THIS GRANT: AND FOR THIS PURPOSE THE GRANTEE SHALL CARRY PROPERTY DAMAGE AND LIABILITY INSURANCE FROM A RESPONSIBLE INSURANCE COMPANY OR COMPANIES QUALIFIED TO DO BUSINESS IN THE STATE OF WEST VIRGINIA. THE AMOUNTS OF SUCH INSURANCE AGAINST LIABILITY DUE TO DAMAGE TO PROPERTY SHALL BE FIFTY THOUSAND DOLLARS (\$50,000.00) , AS INJURY OR DEATH OF PERSONS ONE HUNDRED THOUSAND DOLLARS (\$100,000.00), TO ANY ONE PERSON, AND THREE HUNDRED THOUSAND DOLLARS (\$300,000.00), AS TO ANY ONE ACCIDENT. THE GRANTEE SHALL ALSO CARRY WEST VIRGINIA WORKMEN'S COMPENSATION COVERAGE FOR ALL OF ITS EMPLOYEES SUBJECT TO SUCH COVERAGE. THE GRANTEE SHALL SUBMIT TO THE CITY CERTIFICATES FROM THE INSURANCE COMPANY OR COMPANIES AND NOTICE THAT WORKMEN'S COMPENSATION COVERAGE IS IN EFFECT.

SECTION VII

MAXIMUM RATES FOR SERVICES SUBJECT TO REVISION ONLY BY THE CITY OF NITRO, WEST VIRGINIA, WITH THE CONSENT OF THE GRANTEE, SHALL BE:

- A. ATTACHMENT FEE FOR THE FIRST OUTLET TWENTY-FIVE DOLLARS (\$25.00).
- B. ATTACHMENT FEE FOR EACH ADDITIONAL OUTLET IN THE SAME FAMILY RESIDENCE FOR THE SAME IMMEDIATE FAMILY, FIVE DOLLARS (\$5.00)

(1) THIS FEE SHALL INCLUDE THAT MATERIAL AND LABOR NECESSARY TO MAKE NORMAL TYPE CONNECTION FROM GRANTEE'S LINES TO THE SUBSCRIBER'S RECEIVER. THE CHARGES FOR OTHER THAN NORMAL TYPE CONNECTIONS, SUCH AS BUT NOT LIMITED TO SPECIAL AND CONCEALED OUTLETS AND BURIED LINES, SHALL BE SUCH AS AGREED TO BY THE PROSPECTIVE SUBSCRIBERS AND THE GRANTEE.

C. MONTHLY CHARGES FOR DOMESTIC SERVICE FOR THE FIRST OUTLET IN A SINGLE FAMILY RESIDENC, FIVE DOLLARS (\$5.00), FOR EACH ADDITONAL OUTLET IN THE SAME FAMILY RESIDENCE, FOR THE SAME IMMEDIATE FAMILY ON THE SAME PREMISIES, ONE DOLLAR(\$1.00).

D. MONTHLY CHARGES FOR OTHER THAN DOMESTIC SERVICE, SUCH AS BUT NOT LIMITED TO HOTELS, MOTELS, HOSPITALS, RESTAURANTS, TAVERNS, AND SCHOOLS, FOR THE FIRST OUTLET, TEN DOLLARS (\$10.00), FOR EACH ADDITIONAL OUTLET FOR THE SAME NONDOMESTIC SUBSCRIBER, ON THE SAME PREMISES, ONE DOLLAR (\$1.00).

(1) FOR SUBSCRIBERS ENGAGED IN THE SALE AND/OR SERVICING OF RECEIVERS, CAPABLE OF UTILIZING THE GRANTEE'S SIGNALS, THE ATTACHMENT FEE AND MONTHLY SERVICE CHARGE FOR THE FIRST OUTLET SHALL BE THE SAME AS OTHER NON-DOMESTIC SERVICE. HOWEVER, ADDITIONAL OUTLEST DEEMED ADVANTAGEOUS TO THE BUSINESS OF SELLING AND/OR SERVICING THE RECEIVERS MAY BE INSTALLED AT A RATE LOWER THAN FIVE DOLLARS (\$5.00) PER ADDITIONAL OUTLET, AND A MONTHLY CHARGE OF LESS THAN ONE DOLLAR (\$1.00) PER ADDITONAL OUTLET. THIS APPLIES ONLY TO THE SUBSCRIBERS SINGLE PLACE OF BUSINESS ON THE SAME PREMISES.

- E. ALL FEES AND CHARGES ABOVE MENTIONED ARE EXCLUSIVE OF ANY APPLICABLE FEDERAL AND STATE AND CITY TAXES EXCEPT GROSS SALES TAXES STATE AND LOCAL PROPERTY TAXES AND SUCH OTHER TAXES AS BY LAW CANNOT BE DIRECTLY PASSED ON TO THE SUBSCRIBER.
- F. SUBSCRIBERS SHALL OPERATE ONLY ONE RECEIVER AT A TIME FROM EACH OUTLET INSTALLED BY THE GRANTEE, AND SHALL REFRAIN FROM TAMPERING WITH THE INSTALLATION IN ANY WAY. THE GRANTEE SHALL HAVE THE RIGHT TO DISCONTINUE SERVICE TO ANY SUBSCRIBER TAMPERING WITH ITS INSTALLATION OR RELATED EQUIPMENT OR ATTEMPTING IN ANY WAY TO USE THE GRANTEE'S SERVICE EXCEPT AS INTENDED BY GRANTEE. THE SUBSCRIBER VIOLATING THESE CONDITIONS SHALL NOT BE ENTITLED TO ANY REBATE OR OTHER CONSIDERATION BY GRANTEE.
- G. SUBSCRIBERS TO THE GRANTEE'S SERVICE SHALL NOT BE REQUIRED TO ASSURE THE GRANTEE THAT THEY WILL SUBSCRIBE TO THE GRANTEE'S SERVICE FOR ANY LENGTH OF TIME.
- H. THE GRANTEE ANY TIME MAY MAKE ITS CHARGES LESS THAN THE MAXIMUM RATES HEREIN SET FORTH WITHOUT BEING LIABLE TO REBATE FOR CHARGES THAT HAVE ACCRUED. HOWEVER, SHOULD THE CHARGES BE LOWERED, THEY SHALL BE UNIFORM TO SUBSCRIBERS AS A CLASS.
- I. THE GRANTEE MAY MAKE ATTACHMENTS FOR THEIR SERVICE IN ANY PART OF SAID CITY, THIS FRANCHISE NOT BEING LIMITED TO ANY PARTICULAR PART OR PARTS OF THE CITY. HOWEVER, THE GRANTEE SHALL NOT BE COMPELLED TO EXTEND ITS FACILITIES TO SERVE ANY PARTICULAR PROSPECTIVE CUSTOMER, IT BEING BELIEVED THAT THE

PROSPECTIVE PROFIT WILL SUFFICIENTLY REGULATE THE GRANTEE IN THIS REGARD. HOWEVER, THE GRANTEE SHALL BE COMPELLED TO INFORM THE MAYOR OR OTHER DULY AUTHORIZED CITY OFFICIAL(S) OF THE REASON(S) FOR THE GRANTEE MAKING ITS SERVICES AVAILABLE IN PARTICULAR SECTIONS OF THE CITY OF NITRO, WEST VIRGINIA WHILE THE GRANTEE'S SERVICES ARE NOT AVAILABLE IN OTHER SECTIONS OF SAID CITY.

SECTION VIII

THE GRANTEE SHALL AT ALL TIMES OPERATE THE CABLE SYSTEM SO AS NOT TO INTERFERE WITH EXISTING RECEPTION AND SHALL PREVENT RADIATION FROM GRANTEE'S CABLES TO THE ANTENNAS IN THE CITY OF NITRO, WEST VIRGINIA.

THE GRANTEE SHALL FURNISH THE CITY MAPS OR PRINTS SHOWING THE POLE LINE SYSTEM IN SUFFICIENT DETAIL TO ASSURE THE CITY OF BEING CURRENTLY ADVISED AS TO THE LOCATION OF THE CABLES OF THE SYSTEM. IT SHALL BE THE RESPONSIBILITY OF THE GRANTEE TO KEEP THE CITY ADVISED OF ANY AND ALL CHANGES AND ADDITIONS AND REMOVALS IN THE SYSTEM EXCEPT FOR THE INDIVIDUAL SUBSCRIBER CONNECTION WIRES.

THE GRANTEE SHALL ALSO BE REQUIRED TO MAKE AVAILABLE ON ITS SYSTEM ONE CHANNEL FOR THE RELAYING TO ITS SUBSCRIBERS OF LOCALLY ORIGINATED TELEVISION PROGRAMS, SUCH AS BUT NOT LIMITED TO EDUCATIONAL TELEVISION, PUBLIC MEETINGS AND FORUMS, SPORTS EVENTS AND OTHER PUBLIC INTEREST PROGRAMS. PROVIDED, HOWEVER, THAT THE DISTRIBUTION BY THE GRANTEE OF SUCH PROGRAM(S) DOES NOT VIOLATE ANY LAW(S), REGULATION(S) OR POLICY(S) OF THE STATE OF WEST VIRGINIA OR THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND PROVIDED THE GRANTEE'S POLE CONTRACT AGREEMENTS WITH THE UTILITY COMPANIES OR OTHERS DOES NOT DENY THE GRANTEE THE RIGHT TO RELAY SUCH PROGRAMS

ON GRANTEE'S SYSTEM. HOWEVER, THE RELAYING TO GRANTEE'S RECEPTION CITE OF THE SIGNALS OF THOSE PROGRAMS SHALL NOT BE THE RESPONSIBILITY OF THE GRANTEE.

SECTION IX

GRANTEE, FOR THE RIGHT AND PRIVILEGE OF THIS FRANCHISE SHALL PAY TO THE SAID CITY OF NITRO AN INITIAL FEE OF FIVE HUNDRED DOLLARS (\$500.00), PAYABLE ON THE EFFECTIVE DATE OF THIS ORDINANCE. THE "GRANTEE'S" FURTHER AGREE TO PAY UNTO THE CITY OF NITRO, ONE YEAR (1) NEXT FOLLOWING THE EFFECTIVE DATE OF THIS ORDINANCE AND EACH YEAR THEREAFTER A SUM TO BE COMPUTED AS FOLLOWS: A BASE FEE OF FIVE HUNDRED DOLLARS (\$500.00), PLUS ONE DOLLAR (\$1.00), FOR EACH SUBSCRIBER OVER AND ABOVE FIVE HUNDRED (500) SUBSCRIBERS.

SECTION X

THE NUMBER OF SUBSCRIBERS AS SET OUT IN FORMULA NEXT ABOVE IS TO BE COMPUTED AS FOLLOWS: A SUBSCRIBER WHO FACILATES THE USE OF THIS SERVICE OF THE "GRANTEE" AT ANYTIME DURING THE YEAR BEGINNING WITH THE EFFECTIVE DATE OR ANY ANNIVERSARY DATE THEREOF AND ENDING WITH THE NEXT FOLLOWING ANNIVERSARY DATE SHALL BE INCLUDED IN THE GROSS TOTAL OF THE SUBSCRIBERS AS SET OUT IN SAID FORMULA NEXT ABOVE WRITTEN.

SECTION XI

THE "GRANTEE" RESERVES THE RIGHT TO RECIND THIS AGREEMENT AND TO BE HELD HARMLESS UNDER ITS PROVISIONS UPON A CONTINGENCY FOR THE REASON OR REASON(S) THAT THE FURTHER OPERATION OF ITS FACILITIES IS PROHIBITED BY THE ACTS OR OCCURENCES OUTSIDE THE CONTROL OF THE GRANTEE'S.

SECTION XII

THIS ORDINANCE, WHEN PASSED BY THE COUNCIL OF NITRO, WEST VIRGINIA, AND ACCEPTED BY THE KANAWHA CABLE TELEVISION COMPANY, SHALL, UPON SUCH PASSAGE AND ACCEPTANCE, BE AND BECOME A VALID AND BINDING CONTRACT UPON THE CITY AND THE GRANTEE.

WITHIN 60 DAYS AFTER THE PASSAGE OF THIS ORDINANCE THE GRANTEE SHALL PAY TO THE CITY OF NITRO, WEST VIRGINIA, THE EXPENSES INCURRED BY SAID CITY IN THE PREPARATION OF THIS ORDINANCE. GRANTEE SHALL PAY ANY AND ALL COST OF REQUIRED POSTING, PRINTING AND PUBLISHING OF THIS ORDINANCE.

SECTION XIII

DURING THE LIFE OF THIS ORDINANCE, THE GRANTEE SHALL NOT ENGAGE IN THE BUSINESS OF SERVICING, SELLING, LEASING, OR RENTING TELEVISION SETS, IN THE CITY OF NITRO, WEST VIRGINIA.

Mayor

City Clerk


Councilman Griffith informed that he had had a request for traffic light to be located on First Avenue, Rt. 25 at 21st Street. Mayor Alexander explained that the City had requested permission from the State Road Commission time and again, also a request for light at Plant entrance north of 41st Street, 19th Street West (Plant Road) and a blinker light on First Ave. at 20th Street and explained further that all requests had been denied by the Road Commission. The Council decided to again make the request for all lights of the State Road Commission.

The Mayor and Council discussed the paving of 19th Street west (Plant Road). The Mayor explained that the State Road had agreed to maintain the road after completion. Thereupon Councilman Hoke, seconded by Councilman Hamilton, moved the Mayor be granted permission to make any agreement with Monsanto Company to pay paving on property, the proposed area to be purchased by the City, said cost to be added to purchase price. Motion carried.

There being no further business , a motion for adjournment by Councilman Hoke carried.



Mayor



City Recorder

December 1, 1964

The City Council met in regular session Tuesday, December 1, 1964.

There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Keith H. Estep, B. E. Gewin, Thomas R. Griffith, Mrs. E. Robert Hamilton and L. I. Hoke, M. D., members of the Council. Councilman Earl W. Dye being absent.

Mayor Alexander called the meeting to order.

Councilman Gewin moved, seconded by Councilman Hamilton, the minutes for meeting held November 17, 1964, be approved. Motion carried.

The Recorder presented to the Council Publisher's affidavit on the publication of proposed ordinance No. 97, entitled

AN ORDINANCE TO AMEND AND RE-ENACT ORDINANCE NO. 97, OF THE CITY OF NITRO ESTABLISHING A MUNICIPAL SERVICE FOR THE COLLECTION AND DISPOSAL OF ALL GARBAGE, RUBBISH AND OTHER REFUSE ACCUMULATED IN THE CITY; PROVIDING FOR A DIRECTOR OF THE REFUSE COLLECTION SERVICE; PRESCRIBING REGULATIONS FOR THE STORAGE AND COLLECTION OF GARBAGE AND OTHER REFUSE; PROVIDING FOR THE MAINTENANCE OF SANITARY CONDITIONS OF PUBLIC AND PRIVATE PREMISES IN THE CITY; PROVIDING FOR THE COLLECTION OF ALL GARBAGE, RUBBISH AND OTHER REFUSE BY THE CITY OF NITRO, FROM PRIVATE AND PUBLIC PREMISES IN THE CITY OF NITRO AND PRESCRIBING THE TERMS THEREOF, AND PRESCRIBING PENALTIES FOR VIOLATION OF CERTAIN PROVISIONS OF THIS ORDINANCE.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NITRO, THAT ORDINANCE NO. 97, BE AMENDED AND RE-ENACTED TO READ AS FOLLOWS:

1. Short Title: This ordinance shall be known and may be cited as the "Municipal Refuse Collection Service of the City of Nitro".

2. Definitiona: For the purpose of this Ordinance the following terms, phrases, words and their derivations shall have the meaning given herein.

(a) "Garbage" is putrescible animal and vegetable wastes from the handling, preparation, cooking and consumption of food.

(b) "Rubbish" is nonputrescible solid wastes (excluding ashes), consisting of both combustible and non-combustable wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.

(c) "Refuse" is all putrescible and nonputrescible solid wastes (except body wastes) including garbage, rubbish, ashes, street cleaning, dead animals, abandoned automobiles, and solid market and industrial wastes.

(d) "City" is the City of Nitro.

(e) "Director" is the Director of the Municipal Refuse Collection Service of the City of Nitro and as such shall have authority to administer the service and to prescribe reasonable rules and regulations under the provisions hereof.

(f) "Superintendent" is the person who shall be in charge and responsible to the Director for the proper operation of the Municipal Refuse Collection Service and collection of fees.

3. Collection: All refuse accumulated in the City shall be collected, conveyed and disposed of by the City of Nitro, and subject to all the provisions hereof and all reasonable rules and regulations at any time adopted by the Director or by Council. No person other than the City of Nitro, shall collect or convey over any of the streets or alleys of the City, or dispose of, any refuse accumulated in the

City, except that the actual producers of refuse, or the owners of premises upon which refuse has accumulated, may personally collect, convey and dispose of such refuse providing such producers or owners comply with the provisions of this ordinance and other governing laws.

4. Precollection Practices:

(A) All garbage shall be placed and stored in closed containers, and shall have drained from it all free liquids and wrapped in paper. All rubbish shall be drained of liquid before being deposited for collection. All cans and bottles which have contained food shall be cleaned and washed before being deposited for collection.

(b) Duty to Provide and Maintain Refuse Containers:

Refuse containers shall be provided by the owner, tenant, lessee or occupant of the premises. Refuse containers shall be maintained in good condition. The Director shall have the authority to refuse collection services for failure to comply herewith.

(c) Garbage containers shall be made of metal, equipped with suitable handles and tight fitting covers, and shall be water tight.

(d) No person shall place any refuse in any street, alley, or other public place, or upon any private property whether owned by such person or not, within the City except it be in proper containers for collection or under express approval granted by the Director. Nor shall any person throw or deposit any refuse in any stream or other body of water.

(e) Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within thirty days after the effective date of this Ordinance shall be deemed a violation of this Ordinance.

(f) No person shall case, place, sweep or deposit any where within the City any refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place, or into any occupied premises within the City.

(g) No person shall suffer or permit any garbage to accumulate and remain on the premises in containers, or otherwise, longer than a period of one week in any event.

5. Collection Practices:

(a) Refuse accumulated by residences shall be collected at least twice each week, unless less frequent collection be approved by the Director because of weather conditions or other emergency conditions.

(b) Commercial establishments may enter into an agreement for a greater frequency of collection. Where deemed necessary to protect the public health, the Director shall have the authority to require that more frequent collections be made.

6. The Director shall have the authority to promulgate reasonable rules and regulations in connection with the collection and disposal of refuse accumulated in the City. The Director shall be the Mayor or some person designated by him for the performance of such service.

7. The Director shall designate and appoint a superintendent who shall have the responsibility for the proper operation of this Ordinance including the collection of accounts from customers. The Superintendent shall execute a bond in the penal sum of \$3,500.00 conditioned for the faithful performance of the obligations imposed by the terms of this ordinance.

The Superintendent shall be directly responsible to the Director, and receive a salary approved by Council.

8. The City shall have the exclusive right to collect garbage within the corporate limits of the City of Nitro. The Director shall collect a service charge for such services from each owner, tenant or occupant of any premises, both residential and commercial.

9. Street Cleaning: The Director shall be in charge of all street cleaning of the public streets, sidewalks, alleys and ways, within the City of Nitro, and the Superintendent so designated by him shall see that such street cleaning is performed at regular intervals, and appropriate equipment shall be furnished him to clean said public streets, sidewalks, alleys and ways.

10. Rates:

(a). For the aforesaid services, the Director shall collect a service charge for such services from each owner, tenant or occupant of any premises, both residential and commercial, located within the City of Nitro.

(b). Such service charge for each owner, tenant or occupant of residential premises shall be the sum of Three Dollars, (\$3.00) per month, due and payable on the last day of each calendar month, for which the service is rendered.

(c). Such service charge for each owner, tenant or occupant of commercial premises shall be a minimum service charge of Three Dollars, (\$3.00) per month, due and payable on the last day of each calendar month, for which the service is rendered. An additional service charge may be made by the Director for excess garbage, rubbish and refuse, depending on the volume, which increased rate shall be fixed and agreed upon by the director and commercial user.

(d). Such service charges for both residential and commercial shall be paid at the Office in the City Building of said City of Nitro, provided for the collection of such service charges.

11. DELINQUENT ACCOUNTS: All accounts shall be considered delinquent if not paid by the last day of each month for which the service is rendered. All delinquent accounts are subject to stoppage of service without notice. The Director shall cease all refuse collections for the delinquent accounts.

12. PENALTY: Any person, firm or corporation who shall violate any of the provisions hereof shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed One Hundred Dollars (\$100.00).

13. Each provision of this article shall be separabel and if any part thereof shall be adjudged invalid by a court of competent jurisdiction, the remaining and valid portion of this ordinance shall remain in full force and effect.

14. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

15. This ordinance shall take effect as of the 1st day of January, 1965.

W. W. Alexander - Mayor

Grace Lewis, Recorder

STATE OF WEST VIRGINIA

COUNTIES OF KANAWHA AND PUTNAM, TO-WIT:

I, Grace Lewis, the duly elected qualified and acting City

Printer's Fee \$

AFFIDAVIT OF PUBLICATION

State of West Virginia,

County of Kanawha, to-wit:

I, Garnet Huffman, ~~owner~~ of Kanawha Valley Leader, a Weekly Newspaper of general circulation, published in the City of Nitro, Kanawha County, West Virginia, do solemnly swear that the annexed

was duly published in said paper once a week for 2 successive weeks, commencing with the issue of the 20 day of November, 19 64 and ending with the issue of the 27th. day of November, 19 64 and was posted at the Court House of Kanawha County on , 19

Garnet Huffman
Kanawha Valley Leader.

Subscribed and sworn to before me this 30 day of Nov, 19 64

James J. Jaffer
Notary Public for Kanawha County, West Virginia.

(My commission expires 8/23/72.)

LEGAL NOTICE

AN ORDINANCE TO AMEND AND RE-ENACT ORDINANCE NO. 97, OF THE CITY OF NITRO ESTABLISHING A MUNICIPAL SERVICE FOR THE COLLECTION AND DISPOSAL OF ALL GARBAGE, RUBBISH AND OTHER REFUSE ACCUMULATED IN THE CITY; PROVIDING FOR A DIRECTOR OF THE REFUSE COLLECTION SERVICE; PRESCRIBING REGULATIONS FOR THE STORAGE AND COLLECTION OF GARBAGE AND OTHER REFUSE; PROVIDING FOR THE MAINTENANCE OF SANITARY CONDITIONS ON PUBLIC AND PRIVATE PREMISES IN THE CITY; PROVIDING FOR THE COLLECTION OF ALL GARBAGE, RUBBISH AND OTHER REFUSE BY THE CITY OF NITRO FROM PRIVATE AND PUBLIC PREMISES IN THE CITY OF NITRO AND PRESCRIBING THE TERMS THEREOF, AND PRESCRIBING PENALTIES FOR VIOLATION OF CERTAIN PROVISIONS OF THIS ORDINANCE.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NITRO: THAT ORDINANCE NO. 97, BE AMENDED AND RE-ENACTED TO READ AS FOLLOWS:

Section 1. Collection Service Ordinance of the City of Nitro.

2. Definitions: For the purpose of this Ordinance the following terms, phrases, words and their derivations shall have the meaning given herein.

(a) "Garbage" is putrescible animal and vegetable wastes from the handling, preparation, cooking and consumption of food.

(b) "Rubbish" is nonputrescible solid wastes (excluding ashes), consisting of both combustible and non-combustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.

(c) "Refuse" is all putrescible and nonputrescible solid wastes (except body wastes) including garbage, rubbish, ashes, street cleaning, dead animals, abandoned automobiles, and solid market and solid market and industrial wastes.

(d) "City" is the City of Nitro.

(e) "Director" is the Director of the Municipal Refuse Collection Service of the City of Nitro and as such shall have authority to administer the ordinance and to prescribe

to be in charge of the operation of the Refuse Collection Service and collection of fees.

3. Collection: All refuse accumulated in the City shall be collected, conveyed and disposed of by the City of Nitro, and subject to all the provisions hereof and all reasonable rules and regulations at any time adopted by the Director or by Council. No person other than the City of Nitro, shall collect or convey over any of the streets or alleys of the City, or dispose of, any refuse accumulated in the City, except that the actual producers of refuse, or the owners of premises upon which refuse has accumulated, may personally collect, convey and dispose of such refuse providing such producers or owners comply with the provisions of this ordinance and other governing laws.

4. Precollection Practices:

(a) All garbage shall be placed and stored in closed containers, and shall have drained from it all free liquids and wrapped in paper. All rubbish shall be drained of liquid before being deposited for collection. All cans and bottles which have contained food shall be cleaned and washed before being deposited for collection.

5. Refuse Containers: Refuse

containers shall be maintained in good condition. The Director shall have the authority to refuse collection services for failure to comply herewith.

(c) Garbage containers shall be made of metal, equipped with suitable handles and tight fitting covers, and shall be well kept.

(d) No person shall place any refuse in any street, alley, or other public place, or upon any private property whether owned by such person or not, with the exception it be proper containers for collection or under express approval granted by the Director. Nor shall any person throw or deposit any refuse in any stream or other body of water.

(e) Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within thirty days after the effective date of this Ordinance shall be deemed a violation of this Ordinance.

(f) No person shall cause, place, sweep or deposit any refuse within the City in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place, or into any occupied premises within the City.

(g) No person shall suffer or permit any garbage to accumulate and remain on the premises in containers or other ways longer than a period of one week in any event.

5. Collection Practices:

(a) Refuse accumulated by residences shall be collected at least twice each week, unless less frequent collection be approved by the Director because of weather conditions or other emergency conditions.

(b) Commercial establishments may enter into an agreement for a greater frequency of collection. Where deemed necessary to protect the public health, the Director shall have the authority to require that more frequent collections be made.

6. The Director shall have the authority to promulgate reasonable rules and regulations in connection with the collection and disposal of refuse accumulated in the City. The Director shall be the Mayor or some person designated by him for performance of such service.

7. The Director shall designate and appoint a superintendent who shall have the responsibility for the proper operation of this Ordinance including collection of accounts from customers. The Superintendent shall execute a bond in penal sum of \$3,500.00 conditioned for the faithful performance of the obligations imposed by the terms of this ordinance.

The Superintendent shall be directly responsible to the Director, and receive a salary approved by the City Council.

8. The City shall have the exclusive right to collect garbage within the corporate limits of the City. The Di-

rector shall have the authority to suspend service on any day of each month in which the service is rendered. All delinquent accounts are subject to stoppage of service without notice. The Director shall cease all refuse collections for the delinquent accounts.

12. PENALTY: Any person, firm or corporation who shall violate any of the provisions hereof shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed One Hundred Dollars (\$100.00).

13. If any part of this article shall be held to be invalid by a court of competent jurisdiction, the remaining and valid portion of this ordinance shall remain in full force and effect.

14. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

15. This ordinance shall take effect as of the 1st day of January, 1965.

W. W. ALEXANDER,

Mayor

GRACE LEWIS,

Recorder

STATE OF WEST VIRGINIA COUNTIES OF KANAWHA AND PUTNAM, TO-WIT:

I, Grace Lewis, the duly elected, qualified and acting City Recorder of the City of Nitro, in the Counties and State aforesaid, do certify that the foregoing constitutes a true, correct and complete copy of an Ordinance to be considered for passage by the Common Council of the City of Nitro, in Regular Session in the Council Chambers in the City Building of said City of Nitro, on the 1st day of December, 1964.

IN WITNESS WHEREOF, I have hereunto affixed my Official signature and seal of said City of Nitro.

Recorder of the City of Nitro, in the Counties and State aforesaid, do certify that the foregoing constitutes a true, correct and complete copy of an Ordinance to be considered for passage by the Common Council of the City of Nitro, in Regular Session in the Council Chambers in the City Building of said City of Nitro, on the 1st day of December, 1964.

IN WITNESS WHEREOF, I have hereunto affixed my Official signature and seal of said City, this 16th day of November, 1964.

City Recorder

SEAL

Councilman Hamilton moved, seconded by Councilman Estep, the publisher's affidavit be made a part of the minutes of this meeting. Motion carried.

The Mayor and Council then proceeded to discuss the said ordinance. Thereupon Councilman Estep moved, seconded by Councilman Gewin, the said ordinance be adopted and become effective January 1, 1965. Upon a vote motion carried unanimously.

The Mayor and Council entered into a discussion of building a swimming pool. The Committee has been meeting with representatives of several swimming pool Companies, getting various types of pool and costs of same. The question of securing government funds for purchase of land and construction cost was discussed. The Council requested the Mayor to contact Paul Crabtree, Chief Liaison Officer between the State of West Virginia and Federal Government in Washington for information relative to federal funds for swimming pools. The question

of selling bonds on the cost of pool was discussed and it was pointed out that it may be possible to sell the bonds locally.

Mayor Alexander explained the latest data on the paving of West 19th Street (plant road). The State Road Commission has agreed to take over maintenance of the street, that all property owners have agreed to go along with the program of black-topping the road, with exception of General Chemical, and it is necessary for the home office to make the decision, which takes a little more time. The only cost to the City will be that portion of street adjacent to the property that the City expects to purchase through condemnation and that the cost of the paving will be considered in the purchase price of said property.

The Mayor informed Council that the State Health Department had given orders to the City of South Charleston to stop using an open dump and since Nitro was using the South Charleston dump, it will be necessary for us to find a new dumping place and it is necessary to land fill the dump. The Mayor informed Council that it may be necessary to make a decision on a dump before the first of January, however, that arrangement would only be temporary. The Mayor and Council discussed the use of property in town that could be improved by a sanitary land fill, one being the back water area between Minor and Kanawha Avenue and into Washington Avenue, the other being between Dupont and Kanawha in the 700 block. Councilman Estep and Griffith volunteered to visit residents in aforesaid areas to explain the land fill and get reactions of residents regarding the land fill.

Councilman Griffith suggested requesting the owners of the old N I C building to dress up said building. Mayor informed that the owners may take the building out completely and erect a new one.

Councilman Gewin moved, seconded by Councilman Hamilton, to dispense with the December 15th meeting of Council. Motion carried.

There being no further business to come before the Council at this time a motion by Councilman Hoke for adjournment carried.



Mayor



City Recorder

January 5, 1965

The City Council met in regular session Tuesday, January 5, 1965.

There were present: W. W. Alexander, Mayor, Dayton Brohard, Earl W. Dye, Keith H. Estep, B. E. Gewin, Thomas R. Griffith, Mrs. E. Robert Hamilton and L. I. Hoke, M. D. members of the Council. Grace Lewis, Recorder being absent.

Mayor Alexander called the meeting to order.

Copies of financial statement for month of November, 1964 were presented and thereupon Councilman Dye moved, seconded by Councilman Griffith, the financial statement be accepted. Motion carried.

A petition was presented to council, signed by all members of the Nitro Firemen and Policemen requesting the city take whatever steps necessary to get new laws introduced or to amend the present law that would permit the members of said departments to withdraw from the State Employees Pension Plan and to refund what premiums said members have paid into said pension plan.

An application from Reeves Broadcasting Corporation for franchise to install, construct, operate and maintain a closed -circuit community television system in the City of Nitro. The request was discussed and tabled.

A petition was presented, signed by residents of Minor Avenue, requesting adequate street lighting for their area. The matter was referred to the street lighting committee for study and consideration.

Report of the Nitro Firemen's Pension or Relief Fund for the year 1964 was presented to the Council. Also presented was estimated expenses for the Nitro Firemen's Pension or Relief Fund.

Thereupon Councilman Hoke moved, seconded by Councilman Estep, the above reports be approved. Upon a vote motion carried.

Councilman Hamilton reported that she was receiving complaints of railroad crossing at Big Star Market not being open for traffic. Mayor explained that he had talked with Mr. Kay, attorney for the Railroad Company regarding this matter and that Mr. Kay had promised to check into this matter.

Councilman Gewin reported that lane markings were needed on Route Number 25 at intersection with St. Albans - Nitro bridge.

The City's request of State Road Commission for traffic lights on West Virginia Route 25 was discussed. The Mayor informed that he did not have an answer to said request and that he would call Mr. Sawyers the Commissioner regarding said matter.

Councilman Brohard reported holes in 40th Street, just off First Avenue.

Councilman Hoke reported "Do not enter sign" on Second Avenue and 23rd Street had been moved. Mayor will have sign replaced. Mayor Alexander asked Council's opinion on requesting state to widen 40th Street from sidewalk to sidewalk from 1st Avenue to the 40th Street bridge.

Thereupon Councilman Brohard moved, seconded by Councilman Dye, that the request be made of the State Road Commission. Upon a vote motion carried.

Councilman Hamilton reported that she had numerous complaints from residents that ~~empty~~ school buses using Main and Broadway avenues.

Councilman Brohard reported he had had complaints of the berm along 1st Avenue (Route No. 25) being in such bad shape and that people waiting on buses had to stand in mud.

Councilman Griffith requested that the unpaved portion of Third Avenue be given some repair.

There being no further business to come before the council at this time a motion for adjournment by Councilman Hoke carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

January 19, 1965

The City Council met in regular session Tuesday, January 19, 1965.

There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Earl W. Dye, Keith H. Estep, Thomas R. Griffith, Mrs. E. Robert Hamilton members of the Council. Councilmen Gewin and Hoke being absent.

Mayor Alexander called the meeting to order.

Councilman Dye moved, seconded to dispense with reading of minutes of January 5th. Motion seconded by Councilman Estep. Motion carried.

Councilman Hamilton moved, seconded by Councilman Dye, the financial statement for the month of December, 1964 be accepted. Motion carried.

Mr. Stanley Wyatt, Consultant of National Pool Equipment Company, appeared before the council, at the request of the Swimming Pool Committee, and explained in detail the structure and construction of a swimming pool as he had previously presented the committee. Mr. Wyatt explained that his company proposed to use local labor and their trained Supervisor, that the company asked for bids on all materials used in construction of the pool, the company does the designing and engineering of the pool. That their manager is trained by the company. Mr Wyatt also presented and explained a cross-section of the pool. The Mayor and members of council asked a number of questions of Mr. Wyatt.

Thereupon Councilman Dye moved, seconded by Councilman Estep, the swimming Pool Committee recommended that the city send a letter to the National Pool Company asking them to proceed with preliminary plans and specifications of prestressed pool package to be submitted for council's consideration. Upon a vote motion carried.

Thereupon Councilman Hamilton moved, seconded by Councilman Dye, that the Mayor and Recorder be authorized to make necessary arrangements for city to finance the entire project - purchase of land and construction of pool. Upon a vote motion carried.

Councilman Dye reported on a meeting of the Police Department Committee for the purpose of formulating a set of rules and regulations for the police department.

Councilman Dye submitted a letter and requested that said letter be made a part of the minutes of this meeting.

Police Department Committee

Jan. 7, 1965

Committee Memberd Present:
Earl W. Dye
B. E. Gewin
Keith H. Estep

Police Department Present:
Capt. C. A. Palmer
Sgt. Jack Johnston
Pat. Dana Johnston
Pat. Bernie Linville
Pat. Dick Cook

The meeting was opened by a request by the Chairman for the officers present to repeat for the benefit of the committee any requests for items of equipment that were needed for the department. The following items were requested: FILE CABINETS, FIRST AID KITS, FIRE EXTINGUISHERS, RIOT GUN, TEAR GAS GUNS, AND FLARES. The members also requested a POLORIOD CAMERA and were informed by Capt. Palmer that the department has a camera and it would be made available to all members of the department. They also requested a typewriter.

It was brought out by a member of the department that the cost of shells for target practice was prohibitive and would like to check on the probability of securing a RELOADING KIT for the department.

They also requested that we consider as needed equipment for future Cruiser Cars, FOG LIGHTS, BUCKET SEATS, POWER STEERING AND AUTOMATIC TRANSMISSION.

The possibility of a clothing allowance for each member of the department was also discussed. The members of the department also asked about the possibility of a GROUP INSURANCE PLAN. It was pointed out to them that in order to do this we would have to be in a position to offer the same plan to every department of the city.

Members of the department protested the new work schedule based on a forty hour week. They were informed that the department has always been set up on a forty hour week and that the schedule was the responsibility of the Chief of Police. It was asked of there would be objections to their having other jobs on their off hours? They were also told that this would be up to the Chief of Police.

The RADIO PROCEDURE was discussed and it was the feeling that some changes were desireable.

The members of the Police Department were of the opinion that we should have monthly meetings and the next meeting was set for Feb. 11, 1965.

The Committee had formulated a set of rules and regulations along with the Commanding Officer to govern the Nitro Police Department and feels that this is a nexessary thing to have a smooth and efficient operation of the department. These rules and regulations are based on those in effect in many other Police Departments including the West Virginia State Police.

Sincerely yours,
Police Department Committee
Earl W. Dye
Borden E. Gewin
Keith H. Estep
W. W. Alexander

Thereupon Councilman Dye submitted a set of rules and regulations for the Police Department, stating that these were standard rules as used by all police departments.

Thereupon after due consideration by the council, Councilman Griffith moved, seconded by Councilman Brohard, the foregoing rules and regulations be adopted. Upon a vote motion carried and was so ordered.

Councilman Dye moved, seconded by Councilman Hamilton, the police department be permitted to have soft drink vending machines installed in the city hall and the proceeds to go into the police clothing fund. Upon a vote motion carried.

The Mayor and council discussed the land fill in the 100 block of Main Avenue extending to the river. Councilman Brohard informed that he had met with some opposition to the land fill and the Mayor presented a copy of protest signed by Mr. & Mrs. A. L. Jordan of Smith Street, sent to the West Virginia Department of Health, Sanitary Engineering Division. It was the opinion of council that a meeting should be held with all property owners concerned with land fill area in an effort to educate the residents to the fact that a landfill had to meet the State Health requirements. The meeting will be held as soon as possible.

Councilman Hamilton introduced petitions signed by 409 legal qualified voters of the city requesting the annexation of A part of Sattes, Riverdell Acres and Kinder Lane area into the city limits.

Thereupon Councilman Brohard moved, seconded by Councilman Dye, that said petitions be accepted and that the Mayor and Attorney be authorized to proceed with necessary steps for annexing the proposed x area. Motion carried.

Mayor Alexander presented an ordinance granting the Kanawha Cable Television Company a franchise to erect and operate a system of distributing and relaying signals in Nitro, explaining that in granting the previous franchise with the said Kanawha Cable Television Company which the city was paid Five Hundred Dollars (\$500.00) for said

franchise, that the company officials had an agreement with him that if it was necessary to pay a larger amount for franchise to a neighboring town that they would come back and renegotiate with Nitro and bring their agreement up to a standard according to population.

Thereupon Councilman Dye moved, seconded by Councilman Hamilton, the following ordinance be adopted. Upon a vote motion carried.

ORDINANCE

AN ORDINANCE GRANTING TO KANAWHA CABLE TELEVISION COMPANY A FRANCHISE TO ERECT AND OPERATE A SYSTEM OF DISTRIBUTING AND RELAYING SIGNALS BY MEANS OF WIRE CABLE, OR OTHER LIKE CONNECTIONS IN, THROUGH, UNDER, OVER AND FROM THE STREETS, ALLEYS, PUBLIC GROUNDS AND PUBLIC PLACES TO RECEIVING SETS OF SUBSCRIBERS TO ITS SERVICE IN THE CITY OF NITRO, WEST VIRGINIA.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA:

SECTION I

KANAWHA CABLE TELEVISION COMPANY, HEREINAFTER SOMETIMES TERMED THE "GRANTEE" IS HEREBY GRANTED FOR A PERIOD OF TWENTY-FIVE YEARS (25) FROM THE DATE OF ADOPTION HEREOF, A FRANCHISE OF RIGHT TO STRING, LOCATE OR RUN COAXIAL CABLE, MESSENGER CABLE AND GUY WIRES, IN, THROUGH, UNDER, OVER, AND FROM THE STREETS, SIDEWALKS AND ALLEYS OF THE CITY OF NITRO, WEST VIRGINIA, WITHIN ITS CORPORATE LIMITS, AS THE SAME NOW EXIST OR MAY BE HEREAFTER EXTENDED OR ALTERED, TO SUPPLY TELEVISION SIGNALS TO THE CITIZENS, FIRMS AND CORPORATIONS OF SAID CITY, AND TO LEVY AN APPROPRIATE CHARGE TO RECIPIENTS FOR SAID SIGNALS.

SECTION II

WITHOUT LIMITING THE GENERALITY OF THE PROVISIONS OF SECTION I, THIS FRANCHISE OR GRANT SHALL AND HEREBY DOES INCLUDE THE RIGHT OVER, UNDER, IN, THROUGH, AND FROM THE STREETS, SIDEWALKS, ALLEYS, PUBLIC GROUNDS AND PUBLIC PLACES OF SAID CITY, TO ERECT, OPERATE, OR IN ANY WAY ACQUIRE USE OF, AS BY LEASING, LICENSING, ALL LINES AND EQUIPMENT NECESSARY TO THE SYSTEM, SUCH AS POLES OR POSTS. CONDUITS, SERVICE PIPES, WIRES, CABLES, CONNECTORS, BOOSTERS AND OTHER ELECTRICAL DEVICES, OR ANY OF THEM, AND THE RIGHT TO MAKE HOUSE AND BUILDING CONNECTIONS TO SUBSCRIBERS THROUGH, IN, UNDER, OVER, AND FROM THE STREETS, SIDEWALKS AND ALLEYS OF SAID CITY AND ALSO THE RIGHT TO REPAIR, REPLACE, ENLARGE AND EXTEND SUCH LINES EQUIPMENT AND CONNECTIONS.

SECTION III

THE SAID GRANTEE, ITS SUCCESSORS AND ASSIGNS, SHALL REPLACE ANY PUBLIC GROUNDS AND PUBLIC PLACES ON AND IN WHICH ANY WORK SHALL BE DONE UNDER THE PROVISIONS OF THIS ORDINANCE IN AS GOOD ORDER AND CONDITION AS THE SAME WERE BEFORE THE DOING OF SUCH WORK.

SECTION IV

ALL LINES, EQUIPMENT AND CONNECTIONS SHALL BE ERECTED AND OPERATED IN SUCH A MANNER AS NOT TO INTERFERE WITH TRAVEL ON THE STREETS, SIDEWALKS, ALLEYS AND PUBLIC GROUNDS OR PLACES OF SAID CITY.

SECTION V

IN THE MODE OF USE OF THE SURFACE, SUB-SURFACE, SPACE ABOVE, OR ADJOINING THE STREET, SIDEWALKS AND ALLEYS OF SAID CITY, THE GRANTEE, SHALL, AT ALL TIMES, BE SUBJECT TO AND COMPLY WITH ALL

PROPER AND LEGAL ORDINANCES, RULES AND REGULATIONS OF SAID CITY NOW EXISTING OR HEREAFTER ENACTED. POLES, POSTS AND OTHER STRUCTURES OF TELEPHONE COMPANIES, POWER COMPANIES, FOR LEASING OR LICENSING, SHALL BE USED TO THE EXTENT PRACTICABLE IN ORDER TO MINIMIZE INTERFERENCE WITH TRAVEL. BEFORE THE GRANTEE SETS POLES ON CITY PROPERTY IT SHALL FILE WITH THE CITY NOTICE OF ITS INTENTIONS, WHICH NOTICE SHALL SPECIFY THE EXACT LOCATION, HEIGHT AND DIMENSIONS OF THE POLES; SAID POLES SHALL NOT BE ERECTED THEREAFTER UNTIL SUCH SPECIFICATIONS SHALL BE APPROVED BY APPROPRIATE CITY OFFICIAL(S).

SECTION VI

THE GRANTEE SHALL AT ALL TIMES FULLY INDEMNIFY AND SAVE HARMLESS THE CITY FROM AND AGAINST ANY AND ALL LIABILITIES, DAMAGE OR LOSS RESULTING FROM OR BY REASON OF THE ERECTION OR OPERATION OF SAID SYSTEM OR RESULTING FROM OR BY REASON OF ANY NEGLECT, FAULT, OR MISCONDUCT, FAILURE ON ITS OR THEIR PART TO OBSERVE AND COMPLY WITH THE CONDITIONS AND PROVISIONS OF THIS GRANT; AND FOR THIS PURPOSE THE GRANTEE SHALL CARRY PROPERTY DAMAGE AND LIABILITY INSURANCE FROM A RESPONSIBLE INSURANCE COMPANY OR COMPANIES QUALIFIED TO DO BUSINESS IN THE STATE OF WEST VIRGINIA. THE AMOUNTS OF SUCH INSURANCE AGAINST LIABILITY DUE TO DAMAGE TO PROPERTY SHALL BE FIFTY THOUSAND DOLLARS (\$50,000.00), AS INJURY OR DEATH OR PERSONS, ONE HUNDRED THOUSAND DOLLARS (\$100,000.00), TO ANY ONE PERSON, AND THREE HUNDRED THOUSAND DOLLARS (\$300,000.00) AS TO ANY ONE ACCIDENT. THE GRANTEE SHALL ALSO CARRY WEST VIRGINIA WORKMEN'S COMPENSATION COVERAGE FOR ALL OF ITS EMPLOYEES SUBJECT TO SUCH COVERAGE. THE GRANTEE SHALL SUBMIT TO THE CITY CERTIFICATES FROM THE INSURANCE COMPANY OR

COMPANIES AND NOTICE THAT WORKMEN'S COMPENSATION COVERAGE IS IN EFFECT.

SECTION VII

MAXIMUM RATES FOR SERVICES SUBJECT TO REVISION ONLY BY THE CITY OF NITRO, WEST VIRGINIA, WITH THE CONSENT OF THE GRANTEE, SHALL BE:

- A. ATTACHMENT FEE FOR THE FIRST OUTLET THE DOLLARS (\$10.00).
- B. ATTACHMENT FEE FOR EACH ADDITIONAL OUTLET IN THE SAME FAMILY RESIDENCE FOR THE SAME IMMEDIATE FAMILY, FIVE DOLLARS (\$5.00).
 - (1) THIS FEE SHALL INCLUDE THAT MATERIAL AND LABOR NECESSARY TO MAKE NORMAL TYPE CONNECTION FROM GRANTEE'S LINES TO THE SUBSCRIBER'S RECEIVER. THE CHARGES FOR OTHER THAN NORMAL TYPE CONNECTIONS, SUCH AS BUT NOT LIMITED TO SPECIAL AND CONCEALED OUTLETS AND BURIED LINES, SHALL BE SUCH AS AGREED TO BY THE PROSPECTIVE SUBSCRIBERS AND THE GRANTEE.
- C. MONTHLY CHARGES FOR DOMESTIC SERVICE FOR THE FIRST OUTLET IN A SINGLE FAMILY RESIDENCE, FIVE DOLLARS (\$5.00), FOR EACH ADDITIONAL OUTLET IN THE SAME FAMILY RESIDENCE, FOR THE SAME IMMEDIATE FAMILY ON THE SAME PREMISES, ONE DOLLAR (\$1.00).
- D. MONTHLY CHARGES FOR OTHER THAN DOMESTIC SERVICE, SUCH AS BUT NOT LIMITED TO HOTELS, MOTELS, HOSPITALS, RESTAURANTS, AND TAVERNS, FOR THE FIRST OUTLET, TEN DOLLARS (\$10.00), FOR EACH ADDITIONAL OUTLET FOR THE SAME NON-DOMESTIC SUBSCRIBER, ON THE SAME PREMISES, ONE DOLLAR (\$1.00).
 - (1) FOR SUBSCRIBERS ENGAGED IN THE SALE AND/OR SERVICING OR RECEIVERS, CAPABLE OF UTILIZING THE GRANTEE'S SIGNALS, THE ATTACHMENT FEE AND MONTHLY SERVICE CHARGE FOR THE FIRST OUTLET SHALL BE THE SAME AS OTHER NON-DOMESTIC SERVICE. HOWEVER, ADDITIONAL OUTLETS DEEMED ADVANTAGEOUS TO THE BUSINESS OF SELLING AND/OR SERVICING THE RECEIVERS

MAY BE INSTALLED AT A RATE LOWER THAN FIVE DOLLARS (\$5.00) PER ADDITIONAL OUTLET, AND MONTHLY CHARGE OF LESS THAN ONE DOLLAR (\$1.00) PER ADDITIONAL OUTLET. THIS APPLIES ONLY TO THE SUBSCRIBERS SINGLE PLACE OF BUSINESS ON THE SAME PREMISES.

- E. ALL FEES AND CHARGES ABOVE MENTIONED ARE EXCLUSIVE OF ANY APPLICABLE FEDERAL AND STATE AND CITY TAXES EXCEPT GROSS SALES TAXES, STATE AND LOCAL PROPERTY TAXES AND SUCH OTHER TAXES AS BY LAW CANNOT BE DIRECTLY PASSED ON TO THE SUBSCRIBER.
- F. SUBSCRIBERS SHALL OPERATE ONLY ONE RECEIVER AT A TIME FROM EACH OUTLET INSTALLED BY THE GRANTEE, AND SHALL REFRAIN FROM TAMPERING WITH THE INSTALLATION IN ANY WAY. THE GRANTEE SHALL HAVE THE RIGHT TO DISCONTINUE SERVICE TO ANY SUBSCRIBER TAMPERING WITH ITS INSTALLATION OR RELATED EQUIPMENT OR ATTEMPTING IN ANY WAY TO USE THE GRANTEE'S SERVICE EXCEPT AS INTENDED BY GRANTEE. THE SUBSCRIBER VIOLATING THESE CONDITIONS SHALL NOT BE ENTITLED TO ANY REBATE OR OTHER CONSIDERATION BY GRANTEE.
- G. SUBSCRIBERS TO THE GRANTEE'S SERVICE SHALL NOT BE REQUIRED TO ASSURE THE GRANTEE THAT THEY WILL SUBSCRIBE TO THE GRANTEE'S SERVICE FOR ANY LENGTH OF TIME.
- H. THE GRANTEE ANY TIME MAY MAKE ITS CHARGES LESS THAN THE MAXIMUM RATES HEREIN SET FORTH WITHOUT BEING LIABLE TO REBATE FOR CHARGES THAT HAVE ACCRUED. HOWEVER, SHOULD THE CHARGES BE LOWERED, THEY SHALL BE UNIFORM TO SUBSCRIBERS AS A CLASS.
- I. THE GRANTEE MAY MAKE ATTACHMENTS FOR THEIR SERVICE IN ANY PART OF SAID CITY, THIS FRANCHISE NOT BEING LIMITED TO ANY PARTICULAR PART OR PARTS OF THE CITY. HOWEVER, THE GRANTEE SHALL NOT BE COMPELLED TO EXTEND ITS FACILITIES TO SERVE ANY PARTICULAR PROSPECTIVE CUSTOMER, IT BEING BELIEVED THAT THE PROSPECTIVE PROFIT WILL SUFFICIENTLY REGULATE THE GRANTEE IN THIS REGARD, HOWEVER, THE GRANTEE SHALL BE COMPELLED TO INFORM THE MAYOR OR OTHER DULY AUTHORIZED OFFICIAL(S) OF THE REASONS FOR THE GRANTEE MAKING ITS SERVICES AVAILABLE IN PARTICULAR SECTION OF THE CITY OF NITRO, WEST VIRGINIA, WHILE THE GRANTEE'S SERVICES ARE NOT AVAILABLE IN OTHER SECTIONS OF SAID CITY.

SECTION VIII

THE GRANTEE SHALL AT ALL TIMES OPERATE THE CABLE SYSTEM SO AS NOT TO INTERFERE WITH EXISTING RECEPTION AND SHALL PREVENT RADIATION FROM GRANTEE'S CABLES TO THE ANTENNAS IN THE CITY OF

NITRO, WEST VIRGINIA.

THE GRANTEE SHALL FURNISH THE CITY MAPS OR PRINTS SHOWING THE POLE LINE SYSTEM IN SUFFICIENT DETAIL TO ASSURE THE CITY OF BEING CURRENTLY ADVISED AS TO THE LOCATION OF THE CABLES OF THE SYSTEM. IT SHALL BE THE RESPONSIBILITY OF THE GRANTEE TO KEEP THE CITY ADVISED OF ANY AND ALL CHANGES AND ADDITIONS AND REMOVALS IN THE SYSTEM EXCEPT FOR THE INDIVIDUAL SUBSCRIBER CONNECTION WIRES.

THE GRANTEE SHALL ALSO BE REQUIRED TO MAKE AVAILABLE ON ITS SYSTEM ONE CHANNEL FOR THE RELAYING TO ITS SUBSCRIBERS OF LOCALLY ORIGINATED TELEVISION PROGRAMS, SUCH AS BUT NOT LIMITED TO EDUCATIONAL TELEVISION, PUBLIC MEETINGS AND FORUMS, SPORTS EVENTS AND OTHER PUBLIC INTEREST PROGRAMS. PROVIDED, HOWEVER, THAT THE DISTRIBUTION BY THE GRANTEE OF SUCH PROGRAMS DOES NOT VIOLATE ANY LAW(S), REGULATION(S) OR POLICY(S) OF THE STATE OF WEST VIRGINIA OR THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND PROVIDED THE GRANTEE'S POLE CONTRACT AGREEMENT WITH THE UTILITY COMPANIES OR OTHERS DOES NOT DENY THE GRANTEE THE RIGHT TO RELAY SUCH PROGRAMS ON GRANTEE'S SYSTEM.

SECTION IX

GRANTEE FOR THE RIGHT AND PRIVILEGE OF THIS FRANCHISE SHALL PAY TO THE CITY OF NITRO, AN INITIAL FEE OF ONE THOUSAND DOLLARS (\$1000.00), PAYABLE ON THE EFFECTIVE DATE OF THIS ORDINANCE. THE "GRANTEES" FURTHER AGREE TO PAY UNTO THE CITY OF NITRO, ONE (1) YEAR NEXT FOLLOWING THE EFFECTIVE DATE OF THIS ORDINANCE AND EACH YEAR THEREAFTER A SUM EQUAL TO THE HIGHEST RESULTANT FIGURE TO BE CALCULATED FROM EITHER OF THE FOLLOWING FORMULAS: ONE THOUSAND

DOLLARS (\$1,000.00), PER YEAR; OR TWO (2) PERCENT OF GROSS INCOME RECEIVED FROM LESS THAN TWELVE HUNDRED (1,200) SUBSCRIBERS, OR THREE PER CENT OF GROSS INCOME RECEIVED FROM TWELVE HUNDRED (1,200) OR MORE SUBSCRIBERS BUT LESS THAN TWENTY-FIVE HUNDRED (2,500) SUBSCRIBERS, OR FOUR (4) PER CENT OF GROSS INCOME RECEIVED FROM TWENTY-FIVE HUNDRED (2,500) OR MORE SUBSCRIBERS BUT LESS THAN THIRTY-FIVE HUNDRED (3,500) SUBSCRIBERS, OR FIVE (5) PER CENT OF GROSS INCOME RECEIVED FROM THIRTY-FIVE HUNDRED (3,500) OR MORE SUBSCRIBERS; OR ONE (1) DOLLAR (\$1.00) PER SUBSCRIBER PER YEAR.

SECTION X

THE NUMBER OF SUBSCRIBERS AS SET OUT IN FORMULA NEXT ABOVE IS TO BE COMPUTED AS FOLLOWS: A SUBSCRIBER WHO FACILITATES THE USE OF THIS SERVICE OF THE "GRANTEE" AT ANYTIME DURING THE YEAR BEGINNING WITH THE EFFECTIVE DATE OR ANY ANNIVERSARY DATE THEREOF AND ENDING WITH THE NEXT FOLLOWING ANNIVERSARY DATE SHALL BE INCLUDED IN THE GROSS TOTAL OF THE SUBSCRIBERS AS SET OUT IN SAID FORMULA NEXT ABOVE WRITTEN.

SECTION XI

THE GRANTEE RESERVES THE RIGHT TO RECIND THIS AGREEMENT AND TO BE HELD HARMLESS UNDER ITS PROVISIONS UPON A CONTINGENCY FOR THE REASON OR REASON(S) THAT THE FURTHER OPERATION OF ITS FACILITIES IS PROHIBITED BY THE ACTS OR OCCURENCES OUTSIDE THE CONTROL OF THE GRANTEE'S.

SECTION XII

THE GRANTEE SHALL ALSO BE REQUIRED TO SUPPLY SERVICE TO A DESIGNATED POINT TO ALL PUBLIC, PRIVATE AND PROCHIAL SCHOOLS, FIRE STATIONS, AND POLICE STATIONS, WITHIN THE CORPORATE LIMITS OF THE CITY OF NITRO, AND SAID CITY MAY FURTHER SELECT ONE ADDITIONAL

PUBLIC FACILITY LOCATED WITHIN CORPORATE LIMITS OF NITRO TO RECEIVE SAID SERVICE. SAID SERVICE SHALL BE SUPPLIED AND MAINTAINED BY THE "GRANTEE" AT NO COST TO THE CITY OF NITRO.

SECTION XIII

THIS SYSTEM IS INTENDED TO BE USED AS A MASTER ANTENNA SYSTEM ONLY AND THAT THE TRANSMISSION AND PAID TV PROGRAMS OVER THIS SYSTEM IS PROHIBITED.

SECTION XIV

CITY OF NITRO RESERVES AND SHALL HAVE THE RIGHT TO REQUIRE SUBSTITUTION OF UNDERGROUND SERVICE FOR OVERHEAD SERVICE, OR THE TRANSFER OF OVERHEAD SERVICE FROM THE FRONT TO THE REAR OF PROPERTY WHENEVER REASONABLE IN ALL AREAS OF THE SAID CITY. SAID CITY SHALL FURTHER RESERVE THE RIGHT TO REQUIRE THE LOCATION OF OVERHEAD SERVICE AT THE REAR OF PROPERTY OR UNDERGROUND, WHEREVER REASONABLE IN ALL NEW SERVICE INSTALLATIONS IN SAID CITY.

SECTION XV

THE SYSTEM AS HEREIN PROPOSED BY THE GRANTEE SHALL BE AN ALL CHANNEL SYSTEM. SAID SYSTEM WILL PROVIDE HIGH QUALITY BLACK AND WHITE AND COLOR TELEVISION TRANSMISSIONS. GRANTEE SHALL MAINTAIN ITS PROPERTIES, WORKS AND STRUCTURES LOCATED WITHIN THE CITY OF NITRO IN GOOD ORDER THROUGHOUT THE TERM OF THIS GRANT.

SECTION XIV

THE GRANTEE SHALL ENTER INTO A BOND IN THE SUM OF ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) WITH SURETY SATISFACTORY TO THE MAYOR, CONDITIONED TO THE EFFECT THE GRANTEE WILL COMMENCE CONSTRUCTION IN GOOD FAITH WITHIN SEVENTY-FIVE (75) DAYS FROM THE EFFECTIVE DATE OF THE FRANCHISE AND SHALL COMPLETE THE TRUNK LINE IN A SUBSTAN-

TIAL PART OF THE CITY WITHIN SEVEN (7) MONTHS, PROVIDED HOWEVER, GRANTEE HAS OBTAINED THE WRITTEN CONSENT OF THE PUBLIC UTILITIE(S) TO ATTACH COAXIAL CABLE TO THEIR EXISTING UTILITY POLES.

SECTION XVII

DURING THE LIFE OF THIS ORDINANCE, THE GRANTEE SHALL NOT ENGAGE IN THE BUSINESS OF SERVICING, SELLING, LEASING, OR RENTING TELEVISION SETS, IN THE CITY OF NITRO, WEST VIRGINIA.

W. W. ALEXANDER, MAYOR

GRACE LEWIS, RECORDER

The Recorder presented an application from the Cortland Video, Inc. for a franchise to construct, erect, install, maintain and retain a community antenna television cable system within the corporate limits of the city.

Thereupon Councilman Dye moved, seconded by Councilman Estep, this matter be tabled.

The Recorder presented the financial statement of the Nitro Policemens Pension or Relief Fund.

Thereupon Councilman Hamilton moved, seconded by Councilman Griffith, the financial statement be accepted. Motion carried.

The Recorder presented the proposed budget of the Nitro Policemens Pension or Relief Fund for the calendar year 1965. The proposed budget showing an allocation of \$60.00 per year for the Secretary for the years 1964 and 1965.

Thereupon Councilman Dye proposed that this matter be tabled until this session of Legislature is closed to see if any change in our pension laws have been enacted.

The Mayor presented a letter from the State Auditor's office with a copy of a determination from the Social Security Administration determining that the policemen and firemen are eligible for Social Security coverage and advising that the city complete wage adjustment reports for all quarters in which they were omitted from the city's reports.

The Mayor and council entered into a discussion on this matter. The Mayor informed that he had talked with the auditor and had been granted thirty days to file the reports.

Thereupon Councilman Dye moved, seconded by Councilman Brohard, that the policemen and firemen be reinstated on Social Security coverage. Upon a vote motion carried.

Thereupon Councilman Dye moved, seconded by Councilman Brohard, that the city collect from each policeman and fireman the amounts each owed on social security for the year 1964 and also authorized the payment of city's share of the social security. Upon a vote all voted in the affirmative except Councilman Estep, who refrained from voting. Motion declared carried.

Councilman Estep reported that he had inspected the need of an additional street light on Minor Avenue and did not recommend the installation of the street light.

Councilman Estep reported that he had attended a meeting of the Humane Association and the other three cities regarding the

the dog pound and reported that Nitro had not paid the Humane Association their portion of the upkeep of the dog pound for the last three months. It was explained by the Recorder that was an oversight on her part and asked if it was possible for the Association to send out a monthly statement.

Councilman Hamilton informed the council that she had had a report of persons blocking Armour's Creek below 41st Street. The Mayor said he would have this matter checked.

Councilman Griffith reported the Stop sign at 15th Street and Third Avenue had been removed. Mayor said he would have sign replaced.

There being no further business to come before the council at this time a motion for adjournment by Councilman Dye carried and was so ordered.



W. W. Alexander, Mayor



Grace Lewis, Recorder

February 2, 1965

The City Council met in regular session Tuesday, February 2, 1965.

There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Earl W. Dye, Keith H. Estep, B. E. Gewin, Thomas R. Griffith, Mrs. E. Robert Hamilton and L. I. Hoke, M. D. members of the Council.

Mayor Alexander called the meeting to order.

Councilman Dye moved, seconded by Councilman Gewin, the minutes of meeting held January 19th be approved. Motion carried.

Mr. Wyatt, representative of National Pool Company, was present and presented preliminary drawings of the proposed swimming pool for Nitro. Mr. Wyatt explained the plans in detail and the Mayor and members of council entered into discussion of various phases of the pool.

Thereupon Councilman Dye, moved, seconded by Councilman Hamilton, the National Pool Company be advised to proceed with the final plans and specifications for the proposed pool for Nitro.. Upon a vote motion carried.

Mayor Alexander presented to the council a petition signed by property owners and residents of four, five, six, seven, eight and nine hundred blocks of Washington, Dupont and Kanawha Avenues, petitioning the city council to use the area of swamped land, lying between Dupont Avenue and Kanawha river as a sanitary land fill to be operated under the specifications set out by the State Health Department. It was also pointed out that the proposal had met with very little opposition. The Mayor and members of council entered

into discussion of this matter. The Mayor with the help of the city attorney will try to locate owner or owners of the swamp land and also ask the permission of the State Health Department for land filling of said area.

Thereupon Councilman Hamilton moved, the petition be accepted for consideration and that the Mayor apply to the State Health Department for permission to land fill the proposed area. Motion seconded by Councilman Dye. Upon a vote motion carried.

Councilman Griffith asked about getting railroad crossing near the Big Star Market opened to traffic. The Mayor informed he would talk to Mr Kay, Attorney for the New York Central Railroad Company.

In regard to the matter of payment of the Social Security on 1964 wages of the members of the Police and Fire Departments, Mayor Alexander informed council that he had discussed with Mr. Gainer, State Auditor, regarding an extension of time of the payment and that Mr. Gainer had advised that an extension was impossible without interest being added. Mr. Gainer had advised that the city advance the employee's share of the payment, if city was financially able to do so, and then collect the respective amounts from the monthly wages of the employees. The Mayor then informed council that he had talked to Mr. Fairfax Brown in the State Tax Commissioner's office regarding this proposed plan and that Mr. Brown had consented to the plan, however, collection of advanced funds would have to be deducted from wages during the current fiscal year.

The Mayor submitted the following resolution:

INTRODUCED IN COUNCIL
FEBRUARY 2, 1965

ADOPTED BY COUNCIL
February 2, 1965

RESOLUTION PASSED BY THE COMMON COUNCIL OF THE CITY OF NITRO, AUTHORIZING SAID CITY OF NITRO TO PAY THEIR SHARE OF THE SOCIAL SECURITY CONTRIBUTIONS ON ITS FIREMEN AND POLICEMEN FOR THE CALENDAR YEAR 1964, AND FURTHER AUTHORIZING SAID CITY OF NITRO, TO PAY THE SOCIAL SECURITY CONTRIBUTIONS REQUIRED TO BE PAID BY THE FIREMEN AND POLICEMEN OUT OF THE GENERAL FUND, FOR SUCH MEMBERS OF THE FIREMEN AND POLICEMEN WHO HAVE NOT PAID SUCH CONTRIBUTIONS AND PROVIDING FOR THE RE-PAYMENT OF ANY CONTRIBUTIONS SO MADE BY THE CITY OF NITRO FOR SUCH FIREMEN AND POLICEMEN.

WHEREAS, pursuant to a directive dated December 17, 1963, by M. D. Dewberry, Social Security Regional Representative, directed to Denzil L. Gainer, State Auditor, wherein said directive stated that the Firemen and Policemen of the City of Nitro, were not to be included in the coverage for Social Security with the other employees of said City, the City of Nitro, did not withhold Social Security on its Firemen and Policemen for the Calendar year 1964, and did not submit its share of such withholding of Social Security, of said employees, and,

WHEREAS, by directive dated December 11, 1964, issued by Bernard V. McCusty, Regional Attorney for Social Security Administration, the City of Nitro was instructed that said Firemen and Policemen should have been covered for the calendar year 1964, and that adjustments must be made by the City of Nitro and Firemen and Policemen to pay into said Fund their share of the contributions for the calendar year 1964.

Now, therefore be it Resolved: That the City Recorder and Treasurer, do forthwith pay into the Social Security Fund the matching funds required to be paid by the City of Nitro, on its Firemen and Policemen for the calendar year 1964, and do further pay into said Fund such sums required to be paid by the Firemen and Policemen for their share for the calendar year 1964, who have not already paid his share of such contributions.

Be it further Resolved, that the City Recorder and Treasurer, withhold from the salary of such Firemen and Policemen who have not paid such contributions, a sum sufficient to cover his share of the contributions to the Social Security Fund for the calendar year 1964, beginning with the next pay period and extending over the succeeding five (5) month period in equal installments, for such Firemen and Policemen who have authorized in writing such deductions.

Be it further Resolved, that the City Recorder and Treasurer, or Mayor of the City of Nitro, be authorized to take such legal action or steps necessary to collect from such Firemen and Policemen their Social Security Contributions for the calendar year of 1964, who have not paid such contributions and have not authorized said City Recorder and Treasurer to make such deductions from their salary as hereinbefore provided.

Dated this the 2nd day of February, 1965.

CITY RECORDER

MAYOR

Thereupon Councilman Gewin moved, seconded by Councilman Estep, the foregoing resolution be adopted. Upon a vote motion carried and was so ordered.

Councilman Dye moved, seconded by Councilman Hoke, the following be made a part of the minutes of this meeting. Upon a vote motion carried.

TO: CITY RECORDER AND TREASURER:

Pursuant to Memorandum dated December 11, 1964, issued by Bernard V. McCustym Regional Attorney for Social Security administration, which ruled that the Firemen and Policemen of the City of Nitro, should have been included along with other city employees under Social Security for the calendar year 1964, and pursuant to the Directive from Denzil L. Gainer, State Auditor, demanding that adjustments be made by both the City of Nitro, and the Firemen and Policemen of said City, for the year 1964, we, the undersigned, Firemen and Policemen, of said City of Nitro, do hereby request and authorize Grace Lewis, City Recorder and Treasurer to make such deductions from his salary over the succeeding five (5) month period, in equal installments, a sum sufficient to cover his share of the contributions to the Social Security Fund for the calendar year of 1964, beginning with the next pay period.

Given under our hands this 2nd day of February, 1965.

SS: C. M. McDaniel

SS: Dana F. Johnston

SS: Denver R. Rawlings

SS: Richard K. Cook

SS: Clyde C. Harris

SS: Jack E. Johnston

SS: K. K. King

SS: Bernard T. Linville

(C. A. Palmer, W. C. Post, Ernest W. Hedrick and James L. Raynes paid respective contributions in full.)

In a discussion of the Police and Firemen's pension, Mayor Alexander informed that a local bill would be introduced in Legislature to permit Nitro Police and Firemen to withdraw from the State pension plan.

Mayor Alexander introduced the following resolution:

INTRODUCED IN COUNCIL
February 2, 1965

ADOPTED BY COUNCIL
February 2, 1965

A RESOLUTION ADOPTED BY THE COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA, REQUESTING THE COUNTY COURT OF KANAWHA COUNTY, WEST VIRGINIA, TO TAKE NECESSARY ACTION TO OBTAIN ADVANCED PLANNING GRANTS FROM THE UNITED STATES GOVERNMENT FOR THE PURPOSE OF PRELIMINARY PLANNING AND STUDY OF IMPROVING THE WATER SOURCE, FLOOD CONTROL, AIRPORT, RECREATION FACILITIES, MENTAL HEALTH AND ALCOHOLIC REHABILITATION, COURT HOUSE AND OTHER CIVIC BENEFITS IN KANAWHA COUNTY, WEST VIRGINIA.

WHEREAS, the council of the City of Nitro, West Virginia, does find that the present water supply to the City of Nitro, is unsatisfactory; that there is badly needed a flood control program for the Nitro Area; that recreation facilities are limited; that there are no adequate facilities in Kanawha County, West Virginia, to treat the mentally ill and alcoholic patients; that Kanawha Airport is inadequate to serve Kanawha County; and that the Court house of Kanawha County, West Virginia, should be replaced, as well as other needed civic benefits for the citizens of Kanawha County, and,

WHEREAS, the City of Nitro, does not have the funds to employ engineers to make such advanced preliminary study and prepare plans for such improvements, and,

WHEREAS, it appears that the Federal Government has and will in the future make certain grants for advanced preliminary planning, for the purposes enumerated herein, and that certain funds will be available through the Appalachia program and other programs, and,

WHEREAS, since other areas within the County of Kanawha have the same problems as the City of Nitro, it would appear that the County Court of Kanawha County, should be the Governmental agency, within the County to make such requests and supervise such advanced planning for its municipalities and citizens.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NITRO, That the County Court of Kanawha County, West Virginia, be requested to forthwith make application with the proper Federal Agency, to obtain Federal Funds, to be used in employing competent engineers for the purpose of preparing preliminary plans, surveys and studies of the much needed improvements in various fields within the jurisdiction of the County Court of Kanawha County, West Virginia, as follows:

1. That a study be made and plans completed for a new source of water supply for the lower Kanawha County.
2. That a study be made and plans completed for a flood control Program for all of Kanawha County.

3. That plans be made available for the improvement of Kanawha Airport to provide proper facilities.

4. That a preliminary study be made to house and treat the mentally ill and alcoholic persons in Kanawha County.

5. That preliminary plans be completed for a new Court House in Kanawha County, West Virginia.

6. That preliminary planning be made for recreational facilities in those parts of Kanawha County, where such facilities are inadequate.

Resolution adopted by the Council of City of Nitro, on this the 2nd day of February, 1965.


Mayor

Thereupon after discussion, Councilman Hoke moved, seconded by Councilman Hamilton, the foregoing Resolution be adopted by the City Council. Motion carried and was so ordered.

The Mayor and council discussed the purchase of a new fire truck and a new garbage truck. It was brought out that the two trucks were necessary purchases. The Mayor informed that he had secured quotations on a fire truck and a garbage truck. It was decided that the Fire Department Committee and Garbage Committee would meet Wednesday night to consider the quotations on said equipment.

There being no further business, Councilman Hoke moved to adjourn and was so ordered.


W. W. Alexander, Mayor


Grace Lewis, Recorder

February 16, 1965

The City Council met in regular session Tuesday, February 16, 1965.

There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Keith H. Estep, B. E. Gewin, Thomas R. Griffith, Mrs. E. Robert Hamilton and L. I. Hoke, M. D. members of council. Councilman Earl W. Dye being absent.

Mayor Alexander called the meeting to order.

Councilman Estep moved, seconded by Councilman Brohard, the minutes for meeting held February 2, 1965 be approved. Motion carried.

Councilman Hoke moved, seconded by Councilman Hamilton, the financial statement for January be accepted. Motion carried.

Sargeant Wooten of the National Guard recruiting office appeared before the council, explaining the duties and activities of the National Guard Unit and appealed to council for their assistance to urge young men to enlist in the National Guards.

In discussion of garbage landfill in area of swamped land on Dupont and Kanawha Avenues, Mayor Alexander informed council that he had found the owner of eleven of the lots of the swamp, the owner is to give the city the price of lots later.

In discussion of the opening of Wilson Street crossing, the Mayor informed that Mr. Robert Kay, attorney for the New York Central Railroad Company, was trying to get consent of the company and would have some answer within the next few weeks.

Report was made of the meeting of the garbage committee, held on February 3rd, committee recommendation of city purchasing a heavy duty V-8 Ford, power steering, twenty cubic yard Ez-Pak, was made.

Thereupon Councilman Hamilton moved, seconded by Councilman Gewin, the recommendation of the Garbage Committee be accepted and the city place an order for a heavy duty V-8, power steering, twenty cubic yard Ez-Pak. Upon a vote motion carried.

Mayor asked the Garbage Committee to study the matter of installing new chassis for the two garbage trucks, stating that the packers were in good condition.

Mayor Alexander informed council that the Fire Department Committee was investigating companies that made fire trucks and that we should have an answer before long regarding purchase of new fire truck.

Letter was read from Robert E. Titus, Director of Traffic Engineering Division of the State Road Commission. The letter relative to city's request Traffic Signals, Intersection of 19th Street, 20th Street, 21st Street and 41st Street with W. Va. Route 25. The division approved a semi-actuated Type Traffic Signal at 19th Street and 21st Street. Letter explained the characteristics of this type of traffic control equipment. Mr. Titus also set out the approximate cost of \$3,000 per intersection, plus installation which is borne by the city. The Mayor and members of council entered into a lengthy discussion of this matter, all agreed that the need of light at 21st Street entrance is definite, however, members feel we could do with a simple traffic signal at 19th Street. Lower Bank Street being made one-way going North was also discussed as a measure to alleviate some of the congestion at 21st Street intersection.

Thereupon Councilman Griffith moved, seconded by Councilman Estep, that Bank Street, from 21st Street to 22nd Street, be made one-way going North.

In discussion of motion, it was brought out that in as much as this measure was needed, probably a better idea to have changes of traffic made at one time and also the owners of business establishments on lower Bank Street should be contacted by members of Traffic Committee to see if there was any objection to such change.

Thereupon Councilman Griffith and Councilman Estep withdrew their motion.

The Council discussed asking the State Road Commission to install three lane traffic on Route 25 at 21st Street entrance.

The Recorder informed council that due to the directive of the State Auditor regarding Social Security coverage of the Nitro Policemen and Firemen, that it was necessary to ask the Tax Commissioner's approval of \$1,200.00 from item 49 to item 60. She also informed council that it would be necessary to transfer the amounts of \$600.00 to items 1 and 2, explaining that the former council had granted a increase of \$600.00 each to the Mayor and Recorder in May, 1964 to become effective July 1, 1964 and that the budget for current year had been made in March and April. The Recorder suggested the transfer for items 1 and 2 be made from item 8.

Thereupon, Councilman Gewin moved, seconded by Councilman Brohard, the Recorder secure the approval of the State Tax Commissioner on the aforementioned transfers of funds. Upon a vote motion carried.

Mayor Alexander appointed the following as members of the Library Commission:

Term of Office to December 31, 1967

O C. Sanders, Jr.

Mrs. Eleanor Johnson

Robert L. Pruett

J. E. Temple

Term of office to December 31, 1968

Mrs. Jane McKinley

Mrs. F. E. Perkins

Harry M. Graves, Jr.

Thereupon Councilman Hamilton moved, seconded by Councilman Hoke, the Mayor appointments be accepted. Motion carried.

Mayor Alexander presented financial statement of the Nitro Youth Association for the year 1964 showing an expenditure of \$9,339.30, explaining that this money was raised by the untiring efforts of the members of the association, who provided recreation for our youth through Little League, Football, Minor League, Babe Ruth League, and that this year the association planned a Biddy Basketball League. The Mayor explained further that the association wanted to install a chain length fence around the ball fields and permanently replace the dug-outs and that they were trying to raise additional funds for said work, the Park Board was giving \$200.00 toward this project and that the association wanted the city to give a like amount.

Councilman Estep reported that the members of the Mouth Association had talked to him and he understood that they would like to get a larger contribution from the city if possible.

In discussion it was pointed out that city would like to give more toward this worthwhile project, however, it would be better to wait until toward end of fiscal year when council would have a better idea what could be spent.

Thereupon Councilman Hamilton, moved, seconded by Councilman Brohard, the city advance Two Hundred Dollars (\$200.00) to the Park Board to be expended on the chain length fence and dug-outs being installed by the Nitro Youth Association. Upon a vote motion carried.

Letter from the Kanawha County Dental Health Council, Inc. requesting time before the city council meeting of a representative of the Dental Council to present their request from the city's support of the Dental clinic.

The council discussed this matter and it was decided to check with local dentists regarding this matter.

Mayor Alexander presented to the council a contract between the City of Nitro and the Appalachian Power Company for street lights, explaining that it was a renewal of contract which expires this year.

Thereupon Councilman Hamilton introduced and moved the passage of the following resolution.



Appalachian POWER COMPANY

Page 1 of 1
Book # 9

CHARLESTON, WEST VIRGINIA

March 4, 1965

Honorable W. W. Alexander
Mayor of the City of Nitro
Nitro, West Virginia

Dear Mayor:

We are attaching a copy of the recently
executed ten-year street light agreement covering
street lighting service in the City of Nitro, West
Virginia, for your files.

Very truly yours,

E. L. Munday, Jr.
E. L. Munday, Jr.

Assistant Division Manager

ELM:FHT:hs

Attachment

This Agreement entered into this first day of March, 1965
 by and between APPALACHIAN POWER COMPANY, hereafter called the Company, and
CITY OF NITRO
 of Nitro, West Virginia hereafter called the Customer,

WITNESSETH:

For and in consideration of the mutual covenants and agreements hereinafter contained, the parties hereto agree with each other as follows:

1. The Company agrees to provide and maintain a street lighting system for the Customer, consisting of the following number and type of lamps, viz:

Number of Lamps	Size	Type
<u>182</u>	<u>1,000 Lumens</u>	<u>Overhead, Incandescent</u>
<u>35</u>	<u>2,500 Lumens</u>	<u>Overhead, Incandescent</u>
<u>93</u>	<u>6,000 Lumens</u>	<u>Overhead, Incandescent</u>

together with electric energy through a general system of overhead distribution, sufficient to operate said lamps continuously from one-half hour after sunset until one-half hour before sunrise, every night and all night, approximately 4,000 hours per annum during the term of years hereinafter set forth. Said lamps shall be so maintained and operated that they will give the maximum amount of illumination obtainable under commercial conditions.

2. The Company agrees to install such additional lamps of respective sizes and types above specified as the Customer may, from time to time, require upon receipt of a written notice from a duly authorized representative of the Customer. Payment for the service of such additional lamps shall be at the rate herein after specified, provided, however, that one additional lamp of not less than 1,000 Lumens shall be installed for each extension of 300 feet from the street lighting mains of the Company. Whenever additional lamps are so ordered, the minimum number of lamps to be furnished throughout the remainder of the period covered by this contract shall be increased accordingly. Temporary lamps, if ordered, shall be furnished under special contract.

It is further agreed that the location of the minimum number of lamps contracted for, as specified in "1" above, shall be as follows:

As presently located in the City of Nitro, West Virginia.

3. All material furnished by the Company shall remain the property of the Company and may be removed at the termination of this contract, if the Company so desires.

4. The Company shall keep each and every lamp contracted for in operation during the time provided and the Customer may make deduction for failure to operate any one or more of said lamps in the following manner:

For all outages which shall be reported daily in writing to the Company by the proper officers of the Customer, the Customer may deduct from the total monthly amount which would have been paid for any

lamp had no outage occurred, a sum bearing the ratio to such total as the period of outage bears to the total time the lamps should have been lighted in any month; provided, however, that should the lighting of any lamp or lamps be stopped by unavoidable accident, the Company shall be allowed twenty-four hours after notice of the outage in which to again light such lamp or lamps without being liable to deduction as above provided.

5. It is further agreed that lamps shall be moved by the Company to such new locations as the proper officer of the Customer may by writing direct, subject, however, to the following conditions.

Such moving of lamps shall be completed within 10 days after receipt by the Company of written notice from the proper officer of the Customer (Sundays, legal holidays and stormy days not to be counted), provided that the number of such removals shall not exceed one per day and provided, further, that such removals of such lamps shall not be required on Sundays, legal holidays and stormy days. Notice that the removal of such lamps has been completed shall be given by the Company to the proper officer of the Customer within 10 days after the completion of the work.

The actual cost to the Company of making such relocations shall be paid by the Customer to the Company within 30 days after such notice has been given.

6. The Customer agrees to accept the service herein contracted for during the term hereof and to pay therefor at the following rates:

For each	1,000 Lumens, Overhead, Incandescent	lamp, \$	1.30	per month.
For each	2,500 Lumens, Overhead, Incandescent	lamp, \$	1.65	per month.
For each	6,000 Lumens, Overhead, Incandescent	lamp, \$	2.50	per month.
For each		lamp, \$		per month.
For each		lamp, \$		per month.
For each		lamp, \$		per month.
For each		lamp, \$		per month.
For each		lamp, \$		per month.

Bills shall be due and payable on or before the 10th day of the month succeeding that in which the service is rendered. The above prices are subject to a discount of 2% if payment in full is made within 30 days of the date of bill.

The Customer agrees that in case any additional lamps are ordered it will pay for the same at the rates and in the manner above specified for and during the period from the date of the installation of such lamps until the termination of this contract.

7. The Company shall, at its own cost, furnish all lamp renewals during the term of this contract.

8. This contract shall be and remain in full force and effect for a period of ten years from and after the first day of March, 19 65.

9. If the Customer shall make default in the payment of any bills as hereinbefore provided, the Company may at its option, after having given 10 days' written notice of its intention so to do, discontinue the service herein contracted for and continue to withhold the supply of electric energy for street lighting until such time as the Customer has made payment for all bills in which it is in arrears. Any such suspension of service by the Company shall not terminate this contract unless Company so elects. Otherwise, upon payment by the Customer of the amount it is in arrears, the contract shall remain in full force and effect for the period herein specified.

10. The Customer as a further consideration for the promises and agreements made by the Company herein set forth, hereby grants to the said Company the privilege of the use of the streets, alleys and public places of said Customer for the purpose of placing its poles and equipment for carrying out this contract.

11. The Customer agrees that during the life of this contract it will provide in its annual budgets and estimates and levy of taxes sufficient funds to pay the Company any amounts due it.

12. All and singular the terms and conditions of this contract shall be binding upon and inure to the benefit of the parties hereto, their respective successors and/or assigns.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed in **triplicate** by their duly authorized officers the day and year first above written.

APPALACHIAN POWER COMPANY

By *Sam J. Ford*
Asst. Division Manager ~~XXXXXXXXXX~~

ATTEST:

Secretary

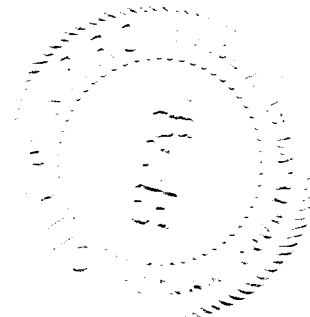
CITY OF NITRO

ATTEST:

By *W. W. W. W. W.*
Mayor

~~XXX~~ or Recorder

By *James Lewis*
~~XXXX~~ or Recorder



City of Nitro, West Virginia

March 3, 1965

At a regular meeting of the Council of the City of Nitro, West Virginia, held in the Council Chambers of said City at 8:00 o'clock P.M., the 16th day of February, 1965.

The Council was called to order by Mayor W. W. Alexander, with Grace Lewis as City Recorder.

Upon roll call the following Councilmen responded present:

<u>Dayton Brohard</u>	<u>Thomas R. Griffith</u>
<u>Keith H. Estep</u>	<u>Mrs. E. Robert Hamilton</u>
<u>B. E. Gewin</u>	<u>L. I. Hoke, M. D.</u>

Earl W. Dye (being absent)

which constituted a quorum of the Council.

The minutes of the last meeting held on the 2nd day of February, 1965, were read and duly approved.

(Minutes of other business transacted
unrelated to street lighting contract)

Thereupon, Councilman Hamilton introduced and moved the passage of the following resolution.

WHEREAS, a proposed contract with Appalachian Power Company for street lights within the City and dated March 1, 1965, was this day presented, read and its terms and conditions fully explained; and

WHEREAS, the terms and conditions of said contract are satisfactory to the Council;

THEREFORE, BE IT RESOLVED: (1) That said contract be and it is hereby accepted; (2) that the Mayor be and he is hereby authorized to execute and deliver said contract on behalf of the City; and (3) that the City Recorder be and she is hereby authorized and directed to affix the seal of the City to said contract and attest the same.

Thereupon, Councilman Brohard seconded the motion for the passage of said Resolution and the vote on said motion was as follows:

W. W. Alexander Aye
Mayor

B. E. Gwin Aye

Grace Lewis Aye
Recorder

Thomas R. Griffith Aye

Dayton Brohard Aye

Mrs. E. Robert Hamilton Aye

Keith H. Estep Aye

L. I. Hoke, M. D. Aye

Number of Nays None

Number of Ayes 8

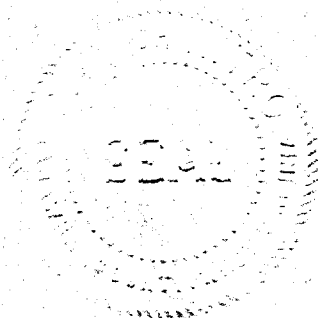
The Resolution was declared duly adopted.

There being no further business to come before the Council, on motion of Councilman Hoke, seconded by Councilman Griffith, the meeting was adjourned.

Approved this the 3rd day of March, 1965,

Grace Lewis
City Recorder

W. W. Alexander
Mayor



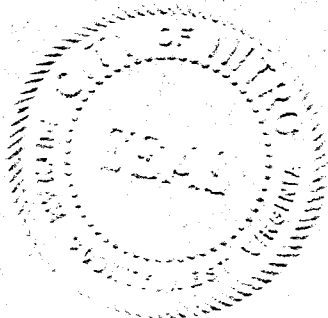
I, Grace Lewis, Recorder of the City of Nitro, West Virginia, do hereby certify as follows:

(1) That the foregoing is a true and correct copy of the minutes of the meeting of the Council of the City of Nitro, insofar as the same pertains to the street lighting contract with Appalachian Power Company, dated the 1st day of March, 1965, held on the 16th day of February 1965; and that said minutes were read and duly approved at the next regular meeting of said Council held on the 2nd day of March, 1965.

(2) That a true and complete copy of the contract referred to in said Resolution and as executed by the Mayor is attached and made a part of this Certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Nitro, This the 3rd day of March, 1965.

Grace Lewis
Recorder of the City of Nitro



WHEREAS, a proposed contract with Appalachian Power Company for street lights within the City and dated March 1, 1965, was this day presented, read and its terms and conditions fully explained; and

WHEREAS, the terms and conditions of said contract are satisfactory to the Council;

Therefore, Be It Resolved: (1) That said contract be and it is hereby accepted; (2) that the Mayor be and he is hereby authorized to execute and deliver said contract on behalf of the City; and (3) ~~that~~ the City Recorder be and she is hereby authorized and directed to affix the seal of the City to said contract and attest the same.

Thereupon Councilman Brohard seconded the motion for passage of said Resolution and the vote on said motion was as follows:

All present voting in the affirmative.

The Resolution was declared duly adopted.

(Copy of said Contract is attached hereto.)

In answer to Councilman Hoke's question of water from the West Virginia Water Company's plant spraying on West 19th Street and passing cars, the Mayor informed that the Water Company are planning to correct this problem.

In answer to Councilman Griffith's question of the Public Service Commission's answer to their investigation of water from the West Virginia Water Company's plant at Nitro, the Mayor said that no one seemed to know why they had not made a decision.

Councilman Griffith asked for some maintenance of the unpaved portion of Third Avenue, stating that it was used mostly by large vehicles and that it kept the paved street dirty and messy all the time. The Mayor stated the only solution would be to pave the road. In discussion of federal money for paving, the Mayor pointed out that the Appalachia Bill may have some provision for paving and if so that a program for all necessary paving should be worked up.

Mayor Alexander informed council that the city attorney had reported to him that V. E. Green, contractor responsible for damage to lower Third Avenue was wanting to settle the case for a figure of \$200.00. The Mayor informed further that the engineer's estimate of repairing the damage would be approximately \$3,500.00 and he felt it foolish to take a settlement of \$200.00, however, pointing out that other parties had lost their damage cases against V. E. Green in the Putnam County Court and that if the city went into court it would cost three or four hundred dollars for expert witnesses. The Mayor asked members of council to take a look at the street in question.

Councilman Estep reported that he had had complaints of limbs falling from trees between 28th and 29th Streets, Second Avenue, and that the situation was dangerous. Mayor said he would have matter checked.

There being no further business to come before the council a motion by Councilman Hoke, seconded by Councilman Griffith, carried.

W. W. Alexander, Mayor


Grace Lewis, Recorder

March 2, 1965

The City Council met in regular session Tuesday, March 2, 1965.

There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Earl W. Dye, Keith H. Estep, B. E. Gewin, Thomas R. Griffith, Mrs. E. Robert Hamilton and L. I. Hoke, M. D. members of the Council.

Mayor Alexander called the meeting to order.

Councilman Gewin moved to dispense with reading of minutes of meeting held February 16th, motion seconded by Councilman Dye. Motion carried.

Mayor informed that records were being checked as to the ownership of lots located in the swamp area proposed to be used as a sanitary land fill.

Mayor also informed that he had not heard from Robert C. Kay, attorney for the New York Central Railroad Company regarding the company opening the crossing at Wilson Street.

The Garbage Committee presented and recommended the following quotation from Stewart Equipment Company:

Furnish two Model F-600 Ford truck chassis and transfer the two A-16 EZ-Pack Refuse Bodies and auxiliary equipment, furnishing new Power Take-off, to the new trucks. In addition, the refuse bodies would be cleaned, repaired, painted and restored to excellent working condition. Also, the Trucks are to be appropriately lettered to suit the City of Nitro and the units furnished ready for work. The trucks we propose to furnish are like the one just purchased for your A-20 EZ-Pack except shorter wheelbase, specifications as follows:

Truck Specifications

FORD F-600, GVW	19.500
Engine	330 cu. in. V-8
Wheelbase	175 in.
Front Springs	Heavy duty
Rear Springs	Heavy duty w/auxiliary
Tires	9:00/20 10 ply
Rear axle	2 speed
Transmission	5 speed
Mirrors	West Coast type
Heater & Defroster	Heavy Duty
Directional Signals	
ICC Lights & Reflectors	
Power Steering	
Heavy Duty Brake Booster	

Total price as per above, both trucks, FOB Nitro \$ 8,670.00.

Terms may be arranged on a standard Lease/Purchase agreement with a special 95% of rental payments application.

Thereupon Councilman Brohard moved, seconded by Councilman Hamilton, the city enter into a Lease/Purchase agreement with Stewart Equipment Company for the two F-600 GVW Fords at the above quote. Upon a vote motion carried.

Councilman Gewin reported that the Traffice Committee made the following recommendation:

Make the North end of Bank Street One-way from 21st Street to 22nd Street.

That change be made to tie in with a proposal to ask the State Road Commission to line Route 25 (First Avenue) at the 21st Street entrance with three (3) lanes - Two Lanes South and One Lane North.

The Committee is in favor of a ~~traffice~~ traffic light at 21st Street entrance of First Avenue and also at 19th Street on First Avenue and that a follow up be made on lights.

The Mayor said he would try to get Mr. Titus of the State Road Commission down to make a survey regarding the lanes proposed for First Avenue.

Mayor informed council that he had talked to the local dentists regarding contributing to the Kanawha County Dental Health Council, Inc. and that all the dentists were of the opinion that it was not necessary for the city to allocate funds for the Kanawha County Dental Health Council, Inc. Therefore council requested that a letter be written to the Dental Council informing that Nitro would not be contributing to the program.

The Council again discussed with the city attorney the lawsuit of the City's with V. H. Green Company on damages to lower Third Avenue. An estimate is to be obtained for repairs to the road.

A letter was read to the council from D. Hamaty, M. D., President of the Board of Trustees of Arthritis Foundation, requesting permission for a house to house solicitation for fund in Nitro on March 21st. After considerable discussion regarding solicitation and drives for funds, Councilman Hoke moved, seconded by Councilman Hamilton, that the Arthritis Foundation be granted permission for a house to house solicitation and that the Foundation be informed that soliciting in Nitro by outside organizations will be discontinued as of the end of the calendar year. Upon a vote motion carried.

Councilman Dye moved, seconded by Councilman Brohard, that street lights on 15th Street and 18th Street, Third Avenue be changed from 1000lumen to 2500 lumen. Motion carried.

Councilman Dye informed that he had had numerous complaints of garbage and debris on the Hively lot on Ash Street.

Councilman Griffith reported that he was having complaints of occupants of the Ellis property on 15th Street Hill throwing garbage in the yard and also the ravine, and that the people were also burying garbage.

The Mayor is to have Mr. Humphreys check into both complaints.

Councilman Dye reported he was still getting complaints of heavy traffic using residential streets in the area of Nitro Super Market. Mr. Norvell, owner, will be contacted regarding this matter.

Councilman Dye also mentioned a large hole at Kapoc Street, noting that it was dangerous. The Street crew will be advised to repair with rock.

Councilman Griffith asked if the warranty on Third Avenue paving program expired this spring. The Mayor informed that the contractor had gone over Third Avenue last fall and noted all places that needed repair and had promised to do the repair work when the weather permitted.

There being no further business to come before the council at this time a motion by Councilman Hoke, seconded by Councilman Gewin, for adjournment carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

March 16, 1965

The City Council met in regular session Tuesday, March 16, 1965.

There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Earl W. Dye, Keith H. Estep, B. E. Gewin, Thomas R. Griffith and Mrs. R. Robert Hamilton members of the Council. L. I. Hoke, M. D., Councilman being absent.

Mayor Alexander called the meeting to order.

Councilman Dye moved, seconded by Councilman Estep, moved to dispense with reading of minutes held March 2, 1965. Motion carried.

Councilman Dye moved, seconded by Councilman Gewin, the financial statement for the month of February be accepted. Motion carried.

Mayor Alexander informed council that Mr. Titus of the State Road Commission had informed him, by phone, that he an Engineer from the Road Commission would come down and make a survey of 21st Street entrance to First Avenue to determine the feasibility of proposed lanes on First Avenue.

The Recorder presented three bids from Insurance Companies on fleet coverage of the mobile units owned by the City. The bids read as follows:

Marshall & Smith Insurance Agency	\$ 1,751.00
Ellis Insurance Agency	1,003.00
Gibson Brothers Insurance Service	1,182.00

Thereupon, after due consideration and discussion, Councilman Gewin moved, seconded by Councilman Griffith, that bid be awarded to the low bidder, Ellis Insurance Agency. Upon a vote motion carried.

Councilman Griffith recommended that council consider installing a 15 mile speed limit for Pennwood Avenue, from entrance with 18th Street Hill to entrance with 15th Street Hill. The Mayor and members of the council discussed this matter, it was pointed out that Pennwood was a narrow street and that small children played in the street.

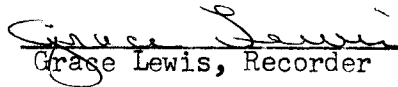
Thereupon Councilman Gewin moved, seconded by Councilman Griffith, that a 15 mile speed limit sign be erected on Pennwood Avenue. Upon a vote motion carried.

The Mayor and council discussed the City budget for the year 1965-66.

There being no further business to come before the council at this time a motion for recess until March 25th by Councilman Dye, seconded by Councilman Gewin, carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

March 25, 1965

The City Council met in recessed session Thursday, March 25, 1965.

There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Earl W. Dye, Keith H. Estep, B. E. Gewin, Mrs. E. Robert Hamilton and Thomas R. Griffith members of the Council. Councilman L. I. Hoke, M. D. being absent.

Mayor Alexander called the meeting to order.

The Council then proceeded to consider the budget for the fiscal year 1965-66.

The assessment valuation figures as prepared by the Assessors of Kanawha and Putnam Counties were presented and discussed.

Thereupon after due consideration, Councilman Hamilton moved, seconded by Councilman Dye, the proposed budget for the fiscal year 1965-66 be approved. Motion carried.

The members of the council proceeded to sign the proposed budget as follows:

STATE OF WEST VIRGINIA,
COUNTIES OF KANAWHA AND PUTNAM,
MUNICIPALITY OF NITRO, To-Wit:

At a recessed session of the council of the municipality of Nitro held in the council chambers thereof, in the city building on the 25th day of March, 1965, there were present: W. W. Alexander, Mayor, Grace Lewis, Recording Officer and E. W. Dye, Dayton Brohard, Keith H. Estep, Mrs. E. Robert Hamilton, Thomas R. Griffith and B. E. Gewin members of the council of said municipality.

In accordance with section 14, Article 8, Chapter 11, of the West Virginia Code as Amended, the Council proceeded to make an

estimate of the amounts necessary to be raised by levy of taxes for the current fiscal year, and doth determine and estimate the several amounts to be as follows:

CURRENT REGULAR MUNICIPAL PURPOSES
ESTIMATE

ESTIMATED RECEIPTS:

(1) The amount due and the amount that will become due and collectible from every source during the fiscal year, EXCEPT FROM THE LEVY OF TAXES TO BE MADE FOR THE YEAR.

Balance in Hands of City Treasurer (Estimated)	\$ 4,000.00
Balance in Hands of Sheriff (Estimated)	2,800.00
Redemption and sale of Delinquent Lands	1.00
Police Fines and Costs	5,200.00
Permits-Building, Street, Sewer and other	1,500.00
Parking Meter	1.00
Swimming Pool	13,000.00
Rents, Building and concessions	420.00
Civic Benefits Association	26,400.00
Taxes: Gross Sales (Business & Occupation)	55,000.00
Capitation and Dog	2,500.00
Franchise	1,000.00
Consumers' sales (Liquor)	19,000.00
Amusement	250.00
Fees: Electrical, Plumbing and other	1.00
Garbage	73,000.00
Library	10.00
Service Fees	15.00
License:	
Electricians and Plumbers	500.00
General	2,100.00
Miscellaneous	3,000.00
Total Estimated Receipts	<u>209,698.00</u>

ESTIMATED CURRENT EXPENDITURES:

1. Salary of Mayor	\$ 6,600.00
2. Salary of Recorder	6,000.00
3. Salary of Treasurer	1.00
4. Salary of Police Judge	2,400.00
5. Salary of City Attorney	500.00
7. Salary of Councilmen	840.00
8. Salaries of Assistants and Clerks	4,900.00
9. Salaries of Chief and 5 Police	32,800.00
10. New Equipment Police Department	2,000.00
11. General Expenses Police Department	4,600.00

12.	Policemen's Pension Fund	1,870.00
13.	Salaries Jailor and Expenses Feeding Prisoners	7,350.00
14.	Salaries of Chief and 5 Firemen	31,100.00
15.	New Equipment Fire Department	5,000.00
16.	General Expenses Fire Department	3,300.00
17.	Firemen's Pension Fund	1,370.00
18.	Salaries Health Commissioners and Employees	1,200.00
20.	General Expenses Health Department	775.00
21.	Salaries, Garbage Employees	28,300.00
22.	New Equipment Garbage Department	6,000.00
23.	General Expenses Garbage Department	8,100.00
24.	Janitors' Supplies	600.00
25.	Repairs to Jail and City Buildings	225.00
26.	Furniture, Fixtures and Office Machines	1,000.00
27.	Stationery, Office Supplies and Equipment	600.00
28.	Postage	300.00
29.	Water - Fire Protection, Streets and Sewers	7,525.00
30.	Water - City Building and other purposes	250.00
31.	Light for Street Lighting	6,700.00
32.	Light - City Building, Traffic lights, Etc.	950.00
33.	Repairs, Street and Traffic lights	10.00
34.	Fuel - Heating City Building	1,050.00
35.	Telephone and Telegraph (All Departments)	1,200.00
37.	Legal Publications	625.00
38.	Insurance on City Building and other Property	2,450.00
39.	Premiums on Policemen's and Official Bonds	200.00
40.	Election Expenses	2,000.00
41.	Attorneys' Fees, Court Costs and Damages	1,500.00
42.	Salaries, Engineering Department	2,000.00
43.	General Expense, Engineering Department	1,000.00
44.	Salaries and Wages all Street Employees	11,500.00
45.	New Equipment Street Department	900.00
46.	Materials, Supplies and Expenses, Street Detp.	4,000.00
47.	Maintenance of Sewers, Salaries and Supplies	200.00
48.	Construction of New Streets, Sidewalks and Sewers	1,000.00
49.	Workmen's Compensation Premiums	2,700.00
50.	Audit by Tax Commisssioner	475.00
51.	Refunding Erroneous Payments	50.00
52.	Municipal Dues	69.00
53.	Parks and Playgrounds, Salaries, Supplies & Expenses	5,000.00
54.	Planning Commission	275.00
55.	Traveling and Car Expenses City Officials	100.00
56.	Civilian Defense Expenses	100.00
58.	Treasurers' Fees	150.00
59.	Library, Salaries, Supplies and Expenses	3,000.00
60.	Social Security	5,363.00
60A.	Public Employees Retirement	4,500.00
61.	Contingent Expenses	1,000.00
62.	Dog Pound Expenses	1,500.00
63.	Swimming Pool Expenses	25,000.00
Total Current Expenses		252,073.00

Total Current Expenses 252,073.00

Total estimated disbursements 252,073.00

Less estimated receipts \$ 209,698.00

Net amount to be raised by levy 42,375.00

TOTAL RECEIPTS 252,073.00

And the council doth determine and estimate that it will be necessary to raise by a levy of taxes for the current fiscal year for current regular municipal purposes the net amount of \$42,375.00 and to provide for said amount the following levies are proposed to be laid on each one hundred dollars valuation of each class of property, viz:

Twelve and one-quarter cents (12.25 ¢) on Class No. I property,
Twenty-four & one half cents (24.5 ¢) on Class No. II property,
Forty-nine cents (49 ¢) on Class No. IV property,
for the purposes aforesaid, based upon the last assessment therein
as follows:

CLASS	ASSESSED VALUATION	PROPOSED RATES	TAXES LEVIED
Number I			
Personal Property	\$ 1,159,800.00	6¢ 6.25¢ 12.25¢	\$ 1,421.00
Public Utility Property	630,300.00	6¢ 6.25¢ 12.25¢	772.00
Total Class No. I	1,790,100.00		2,193.00
Number II			
Real Estate	5,494,770.00	12¢ 12.5¢ 24.5¢	13,462.00
Number IV			
Real Estate	2,458,770.	24¢ 25 ¢ 49 ¢	12,048.00
Personal Property	1,964,910.	24¢ 25 ¢ 49 ¢	9,628.00
Public Utility Property	1,990,300.00	24¢ 25 ¢ 49 ¢	9,752.00
Total Class No. IV	6,413,980		31,428.00
TOTALS	13,698,850.		47,083.00
Less Delinquent Taxes and Exonerations Estimated at 10%			4,708.00
Net amount to be raised by Levy			42,375.00

MUNICIPAL BOND PURPOSES - INTEREST AND SINKING FUND
ESTIMATE

The council proceeded to make an estimate of the amount to be raised by a levy of taxes for the current fiscal year for interest, sinking fund and amortization requirements of bonded indebtedness, legally incurred by a vote of the people as provided by law, since the adoption of the tax limitation amendment, owing by said municipality, as follows:

Date of Vote Authorizing Issue	Original Amount of Issue	Amount of Bond Outstanding	Sinking Fund	Amount Required for Interest	Total
7-1-53	\$ 50,000.	\$ 25,000.	\$ 2,500.	\$ 750.	\$ 3,250.
5-5-55	95,000.	67,000.	4,000.	1,843.	5,843.
12-16-58	168,000.	154,000.	3,000.	5,775.	8,775.
Totals	313,000.	246,000.	9,500.	8,368.	17,868.
Delinquent Taxes and Exonerations Estimated at 10%					1,787.

Total Amount to be Raised by a Levy of Taxes 19,655.
and to provide for said amount the following levies are proposed to be laid on each one hundred dollars valuation of each class of property, viz:

Authorized Rates

Six & one-half cents (6.5¢) on Class No. I property,
Thirteen cents (13 ¢) on Class No. II property,
Twenty-six cents (26 ¢) on Class No. IV property,
for the purposes aforesaid, based upon the last assessment therein as follows:

CLASS	Assessed Valuation	Proposed Rates	Taxes Levied
Number I Personal Property	\$ 981,850.00	6.5 ¢	\$ 638.00
Public Utility Property	630,300.00	6.5 ¢	410.00
Total Class No. I	1,612,150.00		1,048.00
Number II Real Estate	3,863,720.00	13 ¢	5,023.00
Number IV Real Estate	1,749,170.00	26 ¢	4,548.00
Personal Property	1,480,560.00	26 ¢	3,849.00
Public Utility Property	1,896,900.00	26 ¢	3,932.00
Total Class No. IV	5,126,630.00		13,329.00
TOTALS	10,602,500.00		19,400.00

Councilman Dye introduced and moved the following ordinance be adopted, motion seconded by Councilman Griffith. Upon a vote motion carried.

AN ORDINANCE WITHDRAWING ALL MEMBERS
OF THE POLICE DEPARTMENT AND ALL MEMBERS
OF THE FIRE DEPARTMENT OF THE CITY OF
NITRO, FROM THE WEST VIRGINIA PUBLIC
EMPLOYEES RETIREMENT SYSTEM.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NITRO:

WHEREAS, all members of the Fire Department and all members of the Police Department of the City of Nitro, are now participating members in the West Virginia Public Employees Retirement System, and,

WHEREAS, by ordinance duly adopted by the common council of the City of Nitro, and effective as of February 1, 1964, a Firemen's Pension or Relief Fund, and a Policemen's Pension or Relief Fund was established, for said City of Nitro, and,

WHEREAS, be an Act of the Legislature, enacted on March 13, 1965, effective from passage, known as "House Bill No. 902, Article 10, Chapter 5, of the Code of West Virginia, 1939, as amended, was amended authorizing the Police Department and Fire Department of any municipality which municipality is a participating employer, to withdraw its firemen and policemen from the West Virginia Public Employees Retirement System, providing certain conditions were met.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Nitro, Kanawha and Putnam Counties, West Virginia, that all members of the Police Department and all members of the Fire Department, of the City of Nitro, be withdrawn from the West Virginia Public Employees Retirement System, as provided by Chapter 5, Article 10, Section 51, Code of West Virginia.

This ordinance shall be effective from passage.

Dated this 25th day of March, 1965.

W. W. Alexander, Mayor

Grace Lewis, Recorder

There being no further business to come before the council
at this time a motion for recess by Councilman Dye carried.

W. W. Alexander
W. W. Alexander, Mayor

Grace Lewis
Grace Lewis, Recorder

April 6, 1965

The City Council met in regular session Tuesday, April 6, 1965.

There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Earl W. Dye, Keith H. Estep, B. E. Gewin, Mrs. E. Robert Hamilton, L. I. Hoke, M. D. members of the Council. Councilman Thomas R. Griffith being absent.

Mayor Alexander called the meeting to order.

Councilman Dye moved to dispense with reading of minutes of meeting held March 25th. Motion seconded by Councilman Estep. Motion carried.

The City Recorder presented the budget for 1965-66 and explained that the Tax Commissioner had secured from the Auditor's office the break-down on Putnam County's assessments as to Nitro Proper and Nitro Annex and suggested that the City Council reconsider and pass the said budget as to the bond rate.

Thereupon Councilman Dye moved, seconded by Councilman Hamilton, that the City bond rates be passed as follows. Motion carried.

MUNICIPAL BOND PURPOSES - INTEREST AND SINKING FUND
ESTIMATE

Estimate Form No. 2

The council proceeded to make an estimate of the amount necessary to be raised by a levy of taxes for the current fiscal year for interest, sinking fund and amortization requirements of bonded indebtedness, legally incurred by a vote of the people as provided by law, since the adoption of the tax limitation amendment, owing by said municipality, as follows:

Date of Vote Authorizing Issue	Original Amount of Issue	Amount of Bonds Outstanding	Amount Required for		
			Sinking Fund	Interest	Total
7-1-53	\$50,000.	\$25,000.	\$2,500.	\$ 750.	\$3,250.
5-5-55	90,000.	67,000.	4,000.	1,843.	5,843.
Totals	\$140,000.	\$92,000.	\$6,500.	\$2,593.	\$9,093.

Delinquent Taxes and Exonerations Estimated at 10% \$ 909.
 Total Amount to be Raised by a Levy of Taxes..... \$10,002.
 and to provide for said amount the following levies are proposed
 to be laid on each one hundred dollars valuation of each class of property, viz:

AUTHORIZED RATES
 (Must be in Ratio of 1, 2 and 4)

Three & ninety-nine hundredths cents (3.99 c) on Class No. I property,
 Seven & ninety-eight hundredths cents (7.98 c) on Class No II property,
 Fifteen & ninety-six hundredths cents (15.96 c) on Class No. IV property,
 for the purposes aforesaid, based upon the last assessment therein as follows:

CLASS	Assessed Valuation	Proposed Rates	Taxes Levied (Whole Dollars)
Number I			
Personal Property.....	\$ 981,850.	3.99 c	\$ 392.
Public Utility Property.	618,200.	3.99 c	247.
Total Class No. I	1,600,050.		639.
Number II			
Real Estate.....	3,863,720	7.98 c	3,083.
Number IV			
Real Estate.....	1,749,370.	15.96 c	2,792.
Personal Property..	1,480,560.	15.96 c	2,363.
Public Utility Property	959,200.	15.96 c	1,531.
Total Class No. IV	4,189,130.		6,686.
TOTALS.....	<u>\$9,652,900.</u>		<u>\$10,408.</u>

MUNICIPAL BOND PURPOSES - INTEREST AND SINKING FUND ESTIMATE
 Estimate Form No. 2

The council proceeded to make an estimate of the amount necessary to be raised by a levy of taxes for the current fiscal year for interest, sinking fund and amortization requirements of bonded indebtedness, legally incurred by a vote of the people as provided by law, since the adoption of the tax limitation amendment, owing by said municipality, as follows:

Date of Vote Authorizing Issue	Original Amount of Issue	Amount of Bonds Outstanding	Sinking Fund	Amount Required for Interest	Total
12-16-58	\$168,000.	\$154,000.	\$3,000.	\$5,775.	\$8,775.
	\$	\$	\$	\$	\$
	\$	\$	\$	\$	\$
	\$	\$	\$	\$	\$
	\$	\$	\$	\$	\$
Totals	\$168,000.	\$154,000.	\$3,000.	\$5,775.	\$8,775.

Delinquent Taxes and Exonerations Estimated
at 10%

\$ 878.
\$9,653.

Total Amount to be Raised by a Levy of Taxes
and to provide for said amount the following levies are proposed to be
laid on each one hundred dollars valuation of each class of property, viz:

AUTHORIZED RATES
(must be in Ratio of 1, 2 and 4)

Two & fifty-one hundredths cents (2.51 c) on Class No. I property,
Five & Two-hundredths cents (5.02 c) on Class No. II property,
Ten & Four hundredths cents (10.04 c) on Class No. IV property,

for the purposes aforesaid, based upon the last assessment therein as follows:

CLASS	Assessed Valuation	Proposed Rates	Taxes Levied (Whole Dollars)
Number I			
Personal Property	\$ 1,159,800.	2.51 c	\$ 291.
Public Utility Property	630,300.	2.51 c	158.
Total Class No. I	1,790,100.		449.
Number II			
Real Estate	5,494,770.	5.02 c	2,758.
Number IV			
Real Estate	2,458,770.	10.04 c	2,469.
Personal Property	1,964,910.	10.04 c	1,973.
Public Utility Property	1,990,300.	10.04 c	1,998.
Total Class No. IV	<u>6,413,980.</u>	10.04 c	<u>6,440.</u>
TOTALS.....	<u>\$13,698,850.</u>		<u>\$ 9,647.</u>

Mayor Alexander presented contract of Boettcher and Company as follows:

The Honorable Mayor and City Council
Nitro, West Virginia

April 5, 1965

We hereby offer to purchase \$155,000 CITY OF NITRO, WEST VIRGINIA, RECREATIONAL REVENUE BONDS to be issued in accordance with Chapter 8, Article 4A, Code of West Virginia, and Amendments thereto, to provide funds for the construction of a municipal swimming pool and certain other recreational improvements appurtenant thereto.

These bonds are to be in denominations of \$5,000 and to bear interest at the rate of $4\frac{3}{4}\%$ per annum, payable October 1, 1965 and semi annually thereafter until maturity. They will mature, without option of prior redemption, on October 1, in the following amounts in the years specified below.

<u>YEAR</u>	<u>AMOUNT</u>	<u>YEAR</u>	<u>AMOUNT</u>
1966	\$10,000	1974	\$10,000
1967	10,000	1975	10,000
1968	10,000	1976	10,000
1969	10,000	1977	10,000
1970	10,000	1978	10,000
1971	10,000	1979	10,000
1972	10,000	1980	10,000
1973	10,000		

Principal and interest will be payable at the office of the State Sinking Fund Commission of West Virginia and at a bank or trust company to be designated, with the approval of the State Sinking Fund Commission. These bonds will be secured by a first lien on the net revenues of the swimming pool as such "net revenues" are defined in the ordinance authorizing their issuance and by a pledge of all moneys the City may receive from the Civic Benefits Association of Nitro, to the extent that such moneys may be required to make up any amount by which net revenues are deficient

to pay principal of and interest on these bonds. They will also be secured by a statutory mortgage on the pool, site and facilities, which grants to the bondholders the right to appoint a receiver for the operation thereof during any period for which the city may be in default in the payment of either interest or principal.

The ordinance under which the bonds are to be issued will contain the customary covenants for the protection of bondholders, including covenants that:

1. The City will establish a schedule of rates and charges for admission to and use of the swimming pool and related facilities, including food and refreshment services located in the vicinity of the pool, which will be sufficient to pay the costs of operating and maintaining the pool and these facilities and which will produce net revenues available for debt service which will, together with other available funds pledged to the payment of any deficiency in net revenues, be equal to not less than 150% of the amount of the principal and interest which will come due during the next twelve months. Other available funds pledged to the payment of any deficiency in net revenues shall be deemed to be not in excess of the amount of funds so available and so pledged during the preceding twelve months. All moneys received will be deposited in the Revenue Fund to be disbursed monthly only as follows:

(a) First: To pay the current monthly expenses of operating and maintaining the facilities, there shall be deposited in the Operating Fund, an amount equal to the cost of operating and maintaining the facilities for one month.

(b) Second: To pay principal and interest, there shall be deposited in the Bond and Interest Fund, not less than $1/6$ of the amount of the interest on the bonds to come due on the next interest date and not less than $1/12$ of the amount of the principal to come due on the next succeeding October 1.

(c) Third: To the Bond Reserve Fund (initially established in the amount of \$7,362.50 from the proceeds of the issue) there shall be deposited the sum of \$100 per month until the Bond Reserve Fund shall be \$13,362.50 after which no payments into said Fund shall be required, except to replace any amounts which shall have been drawn from such Fund to pay any deficiency in principal or interest.

(d) All remaining moneys shall be retained in the Revenue Fund until they shall be in an amount equal to the amount of interest

to come due on the next April 1, and October 1, and principal to come due on the next October 1. Moneys in excess of this amount shall be considered surplus and may be used for any lawful purpose.

2. The City will keep proper records of all sums received for and disbursed on account of swimming pool operation and in accordance with requirements of the bond ordinance, including an accounting of cash contributions to the City by the Civic Benefits Association of Nitro and will cause these records to be audited by a Certified Public Accountant as of September 31 each year. Copies of this audit shall be made available to the bondholders. The expense of the audit shall be regarded and paid as an operating expense of the facility.

For said bonds we will pay you 97% of the par value thereof (\$970.00 per \$1,000 par value) or a total of \$150,350.00, together with interest from April 1, 1965 to the date of the delivery of the bonds to us.

This proposal is subject to the unqualified approval of Messrs. Caldwell, Trimble and Mitchell, Attorneys, New York as to the legality of the bonds. The city agrees to pay the fees of Messrs. Caldwell, Trimble and Mitchell and we agree to pay all other expenses incident to the issuance, preparation and issuance of the bonds.

The city will adopt the appropriate ordinance and other proceedings for the issuance of these bonds. Such proceedings to be prepared by Messrs. Caldwell, Trimble and Mitchell. We are informed that the Bond Ordinance can be in form proper for its introduction within two weeks from the acceptance hereof.

As a guaranty of our good faith and to insure our compliance with the terms hereof, we tender herewith an official check of the Chemical Bank New York Trust Company in the amount of \$3,100. This check is to be held by the city pending delivery of the bonds and the amount thereof is to be applied to the purchase price. In the event of our breach of this agreement, this sum is accepted by the city as full and complete

liquidated damages. We reserve the right to rescind this contract and to the return of our good faith deposit if the city fails to deliver the bonds to us within 60 days of the acceptance hereof, unless such failure shall be occasioned by our failure to make available printed bonds for signature or the failure of Caldwell, Trimble and Mitchell to prepare and make available the necessary proceedings for the issuance of the bonds.

This proposal is made for prompt acceptance or rejection.

Respectfully submitted,

BOETTCHER AND COMPANY
ROBERT L. CONNERS & CO.

AGF:tg

By Arthur G. Field

Accepted by resolution of the City Council, duly adopted this 6 th day of April, 1965.

Mayor

Recorder

Thereupon Councilman Dye moved, seconded by Councilman Estep, the foregoing contract be accepted. Upon a vote motion carried and was so ordered.

Mayor Alexander presented three bids for a new fire truck:

John Bean Division F M C	\$14,997.70
John Bean Division F M C (with high pressure system)	17,122.70
American Fire Apparatus Co.	14,879.00
Sutphen Fire Equipment Co. (with hight pressure system)	16,159.00

The Mayor and Council discussed the bids and it was felt that the high pressure system should be purchased. Thereupon Councilman Hamilton moved seconded by Councilman Brohard, that Council accept the low bid on fire truck with high pressure system, that being Sutphen Fire Equipment Co. at \$16,159.00. Upon a vote motion carried.

Councilman Dye moved, seconded by Councilman Hamilton, that the budget and estimated expenditures of the Policemens Pension or Relief Fund be accepted. Motion carried.

Letter from Community Council of Kanawha Valley, Inc. was presented to Council, said letter requesting funds to operate facilities in the hospitals for indigent maternity care. The Council discussed the request but did not take action.

The Mayor presented the following Resolution for Council's consideration.

A RESOLUTION

TO APPOINT THE KANAWHA COUNTY PLANNING AND ZONING COMMISSION

TO ACT FOR THE MUNICIPALITY OF _____, WEST VIRGINIA

IN ALL MATTERS RELATING TO THE CONDUCTING OF A
CONTINUING TRAFFIC AND TRANSPORTATION STUDY FOR

KANAWHA COUNTY, WEST VIRGINIA

WHEREAS, it appears to be advantageous to the welfare of the Municipality of _____, West Virginia, that the continuing phase of a Traffic and Transportation Study for Kanawha County, West

Virginia, be undertaken and,

WHEREAS, it is necessary that such a Continuing Transportation Study be in operation by July 1, 1965 in order to meet the requirements of the Federal-Aid Highway Act of 1962,

THEREFORE,

BE IT RESOLVED: That the _____ Council of the Municipality of _____, West Virginia, hereby designate and authorize the Kanawha County Planning and Zoning Commission to act for the said Municipality of _____, West Virginia, in all matters relating to the conducting and undertaking of a Continuing Traffic and Transportation Study for Kanawha County.

BE IT FURTHER RESOLVED: That all resolutions in conflict herewith are hereby repealed. This resolution shall take effect immediately, the public welfare of the Municipality of _____ requiring it.

APPROVED AND ADOPTED by the _____ Council of _____ West Virginia, this _____ day of _____, 19 ____.

I, _____, _____ CLERK AND RECORDING OFFICER, of said Municipality, do hereby certify that the foregoing are true copies from the records or order made and entered by _____ Council of said Municipality on the _____ day of _____, 19 ____.

CLERK AND RECORDER


Thereupon Councilman Hamilton moved, seconded by Councilman Dye, the Resolution be adopted. Motion carried.

Mayor Alexander appointed John Womack as City Building Inspector. Thereupon Councilman Dye moved, seconded by Councilman Estep the Mayor's appointment be approved. Motion carried.

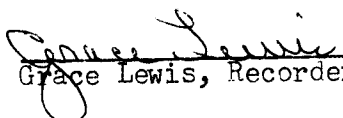
Councilman Gewin moved, seconded by Councilman Hoke, the City accept \$1,000.00 as a settlement for damages to Third Avenue, north from 40th Street Road, damages caused by the V. N. Green Construction Company blasting during the construction of I-64. Upon a vote motion carried.

Councilman Gewin moved, seconded by Councilman Dye, that City enter suit against Charles Young and his insurance company for damages to 21st Street bridge. Upon a vote motion carried.

There being no further business Councilman Hoke moved for adjournment, and was so ordered.



W. W. Alexander, Mayor



Grace Lewis, Recorder

April 20, 1965

The City Council met in regular session Tuesday, April 20, 1965.

There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Keith H. Estep, B. E. Gewin, Thomas R. Griffith, Mrs. E. Robert Hamilton and L. I. Hoke, M. D. members of the Council. Councilman Earl W. Dye being absent.

Mayor Alexander called the meeting to order.

Councilman Hoke moved, seconded by Councilman Griffith, to dispense with reading of the minutes of meeting held April 6th. Motion carried.

Councilman Gewin moved, seconded by Councilman Hamilton, the financial statement for the month of March be accepted. Motion carried.

The Recorder presented the letter of approval, (said letter being attached to the minutes of this meeting) from the State Tax Commissioner of the Levy Estimate for the year 1965-66.

Thereupon Councilman Gewin moved, seconded by Councilman Estep, the Levy rates be passed by the Council. Upon a vote motion carried and the members of the Council proceeded to sign Levy Order as follows:
STATE OF WEST VIRGINIA,
COUNTIES OF KANAWHA AND PUTNAM,
MUNICIPALITY OF NITRO, To-Wit:

At a Regular session of the council of the Municipality of Nitro, West Virginia, held in the council chamber thereof on Tuesday, the 20th day of April, 1965, Present: W. W. Alexander, Mayor, Recording Officer Grace Lewis, Dayton Brohard, Keith H. Estep, L. I. Hoke, Thomas R. Griffith, Mrs. E. Robert Hamilton and B. E. Gewin members of the council of said Municipality.



State of West Virginia

Charleston 25305

G. THOMAS BATTLE
STATE TAX COMMISSIONER

TO THE COMMON COUNCIL OF THE MUNICIPALITY OF NITRO

Under and by virtue of the authority vested in me, as Tax Commissioner of the State of West Virginia, under the provisions of Article 8, Chapter 11, Code of West Virginia, as last amended, and contingent upon compliance with the provisions of Chapter 92, Acts 1945, with respect to "Compensation of Officers and Employees" and all other statutory provisions, the levies proposed by you for your municipality are hereby approved, subject to the following exceptions:

In view of increased estimate of receipts, this Levy Estimate approved conditioned on total obligations and expenditures not exceeding receipts and balances for the year.

The undersigned, as Tax Commissioner of the State of West Virginia, makes the following findings with respect to the levies proposed to be laid in excess of the rates prescribed by constitutional limitations: The levies for current expenses imposed by your common council are no more than are indispensable to the ordinary discharge of the governmental functions of the municipality, and the obligations for the payment of which such levies are proposed are contractual and regularly authorized by vote of the people and represented by outstanding bonds, the obligations of which were created prior to the adoption of the tax limitation amendment; and, except for the levies proposed to be laid for such indebtedness, the respective obligations thereof will be impaired.

Given under my hand this, the 8th day of April 1965.

G. Thomas Battle
TAX COMMISSIONER

ALD 12:62

CURRENT REGULAR MUNICIPAL LEVY
ORDER

The council having ascertained that the net amount necessary to be raised by a levy of taxes for the current fiscal year for regular municipal purposes will be \$ 47,083.00, according to the estimate made and entered of record on the 6th day April, 1965, and said estimate having been published as required by law, and no one appearing to oppose the same or to take exception thereto, and the Tax Commissioner having approved the same in writing, it is therefore ordered that said estimate and the rates of levy proposed therein, be approved and that the following levies be laid on each one hundred dollars valuation of each class of property, viz:

Twelve & One-Quarter cents (12.25 ¢) on Class No. I property,
Twenty-four & One half cents (24.5 ¢) on Class No. II property,
Forty-nine cents (49 ¢) on Class No. Iv property,
for the purposes aforesaid, based upon the last assessment therein,
as follows:

CLASS	Assessed Valuation	Total Rate of Levy	Taxes Levied (Whole Dollars)
Number I			
Personal Property	\$ 1,159,800.	12.25 ¢	\$ 1,421.00
Public Utility Property	<u>630,300.</u>	12.25 ¢	<u>772.00</u>
Total Class No. I	1,790.100.		2,193.00
Number II			
Real Estate	5,494,770.	24.5 ¢	13,462.00
Number IV			
Real Estate	2,458,770.	49 ¢	12,048.00
Personal Property	1,964,910.	49 ¢	9,628.00

Public Utility Property	<u>1,990.300.</u>	49 ¢	<u>9,752.00</u>
Total Class No. IV	6,413,980.		31,428.00
TOTALS	13,698,850.		47,083.00

MUNICIPAL BOND PURPOSES - INTEREST AND SINKING FUND
ORDER

The council having ascertained that the amount necessary to be raised by a levy of taxes for the current fiscal year to pay the interest on and provide a sinking fund for the discharge of the principal of a bond issue of \$140,000.00 will be \$ 10,408.00 according to the estimate made and entered of record on the 6th day of April, 1965 and said estimate having been published as required by law and no one appearing to oppose the same or take exception thereto and the Tax Commissioner having approved the same in writing, it is therefore ordered that said estimate and the rates of levies proposed therein be approved and that the following levies be laid on each one hundred dollars valuation of each class of property, viz:

AUTHORIZED RATES

Three & Ninety-nine hundredths cents (3.99 ¢) on Class No. I property,
Seven & Ninety eight hundredths cents (7.98¢) on Class No. II property,
Fifteen & Ninety six hundredths cents (15.96¢) on Class No. IV property,
for the purposes aforesaid, based upon the last assessment therein, as follows:

CLASS	Assessed Valuation	Total Rate of Levy	Taxes Levied (Whole Dollars)
Number I			
Personal Property	\$ 981,850.	3.99 ¢	\$ 392.00
Public Utility Property	<u>618,200.</u>	3.99 ¢	<u>247.00</u>
Total Class No. I	1,600,050.		639.00

Number II

Real Estate	3,863,720.	7.98 ¢	3,083.00
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Number IV

Real Estate	1,749,370.	15.96 ¢	2,792.00
Personal Property	1,480,560.	15.96 ¢	2,363.00
Public Utility Property	<u>959,200.</u>	15.96 ¢	<u>1,531.00</u>
Total Class No. IV	4,189,130		6,686.00
TOTALS	9,652,900.		10,408.00

MUNICIPAL BOND PURPOSES - INTEREST AND SINKING FUND
ORDER

The council having ascertained that the amount necessary to be raised by a levy of taxes for the current fiscal year to pay the interest on and provide a sinking fund for the discharge of the principal of a bond issue of \$ 168,000.00 will be \$ 9,647.00 according to the estimate made and entered of record on the 6th day of April, 1965 and said estimate having been published as required by law and no one appearing to oppose the same or take exception thereto and the Tax Commissioner having approved the same in writing, it is therefore ordered that said estimate and the rates of levies proposed therein be approved and that the following levies be laid on each one hundred dollars valuation of each class of property, viz:

AUTHORIZED RATES

Two and Fifty-one hundredths cents (2.51 ¢) on Class No. I property,
 Five & Two hundredths cents (5.02 ¢) on Class No. II property,
 Ten & Four hundredths cents (10.04 ¢) on Class No. IV property,
 for the purposes aforesaid, based upon the last assessment therein, as follows:

CLASS	Assessed Valuation	Total Rate of Levy	Taxes Levied (Whole Dollars)
Number I			
Personal Property	\$ 1,159,800.	2.51 ¢	\$ 291.00
Public Utility Property	<u>630,300.</u>	2.51 ¢	<u>158.00</u>
Total Class No. I	1,790,100.		449.00
Number II			
Real Estate	5,494,770.	5.02 ¢	2,758.00
Number IV			
Real Estate	2,458,770.	10.04 ¢	2,469.00
Personal Property	1,964,910.	10.04 ¢	1,973.00
Public Utility Property	<u>1,990,300.</u>	10.04 ¢	<u>1,998.00</u>
Total Class No. IV	6,413,980.		6,440.00
TOTALS	13,698,850.		9,647.00

Mayor Alexander explained to council that an insurance adjuster has checked the 21st Street bridge damages, however, to date the City had not been paid for the damages nor had any provisions been made to repair same by the insurance company and that the city would wait a few more days before filing suit for the damages.

The Mayor and members of the council discussed the rates to be charged for admission to the swimming pool as follows: cost of season passes to residents of Nitro and non-residents, cost of gate admission to residents and non-residents, age limits and also discussed a possible opening date of the pool.

Thereupon the following ordinance was presented:

INTRODUCED IN COUNCIL
April 20, 1965

AN ORDINANCE ESTABLISHING
CHARGES TO BE IMPOSED UPON
ALL PERSONS USING THE SWIMM-

ING POOL AND RECREATIONAL
FACILITIES IN THE CITY OF
NITRO.

WHEREAS, the City of Nitro has entered into an **agreement** to purchase a parcel of land, from Monsanto Company, a corporation, situate in Area "A", of the Nitro Reservation, in the City of Nitro, Kanawha County, West Virginia, containing 5.77 acres, more or less, for the purpose of constructing a swimming pool and other recreational facilities, and,

WHEREAS, the City of Nitro has entered into a contract to build a swimming pool and other recreation facilities, and to open same as a City recreational facility, and,

WHEREAS, the purchase of said land, and the construction of said pool and recreational facilities, shall be financed by the issuance of \$ 155,000.00 Recreational Revenue Bonds, and,

WHEREAS, to provide additional revenue to retire said bonds and to operate said recreational facilities, it will be necessary to make reasonable charges to any person or persons using said facilities.

THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NITRO:

1. That the City of Nitro, do forthwith proceed to construct said swimming pool and other facilities necessary to provide adequate recreational facilities for the citizens of the City of Nitro.

2. That to retire said bonds issued to finance said pool and facilities and to operate said recreational facilities, the proper officials of the City of Nitro shall appropriate such sums of money out of the General Fund, to pay such costs above the estimated income to be received from charges made to the public for the use of said

facilities.

3. That there shall be an admission charge to all persons using said pool and facilities, as follows:

(1). Definition: A family season pass shall include the husband and wife, and all dependents residing in the same household.

(2). A charge of Forty Dollars, (\$40.00) including tax shall be made for all family season passes issued to persons residing outside the City of Nitro. An additional charge of Five Dollars, (\$5.00) including tax shall be made for each additional person residing in the same household not a dependent.

(3). A charge of Twenty-Five Dollars, (\$25.00) including tax shall be made for all family season passes issued to persons residing inside the City of Nitro. An additional charge of Five Dollars, (\$5.00) including tax shall be made for each additional person residing in the same household not a dependent.

(4). A charge of Twenty-five Dollars (\$25.00) including tax shall be made for a season pass issued to one individual residing outside the City of Nitro, and a charge of Twelve Dollars, (\$12.00) including tax shall be made for a season pass issued to one individual residing inside the City of Nitro.

(5). A charge of Sixty Cents (60¢) including tax shall be made for a ticket issued for a single admission to all persons residing outside of the City of Nitro, under the age of sixteen (16) years. A charge of One Dollar and Twenty-Five Cents (\$1.25) including tax shall be made for a ticket issued for a single admission to all persons residing outside of the City of Nitro, sixteen (16) years of age and over.

(6). A charge of Thirty Five Cents (35¢) including tax shall be made for a ticket issued for a single admission to all persons residing in the City of Nitro, under the age of sixteen (16) years. A charge of Seventy Five Cents (75¢) including tax shall be made for a single admission to all persons residing in the City of Nitro, sixteen (16) years of age and over.

(7). All charges setforth herein shall be collected by attendants at the gate of said pool and facilities, said attendants to be appointed by the Mayor, and approved by the Council of the City of Nitro. Season passes shall be sold at the gate of said pool and at the City Building by the Treasurer, of the City of Nitro.

4. Each provision of this article shall be separable and if any part thereof shall be adjudged invalid by a court of competent jurisdiction, the remaining and valid portion of this ordinance shall remain in full force and effect.

5. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

6. This ordinance shall take effect as of the 4th day of May, 1965.

W. W. Alexander, Mayor

Grace Lewis, Recorder

Thereupon Councilman Gewin moved, seconded by Councilman Hamilton, the foregoing ordinance be approved for publication. Upon a vote all members of the council, the Mayor and Recorder voted in the affirmative. Motion carried.

The Recorder reported to the council that she had had a request from Mr. Walter Thorn of Kanawha Avenue that the Council consider a protective barricade be installed at the dead end of Kanawha Avenue at Elm Street to prevent small children, riding bykes, from going into the back water.

Thereupon Councilman Hoke moved, seconded by Councilman Estep, that a wire barricade be erected at the dead end of Kanawha Avenue and Elm Street. Upon a vote motion carried.

Mayor Alexander explained to the council that he would like to have council's permission to sell the old garbage truck chassis, and explained further that he had had all the good tires removed from both chassis.

Thereupon Councilman Gewin moved, seconded by Councilman Brohard, the Mayor be authorized to sell the two chassis for not less than \$250.00 each. Upon a vote motion carried.

Councilman Hamilton moved, seconded by Councilman Estep, that the City transfer \$10,000.00 to the City of Nitro - Municipal Pool Account to be used for expenses until the bonds are issued. Upon a vote motion carried.

Councilman Hoke questioned the storeing and parking of the garbage units, owned by Bob Lindner, on the Kroger lot, Laundry Mat lot and several other places in town. In discussion of this matter it was brought out that the containers could be dangerous to small children getting inside of them. It was also pointed out that the places that Mr. Lindner was storeing the units were private property and that there was not anything the city could do about the parking of the units. The Mayor said he would have police check the safety angle of the units.

(1) SWIMMING POOL ~~Final~~ Consideration
 Nov 10, 1964
 Follow up Jan 19, 1965
 Feb 2, 1965
 Mar 25, 1965
 SWIMMING POOL EXPENSE 25000.00
 APRIL 5, 1965
 155,000 Rec. Bonds
 1966-1980

Va., April 30, 1965 — Page 2

issued to finance said pool and facilities and to operate said recreational facilities, the proper officials of the City of Nitro shall appropriate such sums of money out of the General Fund, to pay such costs above the estimated income to be received from charges made to the public for the use of said facilities.

3. That there shall be an admission charge to all persons using said pool and facilities, as follows:

(1). Definition: A family season pass shall include the husband and wife, and all dependents residing in the same household.

(2). A charge of Forty Dollars, (\$40.00) including tax shall be made for all family season passes issued to persons residing outside of the City of Nitro. An additional charge of Five Dollars, (\$5.00) including tax shall be made for each additional person residing in the same household not a dependent.

(3). A charge of Twenty Five Dollars, (\$25.00) including tax shall be made for all family season passes issued to persons residing inside the City of Nitro. An additional charge of Five Dollars, (\$5.00) including tax shall be made for each additional person residing in the same household not a dependent.

(4). A charge of Twenty Five Dollars (\$25.00) including tax shall be made for a season pass issued to one individual residing outside the City of Nitro, and a charge of Twelve Dollars, (12.00) including tax shall be made for a season pass issued to one individual residing inside the City of Nitro.

(5). A charge of Sixty Cents (60c) including tax shall be made for a ticket issued for a single admission to all persons residing outside of the City of Nitro, under the age of sixteen (16) years. A charge of One Dollar and Twenty Five Cents, (\$1.25) including tax shall be made for a ticket issued for a single admission to all persons residing outside of the City of Nitro, sixteen (16) years of age and over.

(6). A charge of Thirty Five Cents (35c) including tax shall be made for a ticket issued for a single admission to all persons residing in the City of Nitro, under the age of sixteen (16) years. A charge of Seventy Five Cents (75c) including tax shall be made for a single admission to all persons residing in the City of Nitro, sixteen (16) years of age and over.

(7). All charges set forth herein shall be collected by attendants at the gate of said pool and facilities, said attendants to be appointed by the Mayor, and approved by the Council of the City of Nitro. Season passes shall be sold at the gate of said pool and at the City Building by the Treasurer, of the City of Nitro.

4. Each provision of this article shall be separable and if any part thereof shall be adjudged invalid by a court of competent jurisdiction, the remaining and valid portion of this ordinance shall remain in full force and effect.

5. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

6. This ordinance shall take effect.

W. W. Alexander, Mayor
 Grace Lewis, Recorder

STATE OF WEST VIRGINIA
 COUNTIES OF KANAWHA
 AND JEFFERSON: WIT:

1. I, ~~Grace Lewis~~, duly elected, qualified, and acting Recorder of the City of Nitro, the Counties and State of West Virginia, do certify that the foregoing constitutes a true and complete copy of an Ordinance to be considered for passage by the Common Council of the City of Nitro, in Regular Session in the Council Chambers in the City Building of said City of Nitro, on the 4th day of May, 1965 at 8 o'clock p.m.

IN WITNESS WHEREOF, I have hereunto affixed my Official signature and seal of said City, this 20th day of April, 1965.

Grace Lewis, Recorder

SEAL:
 4232tc

NOTICE

The following ordinance authorizing the construction of a swimming pool and the acquisition of land within the City of Nitro, West Virginia, and the issuance of \$155,000. Recreational Revenue Bonds to finance the cost thereof, and providing for the security, rights and remedies of the holders thereof was introduced and read at a meeting of the Council of said City on the 26th day of April, 1965.

Said City contemplates the issuance of said bonds and a public hearing in connection therewith will be held at the City Building in said City on May 11, 1965, at 8:00 o'clock P.M., at which time and place all persons interested are now and hereby notified that they may appear before the Council of said City and then and there may present protests against the said ordinance and the issuance of said bonds.

AN ORDINANCE AUTHORIZING THE CONSTRUCTION OF A SWIMMING POOL AND THE ACQUISITION OF LAND THEREFOR IN THE CITY OF NITRO, WEST VIRGINIA, AND THE ISSUANCE OF \$155,000 RECREATIONAL REVENUE BONDS TO FINANCE THE COST THEREOF, AND PROVIDING FOR THE SECURITY, RIGHTS AND REMEDIES OF THE HOLDERS THEREOF.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA:

ARTICLE I

STATUTORY AUTHORITY, FINDINGS AND DEFINITIONS

1.01. AUTHORITY OF THIS ORDINANCE. This ordinance is adopted pursuant to the provisions of Article 4-A of Chapter 8 of the Code of West Virginia, and other applicable provisions of law.

It is hereby found and determined as follows:

(A) That it is deemed necessary and desirable and in the best interests of the inhabitants of the City of Nitro, West Virginia (hereinafter sometimes referred to as "City"), that there be constructed in said City a swimming pool on land to be acquired for such purpose.

(B) That the City of Nitro, West Virginia, will derive revenues from the fees, rentals and other charges made and collected for the services and facilities of said swimming pool and that such revenues are not pledged or encumbered in any manner.

(C) That the Civic Benefits Association of Nitro, West Virginia (hereinafter referred to as "Association"), a body corporate, created and organized under the laws of the State of West Virginia, has for many years made voluntary contributions to the City on behalf of the various corporations in the vicinity of the City who are members of said Association, to assist the City in financing the cost of its general municipal services and said Association at present is voluntarily contributing to the City the sum of \$2,200 per month.

(D) That said Association has pursuant to a resolution duly adopted by its Board of Directors on March 22, 1965, agreed and consented that such voluntary contributions made and given to the City for such general municipal services may be pledged by the City, to the payment of the Bonds herein authorized in the manner provided in this ordinance.

(E) That the revenues to be derived in each year hereafter from the operation of the swimming pool will be sufficient to pay all of the costs of operation and maintenance of said swimming pool and together with the contributions of the Association the principal of and interest on the Bonds to be issued pursuant to this ordinance as the same become due, and all sinking fund, reserve and other payments provided for in this ordinance.

(F) That the principal of and interest on the Bonds to be issued pursuant to this ordinance, and all of the sinking fund, reserve and other payments provided for in this ordinance, will be payable solely from the revenues derived by the City of Nitro from the operation of its swimming pool and from the contributions made by the Association; and it will never be necessary or authorized to levy taxes on any real or personal property in said City to pay the principal of and interest on the Bonds to be issued pursuant to this ordinance, or to make any of the sinking fund, reserve or other payments provided for in this ordinance, and the Bonds issued pursuant to this ordinance shall not constitute a lien upon any property whatsoever of the City of Nitro, except that the holders of the Bonds and of the coupons issued pursuant to this ordinance shall have a statutory mortgage lien upon said swimming pool, as hereinafter provided, and a lien upon said revenues and contributions of the Association when said contributions are received by the City.

(G) That there is hereby authorized the construction of a swimming pool in the City of Nitro on land to be acquired for that

purpose, together with any other purposes necessary, incidental or appurtenant thereto, all substantially in accordance with the plans and specifications prepared by Engineers of *National Pool Company*, and heretofore filed in the office of the City Recorder of the City, at an estimated cost of \$155,000. Such cost shall be deemed to include the cost of the construction of said swimming pool hereby authorized, including the acquisition of any lands or interest therein, and of any fixtures or equipment or properties deemed necessary or convenient therefor; engineering, legal, and financing expenses; expenses for estimates of costs and of revenues, expenses for plans, specifications and surveys, fees of financial agents or consultants, administrative expenses, interest on the Bonds issued pursuant to said ordinance prior to, during and for six months after the completion of the construction of the swimming pool; the initial deposit of the sum of \$7,363 in the Reserve Account hereinafter created for said Bonds; discount on the Bonds, if any; and such other expenses as may be necessary or incidental to the financing authorized by this ordinance and the construction of the swimming pool authorized by this ordinance and the placing of same in operation.

1.02. ORDINANCE TO CONSTITUTE CONTRACT. In consideration of the acceptance of the Bonds authorized to be issued hereunder by those who shall hold the same from time to time, this ordinance shall be deemed to be and shall constitute a contract between the City of Nitro, West Virginia, and such Bondholders, and the covenants and agreements herein set forth to be performed by said City shall be for the equal benefit, protection and security of the legal holders of any and all of such Bonds and the coupons attached thereto, all of which shall be of equal rank and without preference, priority or distinction of any of the Bonds or coupons over any other thereof except as expressly provided therein and herein.

1.05. DEFINITIONS. The following terms shall have the following meanings in this ordinance unless the text otherwise expressly requires:

(A) "City" shall mean the City of Nitro, West Virginia.

(B) "Act" shall mean Article 4-A of Chapter 8 of the Code of West Virginia, and other applicable provisions of law.

(C) "Bonds" shall mean the \$155,000 Recreational Revenue Bonds originally authorized to be issued pursuant to this ordinance, and the interest coupons attached to said Bonds.

(D) "Holder of Bonds" or "Bondholder", or any similar terms, shall mean any person who shall be the bearer or owner of any outstanding Bond or Bonds registered to bearer or not registered, or the registered owner of any outstanding Bond or Bonds which shall at the time be registered other than to bearer, or of any coupons representing interest accrued or to accrue on said Bonds.

(E) "Swimming Pool" shall mean the swimming pool to be constructed and the property to be acquired for such purpose as authorized by said ordinance together with any additions, extensions and improvements thereto hereafter constructed or acquired by the City.

(F) "Revenues" or "Gross Revenues" shall mean all fees, rentals or other charges or other income received by the City, or accrued to the City or to any board or agency of the City in control of the management and operation of said swimming pool and related facilities, including food and refreshment services located in and around the vicinity of the swimming pool, all as calculated in accordance with sound accounting practice.

(G) "Operating Expenses" shall mean the current expenses of the City, paid or accrued, of operation, maintenance and current repair of said swimming pool, and shall include without limiting the generality of the foregoing, administrative expenses relating solely to said swimming pool, insurance premiums, cost of food and other refreshments served by the facilities located in and around said swimming pool, an operating reserve in an amount equal to one month's cost of operation, maintenance and current repairs of the swimming pool, charges for the accumulation of appropriate

appropriate reserves for current expenses not annually recurrent but which are such as may reasonably be expected to be incurred in accordance with sound accounting practice. "Operating Expenses" shall not include any allowances for depreciation except to the extent expressly herein provided.

(H) "Net Revenues" shall mean the gross revenues, as defined in (F) above, remaining after deduction only of operating expenses, as defined in (G) above.

(I) "Fiscal Year" shall mean the period beginning with and including July 1 of each year and ending with and including the last day of the following June.

(J) Words importing singular number shall include the plural number in each case, and vice versa, and words importing persons shall include firms and corporations.

ARTICLE II

AUTHORIZATION, TERMS, EXECUTION, SALE AND DELIVERY OF BONDS

2.01. AUTHORIZATION AND TERMS OF BONDS. For the purpose of financing the cost of the construction of the swimming pool and the acquisition of land therefor described in Section 1.01 (G) hereof, there shall be issued negotiable Recreational Revenue Bonds of the City of Nitro, West Virginia (hereinafter called "Bonds"), in the aggregate principal amount of One Hundred Fifty Five Thousand Dollars (\$155,000), which Bonds shall be dated April 1, 1965, shall be in the denomination of \$5,000 each, shall be numbered 1 to 31, both inclusive, shall bear interest payable semi-annually on April 1 and October 1 of each year at a rate or rates not exceeding six per centum per annum, and shall mature in numerical order, lowest numbers first, on October 1st of each year in the years and amounts as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
1966	\$10,000	1974	\$10,000
1967	10,000	1975	10,000
1968	10,000	1976	10,000
1969	10,000	1977	10,000
1970	10,000	1978	10,000
1971	10,000	1979	10,000
1972	10,000	1980	15,000
1973	10,000		

Said Bonds shall not be redeemable prior to their stated dates of maturity.

Said Bonds shall be issued in coupon form, shall be payable with respect to both principal and interest in lawful money of the United States of America at the office of the State Sinking Fund Commission, Charleston, West Virginia, or, at the option of the holder at such bank or trust company within or without the State as shall be hereafter determined, and shall bear interest from their date, payable in accordance with and upon surrender of the appurtenant interest coupons as they severally mature.

2.02. EXECUTION OF BONDS AND COUPONS. Said Bonds shall be executed in the name of the City by the Mayor and the seal of the City shall be affixed thereto and attested by the City Recorder. In case any one or more of the officers who shall have signed or sealed any of the Bonds shall cease to be such officer of the City before the Bonds so signed and sealed have been actually sold and delivered, such Bonds may nevertheless be sold and delivered as herein provided and may be issued as if the person who signed or sealed such Bonds had not ceased to hold such office. Any Bond may be signed and sealed on behalf of the City by such person as at the actual time of the execution of such Bonds shall hold the proper office in the City, although at the date of such Bonds such person may not have held such office or may not have been so authorized.

The coupons to be attached to the Bonds shall be authenticated with the facsimile signatures of the present or any future Mayor and City Recorder of the City and the City may adopt and use for that purpose the facsimile signature of any person who shall have been such Mayor or City Recorder at any time on or after the date of the Bonds notwithstanding that he may have ceased to be such Mayor or City Recorder at the time when said Bonds shall be actually sold and delivered.

2.03. NEGOTIABILITY AND REGISTRATION. The Bonds shall be, and have all of the qualities and incidents of negotiable instruments as provided in the Act and the Bonds shall pass by delivery except when registered as hereinafter provided.

The Bonds may be registered at the option of the holder as to principal only in the Bond Register of the Treasurer of the State of West Virginia, Charleston, West Virginia, such registration to be noted on the back of said Bonds in the space provided therefor. After such registration as to principal only, no transfer of the Bonds

shall be valid unless made at said office by the registered owner, or by his duly authorized agent or representative and similarly noted on the Bonds, but the Bonds may be discharged from registration by being in like manner transferred to bearer and thereupon transferability by delivery shall be restored. At the option of the holder the Bonds may thereafter again from time to time be registered or transferred as before. Such registration as to principal only shall not affect the negotiability of the coupons which shall continue to pass by delivery.

2.04. BONDS MUTILATED, DESTROYED, STOLEN OR LOST. In case any Bonds shall become mutilated or be destroyed, stolen or lost, the City may in its discretion issue and deliver a new Bond with all unmatured coupons, if any, so mutilated, destroyed, stolen or lost, in exchange and substitution for such mutilated Bond, upon surrender and cancellation of such mutilated Bond and attached coupons, if any, or in lieu of and substitution for the Bond and attached coupon, if any, destroyed, stolen or lost, and upon the holder furnishing the City proof of his ownership thereof and satisfactory indemnity and complying with such other reasonable regulations and conditions as the City may prescribe and paying such expenses as the City may incur. All Bonds and coupons so surrendered shall be cancelled by the City Recorder and held for the account of the City. If such Bond or coupons shall have matured or be about to mature, instead of issuing a substituted Bond or coupons, the City may pay the same, upon being indemnified as aforesaid, and if such Bond or coupon be lost, stolen or destroyed, without surrender thereof.

Any such duplicate Bonds and coupons issued pursuant to this section shall constitute original, additional contractual obligations on the part of the City, whether or not the lost, stolen or destroyed Bonds or coupons be at any time found by anyone, and such duplicate Bonds and coupons shall be entitled to equal and proportionate

benefits with all other Bonds and coupons issued hereunder.

2.05. FORM OF BONDS AND COUPONS. The text of the Bonds and coupons shall be of substantially the following tenor, with such omissions, insertions and variations as may be necessary and desirable and authorized or permitted by this ordinance or any subsequent ordinance or resolution adopted prior to the issuance thereof:

No.

UNITED STATES OF AMERICA
STATE OF WEST VIRGINIA
CITY OF NITRO
RECREATIONAL REVENUE BOND

\$5,000

KNOW ALL MEN BY THESE PRESENTS that the City of Nitro, in the Counties of Kanawha and Putnam and State of West Virginia, a municipal corporation created and existing under the laws of the State of West Virginia, for value received, hereby promises to pay to the bearer, or if this Bond be registered, to the registered holder as herein provided, on the first day of October, 19 , from the revenues and other funds hereinafter mentioned, the principal sum of

FIVE THOUSAND DOLLARS

with interest thereon at the rate of per centum (%) per annum, payable semi-annually on the first day of April and the first day of October of each year, upon the presentation and surrender of the annexed coupons as they severally fall due. Both principal and interest on this Bond are payable at the office of the State Sinking Fund Commission, in Charleston, West Virginia, or, at the option of the holder, at , in lawful money of the United States of America.

The Bonds of this issue are not redeemable prior to their stated dates of maturity.

This Bond is one of an authorized issue of Bonds in the aggregate principal amount of not exceeding \$155,000, of like date, tenor and effect, except as to number, (interest rate) and date of maturity, issued to finance the cost of the construction of a swimming pool in the City of Nitro, West Virginia, on property to be acquired for such purpose, under the authority of and in full compliance with the Constitution and statutes of the State of West Virginia, including particularly Article 4-A of Chapter 8 of the Code of West Virginia, and other applicable provisions of law, and an ordinance duly adopted

by the Common Council of the City of Nitro on the day of
1965 (hereinafter referred to as "Ordinance"), and is subject to all
the terms and conditions of said Ordinance.

This Bond and the coupons appertaining hereto are payable solely from and secured by a first lien upon and pledge of the net revenues derived from the operation of the City's swimming pool and any voluntary contributions made to the City by the Civic Benefits Association in the manner provided in the Ordinance authorizing this issue of Bonds. This Bond does not constitute an indebtedness of said City within the meaning of any constitutional, statutory or charter provision or limitation, and it is expressly agreed by the holders of this Bond and the coupons appertaining thereto that such holders shall never have the right to require or compel the exercise of the ad valorem taxing power of said City, or the taxation of real estate or personal property in said City, for the payment of the principal of and interest on this Bond, or the making of any sinking fund, reserve or other payments provided for in the Ordinance authorizing this issue of Bonds.

The City in said Ordinance has covenanted and agreed with the holders of the Bonds of this issue to fix and establish and maintain and collect such fees, rentals or other charges for the services and facilities of said swimming pool, and to revise the same from time to time whenever necessary, as will always provide revenues sufficient to pay in each year, one hundred per centum (100%) of the amount required for the Operation and Maintenance Fund in such year, and together with any voluntary contributions received by the City from the Civic Benefits Association one hundred fifty per centum (150%) of the principal of and interest maturing on the Bonds in such year, and one hundred per centum (100%) of the amount required to be deposited in the Reserve Account in such year and all other payments required to be

made by said Ordinance in such year, and that such fees, rentals or other charges shall not be reduced so as to be insufficient to provide revenues for such purposes, and said City has entered into certain further covenants with the holders of the Bonds of this issue for the terms of which reference is made to said Ordinance.

It is hereby certified and recited that all acts, conditions and things required to exist, to happen and to be performed precedent to and in the issuance of this Bond, exist, have happened and have been performed in regular and due form and time as required by the Laws and Constitution of the State of West Virginia applicable thereto, and that the issuance of this Bond, and of the issue of Bonds of which this Bond is one, is in full compliance with all constitutional, statutory or charter limitations or provisions.

This Bond, under the provisions of Article 4A, Chapter 8 of the Code of West Virginia, is and has all the qualities and incidents of a negotiable instrument.

This Bond, at the request of the holder or owner hereof, may be registered as to principal only, the registration being noted on this Bond, in accordance with the provisions endorsed hereon.

IN WITNESS WHEREOF, the City of Nitro, in the Counties of Kanawha and Putnam, State of West Virginia, has issued this Bond, and has caused it to be signed by the Mayor, and the corporate seal of said City to be affixed hereto, attested by its City Recorder, and has caused the interest coupons hereto attached to be executed by the facsimile signatures of said Mayor and City Recorder, all as of the first day of April, 1965.

Attest:

CITY OF NITRO, WEST VIRGINIA

City Recorder

By _____
Mayor

FORM OF COUPON

No.

\$

On the first day of _____, 19____, the City of Nitro, West Virginia, will pay to the bearer, at the office of the State Sinking Fund Commission, in Charleston, West Virginia, or, at the option of the holder, at

_____, in lawful money of the United States of America, solely from the revenues and other funds described in the Bond to which this coupon is attached, the sum of _____ Dollars (\$ _____), upon presentation and surrender of this coupon, being six months interest due on its Recreational Revenue Bond, dated April 1, 1965

City Recorder

Mayor

PROVISION FOR REGISTRATION

This Bond may be registered in the name of the holder on the books to be kept by the Treasurer of the State of West Virginia, such registration being noted hereon in the registration blank below, after which no transfer shall be valid unless made on said books by the registered holder or his agent or representative duly authorized and similarly noted in the registration blank below, but it may be discharged from registration by being transferred to bearer, after which it shall be transferable by delivery, but it may be again registered as before. The principal of this Bond, if registered, shall be payable only to the registered owner or his legal representative. Notwithstanding the registration of this Bond, the coupons shall remain payable to bearer and shall continue to be transferable by delivery merely.

DATE OF REGISTRATION	IN WHOSE NAME REGISTERED	SIGNATURE OF REGISTRAR
:	:	:
:	:	:
:	:	:
:	:	:
:	:	:
:	:	:

(No writing on this Bond except by the Treasurer of the State of West Virginia as Registrar)

ARTICLE III

REVENUES, CONTRIBUTIONS AND APPLICATION THEREOF

3.01. RECREATIONAL REVENUE FUND. The entire gross revenues derived from the operation of the City's swimming pool, as defined in Section 1.03 (F) hereof, shall be deposited in a special segregated trust fund, which fund is hereby created and established and designated as the "Recreational Revenue Fund" (hereinafter referred to as "Revenue Fund"). Said Revenue Fund shall constitute a trust fund for the purposes provided in this ordinance and shall be kept separate and distinct from all other funds of the City and used only for the purposes and in the manner provided in this Article III.

3.02. DISPOSITION OF REVENUES. All revenues at any time remaining on deposit in the Revenue Fund shall be disposed of only in the following manner and order of priority:

(A) From the revenues in the Revenue Fund the City shall on the twentieth day of each month in each year, beginning with the twentieth day of the first month after the delivery of any of the Bonds apportion and set apart out of the Revenue Fund and deposit in an Operation and Maintenance Fund, which is hereby created and established, an amount sufficient to pay in the ensuing month all the current operating expenses of the swimming pool, as defined in Section 1.03 (G) of this ordinance.

(B) From the revenues remaining in the Revenue Fund the City shall, on the twentieth day of each month in each year beginning with the twentieth day of the first month after the delivery of any of the Bonds, apportion and set apart out of the Revenue Fund and remit to the State Sinking Fund Commission, for deposit in the "Recreational Bond and Interest Sinking Fund", which is hereby created and established (hereinafter referred to as "Sinking Fund"), one-sixth of the amount of interest which will mature and become due on the Bonds on the next semi-annual interest payment date, and beginning with October 15, 1965 one-twelfth of the amount of

principal which will mature and become due on the Bonds maturing on the next principal maturity date; provided, however, that in the event that the period to elapse between the date of delivery of the Bonds and the next semi-annual interest payment date and the next principal maturity date will be less than six months, or twelve months, as the case may be, then said monthly payments shall be increased sufficiently to provide the required amounts maturing on said next semi-annual interest payment date and next principal maturity date.

The City shall also, from the Revenue Fund, remit to the State Sinking Fund Commission, on the twentieth day of each month in each year, or at such other times as the State Sinking Fund Commission shall require, the amount of the necessary fiscal charges for paying Bonds and interest.

(C) The revenues remaining in the Revenue Fund shall next be used by the City to maintain a Reserve Account in said Sinking Fund. There shall initially be deposited in said Revenue Account, which is hereby created and established, from the proceeds derived from the sale of the Bonds issued pursuant to this ordinance, the sum of \$7,363. Thereafter, on the twentieth day of each month in each year beginning with the twentieth day of the first month after the delivery of the Bonds, the City shall apportion and set apart out of the Revenue Fund and deposit into said Reserve Account the sum of not less than \$100; provided, however, that no further payments shall be required to be made into said Reserve Account when there shall have been deposited therein, and so long as there shall remain therein the sum of not less than \$13,363.

Moneys in the Reserve Account shall be used only for the purpose of payment of maturing principal of or interest on the Bonds when the other moneys in the Sinking Fund are insufficient therefor, and for no other purpose. Any moneys withdrawn from said Reserve Account for

payment of principal of or interest on the Bonds shall be restored thereto from the first revenues available after the payment of all sums required for current payments for the Sinking Fund and Reserve Account, including any deficiencies for prior payments, have been made in full. The City may in its discretion direct the State Sinking Fund Commission to invest any moneys in the Reserve Account in said Sinking Fund in direct obligations of the United States of America maturing or subject to redemption at the option of the holder within ten years from the date of such investment.

The State Sinking Fund Commission is hereby designated as the Fiscal Agent for the administration of the Sinking Fund created hereunder, and all amounts required for said Sinking Fund shall be remitted to the State Sinking Fund Commission from said Revenue Fund by the City at the times provided herein.

The City may also in its discretion, direct the State Sinking Fund Commission to invest any moneys in the Sinking Fund (except the Reserve Account therein) in direct obligations of the United States of America maturing not later than fifteen days prior to the dates upon which such moneys will be needed for the payment of maturing principal of and interest on said Bonds.

(D) Thereafter, any revenues remaining on deposit in the Revenue Fund after October 1st of each year in excess of the amounts required to be deposited in the Operation and Maintenance Fund to and including the next succeeding October 1st, and in the Sinking Fund for the payment of the principal of and interest on the Bonds herein authorized to and including the next succeeding October 1st, and in the Reserve Account to and including the next succeeding October 1st, shall be deemed to be surplus revenues and may be withdrawn by the City from the Revenue Fund and used for any lawful purpose; provided,

however, that no surplus revenues shall be withdrawn by the City from said Revenue Fund unless the required maximum amount of moneys as provided in this ordinance is then on deposit in the Reserve Account.

(E) CONTRIBUTIONS FUND. All monthly contributions received by the City from the Association on or after the sale of any or all of the Bonds herein authorized shall be deposited in a fund to be known as the "Contributions Fund", which is hereby created and established, and all moneys in said Contributions Fund shall be used by the City on the twentieth day of each month, for deposit in the Sinking Fund and the Reserve Account therein, of all amounts necessary, which, together with the moneys available on such dates from the net revenues of the swimming pool, will be sufficient to make all required payments on such dates into said Sinking Fund and the Reserve Account therein, including any deficiencies for prior payments.

It is the expressed intention of this subsection that the City shall be required to use all available moneys in the Revenue Fund to make all the required payments into the Sinking Fund and the Reserve Account therein, including any deficiencies for prior payments, to the full extent that the moneys in said Revenue Fund are sufficient therefor, and that such moneys in the Contributions Fund shall only be used for such purpose to the full extent that the moneys in said Revenue Fund are insufficient therefor.

No further deposits of contributions received by the City from the Association shall be made into the Contribution Fund after October 1st of each year whenever the moneys on deposit therein together with the moneys on deposit in the Revenue Fund shall be sufficient to make all required monthly deposits to and including the next succeeding October 1st in the Sinking Fund and in the Reserve Account and provided that all required current payments into said Sinking Fund and the Reserve Account, including any deficiencies

for prior payments, have been made in full.

(F) All of the funds provided for above shall constitute trust funds and shall be used only for the purposes provided herein. The moneys in said Revenue Fund and in the Contributions Fund shall be secured at all times, to the full extent thereof, by direct obligations of the United States of America, or such obligations as shall be eligible as security for deposits of State and municipal funds under the laws of the State of West Virginia.

The Revenue Fund, Operation and Maintenance Fund and the Contributions Fund shall be maintained in a bank or banks in the State of West Virginia which is a member of the Federal Deposit Insurance Corporation.

(G) If on any monthly payment date the revenues are insufficient to place the required amount in any of the Funds and Accounts as hereinbefore provided, the deficiency shall be made up in the subsequent payments in addition to the payments which would otherwise be required to be made in the Funds and Accounts on the subsequent payment date.

(H) The City may invest any moneys in the Contributions Fund in direct obligations of the United States of America maturing not later than fifteen days prior to the dates upon which such moneys will be needed for the payment of maturing principal of and interest on said Bonds.

ARTICLE IV
APPLICATION OF BOND PROCEEDS

4.01. CONSTRUCTION TRUST FUND. From the moneys received from the sale of any or all of the Bonds authorized and issued pursuant to this ordinance, the following amounts shall be first deducted and deposited as follows:

(A) All accrued interest received from the purchaser of said Bonds shall be deposited in the Sinking Fund and used to pay the next maturing interest on the Bonds.

(B) An additional amount of such proceeds in the amount of \$7,363 shall be deposited in the Reserve Account as provided in Section 3.02 (C) hereof.

(C) The remaining moneys derived from the sale of said Bonds shall be deposited by the City in a special bank account in a fund to be known as the "Construction Trust Fund", which is hereby created, which fund shall be kept separate and apart from all other funds of the City, and shall be drawn out, used and applied by the City solely for the payment of the cost of the construction of the swimming pool and the acquisition of land therefor, and other purposes incidental and appurtenant thereto, as provided in Section 1.01 (G) of this ordinance, and for no other purpose whatsoever. If for any reason such proceeds, or any part thereof, are not necessary for, or are not applied to, such purposes, then such unapplied proceeds shall be deposited by the City in the Reserve Account in the Sinking Fund created and established pursuant to this ordinance, and shall be used only as provided herein for said Reserve Account. All such proceeds shall be and constitute a trust fund for such purposes and there is hereby created a lien upon such moneys, until so applied, in favor of the holders of the Bonds.

Expenditures or disbursements from said Construction Trust Fund shall be made only after such expenditures or disbursements shall have been approved in writing by the City Engineer and shall have been approved and authorized by official action of the Common Council, duly taken and recorded in their official minutes.

ARTICLE V

ADDITIONAL COVENANTS OF THE CITY

5.01. GENERAL COVENANTS OF THE CITY. All the covenants, agreements and provisions of this ordinance shall be and constitute valid and legally binding covenants of the City and shall be enforceable in any court of competent jurisdiction by any holder or holders of said Bonds. In addition to the other covenants, agreements and provisions of this ordinance, the City hereby covenants and agrees with the holders of said Bonds in the manner provided in this Article V. All such covenants, agreements and provisions shall be irrevocable, except as provided herein, as long as any of said Bonds or the interest thereon, are outstanding and unpaid.

5.02. BONDS NOT TO BE INDEBTEDNESS OF THE CITY OF NITRO. Neither the Bonds nor coupons shall be or constitute an indebtedness of the City of Nitro, within the meaning of any constitutional, statutory or charter limitation of indebtedness, but shall be payable solely from the revenues of the swimming pool and from the contributions received by the City from the Association, as herein provided. No holder or holders of any Bond issued hereunder, or of any coupon appertaining thereto, shall ever have the right to compel the exercise of the ad valorem taxing power of the City, or taxation in any form of any real or personal property therein to pay said Bonds or the interest thereon.

5.03. BONDS SECURED BY PLEDGE OF REVENUES AND CONTRIBUTIONS. The payment of the debt service of all of the Bonds issued hereunder shall be secured forthwith equally and ratably by a first lien on the net revenues derived from the operation of the City's swimming pool and by a first lien on the contributions received by the City from the Association to the extent necessary to make all of the required payments into the Sinking Fund and the Reserve Account created and established by this ordinance in the manner provided in Section 3.02(E)

of this ordinance. The net revenues derived from the City's swimming pool and the contributions received by the City from the Association in an amount sufficient to pay the principal of and interest on the Bonds herein authorized, and to make the payments into the Sinking Fund and Reserve Account therein, and all other payments provided for in this ordinance, are hereby irrevocably pledged in the manner provided in this ordinance, to the payment of the principal of and interest on the Bonds herein authorized as the same become due, and the other purposes provided in this ordinance.

Notwithstanding any of the provisions of this ordinance the holders of the Bonds herein authorized shall not have the right to compel the continuance of the voluntary monthly contributions by the Civic Benefits Association and the holders of said Bonds shall have a lien only on the voluntary monthly contributions received by the City.

6.04. STATUTORY MORTGAGE LIEN CREATED. That the holders of the Bonds and coupons issued pursuant to this ordinance shall have a statutory mortgage lien upon said swimming pool pursuant to the provisions of Article 4-A of Chapter 8 of the Code of West Virginia, which statutory mortgage lien shall exist in favor of, and shall be enforceable in any lawful manner by the holders of said Bonds, and the coupons appertaining thereto, and said swimming pool shall remain subject to such statutory mortgage lien until payment in full of the principal and interest on the Bonds issued pursuant to this ordinance. Said statutory mortgage shall be a first mortgage on said swimming pool, and the City shall not place any other mortgage or encumbrance on said swimming pool, or any part thereof.

5.05. RATES. That the City will fix, establish and maintain and collect such fees, rentals or other charges for the services and facilities of said swimming pool, and revise the same from time to time whenever necessary, as will always provide revenues sufficient to pay in each year, in the manner provided in this ordinance, as the same shall mature and become due, one hundred per centum (100%) of the amount required for the Operation and Maintenance Fund in such

year, and together with the contributions received by the City from the Association, one hundred and fifty per centum (150%) of the principal of and interest maturing on the Bonds in such year, and one hundred per centum (100%) of the amount required to be deposited in the Reserve Account in such year and all other payments required to be made by this ordinance, and that such fees, rentals or other charges shall not be reduced so as to be insufficient to provide adequate revenues for such purposes.

5.06. SALE OF THE SWIMMING POOL. The swimming pool may be sold, leased, or otherwise disposed of only as a whole or substantially as a whole, and only if the net proceeds to be realized shall be sufficient fully to retire all of the Bonds issued pursuant to this ordinance and all interest thereon to their respective dates of maturity. The proceeds from such sale, lease or other disposition of the swimming pool shall immediately be deposited in the Sinking Fund and shall be used only for the purpose of paying the principal of and interest on the Bonds issued pursuant to this ordinance as the same shall become due.

The foregoing provision notwithstanding the City shall have and hereby reserves the right to sell, lease or otherwise dispose of any of the property comprising a part of said swimming pool hereafter determined in the manner provided herein to be no longer necessary, useful or profitable in the operation thereof. Prior to such sale, lease or other disposition of said property, the City Engineer shall make a finding, in writing determining that such property is no longer necessary, useful or profitable in the operation of the swimming pool, and the governing body of the City shall by resolution duly adopted, concur in the finding of the City Engineer, and authorize such sale, lease or other disposition of said property. The proceeds of such sale, lease or other disposition of such property may be used for capital improvements and additions or for the replacement of any capital assets sold or if not needed for such purposes to be deposited in the Revenue Fund created by this ordinance and used in the manner provided therein.

5.07. ISSUANCE OF OTHER OBLIGATIONS PAYABLE OUT OF REVENUES. The City will not issue any other obligations for any purpose, payable

from the net revenues derived from the operation of said swimming pool and the contributions received by the City from said Association nor voluntarily create or cause to be created any debt, lien, pledge, assignment, encumbrance or any other charge which will have priority to or on a parity with the lien of the Bonds issued pursuant to this ordinance and the interest thereon, upon any of the income and revenues of said swimming pool or said contributions, or any part thereof. Any other obligations hereafter issued by the City, payable from such net revenues and such contributions, shall contain an express statement that such obligations are junior, subordinate and inferior to the Bonds issued pursuant to this ordinance as to lien and source and security for payment from the net revenues of said swimming pool and the contributions received by the City from said Association and in all other respects.

5.08. INSURANCE. The City will carry liability insurance for damage or injury to persons or property in amounts adequate for such purposes and comparable to the amounts of such insurance ordinarily carried by private corporations owning and operating similar facilities as the City's swimming pool.

5.09. BOOKS AND RECORDS. The City will keep books and records of the swimming pool, which shall be separate and apart from all other books, records and accounts of the City, in which complete and correct entries shall be made of all transactions relating to the swimming pool, which will also include the amount of contributions received by the City from the Association and deposited in the Contributions Fund created by this ordinance, and any holder of a Bond or Bonds issued pursuant to this ordinance shall have the right at all reasonable times to inspect the swimming pool and all parts thereof, and all records, accounts and data of the City relating thereto.

The City shall cause the books, records and accounts of said swimming pool to be properly audited by a recognized and independent firm of certified public accountants as of September 31st of each year, and shall mail a copy of such audit not later than November 31st of each year to the holders of the Bonds issued pursuant to this ordinance who have requested the same and copies of such audits shall be kept on file in the office of the City Recorder of the City of Nitro.

5.10. MAINTENANCE OF SWIMMING POOL. That the City will complete the construction of the swimming pool provided for in this

ordinance in an economical and efficient manner with all practicable dispatch, and thereafter will maintain the swimming pool in good condition and continuously operate the same in an efficient manner and at a reasonable cost as a revenue-producing enterprise.

5.11. SERVICES RENDERED TO THE CITY OF NITRO. The City of Nitro will not render or cause to be rendered any free services of any nature by its swimming pool, nor will any preferential rates be established for users thereof of the same class; and in the event the City or any department, agency, instrumentality, officer or employee of said City, shall avail itself or themselves of the facilities or services provided by the swimming pool, or any part thereof, the same rates, fees or charges applicable to other customers receiving like services under similar circumstances shall be charged said City, or any such department, instrumentality, officer or employee of said City, and such charges shall be paid as they accrue, and the City shall transfer from its general funds sums sufficient to pay such charges. The revenues so received shall be deemed to be revenues derived from the operation of the swimming pool, and shall be deposited and accounted for in the same manner as other revenues derived from such operation of the swimming pool.

5.12. ANNUAL OPERATING BUDGET. The City shall annually, at least forty-five days preceding the beginning of each of its fiscal years, prepare and adopt by resolution a detailed budget of the estimated expenditures for operation and maintenance of the swimming pool during such succeeding fiscal year. No expenditures for the operation and maintenance of the swimming pool shall be made in any fiscal year in excess of the amount provided therefor in such budget without a written finding and recommendation by the general manager of such swimming pool or other duly authorized officer in charge thereof, which finding and recommendation shall state in detail the purpose of and necessity for such additional

expenditures for the operation and maintenance of the swimming pool, and no such additional expenditures shall be made until the governing body of said City shall have approved such finding and recommendation and shall have authorized such additional expenditures by a resolution duly adopted.

5.13. REMEDIES AND APPOINTMENT OF RECEIVER. That any holder or holders of Bonds issued pursuant to this ordinance may by proper action, either at law or in equity, compel the performance of the duties of the City under this ordinance and Act. If there be a default in the payment of principal or interest upon any of the Bonds or coupons issued hereunder, any holder or holders of said Bonds shall, in addition to all other remedies or rights of the holder of any of said Bond or coupons, have the right by appropriate proceedings at law or in equity to obtain the appointment of a receiver to administer said swimming pool on behalf of the City, with power to charge fees, rentals or other charges sufficient to provide for the payment of said Bonds and the interest thereon and for the payment of operating expenses, and to apply such fees, rentals, charges or other revenues in conformity with the provisions of this ordinance and said Act. The receiver under the provisions of this Section shall also have the power to administer the Contributions Fund and to apply the moneys on deposit therein to the payment of the principal of and interest on the Bonds.

5.14. ENFORCEMENT OF COLLECTIONS. The City will diligently enforce and collect all fees, rentals or other charges for the services and facilities of the swimming pool, and take all steps, actions and proceedings for the enforcement and collection of such fees, rentals or other charges which shall become delinquent to the full extent permitted or authorized by the charter of said City and the Act.

5.15. OPERATION AND MAINTENANCE. The City will maintain in good condition said swimming pool and all parts thereof, and will operate the same as a revenue producing enterprise in an efficient and economical manner, making such expenditures for equipment and for renewal, repair and replacement as may be proper for the economical operation and maintenance thereof.

ARTICLE VI
MISCELLANEOUS

6.01. MODIFICATION OR AMENDMENT. No material modification or amendment of this ordinance, or of any ordinance or resolution amendatory hereof or supplemental hereto, may be made without the consent in writing of the holders of three-fourths or more in principal amount of the Bonds then outstanding; provided, however, that no modification or amendment shall permit a change in the maturity of such Bonds or a reduction in the rate of interest thereon, or in the amount of the principal obligation or affecting the unconditional promise of the City to pay the principal of and interest on the Bonds as the same shall become due from the net revenues of the swimming pool and the contributions made to the City from the Association, as provided herein, or reduce the percentage of Bondholders required to consent to such modification or amendment, without the consent of the holders of such Bonds.

6.02. SEVERABILITY OF INVALID PROVISION. If any one or more of the covenants, agreements or provisions of this ordinance should be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining covenants, agreements or provisions, and in no way affect the validity of all the other provisions of this ordinance or of the Bonds or coupons issued thereunder.

6.03. CONFLICTING ORDINANCES SUPERSEDED. All ordinances and parts of ordinances in conflict herewith are to the extent of such conflict hereby superseded.

6.04. EFFECTIVE DATE. This ordinance shall take effect after passage in the manner prescribed by law.

Accepted and approved April 26, 1965.

W. W. Alexander,
Mayor

Attest:

Grace Lewis,
Recorder

Recorded: April 26, 1965

Grace Lewis,
Recorder

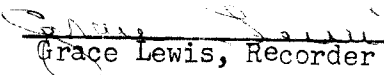
Councilman Hoke also reported that trash had been dumped on the back of the post office lot. The Mayor said he would have this checked.

Councilman Griffith inquired the owner of the lots 620-622, 6th Street, informing that the lots were full of debris. The Mayor said he had not been able to locate the owner.

There being no further business at this time a motion for recess by Councilman Hoke carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

April 26, 1965

The City Council met in recessed session April 26th at
3:00 o'clock P. M.

There were present: W. W. Alexander, Mayor, Grace Lewis,
Recorder, Dayton Brohard, Earl W. Dye, Keith H. Estep, Thomas
R. Griffith and Mrs. E. Robert Hamilton members of the Council.
Councilmen B. E. Gewin and L. I. Hoke, M. D. being absent.

Mayor Alexander called the meeting to order.

The attached ordinance was introduced and read.

Printer's Fee \$

AFFIDAVIT OF PUBLICATION

State of West Virginia,

County of Kanawha, to-wit:

I, Hada Louise Keener, ~~Manager~~ of Kanawha Valley Leader, a Weekly Newspaper of general circulation, published in the City of Nitro, Kanawha County, West Virginia, do solemnly swear that the annexed

publication

was duly published in said paper once a week for two successive weeks, commencing with the issue of the 23 day of April, 1965 and ending with the issue of the 30 day of April, 1965 and was posted at the Court House of Kanawha County on

, 19

Hada Louise Keener

~~Manager~~

Kanawha Valley Leader.

Subscribed and sworn to before me this 30 day of

April, 19 65

E. Garret Heyman

Notary Public for Kanawha County, West Virginia.

(My commission expires June 11, 1972).

LEGAL NOTICE

Introduced in Council
April 20, 1965

AN ORDINANCE ESTABLISHING CHARGES TO BE IMPOSED UPON ALL PERSONS USING THE SWIMMING POOL AND RECREATIONAL FACILITIES IN THE CITY OF NITRO.

WHEREAS, the City of Nitro has entered into an agreement to purchase a parcel of land, from Monsanto Company, a corporation, situate in Area "A", of the Nitro Reservation, in the City of Nitro, Kanawha County, West Virginia, containing acres, more or less, for the purpose of constructing a swimming pool and other recreational facilities, and,

WHEREAS, the City of Nitro has entered into a contract to build a swimming pool and other recreation facilities, and to open same as a City recreational facility, and,

WHEREAS, the purchase of said land, and the construction of said pool and recreational facilities, shall be financed by the issuance of \$150,000.00 Recreational Revenue Bonds, and,

WHEREAS, to provide additional revenue to retire said bonds and to operate said recreational facilities, it will be necessary to make reasonable charges to any person or persons using said facilities.

THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NITRO:

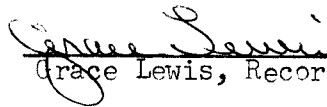
1. That the City of Nitro, do forthwith proceed to construct said swimming pool and other necessary to provide

Thereupon after discussion by Mayor and members of Council, Councilman Dye moved, seconded by Councilman Hamilton, the foregoing ordinance be approved for publication in the Kanawha Valley Leader, the only newspaper in the City of Nitro, for two consecutive weeks beginning with the issue of April 30, 1965 and that a public hearing be held on May 11, 1965 at 8:00 o'clock P. M. in the Council Chambers. Upon a vote motion carried and was so ordered.

There being no further business, a motion by Councilman Dye, seconded by Councilman Hamilton, for adjournment carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

May 4, 1965.

The City Council met in regular session Tuesday, May 4, 1965.

There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Earl W. Dye, Keith H. Estep, B. E. Gewin, Mrs. E. Robert Hamilton, and L. I. Hoke, M. D. members of the City Council. Councilman Thomas R. Griffith being absent.

Councilman Dye moved, seconded by Councilman Gewin, to dispense with reading of the minutes of April 20 and April 26. Upon a vote, motion carried.

Thereupon the Recorder presented publishers affidavit of legal notice of City Ordinance establishing charges to be imposed upon all persons using the swimming pool and recreation facilities in the City of Nitro.

Thereupon Councilman Hamilton moved, seconded by Councilman Estep, that the publishers affidavit be made a part of the minutes of this meeting. Upon a vote, motion carried.

Thereupon the ordinance establishing charges to be imposed upon all persons using the swimming pool and recreation facilities in the City of Nitro was again presented to the Council for consideration.

The Mayor asked if there were any protests or protestants present, and there were none.

Thereupon Councilman Dye moved, seconded by Councilman Hamilton, that the following Ordinance be adopted by the Council and upon a vote, motion carried unanimously.

AN ORDINANCE ESTABLISHING CHARGES
TO BE IMPOSED UPON ALL PERSONS
USING THE SWIMMING POOL AND RE-
CREATIONAL FACILITIES IN THE CITY
OF NITRO.

WHEREAS, the City of Nitro has entered into an agreement to purchase a parcel of land, from Monsanto Company, a corporation, situated in Area "A", of the Nitro Reservation, in the City of Nitro, Kanawha County, West Virginia, containing 5.77 acres, more or less, for the purpose of constructing a swimming pool and other recreational facilities, and,

WHEREAS, the City of Nitro has entered into a contract to build a swimming pool and other recreation facilities, and to open same as a City recreational facility, and,

WHEREAS, the purchase of said land, and the construction of said pool and recreational facilities, shall be financed by the issuance of \$155,000.00 Recreational Revenue Bonds, and,

WHEREAS, to provide additional revenue to retire said bonds and to operate said recreational facilities, it will be necessary to make reasonable charges to any person or persons using said facilities.

THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NITRO:

1. That the City of Nitro, do forthwith proceed to construct said swimming pool and other facilities necessary to provide adequate recreational facilities for the citizens of the City of Nitro.

2. That to retire said bonds issued to finance said pool and facilities and to operate said recreational facilities, the proper officials of the City of Nitro shall appropriate such sums of money out of the General Fund, to pay such costs above the estimated income to be received from charges made to the public for the use of said facilities.

3. That there shall be an admission charge to all persons using

said pool and facilities, as follows:

(1). Definition: A family season pass shall include the husband and wife, and all dependents residing in the same household.

(2). A charge of Forty Dollars, (\$40.00) including tax shall be made for all family season passes issued to persons residing outside of the City of Nitro. An additional charge of Five Dollars, (\$5.00) including tax shall be made for each additional person residing in the same household not a dependent.

(3). A charge of Twenty Five Dollars, (\$25.00) including tax shall be made for all family season passes issued to persons residing inside the City of Nitro. An additional charge of Five Dollars, (\$5.00) including tax shall be made for each additional person residing in the same household not a dependent.

(4). A charge of Twenty Five Dollars (\$25.00) including tax shall be made for a season pass issued to one individual residing outside the City of Nitro, and a charge of Twelve Dollars, (\$12.00) including tax shall be made for a season pass issued to one individual residing inside the City of Nitro.

(5). A charge of Sixty Cents (60¢) including tax shall be made for a ticket issued for a single admission to all persons residing outside of the City of Nitro, under the age of sixteen (16) years. A charge of One Dollar and Twenty Five Cents (\$1.25) including tax shall be made for a ticket issued for a single admission to all persons residing outside of the City of Nitro, sixteen (16) years of age and over.

(6). A charge of Thirty Five Cents (35¢) including tax shall be made for a ticket issued for a single admission to all persons residing in the City of Nitro, under the age of sixteen (16) years. A charge of Seventy Five Cents (75¢) including tax shall be made for a single

admission to all persons residing in the City of Nitro, sixteen (16) years of age and over.

(7). All charges set forth herein shall be collected by attendants at the gate of said pool and facilities, said attendants to be appointed by the Mayor, and approved by the Council of the City of Nitro. Season passes shall be sold at the gate of said pool and at the City Building by the Treasurer, of the City of Nitro.

4. Each provision of this article shall be separable and if any part thereof shall be adjudged invalid by a court of competent jurisdiction, the remaining and valid portion of this ordinance shall remain in full force and effect.

5. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

6. This ordinance shall take effect as of the 4th day of May, 1965.

W. W. Alexander, Mayor

Grace Lewis, Recorder

Mayor Alexander and the City Attorney explained to the Council that an error had been made by the Attorney who prepared a paving assessment rolls for paving program in 1962, by assessing property footage on Boundary Street to incorrect property owners. The Attorney recommended the following resolution be adopted by the Council to clarify and correct this mistake.

RESOLUTION OF THE COUNCIL OF THE CITY
OF NITRO, PROVIDING FOR CORRECTION AND
REASSESSMENT OF CERTAIN IRREGULAR, ERRO-

NEOUS AND OMITTED ASSESSMENTS IN SAID
CITY OF NITRO, PURSUANT TO THE PROVISIONS
OF THE WEST VIRGINIA CODE CHAPTER 8,
AS AMENDED.

WHEREAS, the Council of the City of Nitro, West Virginia, by resolution adopted the 3rd day of July, 1962, laid and levied certain special assessments against properties abutting upon Boundary Street in the City of Nitro, among other streets and public ways in the City of Nitro, completed on the 3rd day of July, 1962, all as authorized and provided by the Code of West Virginia, Chapter 8, Article 8, as amended, and,

WHEREAS, the said Council is now advised that certain of said assessments as laid, were irregular and erroneous, that is to say, that said assessments was made against Victor Wise for Lot No. 38, of East View Land Company Subdivision, fronting 88.50 feet on the south side of Boundary Street; that said Victor Wise did not own said Lot No. 38, of said East View Land Company Subdivision, but that the property intended to be assessed was Lot No. 39, of said East View Land Company Subdivision fronting 130.5 feet on said south side of Boundary Street owned and in the name of Victor Ernest Wise and Carol Imogene Wise, his wife; that an assessment was made against Herbert Dixon and Janet Dixon, for Lot No. 39, of East View Land Company Subdivision fronting on the 130.5 feet on the south side of Boundary Street, that said Herbert Dixon and Janet Dixon, did not own said Lot No. 39, of East View Land Company Subdivision, but that the property intended to be assessed was Lot No. 38, of East View Land Company Subdivision, fronting 88.50 feet on the South Side of said Boundary Street in the name of Herbert W. Dixon and Janet L. Dixon, his wife, and,

NOW THEREFORE, be it resolved by the Council of the City of Nitro, West Virginia:

(1). The Recorder of said City is directed to publish once a week for three successive weeks in the Kanawha Valley Leader, a newspaper of general circulation in the Counties of Kanawha and Putnam, West Virginia, in which counties said City is located and of general circulation in said City, the following notice:

NOTICE OF ALL PERSONS AND CORPORATIONS
OWNING PROPERTY ABUTTING UPON BOUNDARY
STREET, THE SAME BEING A STREET AND
PUBLIC WAY IN THE CITY OF NITRO, WEST
VIRGINIA.

By virtue of certain errors and omissions made in the levying of assessments on the 3rd day of July, 1962, for the costs of certain improvements against property owners abutting upon Boundary Street, in said City of Nitro; said improvements having been made pursuant to resolution of this Council adopted on the 17th day of July, 1961, and completed on the 3rd day of July, 1962, and,

By virtue of a resolution adopted by the City Council of the City of Nitro, on the 4th day of May, 1965, providing for correction of such said errors and omissions and the levy of proper and additional assessments for the total cost of said improvements after appropriate public hearing regarding same, the said Council being advised that proper and correct assessments are as follows: (South side of Boundary Street).

<u>Name of Owners:</u>	<u>Lot No.</u>	<u>Addition</u>	<u>foot frontage</u>	<u>Price per front foot</u>	<u>Total Assessment</u>
Victor Ernest Wise	39	East View Land Co.	130.5	13.297	\$1735.26
Carol Imogene Wise					
Herbert W. Dixon	38	East View Land Co.	88.50	13.297	\$1176.78
Janet L. Dixon					

(Previously assessed as:

Herbert Dixon & Janet Dixon	39	130.50	\$13.297	\$1,735.26
Victor Wise	38	88.50	13.297	1,176.78

Notice is hereby given in behalf of the Council of the City of Nitro at a meeting of the Council to be held on the 1st day of June, 1965, at 8:00 P.M. in the Council Room at the City Building, in the City of Nitro, West Virginia, the Council intends on or after said date to lay the above described assessments as proper and additional assessments in the respective amounts and against the respective properties for their proportionate part of the total costs of said improvements, and the owner or owners whose property is to be assessed, or other interested parties, may at said time and place appear before the Council and show cause against said proposed assessments or move the revision or correction thereof.

W.W. Alexander, Mayor of City of Nitro

Attest:

Grace Lewis, Recorder of City of Nitro

2. At or after said public meeting the _____ day of _____, 1965, the Council shall levy proper and additional assessments correcting the errors and omissions in assessments previously laid or omitted to be laid, as aforesaid. The reassessments, so laid, shall be and constitute liens upon the respective

properties liable therefore from the date of the completion of the improvements, as aforesaid; said liens shall have priority over all other liens except those for land taxes due the state, county, and municipality and except for liens for pre-existing special assessments and shall be enforceable and otherwise as provided by West Virginia Code Chapter 8, Article 8, as amended and said assessments shall bear interest at the rate of six per centum (6%) per annum from the date of completion of said improvements until paid.

3. Upon completion of said reassessment special assessment certificates shall be issued upon the same terms as would have been proper at the time of the completion of the said improvements had the assessments therefore been then properly laid and levied. Said certificates shall bear date the date of completion of said improvements and the assessments represented thereby shall be payable in ten (10) equal annual installments, the first installment to be and become due thirty (30) days after date of said certificates and the other nine (9) installments to be and become due one (1) each year for nine (9) years thereafter, all at the rate of six per centum (6%) per annum from the date of completion of said improvements, with interest at the same rate on overdue installments of interest. Said certificates shall evidence each installment of principal and interest payable. Said certificates shall be payable to the bearer and be signed by the Mayor and Recorder and shall refer to the resolution laying the assessments, and shall each show the amount and date of the assessment and describe the property against which the assessment is laid,

describing the same as to ownership, amount, frontage and briefly as to location. Said certificates, when issued, shall be delivered to the contractor that made said improvements or his assignee or assigns, upon surrender by said contractor or his designee or assignee of assessment; certificates previously issued by said city evidencing such erroneous or irregular assessments as are intended to be corrected hereby.

4. After said re-assessments are laid the Recorder is authorized and directed to certify a copy of the resolution effecting such reassessments together with the corrected assessment roll as incorporated therein to the Clerk of the County Court of Kanawha County, for appropriate recordation in their respective offices.

Adopted this _____ day of _____, 1965, upon motion of Councilman _____ seconded by Councilman _____.

Mayor

Recorder

Thereupon Councilman Hamilton moved, seconded by Councilman Brohard, that the foregoing resolution be adopted and upon a vote the resolution carried unanimously.

Councilman Hamilton submitted the following names as the swimming pool's committee appointments as attendants to the swimming pool this

season as follows:

	<u>Salary</u>
Manager - Michael Carroll	\$300.00 per month
Senior Lifeguard - James Westlund	175.00 per month
Lifeguards - Michael A. Grant	150.00 per month
Sara L. Batman	150.00 per month
Sharon Wilson	150.00 per month
Bordon Gewin, Jr.	150.00 per month
James Jarvis	150.00 per month
Michael Roark	150.00 per month

Thereupon after discussion Councilman Hamilton moved, seconded by Councilman Estep, that the foregoing swimming pool appointments be accepted, upon a vote, motion carried unanimously.

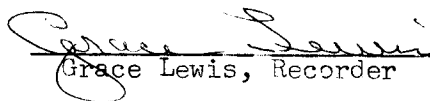
The Mayor and Councilmen entered into a discussion of a purchase of a new air-conditioner for the Council Chambers. The Mayor informed Councilmen that an air-conditioner could be purchased by the City at Wholesale cost.

Thereupon Councilman Hamilton moved, seconded by Councilman Brohard, that 20,000 BTU air-conditioner be purchased at wholesale price. Upon a vote, motion carried.

There being no further business to come before the Council at this time, a motion by Councilman Gewin for adjournment carried.



W.W. Alexander, Mayor



Grace Lewis, Recorder

May 11, 1965

The City Council met in a special session Tuesday, May 11, 1965.

There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Earl W. Dye, Keith H. Estep, B. E. Gewin, Thomas R. Griffith, Mrs. E. Robert Hamilton and L. I. Hoke, M. D., members of the Council.

Mayor Alexander called the meeting to order and announced that this was a public hearing regarding ordinance authorizing the construction of a swimming pool and the acquisition of land within the city of Nitro, West Virginia, and the issuance of \$155,000. Recreational Revenue Bonds to finance the cost thereof, and providing for the Security, Rights and Remedies of the holders thereof as was introduced and read at a meeting of the Council on the 26th day of April, 1965.

Thereupon the Recorder reported that she had complied with directions of the Council, in meeting held April 26, 1965, and had duly advertised the public hearing and aforementioned ordinance in the Kanawha Valley Leader, a newspaper of general circulation in the City of Nitro, West Virginia, and the only newspaper published in said city, for two successive weeks and tendered Publisher's Affidavit of said publication.

Thereupon Councilman Hamilton moved that Publisher's Affidavit be made a part of the minutes of this meeting by being attached hereto and incorporated herein. Motion seconded by Councilman Griffith. All members of the Council, the Mayor and Recorder voted for this motion and was so ordered.

(Publisher's Affidavit attached)

AN ORDINANCE AUTHORIZING THE CONSTRUCTION OF A SWIMMING POOL AND THE ACQUISITION OF LAND THEREFOR IN THE CITY OF NITRO, WEST VIRGINIA, AND THE ISSUANCE OF \$155,000 RECREATIONAL REVENUE BONDS TO FINANCE THE COST THEREOF, AND PROVIDING FOR THE SECURITY, RIGHTS AND REMEDIES OF THE HOLDERS THEREOF.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA:

ARTICLE I

STATUTORY AUTHORITY, FINDINGS AND DEFINITIONS

1.01. AUTHORITY OF THIS ORDINANCE. This ordinance is adopted pursuant to the provisions of Article 4-A of Chapter 8 of the Code of West Virginia, and other applicable provisions of law.

It is hereby found and determined as follows:

(A) That it is deemed necessary and desirable and in the best interests of the inhabitants of the City of Nitro, West Virginia (hereinafter sometimes referred to as "City"), that there be constructed in said City a swimming pool on land to be acquired for such purpose.

(B) That the City of Nitro, West Virginia, will derive revenues from the fees, rentals and other charges made and collected for the services and facilities of said swimming pool and that such revenues are not pledged or encumbered in any manner.

(C) That the Civic Benefits Association of Nitro, West Virginia (hereinafter referred to as "Association"), a body corporate, created and organized under the laws of the State of West Virginia, has for many years made voluntary contributions to the City on behalf of the various corporations in the vicinity of the City who are members of said Association, to assist the City in financing the cost of its general municipal services and said Association at present is voluntarily contributing to the City the sum of \$2,200 per month.

(D) That said Association has pursuant to a resolution duly adopted by its Board of Directors on March 22, 1965, agreed and consented that such voluntary contributions made and given to the City for such general municipal services may be pledged by the City, to the payment of the Bonds herein authorized in the manner provided in this ordinance.

(E) That the revenues to be derived in each year hereafter from the operation of the swimming pool will be sufficient to pay all of the costs of operation and maintenance of said swimming pool and together with the contributions of the Association the principal of and interest on the Bonds to be issued pursuant to this ordinance as the same become due, and all sinking fund, reserve and other payments provided for in this ordinance.

(F) That the principal of and interest on the Bonds to be issued pursuant to this ordinance, and all of the sinking fund, reserve and other payments provided for in this ordinance, will be payable solely from the revenues derived by the City of Nitro from the operation of its swimming pool and from the contributions made by the Association; and it will never be necessary or authorized to levy taxes on any real or personal property in said City to pay the principal of and interest on the Bonds to be issued pursuant to this ordinance, or to make any of the sinking fund, reserve or other payments provided for in this ordinance, and the Bonds issued pursuant to this ordinance shall not constitute a lien upon any property whatsoever of the City of Nitro, except that the holders of the Bonds and of the coupons issued pursuant to this ordinance shall have a statutory mortgage lien upon said swimming pool, as hereinafter provided, and a lien upon said revenues and contributions of the Association when said contributions are received by the City.

(G) That there is hereby authorized the construction of a swimming pool in the City of Nitro on land to be acquired for that

purpose, together with any other purposes necessary, incidental or appurtenant thereto, all substantially in accordance with the plans and specifications prepared by Engineers of *National Pool Company*, and heretofore filed in the office of the City Recorder of the City, at an estimated cost of \$155,000. Such cost shall be deemed to include the cost of the construction of said swimming pool hereby authorized, including the acquisition of any lands or interest therein, and of any fixtures or equipment or properties deemed necessary or convenient therefor; engineering, legal, and financing expenses; expenses for estimates of costs and of revenues, expenses for plans, specifications and surveys, fees of financial agents or consultants, administrative expenses, interest on the Bonds issued pursuant to said ordinance prior to, during and for six months after the completion of the construction of the swimming pool; the initial deposit of the sum of \$7,363 in the Reserve Account hereinafter created for said Bonds; discount on the Bonds, if any; and such other expenses as may be necessary or incidental to the financing authorized by this ordinance and the construction of the swimming pool authorized by this ordinance and the placing of same in operation.

1.02. ORDINANCE TO CONSTITUTE CONTRACT. In consideration of the acceptance of the Bonds authorized to be issued hereunder by those who shall hold the same from time to time, this ordinance shall be deemed to be and shall constitute a contract between the City of Nitro, West Virginia, and such Bondholders, and the covenants and agreements herein set forth to be performed by said City shall be for the equal benefit, protection and security of the legal holders of any and all of such Bonds and the coupons attached thereto, all of which shall be of equal rank and without preference, priority or distinction of any of the Bonds or coupons over any other thereof except as expressly provided therein and herein.

1.05. DEFINITIONS. The following terms shall have the following meanings in this ordinance unless the text otherwise expressly requires:

(A) "City" shall mean the City of Nitro, West Virginia.

(B) "Act" shall mean Article 4-A of Chapter 8 of the Code of West Virginia, and other applicable provisions of law.

(C) "Bonds" shall mean the \$155,000 Recreational Revenue Bonds originally authorized to be issued pursuant to this ordinance, and the interest coupons attached to said Bonds.

(D) "Holder of Bonds" or "Bondholder", or any similar terms, shall mean any person who shall be the bearer or owner of any outstanding Bond or Bonds registered to bearer or not registered, or the registered owner of any outstanding Bond or Bonds which shall at the time be registered other than to bearer, or of any coupons representing interest accrued or to accrue on said Bonds.

(E) "Swimming Pool" shall mean the swimming pool to be constructed and the property to be acquired for such purpose as authorized by said ordinance together with any additions, extensions and improvements thereto hereafter constructed or acquired by the City.

(F) "Revenues" or "Gross Revenues" shall mean all fees, rentals or other charges or other income received by the City, or accrued to the City or to any board or agency of the City in control of the management and operation of said swimming pool and related facilities, including food and refreshment services located in and around the vicinity of the swimming pool, all as calculated in accordance with sound accounting practice.

(G) "Operating Expenses" shall mean the current expenses of the City, paid or accrued, of operation, maintenance and current repair of said swimming pool, and shall include without limiting the generality of the foregoing, administrative expenses relating solely to said swimming pool, insurance premiums, cost of food and other refreshments served by the facilities located in and around said swimming pool, an operating reserve in an amount equal to one month's cost of operation, maintenance and current repairs of the swimming pool, charges for the accumulation of appropriate

appropriate reserves for current expenses not annually recurrent but which are such as may reasonably be expected to be incurred in accordance with sound accounting practice. "Operating Expenses" shall not include any allowances for depreciation except to the extent expressly herein provided.

(H) "Net Revenues" shall mean the gross revenues, as defined in (F) above, remaining after deduction only of operating expenses, as defined in (G) above.

(I) "Fiscal Year" shall mean the period beginning with and including July 1 of each year and ending with and including the last day of the following June.

(J) Words importing singular number shall include the plural number in each case, and vice versa, and words importing persons shall include firms and corporations.

ARTICLE II

AUTHORIZATION, TERMS, EXECUTION, SALE AND DELIVERY OF BONDS

2.01. AUTHORIZATION AND TERMS OF BONDS. For the purpose of financing the cost of the construction of the swimming pool and the acquisition of land therefor described in Section 1.01 (G) hereof, there shall be issued negotiable Recreational Revenue Bonds of the City of Nitro, West Virginia (hereinafter called "Bonds"), in the aggregate principal amount of One Hundred Fifty Five Thousand Dollars (\$155,000), which Bonds shall be dated April 1, 1965, shall be in the denomination of \$5,000 each, shall be numbered 1 to 31, both inclusive, shall bear interest payable semi-annually on April 1 and October 1 of each year at a rate or rates not exceeding six per centum per annum, and shall mature in numerical order, lowest numbers first, on October 1st of each year in the years and amounts as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
1966	\$10,000	1974	\$10,000
1967	10,000	1975	10,000
1968	10,000	1976	10,000
1969	10,000	1977	10,000
1970	10,000	1978	10,000
1971	10,000	1979	10,000
1972	10,000	1980	15,000
1973	10,000		

Said Bonds shall not be redeemable prior to their stated dates of maturity.

Said Bonds shall be issued in coupon form, shall be payable with respect to both principal and interest in lawful money of the United States of America at the office of the State Sinking Fund Commission, Charleston, West Virginia, or, at the option of the holder at such bank or trust company within or without the State as shall be hereafter determined, and shall bear interest from their date, payable in accordance with and upon surrender of the appurtenant interest coupons as they severally mature.

2.02. EXECUTION OF BONDS AND COUPONS. Said Bonds shall be executed in the name of the City by the Mayor and the seal of the City shall be affixed thereto and attested by the City Recorder. In case any one or more of the officers who shall have signed or sealed any of the Bonds shall cease to be such officer of the City before the Bonds so signed and sealed have been actually sold and delivered, such Bonds may nevertheless be sold and delivered as herein provided and may be issued as if the person who signed or sealed such Bonds had not ceased to hold such office. Any Bond may be signed and sealed on behalf of the City by such person as at the actual time of the execution of such Bonds shall hold the proper office in the City, although at the date of such Bonds such person may not have held such office or may not have been so authorized.

The coupons to be attached to the Bonds shall be authenticated with the facsimile signatures of the present or any future Mayor and City Recorder of the City and the City may adopt and use for that purpose the facsimile signature of any person who shall have been such Mayor or City Recorder at any time on or after the date of the Bonds notwithstanding that he may have ceased to be such Mayor or City Recorder at the time when said Bonds shall be actually sold and delivered.

2.03. NEGOTIABILITY AND REGISTRATION. The Bonds shall be, and have all of the qualities and incidents of negotiable instruments as provided in the Act and the Bonds shall pass by delivery except when registered as hereinafter provided.

The Bonds may be registered at the option of the holder as to principal only in the Bond Register of the Treasurer of the State of West Virginia, Charleston, West Virginia, such registration to be noted on the back of said Bonds in the space provided therefor. After such registration as to principal only, no transfer of the Bonds

shall be valid unless made at said office by the registered owner, or by his duly authorized agent or representative and similarly noted on the Bonds, but the Bonds may be discharged from registration by being in like manner transferred to bearer and thereupon transferability by delivery shall be restored. At the option of the holder the Bonds may thereafter again from time to time be registered or transferred as before. Such registration as to principal only shall not affect the negotiability of the coupons which shall continue to pass by delivery.

2.04. BONDS MUTILATED, DESTROYED, STOLEN OR LOST. In case any Bonds shall become mutilated or be destroyed, stolen or lost, the City may in its discretion issue and deliver a new Bond with all unmatured coupons, if any, so mutilated, destroyed, stolen or lost, in exchange and substitution for such mutilated Bond, upon surrender and cancellation of such mutilated Bond and attached coupons, if any, or in lieu of and substitution for the Bond and attached coupon, if any, destroyed, stolen or lost, and upon the holder furnishing the City proof of his ownership thereof and satisfactory indemnity and complying with such other reasonable regulations and conditions as the City may prescribe and paying such expenses as the City may incur. All Bonds and coupons so surrendered shall be cancelled by the City Recorder and held for the account of the City. If such Bond or coupons shall have matured or be about to mature, instead of issuing a substituted Bond or coupons, the City may pay the same, upon being indemnified as aforesaid, and if such Bond or coupon be lost, stolen or destroyed, without surrender thereof.

Any such duplicate Bonds and coupons issued pursuant to this section shall constitute original, additional contractual obligations on the part of the City, whether or not the lost, stolen or destroyed Bonds or coupons be at any time found by anyone, and such duplicate Bonds and coupons shall be entitled to equal and proportionate

benefits with all other Bonds and coupons issued hereunder.

2.05. FORM OF BONDS AND COUPONS. The text of the Bonds and coupons shall be of substantially the following tenor, with such omissions, insertions and variations as may be necessary and desirable and authorized or permitted by this ordinance or any subsequent ordinance or resolution adopted prior to the issuance thereof:

No.

UNITED STATES OF AMERICA
STATE OF WEST VIRGINIA
CITY OF NITRO
RECREATIONAL REVENUE BOND

\$5,000

KNOW ALL MEN BY THESE PRESENTS that the City of Nitro, in the Counties of Kanawha and Putnam and State of West Virginia, a municipal corporation created and existing under the laws of the State of West Virginia, for value received, hereby promises to pay to the bearer, or if this Bond be registered, to the registered holder as herein provided, on the first day of October, 19 , from the revenues and other funds hereinafter mentioned, the principal sum of

FIVE THOUSAND DOLLARS

with interest thereon at the rate of per centum (%) per annum, payable semi-annually on the first day of April and the first day of October of each year, upon the presentation and surrender of the annexed coupons as they severally fall due. Both principal and interest on this Bond are payable at the office of the State Sinking Fund Commission, in Charleston, West Virginia, or, at the option of the holder, at

, in lawful money of the United States of America.

The Bonds of this issue are not redeemable prior to their stated dates of maturity.

This Bond is one of an authorized issue of Bonds in the aggregate principal amount of not exceeding \$155,000, of like date, tenor and effect, except as to number, (interest rate) and date of maturity, issued to finance the cost of the construction of a swimming pool in the City of Nitro, West Virginia, on property to be acquired for such purpose, under the authority of and in full compliance with the Constitution and statutes of the State of West Virginia, including particularly Article 4-A of Chapter 8 of the Code of West Virginia, and other applicable provisions of law, and an ordinance duly adopted

by the Common Council of the City of Nitro on the day of ,
1965 (hereinafter referred to as "Ordinance"), and is subject to all
the terms and conditions of said Ordinance.

This Bond and the coupons appertaining hereto are payable solely from and secured by a first lien upon and pledge of the net revenues derived from the operation of the City's swimming pool and any voluntary contributions made to the City by the Civic Benefits Association in the manner provided in the Ordinance authorizing this issue of Bonds. This Bond does not constitute an indebtedness of said City within the meaning of any constitutional, statutory or charter provision or limitation, and it is expressly agreed by the holders of this Bond and the coupons appertaining thereto that such holders shall never have the right to require or compel the exercise of the ad valorem taxing power of said City, or the taxation of real estate or personal property in said City, for the payment of the principal of and interest on this Bond, or the making of any sinking fund, reserve or other payments provided for in the Ordinance authorizing this issue of Bonds.

The City in said Ordinance has covenanted and agreed with the holders of the Bonds of this issue to fix and establish and maintain and collect such fees, rentals or other charges for the services and facilities of said swimming pool, and to revise the same from time to time whenever necessary, as will always provide revenues sufficient to pay in each year, one hundred per centum (100%) of the amount required for the Operation and Maintenance Fund in such year, and together with any voluntary contributions received by the City from the Civic Benefits Association one hundred fifty per centum (150%) of the principal of and interest maturing on the Bonds in such year, and one hundred per centum (100%) of the amount required to be deposited in the Reserve Account in such year and all other payments required to be

made by said Ordinance in such year, and that such fees, rentals or other charges shall not be reduced so as to be insufficient to provide revenues for such purposes, and said City has entered into certain further covenants with the holders of the Bonds of this issue for the terms of which reference is made to said Ordinance.

It is hereby certified and recited that all acts, conditions and things required to exist, to happen and to be performed precedent to and in the issuance of this Bond, exist, have happened and have been performed in regular and due form and time as required by the Laws and Constitution of the State of West Virginia applicable thereto, and that the issuance of this Bond, and of the issue of Bonds of which this Bond is one, is in full compliance with all constitutional, statutory or charter limitations or provisions.

This Bond, under the provisions of Article 4A, Chapter 8 of the Code of West Virginia, is and has all the qualities and incidents of a negotiable instrument.

This Bond, at the request of the holder or owner hereof, may be registered as to principal only, the registration being noted on this Bond, in accordance with the provisions endorsed hereon.

IN WITNESS WHEREOF, the City of Nitro, in the Counties of Kanawha and Putnam, State of West Virginia, has issued this Bond, and has caused it to be signed by the Mayor, and the corporate seal of said City to be affixed hereto, attested by its City Recorder, and has caused the interest coupons hereto attached to be executed by the facsimile signatures of said Mayor and City Recorder, all as of the first day of April, 1965.

Attest:

CITY OF NITRO, WEST VIRGINIA

City Recorder

By _____
Mayor

FORM OF COUPON

No.

\$

On the first day of _____, 19 __, the City of Nitro, West Virginia, will pay to the bearer, at the office of the State Sinking Fund Commission, in Charleston, West Virginia, or, at the option of the holder, at

_____, in lawful money of the United States of America, solely from the revenues and other funds described in the Bond to which this coupon is attached, the sum of _____ Dollars (\$ _____), upon presentation and surrender of this coupon, being six months interest due on its Recreational Revenue Bond, dated April 1, 1965

City Recorder

Mayor

PROVISION FOR REGISTRATION

This Bond may be registered in the name of the holder on the books to be kept by the Treasurer of the State of West Virginia, such registration being noted hereon in the registration blank below, after which no transfer shall be valid unless made on said books by the registered holder or his agent or representative duly authorized and similarly noted in the registration blank below, but it may be discharged from registration by being transferred to bearer, after which it shall be transferable by delivery, but it may be again registered as before. The principal of this Bond, if registered, shall be payable only to the registered owner or his legal representative. Notwithstanding the registration of this Bond, the coupons shall remain payable to bearer and shall continue to be transferable by delivery merely.

DATE OF REGISTRATION	IN WHOSE NAME REGISTERED	SIGNATURE OF REGISTRAR
:	:	:
:	:	:
:	:	:
:	:	:
:	:	:
:	:	:
:	:	:

(No writing on this Bond except by the Treasurer of the State of West Virginia as Registrar)

ARTICLE III

REVENUES, CONTRIBUTIONS AND APPLICATION THEREOF

3.01. RECREATIONAL REVENUE FUND. The entire gross revenues derived from the operation of the City's swimming pool, as defined in Section 1.03 (F) hereof, shall be deposited in a special segregated trust fund, which fund is hereby created and established and designated as the "Recreational Revenue Fund" (hereinafter referred to as "Revenue Fund"). Said Revenue Fund shall constitute a trust fund for the purposes provided in this ordinance and shall be kept separate and distinct from all other funds of the City and used only for the purposes and in the manner provided in this Article III.

3.02. DISPOSITION OF REVENUES. All revenues at any time remaining on deposit in the Revenue Fund shall be disposed of only in the following manner and order of priority:

(A) From the revenues in the Revenue Fund the City shall on the twentieth day of each month in each year, beginning with the twentieth day of the first month after the delivery of any of the Bonds apportion and set apart out of the Revenue Fund and deposit in an Operation and Maintenance Fund, which is hereby created and established, an amount sufficient to pay in the ensuing month all the current operating expenses of the swimming pool, as defined in Section 1.03 (G) of this ordinance.

(B) From the revenues remaining in the Revenue Fund the City shall, on the twentieth day of each month in each year beginning with the twentieth day of the first month after the delivery of any of the Bonds, apportion and set apart out of the Revenue Fund and remit to the State Sinking Fund Commission, for deposit in the "Recreational Bond and Interest Sinking Fund", which is hereby created and established (hereinafter referred to as "Sinking Fund"), one-sixth of the amount of interest which will mature and become due on the Bonds on the next semi-annual interest payment date, and beginning with October 15, 1965 one-twelfth of the amount of

principal which will mature and become due on the Bonds maturing on the next principal maturity date; provided, however, that in the event that the period to elapse between the date of delivery of the Bonds and the next semi-annual interest payment date and the next principal maturity date will be less than six months, or twelve months, as the case may be, then said monthly payments shall be increased sufficiently to provide the required amounts maturing on said next semi-annual interest payment date and next principal maturity date.

The City shall also, from the Revenue Fund, remit to the State Sinking Fund Commission, on the twentieth day of each month in each year, or at such other times as the State Sinking Fund Commission shall require, the amount of the necessary fiscal charges for paying Bonds and interest.

(C) The revenues remaining in the Revenue Fund shall next be used by the City to maintain a Reserve Account in said Sinking Fund. There shall initially be deposited in said Revenue Account, which is hereby created and established, from the proceeds derived from the sale of the Bonds issued pursuant to this ordinance, the sum of \$7,363. Thereafter, on the twentieth day of each month in each year beginning with the twentieth day of the first month after the delivery of the Bonds, the City shall apportion and set apart out of the Revenue Fund and deposit into said Reserve Account the sum of not less than \$100; provided, however, that no further payments shall be required to be made into said Reserve Account when there shall have been deposited therein, and so long as there shall remain therein the sum of not less than \$13,363.

Moneys in the Reserve Account shall be used only for the purpose of payment of maturing principal of or interest on the Bonds when the other moneys in the Sinking Fund are insufficient therefor, and for no other purpose. Any moneys withdrawn from said Reserve Account for

payment of principal of or interest on the Bonds shall be restored thereto from the first revenues available after the payment of all sums required for current payments for the Sinking Fund and Reserve Account, including any deficiencies for prior payments, have been made in full. The City may in its discretion direct the State Sinking Fund Commission to invest any moneys in the Reserve Account in said Sinking Fund in direct obligations of the United States of America maturing or subject to redemption at the option of the holder within ten years from the date of such investment.

The State Sinking Fund Commission is hereby designated as the Fiscal Agent for the administration of the Sinking Fund created hereunder, and all amounts required for said Sinking Fund shall be remitted to the State Sinking Fund Commission from said Revenue Fund by the City at the times provided herein.

The City may also in its discretion, direct the State Sinking Fund Commission to invest any moneys in the Sinking Fund (except the Reserve Account therein) in direct obligations of the United States of America maturing not later than fifteen days prior to the dates upon which such moneys will be needed for the payment of maturing principal of and interest on said Bonds.

(D) Thereafter, any revenues remaining on deposit in the Revenue Fund after October 1st of each year in excess of the amounts required to be deposited in the Operation and Maintenance Fund to and including the next succeeding October 1st, and in the Sinking Fund for the payment of the principal of and interest on the Bonds herein authorized to and including the next succeeding October 1st, and in the Reserve Account to and including the next succeeding October 1st, shall be deemed to be surplus revenues and may be withdrawn by the City from the Revenue Fund and used for any lawful purpose; provided,

however, that no surplus revenues shall be withdrawn by the City from said Revenue Fund unless the required maximum amount of moneys as provided in this ordinance is then on deposit in the Reserve Account.

(E) CONTRIBUTIONS FUND. All monthly contributions received by the City from the Association on or after the sale of any or all of the Bonds herein authorized shall be deposited in a fund to be known as the "Contributions Fund", which is hereby created and established, and all moneys in said Contributions Fund shall be used by the City on the twentieth day of each month, for deposit in the Sinking Fund and the Reserve Account therein, of all amounts necessary, which, together with the moneys available on such dates from the net revenues of the swimming pool, will be sufficient to make all required payments on such dates into said Sinking Fund and the Reserve Account therein, including any deficiencies for prior payments.

It is the expressed intention of this subsection that the City shall be required to use all available moneys in the Revenue Fund to make all the required payments into the Sinking Fund and the Reserve Account therein, including any deficiencies for prior payments, to the full extent that the moneys in said Revenue Fund are sufficient therefor, and that such moneys in the Contributions Fund shall only be used for such purpose to the full extent that the moneys in said Revenue Fund are insufficient therefor.

No further deposits of contributions received by the City from the Association shall be made into the Contribution Fund after October 1st of each year whenever the moneys on deposit therein together with the moneys on deposit in the Revenue Fund shall be sufficient to make all required monthly deposits to and including the next succeeding October 1st in the Sinking Fund and in the Reserve Account and provided that all required current payments into said Sinking Fund and the Reserve Account, including any deficiencies

for prior payments, have been made in full.

(F) All of the funds provided for above shall constitute trust funds and shall be used only for the purposes provided herein. The moneys in said Revenue Fund and in the Contributions Fund shall be secured at all times, to the full extent thereof, by direct obligations of the United States of America, or such obligations as shall be eligible as security for deposits of State and municipal funds under the laws of the State of West Virginia.

The Revenue Fund, Operation and Maintenance Fund and the Contributions Fund shall be maintained in a bank or banks in the State of West Virginia which is a member of the Federal Deposit Insurance Corporation.

(G) If on any monthly payment date the revenues are insufficient to place the required amount in any of the Funds and Accounts as hereinbefore provided, the deficiency shall be made up in the subsequent payments in addition to the payments which would otherwise be required to be made in the Funds and Accounts on the subsequent payment date.

(H) The City may invest any moneys in the Contributions Fund in direct obligations of the United States of America maturing not later than fifteen days prior to the dates upon which such moneys will be needed for the payment of maturing principal of and interest on said Bonds.

ARTICLE IV
APPLICATION OF BOND PROCEEDS

4.01. CONSTRUCTION TRUST FUND. From the moneys received from the sale of any or all of the Bonds authorized and issued pursuant to this ordinance, the following amounts shall be first deducted and deposited as follows:

(A) All accrued interest received from the purchaser of said Bonds shall be deposited in the Sinking Fund and used to pay the next maturing interest on the Bonds.

(B) An additional amount of such proceeds in the amount of \$7,363 shall be deposited in the Reserve Account as provided in Section 3.02 (C) hereof.

(C) The remaining moneys derived from the sale of said Bonds shall be deposited by the City in a special bank account in a fund to be known as the "Construction Trust Fund", which is hereby created, which fund shall be kept separate and apart from all other funds of the City, and shall be drawn out, used and applied by the City solely for the payment of the cost of the construction of the swimming pool and the acquisition of land therefor, and other purposes incidental and appurtenant thereto, as provided in Section 1.01 (G) of this ordinance, and for no other purpose whatsoever. If for any reason such proceeds, or any part thereof, are not necessary for, or are not applied to, such purposes, then such unapplied proceeds shall be deposited by the City in the Reserve Account in the Sinking Fund created and established pursuant to this ordinance, and shall be used only as provided herein for said Reserve Account. All such proceeds shall be and constitute a trust fund for such purposes and there is hereby created a lien upon such moneys, until so applied, in favor of the holders of the Bonds.

Expenditures or disbursements from said Construction Trust Fund shall be made only after such expenditures or disbursements shall have been approved in writing by the City Engineer and shall have been approved and authorized by official action of the Common Council, duly taken and recorded in their official minutes.

ARTICLE V
ADDITIONAL COVENANTS OF THE CITY

5.01. GENERAL COVENANTS OF THE CITY. All the covenants, agreements and provisions of this ordinance shall be and constitute valid and legally binding covenants of the City and shall be enforceable in any court of competent jurisdiction by any holder or holders of said Bonds. In addition to the other covenants, agreements and provisions of this ordinance, the City hereby covenants and agrees with the holders of said Bonds in the manner provided in this Article V. All such covenants, agreements and provisions shall be irrevocable, except as provided herein, as long as any of said Bonds or the interest thereon, are outstanding and unpaid.

5.02. BONDS NOT TO BE INDEBTEDNESS OF THE CITY OF NITRO. Neither the Bonds nor coupons shall be or constitute an indebtedness of the City of Nitro, within the meaning of any constitutional, statutory or charter limitation of indebtedness, but shall be payable solely from the revenues of the swimming pool and from the contributions received by the City from the Association, as herein provided. No holder or holders of any Bond issued hereunder, or of any coupon appertaining thereto, shall ever have the right to compel the exercise of the ad valorem taxing power of the City, or taxation in any form of any real or personal property therein to pay said Bonds or the interest thereon.

5.03. BONDS SECURED BY PLEDGE OF REVENUES AND CONTRIBUTIONS. The payment of the debt service of all of the Bonds issued hereunder shall be secured forthwith equally and ratably by a first lien on the net revenues derived from the operation of the City's swimming pool and by a first lien on the contributions received by the City from the Association to the extent necessary to make all of the required payments into the Sinking Fund and the Reserve Account created and established by this ordinance in the manner provided in Section 3.02(E)

of this ordinance. The net revenues derived from the City's swimming pool and the contributions received by the City from the Association in an amount sufficient to pay the principal of and interest on the Bonds herein authorized, and to make the payments into the Sinking Fund and Reserve Account therein, and all other payments provided for in this ordinance, are hereby irrevocably pledged in the manner provided in this ordinance, to the payment of the principal of and interest on the Bonds herein authorized as the same become due, and the other purposes provided in this ordinance.

Notwithstanding any of the provisions of this ordinance the holders of the Bonds herein authorized shall not have the right to compel the continuance of the voluntary monthly contributions by the Civic Benefits Association and the holders of said Bonds shall have a lien only on the voluntary monthly contributions received by the City.

6.04. STATUTORY MORTGAGE LIEN CREATED. That the holders of the Bonds and coupons issued pursuant to this ordinance shall have a statutory mortgage lien upon said swimming pool pursuant to the provisions of Article 4-A of Chapter 8 of the Code of West Virginia, which statutory mortgage lien shall exist in favor of, and shall be enforceable in any lawful manner by the holders of said Bonds, and the coupons appertaining thereto, and said swimming pool shall remain subject to such statutory mortgage lien until payment in full of the principal and interest on the Bonds issued pursuant to this ordinance. Said statutory mortgage shall be a first mortgage on said swimming pool, and the City shall not place any other mortgage or encumbrance on said swimming pool, or any part thereof.

5.05. RATES. That the City will fix, establish and maintain and collect such fees, rentals or other charges for the services and facilities of said swimming pool, and revise the same from time to time whenever necessary, as will always provide revenues sufficient to pay in each year, in the manner provided in this ordinance, as the same shall mature and become due, one hundred per centum (100%) of the amount required for the Operation and Maintenance Fund in such

year, and together with the contributions received by the City from the Association, one hundred and fifty per centum (150%) of the principal of and interest maturing on the Bonds in such year, and one hundred per centum (100%) of the amount required to be deposited in the Reserve Account in such year and all other payments required to be made by this ordinance, and that such fees, rentals or other charges shall not be reduced so as to be insufficient to provide adequate revenues for such purposes.

5.06. SALE OF THE SWIMMING POOL. The swimming pool may be sold, leased, or otherwise disposed of only as a whole or substantially as a whole, and only if the net proceeds to be realized shall be sufficient fully to retire all of the Bonds issued pursuant to this ordinance and all interest thereon to their respective dates of maturity. The proceeds from such sale, lease or other disposition of the swimming pool shall immediately be deposited in the Sinking Fund and shall be used only for the purpose of paying the principal of and interest on the Bonds issued pursuant to this ordinance as the same shall become due.

The foregoing provision notwithstanding the City shall have and hereby reserves the right to sell, lease or otherwise dispose of any of the property comprising a part of said swimming pool hereafter determined in the manner provided herein to be no longer necessary, useful or profitable in the operation thereof. Prior to such sale, lease or other disposition of said property, the City Engineer shall make a finding, in writing determining that such property is no longer necessary, useful or profitable in the operation of the swimming pool, and the governing body of the City shall by resolution duly adopted, concur in the finding of the City Engineer, and authorize such sale, lease or other disposition of said property. The proceeds of such sale, lease or other disposition of such property may be used for capital improvements and additions or for the replacement of any capital assets sold or if not needed for such purposes to be deposited in the Revenue Fund created by this ordinance and used in the manner provided therein.

5.07. ISSUANCE OF OTHER OBLIGATIONS PAYABLE OUT OF REVENUES. The City will not issue any other obligations for any purpose, payable

from the net revenues derived from the operation of said swimming pool and the contributions received by the City from said Association nor voluntarily create or cause to be created any debt, lien, pledge, assignment, encumbrance or any other charge which will have priority to or on a parity with the lien of the Bonds issued pursuant to this ordinance and the interest thereon, upon any of the income and revenues of said swimming pool or said contributions, or any part thereof. Any other obligations hereafter issued by the City, payable from such net revenues and such contributions, shall contain an express statement that such obligations are junior, subordinate and inferior to the Bonds issued pursuant to this ordinance as to lien and source and security for payment from the net revenues of said swimming pool and the contributions received by the City from said Association and in all other respects.

5.08. INSURANCE. The City will carry liability insurance for damage or injury to persons or property in amounts adequate for such purposes and comparable to the amounts of such insurance ordinarily carried by private corporations owning and operating similar facilities as the City's swimming pool.

5.09. BOOKS AND RECORDS. The City will keep books and records of the swimming pool, which shall be separate and apart from all other books, records and accounts of the City, in which complete and correct entries shall be made of all transactions relating to the swimming pool, which will also include the amount of contributions received by the City from the Association and deposited in the Contributions Fund created by this ordinance, and any holder of a Bond or Bonds issued pursuant to this ordinance shall have the right at all reasonable times to inspect the swimming pool and all parts thereof, and all records, accounts and data of the City relating thereto.

The City shall cause the books, records and accounts of said swimming pool to be properly audited by a recognized and independent firm of certified public accountants as of September 31st of each year, and shall mail a copy of such audit not later than November 31st of each year to the holders of the Bonds issued pursuant to this ordinance who have requested the same and copies of such audits shall be kept on file in the office of the City Recorder of the City of Nitro.

5.10. MAINTENANCE OF SWIMMING POOL. That the City will complete the construction of the swimming pool provided for in this

ordinance in an economical and efficient manner with all practicable dispatch, and thereafter will maintain the swimming pool in good condition and continuously operate the same in an efficient manner and at a reasonable cost as a revenue-producing enterprise.

5.11. SERVICES RENDERED TO THE CITY OF NITRO. The City of Nitro will not render or cause to be rendered any free services of any nature by its swimming pool, nor will any preferential rates be established for users thereof of the same class; and in the event the City or any department, agency, instrumentality, officer or employee of said City, shall avail itself or themselves of the facilities or services provided by the swimming pool, or any part thereof, the same rates, fees or charges applicable to other customers receiving like services under similar circumstances shall be charged said City, or any such department, instrumentality, officer or employee of said City, and such charges shall be paid as they accrue, and the City shall transfer from its general funds sums sufficient to pay such charges. The revenues so received shall be deemed to be revenues derived from the operation of the swimming pool, and shall be deposited and accounted for in the same manner as other revenues derived from such operation of the swimming pool.

5.12. ANNUAL OPERATING BUDGET. The City shall annually, at least forty-five days preceding the beginning of each of its fiscal years, prepare and adopt by resolution a detailed budget of the estimated expenditures for operation and maintenance of the swimming pool during such succeeding fiscal year. No expenditures for the operation and maintenance of the swimming pool shall be made in any fiscal year in excess of the amount provided therefor in such budget without a written finding and recommendation by the general manager of such swimming pool or other duly authorized officer in charge thereof, which finding and recommendation shall state in detail the purpose of and necessity for such additional

expenditures for the operation and maintenance of the swimming pool, and no such additional expenditures shall be made until the governing body of said City shall have approved such finding and recommendation and shall have authorized such additional expenditures by a resolution duly adopted.

5.13. REMEDIES AND APPOINTMENT OF RECEIVER. That any holder or holders of Bonds issued pursuant to this ordinance may by proper action, either at law or in equity, compel the performance of the duties of the City under this ordinance and Act. If there be a default in the payment of principal or interest upon any of the Bonds or coupons issued hereunder, any holder or holders of said Bonds shall, in addition to all other remedies or rights of the holder of any of said Bond or coupons, have the right by appropriate proceedings at law or in equity to obtain the appointment of a receiver to administer said swimming pool on behalf of the City, with power to charge fees, rentals or other charges sufficient to provide for the payment of said Bonds and the interest thereon and for the payment of operating expenses, and to apply such fees, rentals, charges or other revenues in conformity with the provisions of this ordinance and said Act. The receiver under the provisions of this Section shall also have the power to administer the Contributions Fund and to apply the moneys on deposit therein to the payment of the principal of and interest on the Bonds.

5.14. ENFORCEMENT OF COLLECTIONS. The City will diligently enforce and collect all fees, rentals or other charges for the services and facilities of the swimming pool, and take all steps, actions and proceedings for the enforcement and collection of such fees, rentals or other charges which shall become delinquent to the full extent permitted or authorized by the charter of said City and the Act.

5.15. OPERATION AND MAINTENANCE. The City will maintain in good condition said swimming pool and all parts thereof, and will operate the same as a revenue producing enterprise in an efficient and economical manner, making such expenditures for equipment and for renewal, repair and replacement as may be proper for the economical operation and maintenance thereof.

ARTICLE VI
MISCELLANEOUS

6.01. MODIFICATION OR AMENDMENT. No material modification or amendment of this ordinance, or of any ordinance or resolution amendatory hereof or supplemental hereto, may be made without the consent in writing of the holders of three-fourths or more in principal amount of the Bonds then outstanding; provided, however, that no modification or amendment shall permit a change in the maturity of such Bonds or a reduction in the rate of interest thereon, or in the amount of the principal obligation or affecting the unconditional promise of the City to pay the principal of and interest on the Bonds as the same shall become due from the net revenues of the swimming pool and the contributions made to the City from the Association, as provided herein, or reduce the percentage of Bondholders required to consent to such modification or amendment, without the consent of the holders of such Bonds.

6.02. SEVERABILITY OF INVALID PROVISION. If any one or more of the covenants, agreements or provisions of this ordinance should be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining covenants, agreements or provisions, and in no way affect the validity of all the other provisions of this ordinance or of the Bonds or coupons issued thereunder.

6.03. CONFLICTING ORDINANCES SUPERSEDED. All ordinances and parts of ordinances in conflict herewith are to the extent of such conflict hereby superseded.

6.04. EFFECTIVE DATE. This ordinance shall take effect after passage in the manner prescribed by law.


Thereupon Mayor Alexander asked if there were any objections or protests to the aforementioned ordinance. There were none.

Thereupon Councilman Gewin moved, seconded by Councilman Dye, the following ordinance be adopted. Upon a vote all members of the Council, the Mayor and Recorder voted in the affirmative and was so ordered.

(Copy of ordinance attached)

There being no further business to come before the Council a motion for adjournment by Councilman Hoke carried and the meeting was adjourned.

W. W. Alexander, Mayor


Grace Lewis, Recorder

May 18, 1965

The City Council met in regular session Tuesday, May 18, 1965.

There were present W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Keith H. Estep, B. E. Gewin, Thomas R. Griffith, Mrs. E. Robert Hamilton, L. I. Hoke, M.D., members of the City Council. Councilman Earl Dye being absent.

Mayor Alexander called the meeting to order.

Councilman Hamilton moved, seconded by Councilman Estep, the minutes of May 4 and May 11 be approved. Motion carried.

Councilman Gewin moved, seconded by Councilman Brohard, financial statement for the month of April be accepted. Motion carried.

Thereupon the Mayor presented the following resolution:

RESOLUTION DETERMINING PAYING AGENT

WHEREAS, the Common Council of the City of Nitro, West Virginia, did on the 11th day of May, 1965 enact an ordinance authorizing the issuance of \$155,000 Recreational Revenue Bonds, dated April 1, 1965; and

WHEREAS, Section 2.01 of said ordinance provides that the bonds are to be payable at the State Sinking Fund Commission, Charleston, West Virginia, or, at the option of the holder at such bank or trust company within or without the State as shall be determined; and

WHEREAS, it has been determined by this Council that such bonds shall also be payable at the Chemical Bank New York Trust Company, New York City, New York, now, therefore,

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA:

Section 1. That the alternate paying agent for the bonds heretofore authorized by ordinance duly enacted by the Common Council on 11th day

of May, 1965, will be the Chemical Bank New York Trust Company, New York City, New York.

Section 2. That this resolution shall take effect immediately

Enacted May 18, 1965

Effective May 18, 1965

Thereupon Councilman Hamilton moved, seconded by Councilman Gewin, the foregoing resolution be adopted. Upon a vote, all members of the City Council, Mayor and Recorder voted in the affirmative and was so ordered.

Councilman Gewin inquired of the status of the damage of the 21st Street Bridge. The Mayor advised that the Insurance Company had wanted to settle for a figure covering the welding on bridge only and that the City would not accept the settlement. In as much as the Insurance Company has not contacted the City to date that the City would make one more attempt of a settlement for said damage before entering suit for same.

Mrs. Jean Peccianti appeared before Council to present a number of problems:

Mrs. Peccianti was not aware of a protest meeting on swimming pool fees. She questioned the increase on garbage fee as being publisized for the building of the swimming pool. The Mayor informed that **only** a part of the **dollar** increase went for the retirement of the bonds on the swimming pool and the balance of said \$1.00 was allocated for the purchase of fire and garbage trucks. The Mayor explained further that that the Council could have placed on each property owner a service fee, explaining ~~if~~ this had been done a large portion of moneys collected would have gone for administrative cost and ~~that~~ since we have a collection office in existence, the Council felt that a \$1.00 increase on garbage

rates was more feasible.

Mrs. Peccianti asked how the Council had arrived at the fee for season passes, for she had never paid more than \$10.00 for a season's pass. She was informed that a survey was made of prices to pools in this locality and that our fee was lower and upon the question of private pools, the cost is much higher. The Mayor explained further that this is a newventure for the City and that it may be possible next season to lower the rates. However, there is a possibility that rates could be increased.

Mrs. Peccianti lives in the neighborhood of the Nitro Super Market. She objects strenuously to the heavy hauling produce to the market using the residential street of Dupont, complaining that the air brakes on the trucks delivering at night awaken her. The Mayor informed that Mr. Norvell, the owner of the Super Market, had been approached regarding this matter and was endeavoring to co-operate by asking truck drivers not to use the residential streets.

Mrs. Peccianti objects to heavy traffic, mainly large trucks, traveling Dupont Avenue during the day as there are a number of small children in the area who play in the street. The Mayor informed that parents of small children should not let them play on city streets.

Mrs. Peccianti requested that 4-way stop signs be placed at the intersection of Dogwood Street and Dupont Avenue. The traffic committee was requested to check this matter.

Mrs. Peccianti complained to the Council that she could not walk in her yard without stepping in dog droppings. The Mayor informed that an effort was being made to eliminate the dog problems in the City of Nitro.

Councilman Estep informed that the little league association had requested that the telephone at the City Park be installed at the City Park. Since this is under the jurisdiction of the Park Board, Kyle Dunlap will be contacted regarding telephone installation.

Councilman Estep reported a large fur tree obstructing motorists' vision at the intersection of Park Avenue and 11th St. W.

Complaint was made to the Council of the excessive speed and noise of honda motorcycles on 21st Street during noon hour and at night. The police are to check this problem closer.

Councilman Hamilton moved, seconded by Councilman Gewin that the following be employed for the city pool. Carol Curry, manager of the concession stand, and Gloria Brewer as assistant. James Sanders, life-guard replacing Michael Roark who has resigned. Upon a vote, motion carried.

Councilman Griffith requested the grass and weeds be cut on the triangle at 7th Street.

Councilman Gewin asked about the tall weeds and condition of house 3201 32nd Street. The Mayor said he would check with Cecil Lemma the owner.

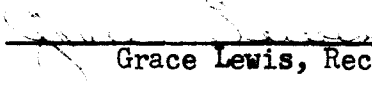
Mr. Childress of 39th Street E. appeared before the Council informing Council that the Armour Creek area, as far as flooding is concerned, will be a greater hazard due to the installation of I-64, and he believes that a suspended sewer line on 39th St. would catch debris and possibly be torn out by flooding. He also in checking his property believes that his property line extends beyond the suspended sewer line. Mr. Childress is having his property surveyed, and if his property line does extend beyond the suspended sewer he will be willing

to work with the City in eliminating the necessity of this suspended sewer. The Mayor informed that we would be most willing to co-operate with him in this matter.

There being no further business to come before the Council at this time, a motion by Councilman Hoke for adjournment carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

June 1, 1965

The City Council met in regular session Tuesday, June 1, 1965.

There were present W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Earl W. Dye, Keith H. Estep, B. E. Gewin, Thomas R. Griffith, Mrs. E. Robert Hamilton, and L. I. Hoke, M.D., members of the City Council.

Mayor Alexander called the meeting to order.

Councilman Dye moved, seconded by Councilman Hamilton, the minutes of May 18 be approved. Motion carried.

Thereupon the Recorder informed Council that she had complied with the direction of Council on May 4, 1965 to publish notice in the Kanawha Valley Leader for three weeks. A notice of meeting to be held June 1, 1965, relative to property abutting upon Boundary Street. Thereupon the Recorder presented the affidavit of publication for the Kanawha Valley Leader of said notice.

Thereupon Councilman Dye moved, seconded by Councilman Estep that the affidavit of publication be made a part of these minutes. Upon a vote, motion carried.

AFFIDAVIT OF PUBLICATION

State of West Virginia,

County of Kanawha, to-wit:

I, Hada Louise Keener, of Kanawha Valley Leader, a Weekly Newspaper of general circulation, published in the City of Nitro, Kanawha County, West Virginia, do solemnly swear that the annexed

NOTICE OF ALL PERSONS AND CORPORATIONS OWNING

PROPERTY ABUTTING UPON BOUNDARY STREET, THE SAME

BEING A STREET AND PUBLIC WAY IN THE

CITY OF NITRO, WEST VIRGINIA

By virtue of certain errors and omissions made in the levying of

assessments on the 3rd day of July, 1962, for the costs of certain improvements against property owners abutting upon Boundary Street, in said City of Nitro; said improvements having been made pursuant to resolution of this Council adopted on the 17th day of July, 1961, and completed on the 3rd day of July, 1962, and,

By virtue of a resolution adopted by the City Council of the City of Nitro, on the 4th day of May, 1965, providing for correction of such said errors and omissions and the levy of proper and additional assessments for the total cost of said improvements after appropriate public hearing regarding same, the said Council being advised that proper and correct assessments are as follows: (South side of Boundary Street).

NAME OF OWNERS:	Lot No.	Addition	Foot Frontage	Price per front foot	Total Assessment
Victor Ernest Wise					
Carol Imogene Wise	39	East View Land Co.	130.5	13.297	\$1735.26
Herbert W. Dixon					
Janet L. Dixon	38	East View Land Co.	88.50	13.297	\$1176.78

(Previously assessed as:

Herbert Dixon and Janet Dixon	39		130.50	13.297	\$1735.26
Victor Wise	38		88.50	13.297	1176.78

Notice is hereby given in behalf of the Council of the City of Nitro at a meeting of the Council to be held on the 1st day of June, 1965, at 8:00 P.M. in the Council Room at the City Building, in the City of Nitro, West Virginia, the Council intends on or after said date to lay the above described assessments as proper and additional assessments in the respective amounts and against the respective properties for their proportionate part of the total costs of said improvements, and the owner or owners whose property is to be assessed, or other interested parties, may at said time and place appear before the Council and show cause against said proposed assessments or move the revision or correction thereof.

W. W. Alexander, Mayor of City of Nitro.

Attest:

Grace Lewis, Recorder of City of Nitro.
573tc

was duly published in said paper once a week for three successive weeks, commencing with the issue of the 7 day of May, 1965 and ending with the issue of the 21 day of May, 1965.

Hada Louise Keener

KANAWHA VALLEY LEADER

Virginia

Printer's Fee \$

AFFIDAVIT OF PUBLICATION

State of West Virginia,

County of Kanawha, to-wit:

I, Hada Louise Keener, ~~Manager~~ of
 Kanawha Valley Leader, a Weekly Newspaper of general circu-
 lation, published in the City of Nitro, Kanawha County, West Vir-
 ginia, do solemnly swear that the annexed

publication

was duly published in said paper once a week for three
 successive weeks, commencing with the issue of the 7
 day of May, 19 65 and ending with the
 issue of the 21 day of May, 19 65
 and was posted at the Court House of Kanawha County on
19

Hada Louise Keener
~~Manager~~
 Kanawha Valley Leader.

Subscribed and sworn to before me this 25 day of
May, 19 65

G. Garnet Huffman
 Notary Public for Kanawha County, West Virginia.
 (My commission expires June 11, 1972).

ALL PERSONS AND CORPORATIONS OWNING
 PROPERTY ABUTTING UPON BOUNDARY STREET, THE SAME
 BEING A STREET AND PUBLIC WAY IN THE
 CITY OF NITRO, WEST VIRGINIA

By virtue of certain errors and omissions made in the levying
 of assessments on the 3rd day of July, 1962, for the costs of
 certain improvements against property owners abutting upon
 Boundary Street, in said City of Nitro; said improvements having
 been made pursuant to resolution of this Council adopted on the
 17th day of July, 1961, and completed on the 3rd day of July,
 1962, and,

By virtue of a resolution adopted by the City Council of the
 City of Nitro, on the 4th day of May, 1965, providing for correc-
 tion of such said errors and omissions and the levy of proper
 and additional assessments for the total cost of said improve-
 ments after appropriate public hearing regarding same, the said
 Council being advised that proper and correct assessments are
 as follows: (South side of Boundary Street).

Name of owners:	Lot No.	Addition	foot frontage
Victor Ernest Wise	39	East View Land Co.	130.5
Carol Imogene Wise	38	East View Land Co.	88.50
Herbert W. Dixon			
Janet L. Dixon			
(Previously assessed as:			
Herbert Dixon and			
Janet Dixon			
Victor Wise	39	130.50	\$13.297
	38	88.50	\$1,735.26
		13.297	1,176.78

Notice is hereby given in behalf of the Council of the City of
 Nitro at a meeting of the Council to be held on the 1st day of
 June, 1965, at 8:00 P.M. in the Council Room at the City Building,
 in the City of Nitro, West Virginia, the Council intends on or
 after said date to lay the above described assessments on or
 the respective properties in the respective amounts and against
 the respective properties for their proportionate part of the total
 costs of said improvements, and the owner or owners who
 property is to be assessed, or other interested parties, may
 said time and place appear before the Council and show cau-
 against said proposed assessments or move the revision or cor-
 rection thereof.

Attest:
W. W. Alexander, Mayor of City of Nitro
Grace Lewis, Recorder of City of Nitro
 573

Subdivision fronting 130.5 feet on said south side of Boundary Street owned and in the name of Victor Ernest Wise and Carol Imogene Wise, his wife; that an assessment was made against Herbert Dixon and Janet Dixon, his wife, for Lot No. 39, of East View Land Company Subdivision fronting on the south side of Boundary Street, for a distance of 130.5 feet; that said Herbert Dixon and Janet Dixon did not own said Lot No. 39, of East View Land Company Subdivision, but that the property intended to be assessed was Lot No. 38, of East View Land Company Subdivision, fronting 88.50 feet on the South side of said Boundary Street in the name of Herbert W. Dixon and Janet L. Dixon, his wife, and,

WHEREAS, by ordinance adopted by said Council of the City of Nitro, on the 4th day of May, 1965, it was ordained that said assessments be corrected, and that the Recorder of said City of Nitro, cause to be published once a week for three successive weeks in the Kanawha Valley Leader a newspaper of general circulation in the Counties of Kanawha and Putnam, West Virginia, a notice to all persons and corporations owning property abutting upon Boundary Street, the same being a street and Public way in the City of Nitro, West Virginia, a public hearing regarding same, would be held on the 1st day of June, 1965 at 8:00 o'clock P.M. in the Council Room at the City of Nitro in the City Building, that a protest meeting would be held at which time any person interested could attend and question such assessments to be made.

NOW THEREFORE BE IT RESOLVED:

1. That the notice of the meeting as published in the Kanawha Valley Leader, a newspaper of general circulation in the Counties of Kanawha and Putnam, West Virginia, together with the affidavit of the publisher thereof, reflecting publication once a week for three successive weeks in said newspaper is hereby ordered received and filed, and the

Recorder shall attach the same to the minutes of this meeting.

2. Based upon its own independent investigation and after public hearing as required by law, this Council finds that certain special assessments, as laid by resolution of the Council adopted on the 3rd day of July, 1962, were irregular and erroneous and that said assessments should have been laid as follows;

South side of Boundary Street.

Name of Owners:	Lot No.	Addition	foot frontage	Price per front foot	Total Assessment
Victor Ernest Wise Carol Imogene Wise	39	East View Land Co.	130.5	13.297	\$1735.26
Herbert W. Dixon Janet L. Dixon	38	East View Land Co.	88.50	13.297	\$1176.78

(Previously assessed as:

Herbert Dixon & Janet Dixon	39		130.50	13.297	\$1735.26
Victor Wise	38		88.50	13.297	\$1176.78

3. That after independent investigation each of said lots or parcels of land is hereby found to be specially benefited by said improvements, as completed on the 3rd day of July, 1962, substantially beyond the respective amounts assessed against said lots or parcels of land.

4. The Mayor is hereby authorized to issue proper assessment certificates representing said assessments as provided by the re-assessment resolution adopted on the 1st day of June, 1965, and the Mayor and Recorder are hereby authorized to sign the same and deliver the said certificates to the Contractor, or his designee or assignee, (The Buffalo Bank), upon surrender by said Buffalo Bank, of the assessment certificates previously issued by said City evidencing such erroneous or irregular assessments as are corrected hereby.

5. Said assessments and the assessment certificates shall be

Mr. Padon, member of the City Council of South Charleston. Statement to the effect that Nitro was not willing to pay their share of the cost of radio for the Dog Warden's Ambulance. Councilman Griffith stated that he did not know how Mr. Padon had gotten such information and in discussion it was brought out that Nitro had not been approached regarding a radio for the dog ambulance. It was also brought out in discussion the question of advisability of a radio in the dog ambulance pointing out that the dog warden may be requested to make a lot of unnecessary trips to the different towns. It was also brought out in discussion that the radio equipment in the previous dog ambulance had been in good condition when the new ambulance was purchased.

Councilman Griffith suggested that the President of the Lions Club be written a formal request to have the Christman lights taken down.

The Council again discussed the garbage containers owned by James Lindner being parked on various business lots in town. It was again suggested that Mr. Lindner be contacted regarding this matter.

Councilman Dye suggested that the attorney check on the compulsory law of garbage pick-up.

Councilman Hoke requested that owners of property on 23rd Street and 2nd Avenue and the corner of 22nd Street and 2nd Avenue be contacted regarding cutting the high hedge stating further the hedge obstructed vision of motorists coming on to Second Avenue.

Councilman Estep informed that Mrs. Ruby of Main Avenue had requested the weeds on vacant lot across the street from her property be cut.

Councilman Dye asked that the stop signs in the East end of town be changed as directed by Council some time ago.

Mayor Alexander informed Council that Mike Carroll and James Westlund, appointees as Manager and Assistant Manager of the pool respectively, had both secured other employment. The Mayor suggested further that he felt the Manager should be an older person. Councilman Hoke suggested James Higginbotham stating that Mr. Higginbotham had had experience in operating pools. It was in agreement that the Mayor should contact James Higginbotham regarding appointment as Manager of the pool. The name of Carter Zerbe was also suggested as a prospect.

Mayor Alexander informed Council of a meeting for the firemen to be held in the City of Charleston, June 6, 1965, stating that he had informed the firemen to get as many of the regular men and volunteers to attend the meeting. The Mayor informed Council that the only expense involved would be a small amount for traveling.

There being no further business to come before the Council at this time, a motion for adjournment by Councilman Hoke carried.



W. W. Alexander, Mayor


Grace Lewis, Recorder

and constitute liens in the hands of the holders of said assessment certificates on the respective properties herein assessed to the extend of the amounts respectively shown hereinabove against such respective lots and lands and interests therein at the rate of six percent (6%) per annum from the 3rd day of July, 1962, which is the date upon which said improvements were completed, until paid, and shall have priority over all other liens except for land taxes due the State, County and Municipality, and except those for pre-existing special assessments. The holder of any certificate shall be entitled to all the benefits of the assessment representing said certificates and may enforce the lien thereof in any proper suit and if any default shall occur in the payment, and as and when due, of any certificate, principal or interest or installment certificate, and such default continue for more than sixty days, the holder may at his option declare the whole unpaid balance due and payable and by proper suit in equity enforce the lien thereof; and the holders of said certificates shall also be entitled to all other rights, powers and privileges provided by Article 8, Chapter 8, of the Code of West Virginia, as amended.

6. The City Recorder is further authorized and directed to prepare and certify a notice of the lien of said assessments, referring to the assessing resolution and setting forth a list of the property to be assessed, described respectively as to amounts of assessment, frontage, location and ownership of the property, and shall certify the same to the Clerk of the County Court of Kanawha County, West Virginia, where the same shall be recorded in a proper trust deed book indexed in the name of each owner of abutting property assessed, and in the name of the City of Nitro, and the name of the Contractor, to whom said certificates

are delivered, or its assignee or designee.

Adopted on this 1st day of June, 1965, upon motion of
Councilman _____, seconded by Councilman

_____.

Mayor

Recorder

Thereupon Councilman Dye informed Council that he had had many requests for a street marker or a light at the corner of First Avenue at Kapoc Street informing further that it was difficult to locate Kapoc Street entrance from First Avenue. The Mayor and Council discussed this situation as to a marker for Kapoc Street with night reflectors or Scotch Lite Tape. Also they discussed upgrading the the street light on the east side of First Avenue.

Thereupon Councilman Dye moved, seconded by Councilman Griffith, that the afore-mentioned street light be upgraded to 6000 lumen and that adequate street marker be installed at Kapoc Street entrance. Upon a vote, motion **carried**.

Councilman Gewin mentioned that several years ago the Council had begun a project of adequate street markers for the entire town; and in as much a great number of the street markers are in need of repair. Councilman Gewin suggested that this program be continued and that the Recorder secure a quotation on cost of additional street markers.

Councilman Griffith called to Council's attention an article that appeared in a Charleston newspaper recently regarding statement made by a

June 15, 1965

The City Council met in regular session Tuesday, June 15, 1965.

There were present W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Keith H. Estep, B. E. Gewin, Thomas R. Griffith, Mrs. E. Robert Hamilton, and L. I. Hoke, M.D., members of the Council. Councilman Earl W. Dye being absent.

Mayor Alexander called the meeting to order.

Councilman Hoke moved, seconded by Councilman Gewin, the minutes of June 1, 1965 be approved. Motion carried. Councilman Hoke moved, seconded by Councilman Hamilton, that financial statement for the month of May be accepted. Motion carried.

Councilman Estep moved, seconded by Council Griffith, the following resolution be adopted. Upon a vote, motion carried and was so ordered.

RESOLUTION

A RESOLUTION CONFIRMING AND
RATIFYING THE ALTERNATE PAY-
ING AGENT FOR THE \$155,000
RECREATIONAL REVENUE BONDS.

WHEREAS, The Common Council of the City of Nitro, West Virginia, did on the 26th day of April, 1965, enact an ordinance authorizing the issuance of \$155,000 Recreational Revenue Bonds, dated April 1, 1965 and

WHEREAS, the Chemical Bank New York Trust Company, New York City, New York, was designated as alternate paying agent for said bonds; now, therefore,

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA:

Section 1. That the designation of the Chemical Bank New York Trust Company, New York City, New York, as alternate paying agent for said bonds is hereby ratified, confirmed and approved in all respects.

Section 2. That this resolution shall take effect immediately.

Councilman Hamilton moved, seconded by Councilman Estep, that resolution be completed and also authorizing the Mayor and Recorder-Treasurer to sign checks drawn on the accounts of "City of Nitro-Recreational Revenue Fund" and "City of Nitro Operation and Maintenance ". Said funds to be set up with the Bank of Nitro for the City swimming pool accounts. Upon a vote, motion carried and was so ordered.

Thereupon Councilman Hoke moved the adoption of the foregoing resolution. Motion seconded by Councilman Brohard. Motion carried.

RESOLUTION

RESOLUTION PASSED BY THE COMMON
COUNCIL OF THE CITY OF NITRO,
AUTHORIZING SAID CITY OF NITRO,
TO FINANCE CERTAIN EQUIPMENT AND
TO ENTER INTO A LEASE PURCHASE
AGREEMENT.

WHEREAS, the City of Nitro, a Municipal Corporation, has heretofore entered into an agreement to purchase from Stewart Equipment Company, of 1612 Pennsylvania Avenue, Charleston, West Virginia, certain equipment to be used in the Garbage Department in said City of Nitro, and,

WHEREAS, in order for said City of Nitro to pay for said equipment it is necessary that said equipment be financed and paid for in monthly installments over a period of three years, and,

WHEREAS, said City of Nitro has made tentative arrangements with said Stewart Equipment Company to lease said equipment on a monthly rental basis and which rental would apply on the purchase price.

NOW, THEREFORE, be it resolved that the Mayor of the City of Nitro, be authorized, empowered and directed to enter into a lease purchase agreement with said Stewart Equipment Company, covering the following equipment:

One New Ford Truck Serial #F61ML660830 and Hydro E-Z
Pack Refuse body Serial No. 5161.

Two New Ford Trucks Serial #F60AL669793 & #F60AL669794
with packer bodies.

Be it further resolved that said lease purchase agreement shall provide for a monthly rental to be paid to Stewart Equipment Company by the City of Nitro, Equal to the purchase price amortized over a three year period, including legal interest; said rentals paid shall be applied toward the purchase price and carrying charges; said lease purchase agreement shall not extend beyond each fiscal year, but shall contain an option to renew at the end of each fiscal year.

Upon payment of the rentals over a three year period, as aforesaid, the complete title to said equipment shall become vested in the City of Nitro and all liens against said equipment released.

Mayor

Recorder

The Mayor informed Council that payment on paving assessments on the City Park property was due in the amount being \$1218.90. The Mayor and Council discussed the fact that the park fund could not handle this payment. Thereupon Councilman Hoke moved, seconded by Councilman Griffith, that the City pay the foregoing amount and that necessary funds for said payment be transferred from Item 40 of the City budget. Upon a vote, motion carried.

Councilman Hoke informed Council that he felt it advisable that the City install a sidewalk from 1st Ave. at 19th St to the swimming pool property.

This matter was discussed and the property owners involved would be the City of Nitro, Cecil Lemma and the New York Central Railroad Company. Also brought out in the discussion that certificate plan of installation would be more costly than if the City put in the sidewalk themselves.

Thereupon Councilman Griffith moved, seconded by Councilman Hamilton, that the Mayor be authorized to proceed with plans of installation of a 6' side walk on the plant road from 1st Ave. to the City swimming pool. Upon a vote, motion carried.

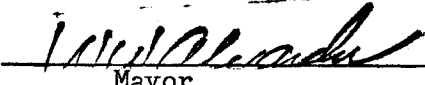
Councilman Griffith asked if there was to be an adjustment made on season passes to the pool. The Mayor reported that there had not been any discussion on an adjustment.


In a discussion in the need of a sidewalk from 40th St. to the Nitro-Putnam Elementary School, it was brought out perhaps the Putnam County School Board would help on the financing of this project.

Thereupon Councilman Gewin moved, seconded by Councilman Brohard, that the Mayor be authorized to work out a feasible agreement with the Board of Education of Putnam County in constructing a sidewalk from 40th St. Road to the Nitro-Putnam Elementary School.

Councilman Brohard questioned the break around the man hole on 39th St. E. The Mayor informed that this was the City's responsibility and that a section needed to be taken out to make the necessary repair. Council Estep informed Council that this in all probability would be his last Council meeting as he was moving to St. Albans and expected to be moved by July 1, 1965. However, Mr. Estep said he would send the City a letter of resignation.

There being not further business to come before the Council at this time, a motion for adjournment by Councilman Hoke carried.


Mayor


Recorder

July 6, 1965

The City Council met in regular session Tuesday, July 6, 1965.

There were present W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Earl W. Dye, Thomas R. Griffith, Mrs. E. Robert Hamilton, and L. I. Hoke, M.D., members of the City Council. Councilman B. E. Gewin being absent.

Mayor Alexander called the meeting to order.

Councilman Dye moved, seconded by Councilman Griffith the minutes for June 15, 1965 be approved. Motion carried.

The Mayor presented a letter of resignation of Keith H. Estep as a member of the City Council, letter stating Mr. Estep had moved from the City of Nitro.

Thereupon Councilman Griffith moved, seconded by Councilman Hoke that they reluctantly **accept** Mr. Estep's resignation. Upon a vote the motion carried.

Thereupon Councilman Hamilton nominated Robert L. Wright of 1327 Valentine Circle to replace Keith H. Estep as councilman from the Fourth Ward. The motion was seconded by Councilman Dye. There being no further nominations, upon a vote the motion carried unanimously and was so ordered.

The Mayor appointed Councilman Brohard to replace Mr. Estep as a member of the Swimming Pool Committee. The Mayor then appointed Councilman Wright to serve on all committees of which Mr. Estep had been a member.

Councilman Dye moved, seconded by Councilman Brohard that the

Appalachian Power Company be requested to install a 6,000 lumen street light on pole located on West 19th Street near swimming pool entrance. Motion carried.

Councilman Dye mentioned that weeds needed cutting on Kapoc Street-First Avenue South and also along the railroad track. Councilman Hoke mentioned that the hedge around the Catholic Church had been trimmed, however, the hedge was still too high and obstructed motorists vision.

Thereupon Mr. Wright was administered the oath of office as Councilman for the Fourth Ward by Mayor Alexander and Mr. Wright took his position as a member of the City Council.

Councilman Dye reported that he had had a request, from the men who carry the garbage, for a two piece rainsuit. Thereupon after discussion Councilman Dye, seconded by Councilman Brohard, moved that the City supply rain wear for the four men who carry City garbage. Upon a vote the motion carried.

Councilman Griffith asked of the Mayor why roll roofing had been used for the bath house and consession stand. Thereupon the Mayor informed that the lowest bid on built-up roofs was \$900.00 and further that there was not enough pitch for shingles and that the roofing contractors had advised the committee against the use of shingles for this type building. The Mayor further informed that the building was constructed to install a built-up roof at a later date, however, it was necessary for the Swimming Pool Committee to cut a few corners.

Councilman Hoke informed the Council that the industries' signs located on First Avenue Route 25 at the entrance of 19th Street West were too low and obstructed vision of motorists coming out of 19th Street

West on to First Avenue and suggested that the signs be raised in height. Councilman Dye suggested that a direction sign to the Nitro Municipal Pool be erected on First Avenue at 19th Street West entrance.

Thereupon the Mayor requested the Traffic Committee to check the afore-said signs and also check with the tank companies relative to height the signs should be.

Councilman Hoke reported that Mr. Comstock had a lot of junk placed in the area between the Post Office and the Laundry-Mat and that he had been receiving a number of complaints regarding this matter. Also mentioned was a truck parked on 32nd Street and 2nd Avenue, said truck loaded with junk. Also under this item Jones Wrecker Service was mention as having a lot of old junkers on the lot. Mayor Alexander is to contact the owners involved in the said complaints.

Councilman Hoke asked that a hole in front of Hartigan's property, Third Avenue, and the approach to Nitro Heights Road be taken care of when the street crew are patching streets.

Councilman Hoke informed that he had had a number of complaints of businesses located on Wintz Avenue between 20th Street and 22nd Street having a lot of junk and trash at the rear of their places of business and also parking in the alley is blocking travel through the alley. This matter is to be checked by the Police Department.

Councilman Griffith asked if the Nitro Lions Club had been requested by letter to remove the Christmas lights. Mayor Alexander informed that the letter had been written to the Nitro Lions Club President and that in said letter he had offered the Cities' assistance.

Councilman Griffith informed that a telephone pole located near 1101-11th Street had not been moved by the C & P Telephone Company and asked if the fire alarm system had been removed from said pole. The

Mayor informed that the Fire Chief had removed the fire department wires from said pole and in discussion it was brought out that the pole in question was blocking the entrance to Mr. Harper's drive-way. Mayor Alexander suggested that Mr. Harper talk with proper authority of the Telephone Co. regarding removal of the pole.

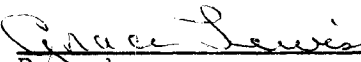
Mayor Alexander informed Council that he had a 1959 T9 International bulldozer, said bulldozer having been rebuilt and in good condition, offered to the City at a price of \$8,600. The Mayor informed further that a bulldozer was a necessity in as much that the State Health Department had requested the City to go into a land fill process of the City garbage. The Mayor also informed that a track of land could be obtained at a price of \$6,000, said land located on Main Avenue and Smith Street known as the Back Water Area. The Mayor and Council discussed this matter at length.

Thereupon Councilman Dye moved, seconded by Councilman Brohard that the Mayor be authorized to proceed with the purchase of aforesaid property and bulldozer, providing that the F.M.C. Ohio-Apex Division goes in with the City on said project. Upon a vote motion carried.

There being no further business to come before the Council at this time a motion by Councilman Hoke for adjournment carried.



Mayor



Recorder

July 20, 1965

The City Council met in regular session July 20, 1965.

There were present W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Earl W. Dye, B. E. Gewin, Thomas R. Griffith, Mrs. E. Robert Hamilton, and L. I. Hoke, M. D. members of the City Council. Councilman Robert L. Wright being absent.

Mayor Alexander called the meeting to order.

Councilman Dye moved, seconded by Councilman Brohard, that the minutes of the meeting held July 6, be approved. Motion carried.

Councilman Hoke moved, seconded by Councilman Griffith, the financial statement for the month of June be accepted. Motion carried.

Mayor Alexander reported to the Council that he had entered an order for six rain suits at a cost of \$16.45 each.

Councilman Hoke reported that he had spoken to Mrs. Roberts regarding the hedge on her property located on the corner of 23rd Street and Second Avenue and that he did not have her consent for the hedge to be cut. However, he planned to discuss this matter with her again.

In discussion of the Industries' signs on First Avenue at the entrance of 19th Street West the Council was in agreement that the signs should be at least eight feet high, however the Traffic Committee have not completed their survey of said signs.

Councilman Griffith asked if the Pool Committee had considered the erection of a bicycle rack at the pool. The committee does have plans for a bicycle rack and hope to have one erected in the very near future.

Mayor Alexander reported that he had been unable to obtain benches from Kanawha County to be used at the pool. However, he was trying other sources. Also reporting that he was having some sun bathing benches made for the pool.

Councilman Hoke inquired of the area inside the pool fence that was not cemented. Mayor Alexander reported that this area was a deep fill and that the committee felt that it was not advisable to cement this area this year. However the Mayor had requested a bid price of said area from Rockford Thornton and upon completion of the pool job that the amount of the bid for concreting the area would be held back until next spring when the job would probably be completed.

Councilman Griffith asked if one of our policemen had left the force. The Mayor informed that Bernard Linville had excepted employment in Florida, the Mayor also informed that one police officer was on a ten day suspension.

There being no further business to come before the Council a motion for adjournment by Councilman Hoke carried.



Mayor

Recorder

August 3, 1965

The City Council meet in regular session Tuesday, August 3, 1965.

There were present W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Earl W. Dye, B. E. Gewin, Thomas R. Griffith, Mrs. E. Robert Hamilton, L. I. Hoke, M.D., and Robert L. Wright members of the Council.

Mayor Alexander called the meeting to order.

Councilman Hamilton moved, seconded by Councilman Dye, that the minutes of July 20 be approved. Motion carried.

Councilman Hoke reported that in his opinion Mr. Comstock's junk yard located at the rear of the Laundry-Mat looked worse. The Mayor informed that he had called Mr. Comstock in and requested him to clean up the dump immediately. However, the Mayor said that from Mr. Comstock's attitude it may be necessary to take legal action to get rid of the dump.

Councilman Hoke informed the Council that Mrs. Roberts had given her permission for the City to trim the hedge on her property located on 23rd Street and Second Avenue.

Mayor Alexander asked the members of the Recreation Committee to attend a meeting of the Water Shed Commission being held August 16 at 8:00 P.M. The Mayor informed the Council that the Federal Government had approved our plans on the Water Shed and it was now necessary to have the recreational facilities outlined for the area involved in said plans.

Councilman Dye, seconded by Councilman Griffith, moved that the City pay, into the Nitro Police Fund, an amount not to exceed \$600.00 per year, said monies to be disbursed for Police clothing for the members of the Police Department and the two Desk Sergeants not to exceed \$125.00 per man per year. The disbursing of the money to be under the supervision of the Police Committee of the City Council and two members of the Police Department. Upon a vote the motion carried.

Councilman Dye moved, seconded by Councilman Hamilton, that the State Road Commission be requested to install a 40 mph sign opposite Center Street and First Avenue South. Motion carried.

Councilman Griffith asked about Stop Signs requested to be erected on Dupont Avenue and Dogwood Street. The Mayor informed that the Stop Signs had just been received this week and would be installed.

Councilman Griffith asked if it were true Armstrong's Used Furniture was moving from 8th Street to the corner of Bank Street and 21st Street and asked if there was anything the Council could do to prevent this move. The Mayor informed that there was nothing the Council could do.

Councilman Griffith asked if a stop light could be installed on First Avenue and 21st Street before the Christmas Season. The Mayor informed that after the **exorbitant** price quoted the City by the State Road Commission on the type of light they would allow on First Avenue, that it would be impossible for the City to install the light and futhur that he felt that First Avenue through town would be widened to four lanes and erecting a light would be a waste of money as the

installation would be all underground and when the new road was built that the City would have to go to a great deal of expense again on the erection of the said light.

Councilman Dye asked if the City could afford another Police Woman for the traffic at 19th Street and First Avenue. The matter was discussed at length and it was pointed out that this area was a dangerous one and it was the consensus of the Council that it would be wiser to use a male officer at this location. The Mayor suggested talking to the **Desk Sergeants** regarding working the said location on their days off.

Mayor Alexander appointed William R. Pritchard as chairman of the Planning Commission. Thereupon Councilman Hamilton, seconded by Councilman Wright, moved that the Mayor's appointment be approved. Motion carried.

Mayor Alexander informed Council that he had had a number of requests to make our pool a year-round pool, that he was securing cost estimates on the structure and that Mr. Field of the Bonding Company had been here today looking over the pool and he would present the proposition to his company regarding bonds to cover costs of a retractible or removable covering of the pool. Mr. Field had advised the Mayor that the best plan would be to extend the life of the bonds in order that the City payments would be the same. Councilman Griffith informed that he felt that the City needed an activities building, that we have a cracker-box library, that there are other facilities needed in town,

that the pool is great, however it is ten years too late and that it is putting a burden on the people, that we have one basketball floor in town that can be used, and that more basketball courts were needed and also more places where people could dance, that he felt that the City had been pushed into the building of the pool by Dr. Allen's plans for a private swimming pool. Councilman Dye informed that a number of years ago the Civitan Club made a survey for swimming pool. The Mayor informed that the City had had several surveys made on the construction of a swimming pool and the City had been working toward a pool for the past fifteen years. The Mayor stated that we have a number of departments of the City Government that do not pay their way or expenses, that we as a City Council are here to try to take care of the people's needs, that the swimming pool provided worth while recreation for people of all ages, it was especially worth while for our youngsters and that he felt a year-round pool would be used a great deal, that he realized that we need more activities for the young and the more recreation we can provide for our youth will go a long way to curb juvenile delinquency and that he felt that the pool would come nearer paying it's way by having a year-round pool.

Councilman Wright asked information regarding the opening of the New York Central Railroad crossing at Wilson Street. The Mayor informed that when the street was paved the City had an agreement with the Chief Engineer of the New York Central to open said crossing to traffic, that the Chief Engineer had died and that the man who succeeded him as Chief Engineer was not in agreement to the opening of the cross-

ing, that the City contemplated condemnation proceeding however had been advised by legal authorities that this would be a costly thing, that he, the Mayor, had talked with Mr. Kay, Attorney for New York Central today and that Mr. Kay had informed him that they had a new Chief Engineer and that he felt that he would look more kindly upon the opening of said crossing.


Councilman Wright reported that the Walker Street Crossing is in bad need of repair. The Mayor informed that he had spoken to Mr. Lang of New York Central Railroad regarding the needed repairs to the crossings in Nitro.

Councilman Wright informed Council that trucks parking beside the Block Plant, on Main Avenue, blocked the view of motorists of the intersection of Main and Walker. The Mayor informed that the Council could eliminate parking on that side of the street, however that perhaps the Police could, by talking with the manager of Gravelly Tractor regarding encouraging parking on their parking lot instead of parking along the side of the building, eliminate this hazard.

There being no further business to come before the Council at this time a motion for adjournment by Councilman Dye carried.



Mayor



Recorder

August 17, 1965

The City Council meet in regular session Tuesday, August 17, 1965.

There were present W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Earl W. Dye, B. E. Gewin, Thomas R. Griffith, L. I. Hoke, M.D., and Robert L. Wright, members of the City Council. Councilman Hamilton being absent.

Mayor Alexander called the meeting to order.

Councilman Gewin, seconded by Councilman Brohard, moved to dispense with the reading of the minutes of meeting held August 5. Motion carried.

Councilman Griffith questioned the additional amount on our Fleet Insurance Policy, stating that the addition was a large amount and was more than bargained for on submitted bid by the Ellis Insurance Agency. Mayor Alexander explained that the garbage trucks were being purchased on a lease-rental agreement and the Bank of Nitro, holding the lease, required the City to carry Collision Insurance on said vehicles, also pointing out that collision was not carried on property owned by the City. Thereupon Councilman Dye, seconded by Councilman Brohard, moved the Finicial Statement for the month of July be accepted. Motion carried.

Mayor Alexander reported that a Police Officer had contacted the manager of the Block Plant, that the manager was willing for the City to elimiate parking at said point, that the Block Plant provided off-street parking for their customers. In the matter of the number of feet to mark off for the elimation of parking, it was decided that the members of the Traffic Committee make a survey and report at the next meeting.

Councilman Gewin asked if there were any futhur developements with the Insurance Company on repairs to the 21st Street Bridge. The Mayor reported that a representative of the State Farm Mutual Insurance Company had reported to the Police that they had a bid on the skill work for the bridge. In the discussion it was decided that if the bridge was not repaired very soon that the City should enter suit against the Insurance Company.

Councilman Brohard asked if the State Road Commission intended to repair 40th Street. The Mayor reported that the State Road Commission had informed him last week that work would begin very soon on widening 40th Street to a 40-foot Street and a 5-foot sidewalk from First Avenue to the bridge.

Mayor Alexander explained that the Engineer had completed a survey on property known as the Back Water Area along Main Avenue and Smith Street, that information had been given to an attorney to draw up a deed to said property which will be used for land fill purposes. The Mayor also explained that previously the Council had discussed the purchase of a bulldozer which will be used in said land filling on a lease-rental agreement. The Mayor pointed out that it may be of some saving to the City to pay cash for the bulldozer. Thereupon, after discussion, Councilman Dye moved, seconded by Councilman Brohard, that the Mayor and attorney be authorized to work out the best possible payment plan for the land in question and the bulldozer. Upon a vote the motion carried.

Mayor Alexander asked the Council's permission that he and members of the Pool Committee be allowed to make the necessary changes in the hours for the pool to be open and the number of employees needed during the month of September. Thereupon, Councilman Griffith, seconded by

Councilman Hoke, moved that the Mayor and members of the Pool Committee be given permission to set the hours for the pool and the number of employees needed during the month of September. Motion carried.

Councilman Griffith reported an area at the top of 15th Street near Third Avenue that needed patching.

Councilman Dye proposed that "No Parking" signs be erected on Park Avenue before the football season began. The matter of parking in this area during football season was discussed at length. Councilman Hoke proposed a plan of making Park Avenue "One-Way" during the football game time, parking the cars two-lanes headed south from the north end of Park Avenue to 15th Street West. This plan was discussed at length and the Mayor proposed to put Sergeant Jack E. Johnston in charge of the parking program, that Sgt. Johnston would be asked to draw a diagram of the parking program. It was also suggested that the parking area of the Nitro Junior High School and of the Nitro City Park be utilized first before using the two-lane parking on Park Avenue.

Mr. Ben Hughes asked if the Park Board had discussed enclosing the north, east, and south boundries of the Parking Lot with pipe like is now used on the west side. The Mayor informed that he and the Chairman of the Park Board have discussed this matter and propose to put this in force as soon as used pipe can be secured.

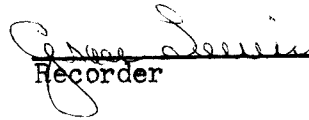
Mayor Alexander appointed Councilman Dye as Chairman of the Police Uniform Fund.

Councilman Griffith asked about the proposed covering of the pool. The Mayor informed that this matter was in the engineering stage and he hoped that he would have some plans to present to the Council in the near future.

There being no futhur business to come before the Council at this time a motion for adjournment by Councilman Hoke carried.



Mayor



Recorder

September 7, 1965

The City Council met in regular session Tuesday, September 7, 1965.

There ~~were~~ present W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, B. E. Gewin, Thomas R. Griffith, Mrs. E. Robert Hamilton, and Robert L. Wright members of the Council.

Councilmen Earl Dye and L. I. Hoke being absent.

Mayor Alexander called the meeting to order.

Councilman Hamilton moved, seconded by Councilman Brohard, to dispense with the reading of the minutes of the August 17 meeting.

Motion carried.

Regarding the matter of the cost of the Collision Insurance on the three garbage trucks, the Council was informed that Ray Ellis had been contacted regarding this cost and that he was of the opinion that the cost was comparable to collision on an automobile. Councilman Griffith informed that he had checked with other insurance companies and that the premium on the insurance was 30% higher than it should have been. The Mayor informed that he would talk to Mr. Ellis and have him check into this matter further.

Councilman Wright moved, seconded by Councilman Gewin, that parking be eliminated 216 feet on the east side of Main Avenue beside the Block Plant from utility pole number 9111 over 44 extending south to the Office Building. Upon a vote the motion carried.

Mayor Alexander informed the Council that the State Farm Mutual Insurance Company had settled with the City in the amount of \$250. for damages to the 21st Street Bridge. The Mayor informed further that Nathan Clark's insurance company would be contacted regarding damage to said bridge caused by Mrs. Clark's accident in August.

Mayor Alexander informed Council that the City Attorney had advised the City to purchase the land from G. S. Smith, to be used for land-fill purposes and the the purchase of the bulldozer be made on the lease-rental agreement. The Mayor informed further that the land was being prepared for land-fill.

Mr. Cunningham and Mr. Chaney, residents of 25th Street, appeared before the Council and entered complaints against Doyle's Superette for stacking fruit boxes behind store building and adjacent to Mr. Chaney's property, thereby in their opinion creating a fire hazard, that the owner of the superette had painted the curb along 25th Street the depth of his building causing customers to park on 25th Street in front of homes and also complained of displaying produce on City property at the corner of 25th Street and First Avenue, causing an obstruction of motorists' vision as they try to enter First Avenue from 25th Street. These complaints were discussed at length. Also the matter of making 25th Street a one-way street, the heavy trucks traveling 25th Street which would in time cause the property owners to have to pay for new paving. The Mayor informed that he would instruct the Fire Chief to check the area where the crates were stacked and his recommendations would be sent from this office to the owner of the market, that the owner of the market would be advised to remove the paint from the portion of the curb on 25th Street, that the owner would also be advised to hold to a minimum of three feet the display of produce. Pointing out that the City was not granting permission to display produce on City property, that if the owner did not keep it at a minimum of three feet that orders would be issued to abate the obstruction.

Mayor Alexander appointed Lawrence Eugene Dotson to fill the unexpired term of Robert L. Wright as a member of the Firemen's Civil

Service Board (Feb., 1966). Thereupon Councilman Hamilton moved, seconded by Councilman Wright, that the Mayor's appointment be confirmed. Motion carried.

Councilman Hamilton moved, seconded by Councilman Brohard, that the Appalachian Power Company be instructed to install a 6,000 lumen street light on pole number 122 D 387 located near Stanley's Gulf Station, First Avenue South and a 2500 lumen street light on C & P pole number 175 over 5 located on Hillside Drive. Upon a vote the motion carried.

The Mayor informed that he had just gotten word that the Putnam County School Board had accepted his proposal of \$550. for installing a sidewalk on Third Avenue from 40th Street and East 39th Street along the school property.

Councilman Brohard informed that he had been receiving complaints of Hondas on 31st Street. It was pointed out that complaints on Hondas were coming from all sections of town and the Police Department is trying to take care of this problem.

Councilman Griffith made a report on the Dog Pound Committee meeting of the four cities. The committee recommending that since the animal ambulance had over 128,000 miles on it that a new motor be installed at an approximate price of \$265., the committee also recommends that a telephone be installed in the truck and the use of telephone answering service at a cost of \$37.50 permonth and an initial cost of \$30. and also the committee felt that the City of Nitro should increase their share of the Dog Warden's pay from \$75. to \$80. and that the committee was interested in a \$5. increase in pay a month from each city, a lengthy discussion followed. Points brought out that a new motor was needed for the truck, regarding the telephone in the truck and service the question of this being beneficial was discussed. Pointing out that a town could be

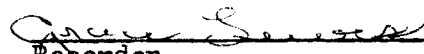
slighted on coverage, that the Dog Warden could be kept traveling from one town to another and not doing justice to any town. It was also pointed out that we felt we were getting better coverage now that the Dog Warden was visiting all four towns every week-day. Another point made was the fact that Nitro is the smallest of the four towns and that we pay the same rate as the other towns. Councilman Griffith suggested hiring solicitors to go from door to door in an effort to collect the dog taxes. Thereby giving the City more funds to take care of these needs. The Mayor informed that in the matter of the telephone that he wished to discuss with Mr. Weekly, the Dog Warden, the benefits of this service and also he felt it necessary to ask the attorney's advice on hiring solicitors. Thereupon Councilman Gewin moved, seconded by Councilman Griffith, the City go along with the installation of the new motor in the truck and that the other matters be tabled until the next meeting of the Council. Upon a vote the motion carried.

Councilman Wright reported that weeds needed cutting in the 1500 Block of Main. The Mayor informed that these weeds should have been cut Saturday.

There being no further bussiness to come before the Council at this time a motion for adjournment by Councilman Griffith carried.



Mayor



Recorder

September 21, 1965

The City Council met in regular session Tuesday, September 21, 1965.

There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Earl W. Dye, Thomas R. Griffith, Mrs. E. Robert Hamilton and Robert L. Wright members of the council. Councilmen B. E. Gewin and L. I. Hoke, M. D. being absent.

Mayor Alexander called the meeting to order.

Councilman Dye moved, seconded by Councilman Hamilton, the minutes of meeting held September 7th be approved. Motion carried.

Councilman Hamilton moved, seconded by Councilman Dye, the financial statement for the month of August be accepted. Motion carried.

Mayor Alexander reported to the Council the maintenance crew was behind in their work due to the fact the trucks had been busy hauling dirt to the area on Main Avenue that was being used as a sanitary land fill and that the urgency of putting the land fill into operation was brought about by a directive from the State Health Department, ordering the City to cease and desist from burning trash and garbage and operating an open dump by September 17th. In discussion of the landfill it was brought out that the land on Main Avenue should last approximately a year and hald as a sanitary land fill, that approximately six loads of garbage was dumped on one day that the Water and Gas Companies had been notified to move their lines in said land fill area.

Regarding the matter of Doyle's Market on 25th Street, First Avenue, the Mayor explained that the Fire Chief had not completed his survey of the problem, as presented at the September 7th meeting, being a fire hazard, however Mr. Boggess had been notified to keep display of his produce at a minimum of Three feet in height on the parkway and also to black out the yellow curb paint on the 25th Street side of his building. The Mayor also pointed out that it was the general opinion that the said market was being operated in a cleaner and more orderly manner now than ever before.

Regarding the pay increase of the dog warden, Councilman Griffith explained that South Charleston and Dunbar were willing to grant the increase, however, St. Albans had turned down the pay increase.

In discussion of the increase, it was pointed out that increases should only be considered at budget meetings and also that the Nitro city employees did not receive an increase in pay this budget year and it would not be fair to give the dog warden an increase.

The council went into a lengthy discussion of the present operation of the dog pound, pointing out that under present management that biting dogs were not accepted at the pound.

Mayor Alexander informed the council that he was of the opinion that in as much that the County Court receives 25 cents of the tax dollar and the city receives only eleven cents of the tax dollar, and further that the County Court is not offering anything to the people of the county for tax monies collected in comparison to the many services given by the city, and also that

valuations of property had risen tremendously, that he would propose that the city council request that county court to take over the operation and maintenance of the dog pound or to pay the Humane Society for operation and maintenance of same. Thereupon Councilman Dye, moved, seconded by Councilman Brohard, the council go on record requesting the Kanawha County Court to take over the operation of the dog pound or to pay the Charleston Humane Association to operate same. Upon a vote motion carried.

Councilman Griffith informed the council that he had spoken to the Chairman of the Dog Pound Committee regarding the matter of Nitro being the smaller of the four towns that they should not share equally in the payment of the expenses of the Dog Pound. In discussion of the telephone being installed in the dog ambulance, and the answering service, it was pointed out that the other three towns had gone along with this plan. It was the opinion of council that Mr. Weekly, the Dog Warden, should have a telephone in his home and that he could have a non-listed number.

Thereupon Councilman Wright moved, seconded by Councilman Griffith, Nitro go along with telephone answering service for the dog ambulance with a stipulation that the Dog warden have a telephone installed in his home. Upon a vote motion carried.

Mayor Alexander informed the council that a meeting of the County wide improvements was to be held Wednesday in the Kanawha County

house, stating that we, the City, were on the brink of completing plans of watershed and flood control for Nitro, that he was for the expansion of the Kanawha County airport through a bond issue adding that he was of the opinion that the County Court should be requested to consider the residents of the county and include in their bond issue funds for flood control projects and recreational facilities through out the county.

Thereupon Councilman Hamilton moved, seconded by Councilman Dye, the Kanawha County Court to take action in flood relief. Motion carried.

Mayor Alexander requested the Council's approval of purchasing a new water cooler for the city hall.

Thereupon Councilman Hamilton moved, seconded by Councilman Brohard, that permission be granted to the Mayor to purchase a water cooler for the city hall. Motion carried.

Mayor Alexander appointed Thomas Reeves and O. K. Walker as members of the Planning Commission for a term of four years.

Thereupon Councilman Hamilton moved, seconded by Councilman Griffith, the Mayor's appointments be approved. Motion carried.

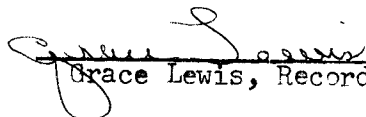
Councilman Griffith informed council that he felt that the city council should make a formal request to the Department of Commerce of locating the West Virginia Pavilions in Nitro to be moved on the the city owned acreage between the swimming pool and the Nitro Junior High School, that the pavilions be operated as a cultural

unit such as Sunrise in Charleston. In a discussion of this matter points were the formation of a foundation to raise money for the operation, the State furnishing the money for the operation of same, that no other municipality had made such a request, that the State furnish the funds for the operation of the pavilion, the cost of operation of Sunrise. The Mayor stated that he felt a committee should be appointed to check the feasibility and thereupon Councilman Griffith was asked to check the matter and that he be assisted by the Building and Planning Commission of the Council.

There being no further business to come before the council at this time a motion for adjournment by Councilman Hamilton carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

October 5, 1965

The City Council met in regular session Tuesday, October 5, 1965.

There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, B. E. Gewin, Thomas R. Griffith, Mrs. E. Robert Hamilton, L. I. Hoke, M. D., and Robert L. Wright members of the Council. Councilman Dye being absent.

Mayor Alexander called the meeting to order.

Councilman Gewin moved, seconded by Councilman Hamilton, the minutes of September 21st be approved. Motion carried.

Mayor Alexander informed the council that the Fire Chief had not completed his report on Doyle's Super market.

Councilman Griffith asked the council to reconsider the stipulation regarding the dog warden having a telephone in his home as acted upon in meeting held September 21st, stating that the other three towns had not requested the home telephone.

Councilman Wright stated he did not wish to recind his motion made at the September 21st meeting.

Councilman Griffith stated he had not had any complaints of the dog warden not having a home telephone.

Thereupon Councilman Griffith moved the City of Nitro go ahead with the other three towns regarding the installation of the telephone service in the dog ambulance without the stipulation of the home telephone for the dog warden. Motion seconded by Councilman Hoke. Motion did not carry.

Mayor Alexander informed the council that the Kanawha County Court had kept the Nitro Water shed project in their program of raising funds through bond issue.

Councilman Griffith stated that he recommended the City Council forget about their request that the West Virginia pavilion be moved to Nitro, that what he was after was to be the first town to make the request, that by being first would have put more emphasis on the matter.

Mayor Alexander informed the council that Nitro would join the other towns in the valley by celebrating Halloween on Saturday, October 30th.

Mayor Alexander presented a copy of letter from William M. Kelly to the State Director of Workmen's Compensation Fund, requesting a reopening of his compensation claim and also presented a copy of letter from Workmen's Compensation Commission to Dr. Howard A. Swart authorizing an examination and study of the Kelly case.

This matter was discussed by Mayor, City Attorney and member of the council.

Thereupon Councilman Hamilton moved, seconded by Councilman Wright, to authorize the Attorney and Councilman Hoke to choose the doctor or doctors necessary for an examination an analysis of the William Kelly case. Upon a vote motion carried.

A statement from the West Virginia League of Municipalities was presented to council for their approval of payment.

Thereupon after discussion Councilman Hamilton moved, seconded by Councilman Brohard, that the dues be paid for this year. Motion carried.

Mayor Alexander presented two agreements between the City and Appalachian Power Company for council's consideration. One agreement for right of way on Appalachian Street, of which the Mayor stated he was not concerned of, as the said agreement was routine.

The other agreement for the sum of Fifty Dollars, that the city convey, grant and warrant to Appalachian Power Company, a right of way easement for an electric transmission line on and across the following lands bounded:

North - Appalachian Power Company	Appalachian Street.
East - Gardner Pass	Main Avenue.
South - James E. Smith	Smith Street.
West - West Virginia Water Company	

the agreement with a certain stipulation and reservation that the Appalachian Power Company would have the right to remove any buildings, trees and any other objects on 100 feet of property being fifty feet on each side of proposed transmission line, leaving the city the right to use property for cultivation or parking. The Mayor advised council to approve the first easement, which was on a short form and requested the council to withhold action on the second easement until he could meet with representative of the Appalachian Power Company.

Thereupon Councilman Griffith moved the council follow through on the Mayor's advise on the aforementioned agreements. Motion seconded by Councilman Gwin. Motion carried.

A letter from the Muscular Dystrophy Associations of America, Inc. was presented to the council, said letter requesting permission for house-to-house solicitation and solicitation of business places by coin canisters during the month of November.

After some discussion, Councilman Griffith moved permission be granted. For the lack of a second to the motion, the motion died.

Thereupon Councilman Hoke requested that the said organization be asked why they were not a participant of the United Fund.

Mayor Alexander informed council that the furnace serving the west side of the city building was in a dangerous condition and that a representative from Heating and Cooling, Inc., who has always serviced the furnaces, said that it could not be repaired and informed further that it was necessary to purchase a new furnace, that Heating and Cooling, Inc. had submitted a price of \$735.00 cost of new furnace. The Mayor and council discussed this matter to some extent. Councilman Griffith stated that bids should be ^{secured} on the furnace. The Mayor informed that he had not been aware of the condition of the furnace until the day before this meeting and now that the weather was cooler, the women working in the Sewer office were cold and uncomfortable and one of the women had a bad cold.

Thereupon Councilman moved that due to the emergency the city purchase the furnace from Heating and Cooling, Inc. There was not a second to the motion.

Thereupon Councilman Gewin moved that a minimum of two bids be secured for furnace companies and that the bid be awarded to the comparable bidder. Motion seconded by Councilman Griffith. Upon a vote motion carried.

Mayor Alexander presented a letter from Vincent J. Johnkoski, Chief Engineer Operations, State Road Commission. Said letter stating that since the Road Commission was improving a portion of State Secondary 35/1 (Fortieth Street) that the said Commission desired to enter into a Municipal Operating Agreement with the City of Nitro and enclosed copies of a Resolution and Municipal Agreement for the above referenced highway.

Thereupon Councilman Brohard moved, seconded by Councilman Griffith, that the aforementioned Resolution and Municipal agreement be adopted and made a part of these minutes by attaching a copy of same hereto. Upon a vote motion carried.

Councilman Brohard and Griffith informed council of a house, owned by Cocil Lemma, that was in bad need of repair, house located on 37th Street and Second Avenue. Mayor Alexander informed that he had spoken to Mr. Lemma regarding this house and also the house on 33rd Street and First Avenue. That Mr. Lemma intended to remodel the house on 37th Street and demolish the house on 33rd Street.

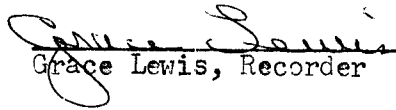
Mention was also made of the Fred Simpson estate located on Third Avenue being in bad need of repair.

Councilman Brohard presented a sample street sign and a quote of \$11.96 each complete for 50 or more signs. The Mayor and council discussed street signs and the Mayor suggested that perhaps street signs could be secured at a more reasonable price from Moundsville and that he would check into the matter.

There being no further business to come before the council
at this time a motion for adjournment by Councilman Hoke carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

October 19, 1965

The City Council met in regular session Tuesday, October 19, 1965.

There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Earl W. Dye, B. E. Gewin, Thomas R. Griffith, Mrs. E. Robert Hamilton, L. I. Hoke, M. D., and Robert L. Wright members of the council. Councilman Brohard being absent.

Mayor Alexander called the meeting to order.

Councilman Hoke moved, seconded by Councilman Wright, to dispense with reading of minutes of meeting held October 5, 1965. Motion carried.

Councilman Hamilton moved, seconded by Councilman Dye, the financial statement for the month of September be approved. Motion carried.

The Recorder read letter from W. S. Engle, Patient Service Chairman of Muscular Dystrophy Associations of America, Inc., said letter explaining why the M. D. A. A. does not participate in the United Fund, which is -"seventy-five percent of monies raised by the M. D. A. A. by solicitation is sent to the National Association
" for use in research work.

Thereupon Councilman Hoke moved, seconded by Councilman Griffith, the M. D. A. A. be granted permission to solicit funds in the City during the period of November 15 to December 15, 1965. Motion carried.

Mayor Alexander explained to council that he had met with the Engineer of the Appalachian Power Company regarding their request for easement as discussed in the October 5th meeting of council. That the Power Company had agreed to reduce their request to Forty Feet, the Mayor also explained that this is a minimum right of way. The Mayor and council discussed this matter to some extent, points brought out were that the company would probably^{be}/allowed the easement if they desired to condemn same, that the forty feet would not hurt or hinder the city owned property.

Thereupon Councilman Dye moved, seconded by Councilman Wright, the Appalachian Power Company be granted the easement of 40 feet as they had requested. Upon a vote motion carried.

Mayor Alexander reported that he had given the bid for a new furnace to Heating and Cooling, Inc. at a price of \$620.00. He also explained further that the figures quoted at the last meeting included the cost of patching the furnace. The Mayor reported that he had secured bids from Kerstein Engineering Company at \$624.00 and Nitro Heating and Plumbing at \$655.00.

Mayor Alexander reported that he had talked to Cecil Lemma regarding his house on 37th Street and Second Avenue. That Mr. Lemma had told him he had boarded up windows in house and torn off the back porch, that as soon as he finished the work he was on, that he planned to start remodeling said house and demolishing the house on 33rd Street and First Avenue.

Councilman Griffith proposed the creation of a committee consisting of a person from each Ward, Fire Captain and Building Inspector. Said Committee to check out situation similar to the house mentioned above and that said committee be empowered to do something about such situations. The Mayor and Attorney both advised that a committee could not be given such authority, that they would have to bring their findings before the city council and in turn it would be necessary that the council take such cases before the Circuit Court of County in which the property was situate. It was also reported that the City had at one time condemned the property on corner of 33rd Street and Second Avenue before the Circuit Court in Putnam County and lost the case. The Attorney was requested to check the law further regarding this matter.

Councilman Gewin requested that 21st Street bridge be repaired before bad weather, even if the work had to be contracted out, as it was dangerous.

The Attorney asked if the council was still of the agreement that the case against the city by Leroy Muck which was set to come up at the next term of court in Putnam County, should be settled at a maximum of \$500.00. The attorney explained that the industries had settled out of court for \$1,000.00 each. The council was in agreement to settle out of court at Five Hundred Dollars.

In discussing the purchase of new street signs, the Mayor informed that Mr. Howard, representative of the West Virginia State Industries, was to bring a model of street sign made at Moundsville.

Councilman Hoke moved that Council remove the One-way restriction on Third Avenue from 21st Street to 23rd Street, making said area of Third Avenue Two-Way and that parking be restricted on said street in said area. Motion seconded by Councilman Griffith. Motion carried.


Councilman Dye requested the street lighting committee to make a study of lower end of Dupont and Washington Avenues, stating that the street lighting was inadequate, that the power lines were in the alleys, also contact the Power Company, regarding erecting street lights in said area at a more reasonable price than was quoted several years ago.

Councilman Griffith reported that a street light, located center of 8th Street, being too bright and that residents requested that something be done about it. The Mayor said he would call the Power Company regarding installing a shield on light.

Mayor reported that a crew for New York Central was repairing 19th Street crossing Wednesday and Thursday of this week and that all traffic would be routed on Park Avenue and West 11th Street.

There being no further business to come before the council at this time a motion for adjournment carried.


W. W. Alexander, Mayor


Grace Lewis, Recorder

November 2, 1965

The City Council met in regular session Tuesday,
November 2, 1965.

There were present: W. W. Alexander, Mayor,
Grace Lewis, Recorder, Dayton Brohard, B. E. Gewin, Thomas
R. Griffith, L. I. Hoke, M. D., and Robert L. Wright members
of the council. Councilmen Earl W. Dye and Mrs. E. Robert
Hamilton being absent.

Mayor Alexander called the meeting to order.

Councilman Griffith, seconded by Councilman
Brohard, moved the minutes for meeting held October 19th
be approved. Motion carried.

Mayor Alexander informed the council that he had
talked with an official of the Appalachian Power Company
regarding street lights on lower Washington and Dupont Avenues,
requesting either moving the light poles from the alleys or
installing new poles on the avenues in an effort to supply
adequate street lighting for said area. The Power Company
has promised to make a survey of said area and submit their
cost estimates for council's consideration.

Mayor Alexander informed Council that the West
Virginia State Industries made street signs and that their
representative for this area had promised to bring a sample
of sign for council's observation.

Mayor Alexander presented a copy of a letter from Gilbert Ball, Sanitarian of Putnam County, addressed to residents on the upper end of 39th Street East, beyond the city sewer line, said letter suggesting that a committee of the residents meet with the Nitro City officials to consider a feasible means of connecting to the city sewer lines. The Mayor explained further that two residents of said area had met with him and that he had instructed them to secure a survey of the sentiments of the people in said area regarding their desire to become a part of the city limits.

Mayor Alexander presented a request from the Kanawha Valley Heart Association for permission to conduct a drive for funds in the city during the month of February, 1966.

Thereupon Councilman Hoke moved, seconded by Councilman Griffith, that permission be granted the Kanawha Valley Heart Association to conduct a drive for funds as requested. Upon a vote motion carried.

Mayor Alexander presented copy of Water Shed Work Plan, Blakes Creek-Armour Creek Water Shed, Kanawha and Putnam Counties, West Virginia, prepared under the authority of the Water Shed Protection and Flood Prevention Act (Public Law 566, 83rd Congress, 68 Stat. 666) as amended, prepared by City of Nitro, County Court of Kanawha County,

Capitol Soil Conservation District, Western Soil Conservation District, with assistants by -U. S. Department of Agriculture, Forest Service, U. S. Department of Agriculture, Soil Conservation Service, explaining that this was a preliminary plan that was to be signed and sent to the Federal Government for their approval, that said plan had taken a long time and hard work in preparing, that Mr. Ridenour, Chairman of our Water Shed Committee had recommended the preliminary plan.

Thereupon Councilman ~~Gewin~~ moved that Council authorize the Mayor to sign for the City the said preliminary plan.

Councilman Griffith asked if provisions had been made for additional traffic on 21st Street, since it was evident that the recreation division of the watershed program would cause a lot more traffic on 21st Street and further that he had been receiving a lot of complaints regarding this matter. Mayor Alexander explained that this matter would come under the powers of the city council, not a decision of the water shed committee, that this matter would be a complete separate program.

Councilman Griffith asked if the land for the Water shed program would be acquired by Court action. Mayor Alexander replied that this was true unless an out right sale could be worked out with the owner of said land.

Councilman Briffith asked if the cost of the land was \$50,000. as that was the figure he had heard. The Mayor informed that cost was in the neighborhood of \$50,000. Mayor explained further that the majority of the property that city would take would be the portion of the said property that had been under water, that there would be sufficient land left to accomodate approximately 300 nice homes, and that the property left for home sites would be enhansed in value.

Councilman Brohard seconded the motion on the floor. Upon a vote all present voted in favor of the motion, except Councilman Griffith, who abstained stating that he did not know enough about the program to vote.

Mayor Alexander appointed W. D. Wintz as a member of the Planning Commission.

Mayor Alexander stated to the council that since other governmental agencies and civic organizations had indicated publicly that they were for the School Bond Issue, that he felt the city officials might wish to do the same and asked what their pleasure would be.

The Kanawha County School Bond Issue was discussed as to the improvements that Nitro school would receive.

Thereupon Councilman Griffith moved, seconded by Councilman Wright, the city council recommend the citizens of Nitro support the School Bond Issue. Upon a vote motion carried.

Councilman Hoke asked that an appeal be made to merchants along Wintz Avenue from 20th Street to 22nd Street, to keep old merchandise and trash off the right of way of said Avenue.

Mayor informed council that Jack Johnston had resigned from the police force, effective as of the last day of this month and that the police Civil Service Commission was holding a class on the 12th of this month.

Councilman Griffith stated that there were 47 days before Christmas and asked if the Traffic Committee would make a study of the feasibility of controlling the traffic in the business area, pointing out that he was in favor of limited parking. In discussion, it was pointed out that the business places were largely to blame for the shortage of parking space as the owners and their employees parked in front of the businesses. The Traffic Committee was asked to make a study of this matter.

Councilman Brohard reported that the One-way sign on East 39th Street was not replaced when the side walk was installed.

There being no further business to come before the council at this time a motion by Councilman Griffith for adjournment carried.


Grace Lewis, Recorder


W. W. Alexander, Mayor

November 16, 1965

The City Council met in regular session Tuesday,
November 16, 1965.

There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Earl W. Dye, Thomas R. Griffith, Mrs. E. Robert Hamilton, L. I. Hoke, M. D. and Robert L. Wright members of the Council, Councilman Gewin being absent.

Mayor Alexander called the meeting to order.

Councilman Dye moved, seconded by Councilman Wright, the minutes of November 2nd be approved. Motion carried.

Councilman Hoke moved, seconded by Councilman Hamilton, the financial statement for month of October be accepted. Motion carried.

Mayor Alexander recognized and introduced several students from the Nitro Junior High School Civics Class.

Mayor Alexander told council that Councilman Gewin, who as absent from meeting, had asked him to inform the council that he, Councilman Gewin, had made a survey of the business area this past Saturday, relative to parking situation in said area and that the majoriety of the business owners had asked that Council not put a restriction on parking and that they the owners or managers of the local businesses would make a great effort to have their employees park away from the business area, allowing parking spaces for customers.

Mayor Alexander informed council that he had met with a group of property owners from East 39th Street, outside the city limits, relative to question of tying onto the city sewers and that a committee had been formed from the group, said committee to make a survey of area in question as to the property owners desire to come into the city limits or the desire to connect to the city sewers.

Mayor Alexander reported on a meeting held in Charleston last Friday with Congressman John Slack. Mr. Ridenour, Chairman of the Nitro Water Shed Committee, attended the meeting and that it was the consensus of opinion that the Nitro program would get cooperation from the federal government.

Mr. John Planck appeared before the council regarding the portion of his subdivision that is designated as a street right of way, asking that the council withdraw council's approval of the said street as public to private. Mayor Alexander explained to council that on August 16, 1961, Mr. Planck had appeared before the city council and presented a plot plan of Subdivision fronting 110.94 feet on Main Avenue, extending approximately 433.68 feet on Lee Avenue and at said time requested the council's approval of the map, in order that he (Mr. Planck) could record same at the Kanawha County Court House and the the said Council had approved the said plot on said date. Mr. Planck now informed council that it was his desire to keep the street a private one. Mayor Alexander asked Mr. Planck if any property owner, other than property included in his subdivision abutted on the said street right of way. Mr. Planck replied that there were two, however,

that these owners did not need to use this said street as an access to their property. Informing further that Mr. Matheny, owner of property in the subdivision did want the street private and that his deed called for a private entrance.

Mr. Michael, Attorney, advised that he was of the opinion that there was no way to keep other people from using the said street.

Mayor Alexander informed that he was of the opinion that since council had approved the map as a subdivision in 1961 and at the same time approved the street as public, that all property owners in the subdivision and also abutting property owners must approve the change of the street in question before council could grant Mr. Planck's request.

The Attorney was requested to secure all information regarding legal involvement and present same at next meeting.

Thereupon Councilman Wright moved, seconded by Councilman Griffith, that this matter be tabled until next meeting of council. Motion carried.

Councilman Hoke informed that garbage carriers were untidy with collecting garbage in that they spill the trash and garbage and do not pick it up and it then blows on the streets and property. The Mayor said he would speak to the carriers regarding this matter.

Councilman Hoke asked if anything could be done about water standing on Main Avenue near McGrew's garage. Mayor advised that said are always drained through a ditch along

the railroad track, that he would have the street men check this matter.

Councilman Hoke informed that Mr. Comstock had not cleaned up his lot on 21st Street, that he had a lot of old refrigerators on lot that were dangerous and that this place should be declared a public nuisance.

Councilman Griffith informed that Mr. Gillispie of 18th Street Hill area had been bull dozing warth in said area, that this had been going on for over a year, and on Sundays and Holidays, that the operating of a bull dozer was annoying to residents of 21st Street and that people could only stand so much of this and asked what could be done regarding this matter. He also informed that Mr. Gillispie had two horses on his property. Mayor informed that he knew that Mr. Gillispie had moved a lot of earth, that he was trying to remove a earth slip in said area. Councilman Griffith informed that Mr. Gillispie had become a nuisance with the noise he made with the bulldozer.

The attorney advised that a person cannot be restrained of activity on his own property.


Mayor Alexander said he would have the matter checked again.

Mayor Alexander told the Junior High School students that the members of the Council were very glad to have them attend council meetings and invited them back.

There being no further business to come Before
the council at this time a motion for adjournment by Councilman
Hoke carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

December 7, 1965

The City Council met in regular session Tuesday, December 7, 1965.

There were present W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Earl W. Dye, B. E. Gewin, Thomas R. Griffith, Mrs. E. Robert Hamilton, and Robert L. Wright members of the Council. Councilman Hoke being absent.

Mayor Alexander called the meeting to order.

Councilman Dye moved, seconded by Councilman Wright, that the minutes of the November 16 meeting be approved. Motion carried.

The matter of Mr. John Planck's request, presented in the November 16 meeting relative to the protion of his subdivision that is designated as a street right-of-way, that the Council withdraw the Council's approval as enacted August 16, 1961, was again discussed. Mr. Planck appeared before the Council and informed that he had with him two property owners abuting on said right-of-way. Said property owners, Mr. Markham and Mr. Matheny, were in favor of the street in question being reverted to a private drive. Mr. George Douglas, also a property owner abuting on said street right-of-way, appeared and informed Council that he objected to the reverting of street from public to private. The City Attorney informed that it was of his opinion that this matter should be taken through regular court procedures and informed further that it was of his opinion that the Council did not have the power to change this street from private to public. After considerable discussion Councilman Dye moved, seconded by Councilman Griffith, that the Council take no action on this matter. Upon a vote motion carried.

The Recorder presented a copy of a letter from Workmen's Compensation directed to Mr. Clarence L. Watt, Attorney for William M. Kelly, acknowledging his letter of protest to the directors ruling of November 24.

The Recorder presented a letter from the New York Central system stating that the New York Central would contribute \$250. toward the project of a sidewalk from First Avenue along the Plant Road to connect with the sidewalk at the Nitro Municipal Pool. Thereupon Councilman Hamilton moved, seconded by Councilman Dye, that the Council accept the New York Central donation and acknowledge same by letter. Upon a vote motion carried.

The Recorder asked Council's permission to transfer \$6,000 from the Pool Building Fund to the Revenue Fund. Thereupon Councilman Dye moved, seconded by Councilman Brohard that permission be granted to transfer \$6,000 from the fund of City of Nitro Municipal Swimming Pool to the fund of City of Nitro Revenue Fund. Upon a vote motion carried.

Councilman Griffith asked that the newspaper reporters inform the public as to why water has been left in the Municipal Pool. That this is the proper care for winterizing a pool of this type.

Councilman Dye requested that the Police Officers check the accumulation of wrecked cars at some of the city garages.

The matter of Mr. Comstock's lot on 21st Street was again discussed by the Council. The Mayor asked if the Council had any objection to his offering the City's help in hauling away the junk from said lot. The Council agreed on this matter.

The Attorney presented an ordinance for first reading as followed:

ORDINANCE

ORDINANCE NO. _____

INTRODUCED IN COUNCIL

December 7, 1965

AN ORDINANCE PROHIBITING ANY PERSON TO ABANDON, DISCARD, OR KNOWINGLY PERMIT TO REMAIN ON PREMISES UNDER HIS CONTROL, ANY REFRIGERATOR, OR OTHER AIRTIGHT OR SEMI-AIRTIGHT CONTAINER IN A PLACE ACCESSIBLE TO CHILDREN, AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NITRO:

No person shall abandon, discard or knowingly permit to remain on premises under his control, in a place accessable to children, any refrigerator, or other airtight or semi-airtight container which has a capacity of one and one-half cubic feet or more and an opening of fifty square inches or more and which has a door or lid equipped with hinge, latch or other fastening device capable of securing such door or lid, without rendering such equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein, This ordinance shall not apply to an icebox, refrigerator or other airtight or semi-airtight container located in that part of a building occupied by a dealer, warehouseman or repairman.

Whoever violates any provisions of this Ordinance or neglects or fails to comply with any order or regulation made thereunder shall be deemed guilty of a misdemeanor and fined not less than One Dollar (\$1.00) nor more than One Hundred Dollars, (\$100.00) or may be imprisoned for not less than one nor more than thirty days, or both.

The imposition of any such penalty shall not excuse the violation, neglect nor non compliance, and any person violating, neglecting or failing to comply with the provisions of this Ordinance, shall

be required to correct, or remedy such violations within a reasonable time, and each day that any such violation, neglect or noncompliance shall continue shall constitute a separate offence. The application or use of the above penal provisions shall not be held to prevent the removal of the prohibited conditions, and the City of Nitro shall have the right, in addition to said penal provisions to proceed in any court having jurisdiction for the correction of the same by any lawful procedure provided for by the Statutes of the State of West Virginia.

This ordinance shall take effect as of the ____ day of January, 1966.

W. W. Alexander, Mayor

Grace Lewis, Recorder

STATE OF WEST VIRGINIA

COUNTIES OF KANAWHA

AND PUTNAM, TO-WIT:

I, Grace Lewis, the duly elected, qualified and acting City Recorder of the City of Nitro, in the Counties and State aforesaid, do certify that the foregoing constitutes a true, correct and complete copy of an Ordinance to be considered for passage by the Common Council of the City of Nitro, in Regular Session in the Council Chambers in the City Building of said City of Nitro, on the ____ day of January, 1966.

IN WITNESS WHEREOF, I have hereunto affixed my Official signature and the seal of said City, this 8th day of December, 1965.

SEAL:

Grace Lewis, Recorder

Councilman Griffith moved, seconded by Councilman Hamilton, that the ordinance be approved for first reading and publication in the local newspaper. Motion carried.

Councilman Griffith asked if it was possible that, in as much that the City Employees were not given pay increase this year, could they be given a party or a turkey for Christmas. The Mayor informed that this was impossible in that the Council could not spend taxpayer's money in this matter, however, the employees were given a small gift by himself, the Mayor, every Christmas.

Councilman Wright suggested that the City make an effort to take care of the low places along Main Avenue where water stands.

Councilman Gewin moved to dispense with the meeting of December 21, 1965, and that the Mayor be given the authority to call a special meeting in the case of a necessity. Motion was seconded by Councilman Hamilton. Motion carried.

There being no further business to come before the Council a motion by Councilman Griffith for adjournment carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

January 4, 1966

The City Council met in regular session Tuesday, January 4, 1966.

There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Earl W. Dye, B. E. Gewin, Thomas R. Griffith, Mrs. E. Robert Hamilton, L. I. Hoke, M. D. members of the Council. Councilman Robert L. Wright being absent.

Mayor Alexander called the meeting to order.

Councilman Dye moved, seconded by Councilman Hamilton, to dispense with reading of minutes for meeting held December 7. Motion carried.

Councilman Dye moved, seconded by Councilman Hamilton, the financial statement for month of November be accepted. Motion carried.

The Recorder presented the Publisher's Affidavit of publication of Ordinance as presented and read at meeting held December 7, 1965.

Thereupon Councilman Hamilton moved, seconded by Councilman Griffith, that the Publisher's Affidavit be made a part of the minutes of this meeting and further moved the adoption of said ordinance on second reading. Upon a vote motion carried.

AFFIDAVIT OF PUBLICATION

State of West Virginia,
County of Kanawha, To-wit:

I, Mary K. Buster, Manager of Kanawha Valley Leader,

a Weekly Newspaper of general circulation, published in the City of Nitro, Kanawha County, West Virginia, do solemnly swear that the annexed

INTRODUCED IN COUNCIL

DECEMBER 7, 1965

AN ORDINANCE PROHIBITING ANY PERSON TO ABANDON, DISCARD, OR KNOWINGLY PERMIT TO REMAIN ON PREMISES UNDER HIS CONTROL, ANY REFRIGERATOR, OR OTHER AIRTIGHT OR SEMI-AIRTIGHT CONTAINER IN A PLACE ACCESSIBLE TO CHILDREN, AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NITRO:

No person shall abandon, discard or knowingly permit to remain on premises under his control, in a place accessible to children, any refrigerator, or other airtight or semi-airtight container which has a capacity of one and one-half feet or more and an opening of fifty square inches or more and which has a door or lid equipped with hinge, latch or other fastening device capable of securing such door or lid, without rendering such equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein. This ordinance shall not apply to an icebox, refrigerator or other airtight or semi-airtight container located in that part of a building occupied by a dealer, warehouseman or repairman.

Whoever violated any provisions of this Ordinance or neglects or fails to comply with any order or regulation made thereunder shall be deemed guilty of a misdemeanor and fined not less than One Dollar (\$1.00) nor more than One

Hundred Dollars, (\$100.00) or may be imprisoned for not less than one nor more than thirty days, or both.

The imposition of any such penalty shall not excuse the violation, neglect nor non compliance, and any person violating, neglecting or failing to comply with the provisions of this Ordinance, shall be required to correct, or remedy such violations within a reasonable time, and each day that any such violation, neglect or noncompliance shall continue shall constitute a separate offence. The application or use of the above penal provisions shall not be held to prevent the removal of the prohibited conditions, and the City of Nitro shall have the right, in addition to said penal provisions to proceed in any court having jurisdiction for the correction of the same by any lawful procedure provided for by the Statutes of the State of West Virginia.

This ordinance shall take effect as of the 4th day of January, 1966.

W. W. Alexander, Mayor

Grace Lewis, Recorder

STATE OF WEST VIRGINIA
Counties of Kanawha and Putnam, To-Wit:

I, Grace Lewis, the duly elected, qualified and acting City Recorder of the City of Nitro, in the Counties

Printer's Fee \$ 12.53

BK 9 after pg 222

AFFIDAVIT OF PUBLICATION

State of West Virginia,

County of Kanawha, to-wit:

I, Mary K. Boster, Manager of
Kanawha Valley Leader, a Weekly Newspaper of general circu-
lation, published in the City of Nitro, Kanawha County, West Vir-
ginia, do solemnly swear that the annexed

was duly published in said paper once a week for once
successive weeks, commencing with the issue of the 17th
day of December, 19 65 and ending with the
issue of the 17th day of December, 19 65
and was posted at the Court House of Kanawha County on
, 19

Manager, Mary K. Boster
Kanawha Valley Leader.

Subscribed and sworn to before me this 7 day of Jan
, 19 66

James Jefferson
Notary Public for Kanawha County, West Virginia.

(My commission expires 2/28/72.)

SERVICES—PUBLIC NOTICES—

SERVICES

GERT'S A GAY GIRL — ready for a whirl after cleaning carpets with Blue Lustre. Rent electric shampooer \$1. Hanes Appliances.

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CARPENTRY, new building, repairing, remodeling, roofing, foundation work, satisfaction guaranteed. Reasonable rates, 18 years experience in Nitro area. Call **H. L. CLEDE HUFFMAN** at 755-4832 1113Ind.

Card of Thanks

We, the family of Delmar Truette wish to extend our sincere thanks to our many friends and neighbors for their kindness shown during the berevment of our loved one. A special thanks to the Poca Methodist Choir, Gatens Funeral Home, and all those who sent flowers, food, cards or rendered service in any way.

Ruby and Jack Truette

PROPERTY TRANSFERS

Clifford Rexford Smith and wife to Patrick L. Smith and wife, tract, Poca District.

Donald Lee Gunter and others to Arnold Owsley and wife, lot 2, block 1, Early Addn., Union Mines.

Matalie Gunter and others to Arnold Owsley and wife, lot, Union Mines.

Stanley Lee Sisson and wife to George Aaron Facemyer Jr. and wife, lot, St. Albans.

James R. Jarrett and wife to Roger J. Rasmussen and wife, lot 9, sec. 1, Meadowview Terrace, Jefferson District.

DRAFT CALL

West Virginia's draft call for January is 495 men, only 18 less than December, State Adj. Gen. Gene Hal Williams announced.

Williams said the national draft quota for January is 38,280, with 29,300 men scheduled for Army induction and 8,980 allotted to the Marine Corps.

★ Legal Notices ★

INTRODUCED IN COUNCIL

December 7, 1965

AN ORDINANCE PROHIBITING ANY PERSON TO ABANDON, DISCARD, OR KNOWINGLY PERMIT TO REMAIN ON PREMISES UNDER HIS CONTROL, ANY REFRIGERATOR, OR OTHER AIRTIGHT OR SEMI-AIRTIGHT CONTAINER IN A PLACE ACCESSIBLE TO CHILDREN, AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NITRO:

No person shall abandon, discard or knowingly permit to remain on premises under his control, in a place accessible to children, any refrigerator, or other airtight or semi-airtight container which has a capacity of one and one-half cubic feet or more and an opening of fifty square inches or more and which has a door or lid equipped with hinge, latch or other fastening device capable of securing such door or lid, without rendering such equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein. This ordinance shall not apply to an icebox, refrigerator or other airtight or semi-airtight container located in that part of a building occupied by a dealer, warehouseman or repairman.

Whoever violates any provisions of this Ordinance or neglects or fails to comply with any order or regulation made thereunder shall be deemed guilty of a misdemeanor and fined not less than One Dollar (\$1.00) nor more than One Hundred Dollars, (\$100.00) or may be imprisoned for not less than one nor more than thirty days, or both.

The imposition of any such penalty shall not excuse the violation, neglect nor non compliance, and any person violating, neglecting or failing to comply with the provisions of this Ordinance, shall be required to correct, or remedy such violations within a reasonable time, and each day that any

by any lawful procedure provided for by the Statutes of the State of West Virginia.

This ordinance shall take effect as of the 4th day of January, 1966.

s/ W. W. Alexander

W. W. Alexander, Mayor

s/ Grace Lewis

Grace Lewis, Recorder

STATE OF WEST VIRGINIA

COUNTIES OF KANAWHA

AND PUTNAM, TO-WIT:

I, Grace Lewis, the duly elected, qualified and acting City Recorder of the City of Nitro, in the Counties and State aforesaid, do certify that the foregoing constitutes a true, correct and complete copy of an Ordinance to be considered for passage by the Common Council of the City of Nitro, in Regular Session in the Council Chambers in the City Building of said City of Nitro, on the 4th day of January, 1966.

IN WITNESS WHEREOF, I have hereunto affixed my Official signature and the seal of said City, this 8th day of December, 1965.

s/ Grace Lewis

Grace Lewis, Recorder

SEAL:

According to the experts, reports the American Medical Association, there are more than 1,730,000 known diabetics in the United States, and there are about 1,426,000 or more Americans who have diabetes and don't know it. To these figures should be added untold hundreds of thousands more who may develop diabetes if they don't follow a balanced diet, keep their weight down and have periodic physical examinations by their doctors to detect early changes in how their bodies use sugar.

IN THE SERVICE

Beverly Ann Ely, a graduate from Nitro High School, was recently promoted to the rank of First Lieutenant in the U.S. Air Force Nurse Corps. Miss Ely graduated from the Charleston General Hospital School of Nursing in 1963 and after working there a year was commissioned as 2nd Lieutenant in the Air Force. Stationed at Grand Forks Air Force Base, Grand Forks, North Dakota, Lt. Ely has traveled a great deal throughout the Northwest and just recently returned from a vacation in Honolulu, Hawaii. These trips were made possible by taking military "hops" to the various USAF Bases.

Lt. Ely is the daughter of Mr. and Mrs. E. M. Ely of 927 9th Street, Nitro.

SAN ANTONIO, TEXAS --- Gerald A. Harman, son of Mr. and Mrs. Carl A. Harman, 811 Dinden Drive, St. Albans, has been commissioned a second lieutenant in the U. S. Air Force upon graduation from Officer Training School (OTS) at Lackland Air Force Base, Texas.

Lieutenant Harman, selected for OTS through competitive examination, is being assigned to Craig AFB, Alabama, for pilot training.

A graduate of St. Albans High School, Lieutenant Harman received his B.S. degree from West Virginia University.

Charles E. Hoff, son of Mr. and Mrs. Harry E. Hoff of Clendenin has been promoted to technical sergeant in the U. S. Air Force.

Sergeant Hoff is an accounting and finance supervisor at McConnell AFB, Kan. He is a member of the Tactical Air Command which provides combat reconnaissance, aerial firepower and assault airlift for U. S. Army forces.

The sergeant is a graduate of Clendenin High School.

His wife, Peggy, is the daughter of Mr. and Mrs. Robert Sparks of 732 Holley St., St. Albans.

FOR SALE AT RAYMOND CITY MARKET

59 Plymouth Car

\$195.00

56 Plymouth Car

95.00

NITRO UNITED BAPTIST
CHURCH
Rev. Paul Alexander, Pastor

SUNDAY
Sunday School 10:00 AM
Morning Worship 11:20 AM
Evening Worship 7:30 PM

WEDNESDAY
Choir Practice 7:00 PM
Prayer Meeting 8:00 PM

such violation, neglect or non-compliance shall continue shall constitute a separate offence. The application or use of the above penal provisions shall not be held to prevent the removal of the prohibited conditions, and the City of Nitro shall have the right, in addition to said penal provisions to proceed in any court having jurisdiction for the correction of the same

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HOME CONSTRUCTION CORP.

562-6113

Inland Homes Bldr.

and State aforesaid, do certify that the foregoing constitutes a true, correct and complete copy of an Ordinance to considered for passage by the Common Council of the City of Nitro, in Regular Session in the Council Chambers in the City Building of said City of Nitro, on the 4th day of January, 1966.

IN WITNESS WHEREOF, I have hereunto affixed my official signature and the seal of said City, this 8th day of December, 1965.

SEAL

Grace Lewis, Recorder

was duly published in said paper one a week for (Once) successive weeks, commencing with the issue of the 17th day of December, 1965 and ending with the issue of the 17th day of December, 1965 and was posted at the Court House of Kanawha County on

Manager, SS Mary K. Buster

KANAWHA VALLEY BLEADER

Subscribed and sworn to before me this 7 day of Jan, 1966.

SS James Jefferies

Notary Public for Kanawha County, West Virginia.

My commission expires 8-28-72.

Upon the matter of street signs, the Mayor informed that the salesman for West Virginia State Industries was in the office and was checking with his office as to why the street sign model had not been sent to us for our

consideration of purchase of street signs.

Mayor Alexander presented a plot of subdivision of the United Fuel Gas Company property on the river side of Broadway Avenue, stating that four individuals were purchasing the said property with intent of building homes on said property. The subdivision includes a private driveway. The council studied the map and questioned the paving and upkeep of the private driveway.

Thereupon Councilman Hamilton moved, seconded by Councilman Brohard, the plot for subdivision be sent to the Planning Commission for their consideration and recommendation and that the Council request of the Planning Commission that if the Planning Commission advise the Council's approval that they stipulate the private driveway be paved. Upon a vote motion carried.

Councilman Brohard requested that the four way stop at intersection of 40th Street and Second Avenue be reduced to Two way stop, stating that the through traffic on 40th Street was being penalized. The Mayor informed that when the 40th Street Road had been reopened for traffic a few weeks age, that only Two Stop signs had been replaced and that this office and the police office had received numerous calls asking that four way stop be installed.

Councilman Gewin informed that evergreens on private property at intersection of Bank, 21st Street and 1st Avenue blocked the motorist vision of small cars traveling First Avenue Route 25.

Councilman Hoke informed that Signs "No Heavy Traffic Allowed" on Second Avenue are blocking motorist vision and should either be raised or lowered to remedy the situation.

Mayor Alexander announced that he was to attend a meeting in Dunbar City Hall, Wednesday, with Mayor Young of Dunbar and Mayor Ramsey of St. Albans, purpose of meeting to try to work on projects that are beneficial to the lower part of Kanawha County, one of the projects will be an incinerator.

Councilman Griffith asked if the Mayor knew what the plans were for the new water plant relative to water lines. The Mayor said that in all probability that new lines would be installed.

Councilman Griffith inquired if the city could do something about the maintenance of the unpaved section of Second Avenue, stating that cars using the street were being damaged. The Mayor informed that the City could not afford to maintain said street as the cost would be so great. The matter of old bricks from the stacks in plant area was brought up and the Mayor said the New York Central would not permit us to blow the stacks unless we had proper insurance and we had been unable to secure insurance for the project. Councilman Griffith stated that the street should be fixed or closed to traffic. The Mayor said he did not see any reason not to close the street and asked Councilman Griffith to contact the property

owners regarding closing off the street during bad weather.

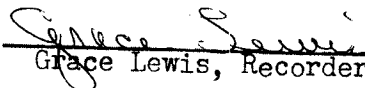
The Mayor asked the council's approval of promoting D. F. Johnston from Patrolman to Sergeant, informing that Mr. Johnston was eligible as he had passed the civil service examination.

Thereupon Councilman Dye, seconded by Councilman Gewin, moved that D. F. Johnston be promoted from Patrolman to Sergeant. Motion carried.

There being no further business to come before the council at this time a motion for adjournment by Councilman Hoke carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

January 18, 1966

The City Council met in regular session Tuesday,
January 18, 1966.

There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, B. E. Gewin, Thomas R. Griffith, Mrs. E. Robert Hamilton, L. I. Hoke, M. D. and Robert L. Wright members of the Council. Councilman Dye Being absent.

Mayor Alexander called the meeting to order.

Councilman Hoke moved, seconded by Councilman Wright, to dispense with reading of minutes of January 4, 1966. Motion carried.

Councilman Hoke moved the financial statement for month of December be accepted. Motion seconded by Councilman Gewin. Motion carried.

The Mayor informed the council that he had met with Mayor Ramsey of St. Albans and Mayor Young of Dunbar and that their main subject was a joint incinerator for the three towns, that they were now in process of seeking information regarding cost and construction of incinerators and that each of the three Mayors planned to hold a meeting once a month and that they would ask a member of their respective councils to attend the meetings with them.

Councilman Griffith stated that he had not contacted all property owners along Third Avenue regarding the closing of said avenue and asked that this matter be delayed for a couple of weeks.

Councilman Hamilton informed that she was receiving complaints regarding our landfill, the landfill was not being properly done in that the garbage and waste was not being covered, that papers were blowing all over from the landfill area, that mud from the landfill was being carried on to Kanawha Avenue, making a bad situation for home owners and children were playing in the drums that were hauled there by the industry.

Mayor Alexander informed that he and Councilman Gewin had checked the landfill area that afternoon, that children could not be playing and sliding in the drums placed on the land by the industry, that the substance in drums is solid and had been approved for dumping there by the Health Department, that there were no fiber drums. Mayor stated further that it would be a problem to keep Kanawha Avenue cleaned during bad weather, about the only thing that could be done would be to wash the street periodically. The Mayor said he would have the police check the children playing on the landfill area and that it might be a good idea to post the area.

Councilman Hamilton informed that she had also had a complaint of plant traffic cutting across the corner of the park parking lot. After a discussion, it was decided to set a metal post barricade to eliminate this problem.

Mayor Alexander informed council that Mr. Haddad of Hecks Main office had promised to donate \$250.00 toward the building of a sidewalk from First Avenue to the pool property.

Councilman Hamilton reported that she had complaints

from 17th Street regarding a number of dogs running loose.

The dog warden will be instructed to check this area.

Mayor Alexander asked Councilman Griffith if Dunbar was paying the \$13.500 per month to the Charleston Humane Association. Councilman Griffith said he did not know, but he would check into the matter. The Mayor also said that he had been informed that the workers at the dog pound and the Humane Association members were not working in compliance with the city ordinance, also that he had been told that the Charleston Humane Association had plans to erect a new dog pound in the Charleston area and that in this event the Association could charge the cities any amount they wished to charge, regardless of hardship on the cities. Councilman Griffith said he would check with Gordon Meadows regarding this matter, however, that Mr. Meadows had said that he thought it might be difficult to get Kanawha County Court to take over the dog pound again.

Councilman Griffith reported to council that he had been greatly impressed by an editorial in the last weeks local newspaper and read the editorial aloud. The editorial dealing with the opening of I-64 and the comments of the Charleston newspapers regarding Charleston and Huntington vieing for the business of the valley, also pointing out that the I-64 could also mean more business to Nitro. Councilman Griffith stated that if we are not careful that Nitro may come out the short end, that he felt that the city should take notice of this,

that Nitro could be center of commerce for Putnam County, that he would like to make an appeal to the business men of Nitro to have a meeting here in the council room next Tuesday night to talk over this situation, that he feels this is a pressing issue. Mayor Alexander stated that anything we can do is good, expecially tax wise and that he had no objection to the meeting. Councilman Griffith state that we had a very few progressive merchants in Nitro. The parking situation was also discussed and a Nitro sign at the exit of I-64. The meeting was set for 7:30 P. M. Tuesday night.

Mayor presented a street sign model and informed that Mr. Howard of West Virginia State Industries said there was another model on the way and also that he would get the cost prices to us.

The Mayor informed council that the fire department had had three calls to Textile Industries located about 500 yards out side the city limits and that the expenses had run over a thousand dollars. That he had talked to a Mr. Young and a Mr. Lavine regarding these costs and all he had gotten was promises. The Mayor asked council's permission to stop the fire services completely unless an agreement could be worked out between the Textile Industries and the City and that the Textile Industries reimburse the city for costs.

Thereupon Councilman Hoke moved, seconded by Councilman Hamilton, that the Mayor be given permission to stop the fire services for Textile Industries, unless an agreement

could be worked out for expenses incurred and that cost of previous fires be collected. Upon a vote motion carried.

Mayor Alexander informed council that he had two gentlemen from Brookhaven area to see him regarding fire protection for this area, that said area had an agreement with Cross Lanes, but were not satisfied with their fire protection. The Mayor had informed the gentlemen that the city could not make a proposal to the said area, until they knew that Cross Lanes fire company had been completely relieved of their services and that an organization had been formed of the home owners of Brookhaven to represent the area in payment for fire protection.

There being no further business to come before the council at this time a motion for adjournment by Councilman Hoke carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

February 1, 1966

The City Council met in regular session Tuesday,
February 1, 1966.

There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Earl W. Dye, B. E. Gewin, Thomas R. Griffith, Mrs. E. Robert Hamilton, L. I. Hoke, M. D., and Robert L. Wright members of the Council.

Mayor Alexander called the meeting to order.

Councilman Hoke moved, seconded by Councilman Dye, to dispense with reading of minutes of January 18th. Motion carried.

Councilman Griffith reported that he was fearful of closing the upper part of Third Avenue to traffic, as it was used a great deal, that in talking with property owners, that some were in favor of paving said portion, however, the majority were against the paving, that the street was impassable and he felt it was the city's responsibility to maintain the street. The Mayor informed that the cost of maintaining Third Avenue would be high. Councilman Hoke suggested that persons using Third Avenue a lot be approached regarding paying for rock and the city hauling the rock. This matter is to be checked out.

Mayor Alexander informed council that he had carried out the orders of stopping fire protection to industry located outside the city limits, that the Textile Processing Company

and Dunbar Metal Company had been notified by letter of this decision, that Mr. Lavin of Raleigh Junk Company has sent the City a check for Two Hundred Dollars as his portion of the damages to fire equipment and that the Insurance Company for Textile Processing Company had called the office today regarding this matter and had promised that a representative of the Textile Company would be in to see if some arrangement could be worked out.

Mayor Alexander informed council that he had been advised that property owners of Brookhaven area were working on a plan to secure fire protection from the city of Nitro and that the majority of the property owners had expressed a desire to become a part of the city limits. This matter was discussed by Mayor and members of the council.

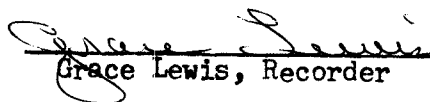
Councilman Griffith in reporting on the meeting held for the Nitro business men, said that those people who came to the meeting seemed interested and that Mrs. F. E. Perkins and Mrs. Matz had been appointed as a committee to make a survey of the business establishments regarding forming an association.

Councilman Hoke informed that he thought the city should own some sort of snow equipment, perhaps a blade that could be connected to one of the street trucks. This matter was discussed and the Mayor is to check with Rish Equipment Company regarding a snow plow blade.

There being no further business to come before
the council at this time a motion for adjournment by
Councilman Hoke carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

February 15, 1966

The City Council met in regular session Tuesday,
February 15, 1966.

There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Earl W. Dye, B. E. Gewin, Thomas R. Griffith, L. I. Hoke, M. D. and Robert L. Wright members of the Council. Mrs. E. Robert Hamilton, member of Council, being absent.

Mayor Alexander called the meeting to order.

Councilman Dye moved, seconded by Councilman Wright, to dispense with reading of minutes of meeting held February 1, 1966. Motion carried.

Councilman Gewin moved the financial statement for January be accepted. Motion seconded by Councilman Wright. Motion carried.

Mayor Alexander asked Councilman Dye for report on Recreation project in connection with Blakes Creek - Armour Creek Watershed project.

Councilman Dye reported that some concern had been shown by residents on upper 21st Street regarding playground and toilet located under face of the dam on Watershed preliminary work plan of the Blakes Creek - Armour Creek watershed. The Recreation Committee had met with a group from upper 21st Street and had agreed to move the two items from under face of

dam and that a letter to this effect had been sent to United States Department of Agriculture - Soil Conservation Service. Councilman Dye reported further that Mayor Alexander had appointed, at said recreation meeting, Mrs. R. O. Zerbe, Mrs. Max Galloway, Mrs. Charles Young and Mrs. Clyde Mynes as a Citizens Committee to work with the Recreation Committee of council on recreation and beautification of said Watershed project.

Thereupon Mayor Alexander asked for Council's confirmation of his appointment of the members of the Citizens Committee and requested the Recorder to present notices of said appointment to the ladies present.

Thereupon Councilman Dye moved, seconded by Councilman Hoke, the Mayor's appointment of members of the Citizens Committee be approved. Motion carried.

Mayor Alexander reported that Mr. Robert Martens, Architect of Charleston, representing the group from 21st Street, had met with him this morning and that they had gone over a number of questions relative to the Watershed and recreation projects.

The Mayor informed Mr. Martens, who was present, that he had talked, by phone, to Mr. Milender, Chief Engineer, this afternoon about his (Mr. Martens') question regarding 30 campsites in the plans and had been told by Mr. Milender that various items had been added in the plans, however, it was not necessary to leave them in the final plans, that many changes would be made before completion.

The Mayor then called on Mr. Martens as representative of the group.

Mr. Martens informed everyone that he was not here for harassment, that he had been asked to represent a group from 21st Street area, a list of the group had been given to the Mayor. That he had met with Mayor Alexander this morning and secured answers to most of the questions that group had.

The question regarding sewers he understood this would come under a separate program.

The question regarding option to obtain necessary property that this was the responsibility of the City. On matter of funds for local sponsor's portion, the Mayor informed that he was not sure as to method, as this was being studied.

Mr. Martens pointed out that a petition had been secured in 1962, which voiced an agreement to this type of program.

The question of change of Blake's road was discussed and the map checked and it was pointed out that road at north end of dam had been altered in that Blake's Creek Road would go over the end of dam, rather than around the dam.

Regarding the question of fenceing - it was brought out that not a lot of fence could be bought for \$1,000.00, amount in the budget. To minimize danger, it would be advisable to install recreation below the dam.

Regarding the question on changes to Blake's Creek road - there is a memo agreement with State Road Commission that they will bear cost of necessary changes.

At this point, Mr. Martens stated this was a worthwhile project, is doing more for them on 21st Street, there will be questions and problems necessary for the Committees to iron out, that a second thought should be given to locating the playground and toilet under face of dam.

On question of toilet - above the dam it could be chemical and below the dam could be connected with the sewer system.

Mrs. Zerbe asked that the people present, owning property outside city limits in the Blakes Creek area, would like to know if their property is going to be under water. Mr. Martens informed that he could not tell from the aerial photo he had seen in the Engineer's office, that this would be the responsibility of the city, as it is a requirement of the Federal Government.

Mayor Alexander stated that he had been informed by the Engineer, that there would be no water backed on any property, that the spillway is lower than residential property, that water damages to them would be caused by head water.

Richard Slater stated that an Engineer had told him at a Watershed meeting, that he could have as much as four feet of water.

Mrs. Grace Slater asked if water behind the dam would be stagnate at anytime, as Blakes Creek gets completely dry at times, The Engineers say that water will not be stagnate.

Richard Slater asked again what he could do if the water did back on to his property. Mr. Martens told Mr. Slater that he would have a claim. The Mayor said he would check this matter with Tom Estlack, Federal Technical Conservationist.

Mrs. Grace Slater stated that she was for development and progress, however, the people in Blakes Creek area outside the city limits had problems, one being a tremendous amount of flies and perhaps mosquitoes after completion of this project. Stated further that theirs has become a horse country, as a number of horses are boarded in their area, this had become a great problem of health and sanitation.

It was pointed out that the city participates in the Kanawha County plan of fly control and that it might be possible to have the County plan stepped up to include this area.

Mrs. Slater asked of the Mayor, if it would be possible for their area to be incorporated into the city limits. The Mayor replied that it was and that perhaps it could be done by a minor boundary adjustment and asked Mrs. Slater if she thought it possible to secure a petition, from people in her area, requesting the City annex said area. Mrs. Slater said she thought she could secure petition, that most of them wanted in the city limits.

Mr. Martens presented another question- heavily traveled road (meaning 21st Street), thereby causing damages to 21st Street. The Mayor replied that he doubted that said 21st Street would be damaged beyond what normal repairs could take care of.

Regarding the subject of the camping sites - Councilmen Gewin and Wright said this referred to the Scout type camping rather than trailer camping.

Mrs. Young referred to the change of the toilet and playground being on the present map below face of dam. Mr. Martens informed that a letter of agreement to move these items had been written to government.

Councilman Dye stated that there was no definite locations for any recreation, that any could be changed.

Mayor Alexander informed that more money can be put in projects for recreation, however, money could be used for other purposes as long as amount had been included.

Mrs. Zerbe asked question regarding normal maintenance, if property owners would be assessed for paving. Mayor stated that he did not feel that there was anything in the program that could damage the street to this extent and that he felt that normal street maintenance could take care of any damages.

Mrs. Young asked question - people using lake - where were they going to park their cars, if there was not a parking lot below the dam. Cars will be parked on parking lots around the dam.

Councilman Griffith asked if there had been any estimate of the flow of traffic this project will make on 21st Street, the traffic and speeding will be a great problem and that not enough thought had been put into it.

Dr. Dunlap stated that at present there was parking allowed on one side of 21st Street, that with the increase of 300 to 400 persons per day, is the property owners to pay for widening of the street. Mayor stated that there is a possibility of no parking on said street.

Mr. Slater asked if the road would be relocated. The Mayor explained the slight relocation of Blakes Road near the dam, the road to go over the end of the dam.

Mrs. Young stated that she was not trying to stop the building of the dam, that she wanted to protect everyone but that she did not understand the toilet facilities. Mr. Martens explained that if toilet is located above dam that it would be chemical and if located below dam could be tied in with the eight inch sewer.

Regarding question of easements - it is strictly the responsibility of the city to secure all easements.

Mr. Slater asked about the gas lines being under water. Mayor informed that utility companies had agreed to take care of any necessary changes due to the project.

In a second discussion of the 1962 petition of property owners, Councilman Gewin stated that said petition was secured from property owners abutting the creek for any necessary work that would help the flow of the creek.

Mrs. Slater asked if the State or Federal Governments would have the creek channeled down to lake. The decision will be left to Engineers in charge of project and that pneumatic dredging will be used in creek. Councilman Gewin stated that we did not wish to leave the impression that channeling would be done, it may or may not be done - depending on final plans of project.

Mr. Martens asked of the Mayor how the city, as a sponsoring agent, would provide their amount of the financial obligation of said project. The Mayor's answer was possibly through bond issue.

Mrs. Zerbe said that if the traffic increases on 21st Street, that it was not fair to the property owners to pay for road damages, that she and Mrs. Galloway were not trying to stop the building of the dam.

Mayor Alexander thanked Mr. Martens and residents for coming to the meeting, that he felt Mr. Martens had been a great help to all of us.

Councilman Dye moved the Mayor be authorized to sign Preliminary Watershed Work Plan, Blakes Creek - Armour Creek Watershed. Motion seconded by Councilman

Hoke. Upon a vote motion carried.

Mayor presented cost of street signs as submitted by West Virginia State Industries. The Street Committee will hold a meeting to consider the necessary signs.

Mayor Alexander stated to council that there were times last summer that crowds at the city pool were large and that the Pool Committee had discussed possibility of restricting pool to Nitro residents only and proposed a payment plan, whereby the pool passes may be purchased on a three payment plan basis, starting now and final payment to be made by May 15th.

Thereupon Councilman Gewin moved, seconded by Councilman Dye, that pool passes be put on sale now on payment plan basis. Upon a vote motion carried.

The Mayor and council again discussed E. R. Comstock lot on Third Avenue, back of the Laundry Mat. Mayor informed council that he had been unable to get Mr. Comstock in to talk to him about the lot, however, he would make another effort before taking action.

Mayor Alexander informed council that Textile Processing Company had paid the city One Thousand Dollars on fire equipment damages and costs, that the company would also pay the city \$37.50 per month for fire protection and had agreed in the event of equipment damage to pay cost of same.

Councilman Brohard informed that certain property owners of Bailes Drive had indicated that they were interested in repaving and widening of existing street. It was suggested that the property owners get a petition signed as to those desiring the said improvement.

There being no further business to come before the Council at this time a motion by Councilman Hoke for adjournment carried and was so ordered.


W. W. Alexander, Mayor


Grace Lewis, Recorder

March 1, 1966

The City Council met in regular session Tuesday,
March 1, 1966.

There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Earl W. Dye, Thomas R. Griffith, Mrs. E. Robert Hamilton and Robert L. Wirght members of the Council. Councilmen B. E. Gewin and L. I. Hoke, M. D. being absent.

Mayor Alexander called the meeting to order.

Councilman Dye moved, seconded by Councilman Brohard, the minutes for meeting held February 15, 1966 be accepted. Motion carried.

The Mayor informed that the Planning Commission had approved and recommended the section on the riverside of Broadway Avenue (formerly owned by the United Fuel Gas Company) as a subdivision for erection of four homes, subject to restrictions of the City Building Code and regulations of the Nitro Sanitary Board and that there was no dedication of Street into said plot.

Thereupon Councilman Hamilton moved, seconded by Councilman Wright, the Council accept the recommendation of the Planning Commission regarding the plot located on the riverside of Broadway Avenue, thereby approving the plot as a subdivision for erection of four homes, subject to restrictions of the City Building Code, and regulations of the Sanitary Board and no dedication of Street into said property. Upon a vote motion carried.

Mayor informed Council that Mr. Comstock had moved some of the old refrigerators from his lot on Third Avenue and that he (Mr. Comstock) was to see him on Wednesday about removing all junk from said lot. The Council was also informed that the business place known as Nitro Trading Post located on Main Avenue had moved old appliances from in front of their place of business.

Councilman Griffith informed Council that he had checked a house in East end of town, owned by George Lee, the house is located on a ten foot alley off Benamati Street, the said house is a new structure, street does not have a name and in order for Mr. Lee to have a telephone installed it is necessary that his house be numbered and the street have a name. In discussion of this matter it was brought out that the City Planning Commission would not accept and dedicate a ten foot street, that Martin's Court, a Fifteen foot right of way, had not been dedicated as a street, and that there were several vacant lots on right of way in question. It was decided that Councilman Griffith inform Mr. Lee that the City could not accept the ten foot right of way as a dedicated street, however, that city would recognize a name that Mr. Lee desires to give the said right of way and if in the future the property owners along said right of way wishes to give a portion of the frontage of lots for an acceptable street right of way, the city would accept the said right of way as a dedicated street.

Mayor Alexander informed council that the new fire truck had been delivered and had passed test of the West Virginia Inspection Bureau, however, the Inspection Bureau had notified the city of necessary fire equipment needed to maintain the present fire rate.

The Mayor presented the list as follows:

- 2 #1730 Akron Chrome Plated $2\frac{1}{2}$ " nozzles
- 2 #1715 Akron Chrome Plated $1\frac{1}{2}$ " nozzles
- 1 #285 Chrome Plated $2\frac{1}{2}$ " gate valve
- 1 #1581 Chrome Plated Gated wye, $2\frac{1}{2}$ " x $1\frac{1}{2}$ " x $1\frac{1}{2}$ "
- #261-A Chrome Plated Clapper siamese $2\frac{1}{2}$ "
- 1 #335 Chrome Plated double female $2\frac{1}{2}$ "
- 1 #336 Chrome Plated double male, $2\frac{1}{2}$ "
- 1 #76 Hose jacket
- 6 #72 Akron hose straps
- 1 #588 hose clamp
- 1 #535 Akron cellar nozzle, chrome plated
- 2 #17 hydrant wrenches
- 2 #2 deluxe salvage covers
- 400ft. $1\frac{1}{2}$ " Tiger fire hose
- 2 MSA All service masks

Thereupon Councilman Dye moved, seconded by Councilman Griffith, the foregoing fire equipment be purchased and financed along with new fire truck through the Bank of Nitro. Upon a vote motion carried.

Councilman Brohard inquired as to what the city planned to do with the old Seagraves fire truck. This was discussed by Mayor and council, pointing out that it was more or less an antique, that the motor was good, was used in fire alarm work, that since the fire station is not crowded for space that the Seagraves truck would probably be retained by the city.

Councilman Brohard moved, the city request the West Virginia Road Commission to widen 40th Street Road, from the bridge to city limit line and install sidewalk on one side. Motion seconded by Councilman Dye. Motion carried.

Councilman Griffith reported a vacant lot on Dupont Avenue, back of the Fisher building, that lot had trash, junk and papers on it. Mayor Alexander said he had been told by the owner of said lot that he intended to build on said lot this summer.

Mrs. R. O. Zerbe presented a letter to Mayor and Members of Council, said letter signed by Garnet C. Galloway, (Mrs. H. M.), Matilda S. Mynes (Mrs. Clyde S.), Maxine M. Young, and herself - Fanny C. Zerbe (Mrs. R. O.) desiring the council to explore the possibility of opening an access road to the Blake Creek Watershed and recreation project and asked that the letter be made a part of the minutes. The letter was read to the council and the Mayor recommended that said letter be filed, but asked that it not be made a part of the minutes, in that he feared that it might jeopardize our chances of getting help on this project, stating further that the possibility of an access road had been explored by the Chairman of Water shed

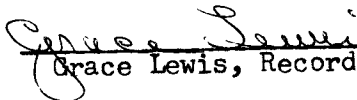
Commission, Mayor and City Engineer and that cost estimates of such road had been secured and that everything possible would be done to secure an access road.

Councilman Hamilton asked of the Mayor, if the street crew could be available some Thursday to help move book shelves at the Library to make room for a number of reference books coming in, pointing out that the Library is out growing its facilities. The Mayor said the street men would be available and stated further that since the Library was growing rapidly, he suggested the Library Board hold a meeting to discuss the growth of the Library and possibility of larger quarters for the Library in the very near future.

Mayor Alexander reported that he and Mayor Young of Dunbar had met with Carbide officials regarding the proposed incinerator plans, that Carbide was interested in working with the three cities as a customer for incinerator uses and further the committee will continue to explore the possibilities of building an incinerator.

There being no further business to come before the council at this time a motion for adjournment carried.


W. W. Alexander, Mayor


Grace Lewis, Recorder

March 15, 1966

The City Council met in regular session Tuesday, March 15, 1966.

There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Earl W. Dye, B. E. Gewin, Thomas R. Griffith, Mrs. E. Robert Hamilton, L. I. Hoke, M. D. and Robert L. Wright members of the council.

Mayor Alexander called the meeting to order.

Councilman Gewin moved, seconded by Councilman Dye, to dispense with reading of minutes of meeting held March 1, 1966. Motion carried.

Councilman Hamilton moved, seconded by Councilman Gewin, the financial statement for February be accepted. Motion carried.

Upon advise of the attorney, Councilman Gewin moved, seconded by Councilman Dye, that the Mayor be authorized to execute new fire equipment payment with Sutphen Fire Equipment Company, assigned to Bank of Nitro in the amount of \$16,510.60 plus five percent Bank interest on terms of 27 months, beginning April, 1966. Motion carried.

In discussion of claim of William H. Kelly for Workmen's Compensation, the attorney informed that Mr. Kelly had been examined by Dr. Seltzer, doctor of Mr. Kelly's choice. The Council discussed having Mr. Kelly examined by another doctor.

Thereupon Councilman Dye moved, seconded by Councilman Hamilton, that council file objection of Mr. Kelly's claim with Workmen's Compensation Commission and that Dr. Hoke select a doctor to examine Mr. Kelly. Upon a vote motion carried.

Mayor Alexander reported to council that representatives of the State Road Commission had made a survey of 40th Street Road, from the bridge to city limit line, and had informed him that they would recommend the widening and installation of sidewalk as the council had requested.

Mayor also informed council that as soon as weather permitted the street crew would do some patching of the city streets.

Councilman Gewin asked if it might be advisable to again talk with State Road Commission officials regarding the traffic lights on First Avenue (Route No. 25), pointing out that the State Road Commission had allowed less expensive traffic lights installed on Route 60, since the time they had submitted the type and cost estimates to Nitro for First Avenue. The Mayor suggested that he talk to Mr. Bob Titus of the State Road Commission.

Thereupon Councilman Dye moved that Mr. Bob Titus of the State Road Commission be asked to talk to the Mayor regarding traffic lights for First Avenue. Motion seconded by Councilman Gewin. Upon a vote motion carried.

The Mayor and council discussed the quotations on street signs submitted by the following:

Property Protection	Single \$ 7.28	Double \$ 11.60
W. Va. State Industries	Single 7.50	Double 12.50

The Street Sign Committee was asked to make a survey of the town as to the number of street signs needed.

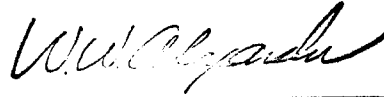
Councilman Dye informed council that he thought an unsightly building was located on street right of way on the continuation of Elm Street across from the Nitro Super Market and asked that this be checked into. The Mayor informed that State Fire Marshal representative and the Fire Chief were making a survey of old buildings in town and would make their recommendations to council.

Councilman Dye informed that work was starting on the city park and that several trees would be transplanted and that two of the trees would be planted on the pool property.

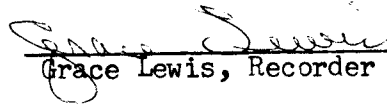
Mayor informed that as soon as weather permitted that the balance of concrete would be poured at the pool and that painting would be done.

Mayor Alexander informed council that assessment figures had been received from the Assessor's offices and that work was being done on the city budget. Councilman Griffith asked if the city employees would be given an increase in pay? The Mayor informed that up to now we had not been able to work out a pay increase for employees. This matter was discussed at length. The Mayor presented a copy of ordinance from the City of St. Albans, providing an annual license fee for insurance companies and agencies of \$ 15.00. This means of additional revenue was discussed and the Mayor is to check with the State Tax Commissioner's office regarding Nitro imposing such a license.

There being no further business to come before council
at this time, a motion to recess this meeting by Councilman
Hoke carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

March 23, 1966

The City Council met in recessed session at 1:00 o'clock P. M. Wednesday, March 23, 1966.

There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Earl W. Dye, B. E. Gewin, Thomas R. Griffith, Mrs. E. Robert Hamilton and L. I. Hoke, M. D. members of the council. Councilman Robert L. Wright being absent.

Mayor Alexander called the meeting to order and announced that this meeting was for the purpose of considering the city budget for fiscal year 1966-67. The Mayor further informed council that the Finance Committee had worked up the budget and come up with a deficit for operating expenses and that it had not been possible to give city employees an increase in pay, that he had met with the Board of Directors of the Civic Benefits Association on Monday and that the said organization had agreed to give the city an additional Five Thousand (\$5,000.00) Dollars in order that we could balance out the budget and also be able to give a Ten Dollar (\$10.00) per month increase to all salaried employees and a Five Cent (5¢) per hour increase to all hourly employees. That the budget as it was being submitted included the foregoing increases to all regular employees with exception of the Patrol women and the Librarian. The members of the council proceeded to study the budget. On the question of pay rates in comparison to other towns, it was pointed out that our rates are in line with all towns except South Charleston, which are higher. Councilman Griffith stated that our fire department should not be compared with other towns, because of

their duties to our local plants. Mayor informed that Nitro had agreement with other towns that in case assistance is needed, that they will help, most of the plants have have their own fire departments and equipment, their men are trained in chemical fire fighting and that when our department goes to these plants on a fire that our fire trucks are used for pumping purposes and our men are not allowed to go into the fire. It was also pointed out that some of the smaller plants were not adequately equipped and that there was more danger to our firemen. It was pointed out that this was the responsibility of the Fire Chief to keep in contact with such smaller companies as to equipment and facilities.

The following list of requests, made by the members of the fire department to the fire committee, was presented and discussed:

1. Request that the regular firemen be paid more money for reporting to a fire when off duty. (St. Albans pays \$5.00).

The council felt that at this time this request could not be granted, due to finances.

2. Request for raise in salary.

The request had been granted in this meeting.

3. Request for improvement in vacation and sick leave benefits.

This request is to be considered by the committee in the very near future.

4. Request for furniture for station. (Chairs, Dinnett set, Refrigerator, Range and lockers).

This request will be considered, however there are lockers in the rear of city building that the fire department could use.

5. Request 1 dozen sheet and pillow cases.

These are on order.

6. Request pay for drills (2 per month).

Council felt that this comes under their duties.

7. Request expenses for fire fighting schools at Morgantown, Riply and Huntington.

Notice should be given in advance of the school schedule and council could make decision.

8. Request for protective gloves and 1 pair of boots.

Order for the gloves and boots should be placed.

9. Request enough angle iron to construct a rack for the boat on the emergency truck.

This request granted.

10. Request for an increase in longevity pay. (St. Albans \$50.00 Max.)

Council felt that this could not be considered due to finances.

11. Request for regular meetings with committee.

This is a matter for Fire Department Committee to grant.

On the matter of teaching and training of volunteers, that the firemen thought they should be paid for this service. Council felt this is one of their duties.

Councilman Hamilton moved that the Levy Estimate be adopted. Motion seconded by Councilman Dye. Upon a vote motion carried and all members present signed the Levy Estimate as follows:

STATE OF WEST VIRGINIA,
COUNTIES OF KANAWHA AND PUTNAM,
MUNICIPALITY OF NITRO, To-wit:

At a recessed session of the council of the municipality of Nitro held in the council chambers thereof, the city building on the 23rd day of March, 1966, there were present W. W. Alexander, Mayor, Grace Lewis, Recording Officer, and E. W. Dye, Dayton Brohard, L. I. Hoke, Thomas R. Griffith, Mrs. E. Robert Hamilton, B. E. Gewin member of the council of said municipality.

In accordance with Section 14, Article 8, Chapter 11, of the West Virginia Code as amended, the Council proceeded to make an estimate of the amounts necessary to be raised by levy of taxes for the current fiscal year, and doth determine and estimate the several amounts to be as follows:

CURRENT REGULAR MUNICIPAL
PURPOSES ESTIMATE

ESTIMATED RECEIPTS:

(1) The amount due and the amount that will become due and collectible from every source during the fiscal year, EXCEPT FROM THE LEVY OF TAXES to be made for the year:

Balance in Hands of City Treasurer (Estimated)	\$ 8,000.00
Balance in Hands of Sheriff (Estimated)	4,000.00
Redemption and Sale of Delinquent Lands	1.00
Police Fines and Costs	7,000.00
Permits - Building, Street, Sewer and other	1,400.00
Parking Meters	1.00
Swimming Pool	15,000.00
Rents, Building and Concessions	420.00
Civic Benefits Association	31,400.00 ✓
Taxes: Gross Sales (Business & Occupation)	54,000.00
Capitation and Dog	2,500.00
Franchise	1,000.00
Consumers' Sales (Liquor)	13,000.00
Amusement	150.00
Fees: Electrical, Plumbing and Other	1.00
Municipal Service	75,000.00
Library	100.00
Service fees	15.00
License:	
Electricians and Plumbers	525.00
General	2,150.00
Miscellaneous	3,000.00
	<hr/>
Total Estimated Receipts	218,663.00

Estimated Current Expenditures:

Salary of Mayor	6,600.00
Salary of Recorder	6,000.00
Salary of Treasurer	1.00
Salary of Police Judge	2,400.00
Salary of City Attorney	500.00
Salary of Councilmen	840.00
Salaries of Assistants and Clerks	4,900.00
Salaries of Chief and 5 Police	33,400.00
New Equipment Police Department	2,000.00
General Expenses Police Department	4,500.00
Policemens Pension Fund	2,180.00
Salaries Jailor and Expenses Feeding Prisoners	7,590.00
Salaries of Chief and 5 Firemen	31,820.00
New Equipment Fire Department	8,250.00
General Expenses Fire Department	3,300.00
Firemen's Pension Fund	1,383.00
Salaries Health Commissioner and Employees	1,200.00
General Expenses Health Department	775.00
Salaries, Crematory and Garbage Employees	29,140.00
New Equipment Crematory and Garbage Department	10,500.00
General Expenses Crematory and Garbage Department	8,100.00
Janitors' salaries and supplies	500.00
Repairs to Jail and City Buildings	250.00
Furniture, Fixtures and office Machines	1,000.00
Stationery, Office Supplies and Equipment	700.00
Postage	300.00
Water - Fire Protection, street and sewers	7,525.00

Water - City Building and Other Purposes	250.00
Lights for Street Lighting	6,700.00
Light - City Building, Traffic, Etc.	950.00
Repairs, Street and Traffic Lights	10.00
Fuel - Heating City Building	1,000.00
Telephone and Telegraph	1,200.00
Legal Publication	625.00
Insurance on City Building and Other Property	2,450.00
Premiums on Policemen's and Official Bonds	200.00
Election Expenses	2,000.00
Attorneys' Fees, Court Costs and Damages	1,500.00
Salaries, Engineering Department	2,000.00
General Expenses, Engineering Department	2,000.00
Salaries and Wages all Street Employees	11,860.00
New Equipment Street Department	900.00
Materials, Supplies and Expenses, Street Department	4,000.00
Maintenance of Sewers, Salaries and Supplies	200.00
Construction of New Streets, Sidewalks and Sewers	1,000.00
Workmen's Compensation Premiums	2,500.00
Audit by Tax Commissioner	475.00
Refunding Erroneous Payments	50.00
Municipal Dues	69.00
Parks and Playgrounds, Salaries, Supplies and Expenses	5,000.00
Planning Commission	275.00
Traveling and Car Expenses of City Officials	150.00
Civilian Defense Expenses	100.00
Treasurer's Fees	150.00
Library, Salaries, Supplies and Expenses	3,000.00
Social Security	6,030.00
Public Employees Retirement	3,285.00
Contingent Expenses (Mandatory Only)	1,000.00
Dog Pound Expenses	1,620.00
Swimming Pool Expenses	25,000.00
Total Current Expenses	\$ 263,203.00
Total Estimated Disbursements	263,203.00
Less Estimated Receipts	\$ 218,663.00
Net Amount to be raised by Levy	44,540.00
TOTAL RECEIPTS	263,203.00

And the council doth determine and estimate that it will be necessary to raise by a levy of taxes for the current fiscal year for current regular municipal purposes the net amount of \$ 44,540.00 and to provide for said amount the following levies are proposed to be laid on each one hundred dollars valuation of each class of property, viz:

Twelve & Three Quarters cents (12.75 ¢) on Class No. I property,
 Twenty-five & One Half cents (25.5 ¢) on Class No. II property,
 Fifty one cents (51 ¢) on Class No. IV property,
 for the purposes aforesaid, based upon the last assessment therein
 as follows:

CLASS NUMBER I	Assessed Valuation	Proposed Rates	Taxes Levied (Whole Dollars)
Personal Property	\$ 1,184,250.	6.5¢ + 6.25¢ 12.75	\$ 1,510.00
Public Utility Property	<u>560,500.</u>	12.75	<u>715.00</u>
Total Class No. I	1,744,750.		2,225.00
Number II			
Real Estate	5,642,850.	13¢ + 12.5¢ 25.5	14,389.00
Number IV			
Real Estate	2,532,710.	26¢ + 25¢ 51	12,917.00
Personal Property	1,881,050.	26¢ + 25¢ 51	9,593.00
Public Utility Property	<u>2,032,400.</u>	26 ¢ + 25¢ 51	<u>10,365.00</u>
Total Class No. IV	6,446,160.		32,875.00
TOTALS	14,833,760.		49,489.00
Less Delinquent Taxes and Exonerations Estimated at 10%			4,949.00
Net Amount to be raised by Levy			44,540.00

MUNICIPAL BOND PURPOSES - INTEREST AND SINKING FUND ESTIMATE

The council proceeded to make an estimate of the amount to be raised by a levy of taxes for the surrent fiscal year for interest, sinking fund and amortization requirements of bonded indebtedness, legally incurred by a vote of the people as provided by law, since the adoption of the tax limitation amendment, owing by said municipality, as follows:

Date of Vote Authorizing Issue	Original Amount of Issue	Amount of Bonds Outstanding	Amount Required for		
			Sinking Fund	Interest	Total
7-1-53	\$ 50,000.	\$ 22,500.	\$ 3,000.	\$ 675.	\$ 3,675.00
5-5-55	95,000.	63,000.	4,000.	1,733	5,733.00
TOTALS	145,000.	85,000.	7,000.	2,408.	9,408.00
Delinquent Taxes and Exonerations Estimated at 10%					941.00
Total Amount to be Raised by a Levy of Taxes					10,349.00

and to provide for said amount the following levies are proposed to be laid on each one hundred dollars valuation of each class of property, viz:

AUTHORIZED RATES

THREE AND Seventy-nine Hundreths cents (3.79 ¢) on Class No. I property,
Seven and Fifty-eight Hundreths cents (7.58 ¢) on Class No. II property,
Fifteen and Sixteen Hundreths cents (15.16 ¢) on Class No. IV property,
for the purposes aforesaid, based upon the last assessment therein as follows:

CLASS	Assessed Valuation	Proposed Rates	Taxes Levied (Whole Dollars)
Number I			
Personal Property	\$ 993,750.	3.79 ¢	\$ 377.00
Public Utility Property	548,600.	3.79 ¢	208.00
Total Class No. I	1,542,350.		585.00
Number II			
Real Estate	3,946,650.	7.58 ¢	2,992.00
Number IV			
Real Estate	1,785,110.	15.16 ¢	2,706.00
Personal Property	1,410,100.	15.16 ¢	2,138.00
Public Utility Property	999,300.	15.16 ¢	1,515.00
Total Class No. IV	4,194,510.		6,359.00
TOTALS	9,683,510.		9,936.00

MUNICIPAL BOND PURPOSES - INTEREST AND SINKING FUND ESTIMATE

The council proceeded to make an estimate of the amount necessary to be raised by a levy of taxes for the current fiscal year for interest, sinking fund and amortization requirements of bonded indebtedness, legally incurred by a vote of the people as provided by law, since the adoption of the tax limitation amendment, owing by said municipality, as follows:

Date Authorizing Issue	Original Amount of Issue	Amount of Bonds Outstanding	Amount Required for		
			Sinking Fund	Interest	Total
12-16-58	\$ 168,000.	\$151,000.	\$ 3,000.	\$ 5,663.	\$ 8,663.00
Totals	168,000.	151,000.	3,000.	6,663.	8,663.00
Delinquent Taxes and Exonerations Estimated at 10%					866.00

Total Amount to be Raised by a Levy of Taxes 9,529.00
and to provide for said amount the following levies are proposed to be laid on each one hundred dollars valuation of each class of property, viz:


AUTHORIZED RATES

Two and Twenty-one hundredths cents (2.21 ¢) on Class No. I property,
Four and Forty-Two hundredths cents (4.42 ¢) on Class No. II property,
Eight and Eighty-Four hundredths " (8.84 ¢) on Class No. IV property,
for the purposes aforesaid, based upon the last assessment therein as follows:

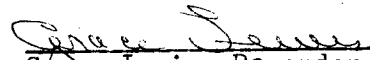
CLASS	Assessed Valuation	Proposed Rates	Taxes Levied (Whole Dollars)
Number I			
Personal Property	\$ 1,184,250.	2.21 ¢	\$ 262.00
Public Utility Property	560,500.	2.21 ¢	124.00
Total Class No. I	1,744,750.		386.00
Number II			
Real Estate	5,642,850.	4.42 ¢	2,494.00
Number IV			
Real Estate	2,532,710.	8.84 ¢	2,239.00
Personal Property	1,881,050.	8.84 ¢	1,663.00
Public Utility Property	2,032,400.	8.84 ¢	1,797.00
Total Class No. IV	6,446,160.		5,699.00
TOTALS	13,833,760.		8,579.00

Councilman Dye moved, seconded by Councilman Gewin, the Levy Estimate be published as required by law. Motion carried.

There being no further business to come before the council at this time a motion for adjournment carried and was so ordered.



W. W. Alexander, Mayor



Grace Lewis, Recorder

April 5, 1966

The City Council met in regular session Tuesday, April 5, 1966.

There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Earl W. Dye, B. E. Gewin, Thomas R. Griffith, Mrs. E. Robert Hamilton, L. I. Hoke, M. D. and Robert L. Wright members of the city council.

Mayor Alexander called the meeting to order.

Councilman Wright moved, seconded by Councilman Dye, to dispense with reading of minutes of meeting held March 15th. Motion carried.

The Street Sign Committee presented a list of streets for new signs. The Mayor and Council discussed the list and the possibility of adding a few other streets to the list. The Mayor informed council that representative from West Virginia State Industries had checked the cost of their double sign and reduced the cost, however, he did not have the cost reduction of the single sign. The Mayor is to check with Mr. Howard of West Virginia State Industires on this matter.

Thereupon Councilman Dye moved the Mayor and Street Sign Committee be authorized to purchase the needed street signs, cost not to exceed One Thousand (\$1,000.00) dollars. Motion seconded by Councilman Gewin. Motion carried.

Councilman Dye requested the dog warden be asked to patrol Nitro more closely as we are having a lot of dog problems.

Councilman Griffith reported that he had had calls about speeding on 18th Street beyond Second Avenue and up Third Avenue, therefore, he requested two 25MPH speed limit signs be installed on the 18th Street area above Second Avenue.

The Mayor and council entered into a discussion regarding speeding being done by students of the local schools and it was suggested that Nitro Schools pattern after other area schools by having the students turn in their car keys at the school office.

Thereupon Councilman Gewin moved, that a letter be written to the principals of Nitro High School and Nitro Junior High School, carbon copy be mailed to the Board of Education, recommending that students turn in to the principal's office keys to all motor vehicles during school hours. Motion seconded by Councilman Dye. Motion carried.

Councilman Wright reported that area on 1st Avenue at 19th Street School crossing, where the policewoman and students stand, is a bad place, needs some black top to fill in the mudhole.

Councilman Dye moved, seconded by Councilman Brohard, the Recorder be authroized to transfer \$8,000.00 from the account City of Nitro - Municipal Pool to account City of Nitro - "Recreational Revenue Fund". Motion carried.

There being no further business to come before the council, a motion for adjournment by Councilman Hoke carried.

W. W. Alexander, Mayor

Grace Lewis, Recorder

April 19, 1966

The City Council met in regular session Tuesday,
April 19, 1966.

There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, B. E. Gewin, Thomas R. Griffith, Mrs. E. Robert Hamilton, L. I. Hoke, M. D. and Robert L. Wright Members of the council. Councilman Earl W. Dye being absent.

Mayor Alexander called the meeting to order.

Councilman Gewin moved, seconded by Councilman Brohard, to dispense with reading of minutes for meeting held April 5, 1966. Motion carried.

Councilman Hoke moved, seconded by Councilman Wright, the financial statement for the month of March be accepted. Motion carried.

Councilman Brohard reported that the Street Sign Committee completed the list of street signs to be ordered, that the approximate cost would amount to \$900.00, that aluminum brackets could be purchased for a lesser cost than metal and that the Committee would like to purchase a sign for either end of city limit on First Avenue if funds were available.

Mayor Alexander reported that Mr. Arbogast, Principal of Nitro High School, had come in and talked with him regarding the Council's recommendation of students motor vehicle keys being turned into the principal's office, that Mr. Arbogast was willing to cooperate in this matter, however, since it was nearing the end of the school term that it would be inconvenient to institute the system this year.

The Recorder presented a letter of approval of the 1966-67 Levy Estimate from the State Tax Commissioner. (Said letter is attached hereto.)

Thereupon the Recorder presented the Levy Order forms, setting out the rates to be used during the fiscal year 1966-67. The Mayor, Recorder and members of Council then proceeded to sign the Levy Order as follows:

STATE OF WEST VIRGINIA,
COUNTIES OF KANAWHA AND PUTNAM,
MUNICIPALITY OF NITRO, To-Wit:

At a regular session of the council of the Municipality of Nitro, West Virginia, held in the council chambers thereof on Tuesday, the 19th day of April, 1966. Present: W. W. Alexander, Mayor, Recording Officer Grace Lewis, and Dayton Brohard, Robert L. Wright, L. I. Hoke, Thomas R. Griffith, Mrs. E. Robert Hamilton and B. E. Gewin members of the council of said Municipality.

CURRENT REGULAR MUNICIPAL LEVY
ORDER

The council having ascertained that the net amount to be raised by a levy of taxes for the current fiscal year for regular municipal purposes will be \$ 49,489.00, according to the estimate made and entered of record on the 23rd day of March, 1966, and said estimate having been published as required by law, and no one appearing to oppose the same or to take exception thereto, and the Tax Commissioner having approved the same in writing, it is therefore ordered that said estimate and the rates of levy proposed therein, be approved and that the following levies be laid on each one hundred dollars valuation of each class of property, viz:

Twelve & Three-quarters cents (12.75 ¢) on Class No. I Property,
 Twenty-five & one half cents (25.5 ¢) on Class No. II Property,
 Fifty-one cents (51 ¢) on Class No. IV Property,
 for the purposes aforesaid, based upon the last assessment therein, as
 follows:

CLASS	Assessed Valuation	Total Rate of Levy	Taxes Levied
Number I			
Personal Property	\$ 1,184,250.	12.75 ¢	\$ 1,510.00
Public Utility Property	<u>560,500.</u>	12.75 ¢	<u>715.00</u>
Total Class No. I	1,744,750.		2,225.00
Number II			
Real Estate	5,642,850.	25.5 ¢	14,389.00
Number IV			
Real Estate	2,532,710.	51 ¢	12,917.00
Personal Property	1,881,050.	51 ¢	9,593.00
Public Utility Property	<u>2,032,400.</u>	51 ¢	<u>10,365.00</u>
Total Class No. IV	6,446,160.		32,875.00
TOTALS	13,833,760.		49,489.00

MUNICIPAL BOND PURPOSES - INTEREST AND SINKING
 FUND ORDER

The council having ascertained that the amount necessary to be raised by a levy of taxes for the current fiscal year to pay the interest on and provide a sinking fund for the discharge of the principal of a bond issue of \$ 145,000.00 will be \$ 9,936.00 according to the estimate made and entered of record on the 23rd day of March, 1966, and said estimate having been published by law and no one appearing to oppose the same or take exception thereto and the Tax Commissioner having approved the same in writing, it is there-

fore ordered that said estimate and the rates of levies proposed therein be approved and that the following levies be laid on each one hundred dollars valuation of each class of property, viz:

AUTHORIZED RATES

Three & Seventy-nine hundredths (3.79 ¢) on Class No. I property,
 Seven & Fifty-eight hundredths (7.58 ¢) on Class No. II property,
 Fifteen & Sixteen hundredths (15.16 ¢) on Class No. IV property,
 for the purposes aforesaid, based upon the last assessment therein,
 as follows:

CLASS	Assessed Valuation	Total Rate of Levy	Taxes Levied
Number I			
Personal Property	\$ 993,750.	3.79 ¢	\$ 377.00
Public Utility Property	<u>548,600.</u>	3.79 ¢	<u>208.00</u>
Total Class No. I	1,542,350.		585.00
Number II			
Real Estate	3,946,650.	7.58 ¢	2,992.00
Number IV			
Real Estate	1,785,110.	15.16 ¢	2,706.00
Personal Property	1,410,100.	15.16 ¢	2,138.00
Public Utility Property	<u>999,300.</u>	15.16 ¢	<u>1,515.00</u>
Total Class No. IV	4,194,510.		6,359.00
TOTALS	9,683,510.		9,936.00

MUNICIPAL BOND PURPOSES - INTEREST AND SINKING
FUND ORDER

The council having ascertained that the amount necessary to be raised by a levy of taxes for the current fiscal year to pay the interest and provide a sinking fund for the discharge of the principal of a bond issue of \$ 168,000.00 will be \$ 8,579.00 according to the estimate made and entered of record on the 23rd day of March, 1966 and said estimate having been published as required by law and no one appearing to oppose the same or take exception thereto and the Tax Commissioner having approved the same in writing, it is therefore ordered that said estimate and the rates of levies proposed therein be approved and that the following levies be laid on each one hundred dollars valuation of each class of property, viz:

AUTHORIZED RATES

Two and Twenty-one hundredths cents (2.21 ¢) on Class No. I property,
Four and Forty-two hundredths cents (4.42 ¢) on Class No. II property,
Eight and Eighty-four hundredths " (.8.84 ¢) on Class No. IV property,
for the purposes aforesaid, based upon the last assessment therein,
as follows:

CLASS	Assessed Valuation	Total Rate of Levy	Taxes Levied
Number I			
Personal Property	\$1,184,250.	2.21 ¢	\$ 262.00
Public Utility Property	<u>560,500.</u>	2.21 ¢	<u>124.00</u>
Total Class No. I	1,744,750.		386.00
Number II			
Real Estate	5,642,850.00	4.42 ¢	2,494.00

Number IV

Real Estate	2,532,710.	8.84 ¢	2,239.00
Personal Property	1,881,050.	8.84 ¢	1,663.00
Public Utility Property	<u>2,032,400.</u>	8.84 ¢	<u>1,797.00</u>
Total Class No. IV	6,446,160.		5,699.00
Totals	13,833,760.		8,579.00

Mayor Alexander reported on a series of meetings that had been held in the past two weeks of the Mayor and Committees from Dunbar, St. Albans and Nitro with representatives of five incinerator companies, that the committees had secured a lot of information regarding types of incinerators, construction, operation and cost of same. The Committee feel that an incinerator can be built that would minimize air pollution.

The Recorder presented bids from two insurance companies on 1966-67 fleet insurance for the city.

Gibson Brothers Insurance Service \$ 1,681.00 with
The Travelers Insurance Company.

Ellis Insurance Agency 1,490.00 with
Continental Fire Group.

Thereupon Councilman Hoke moved, seconded by Councilman Griffith, the insurance bid be awarded to Ellis Insurance Agency, the low bidder. Motion carried.

Councilman Hoke again asked if the city could clean up their lot on Main Avenue, where water stands. The Mayor and council discussed this matter, as to the drain in back of said lot and other lots along Main Avenue have been filled in by various property owners, this particular piece of property was one of nine lots

owned by the city, the lots being street right of ways that had been closed several years ago, the Mayor and council discussed the use of said lots, they could not be sold, however, they could be leased for some use. As to the one lot in question, the Mayor said he would try to have it filled in with dirt and that he would check with Jack Diehl, as said property is adjacent to his property, to see if we could work out a solution to this problem by cooperating with him.

Councilman Griffith inquired of the Mayor as to how the city would pay their portion of the dam to be built in the old golf course area. The Mayor informed that this was being checked into, that a part of the proposed bond issue by Kanawha County was to take care of the cost.

Regarding Councilman's question on commercializing the watershed area, Mayor said that probably the only portion that would be commercial would be the fishing. Councilman Gewin informed that the Committee had not made any plans to commercialize the said area and if it should be commercialized that the city council would make such a decision.

There being no further business to come before the council at this time a motion for adjournment by Councilman Hoke carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

May 3, 1966

The City Council met in regular session Tuesday, May 3, 1966.

There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Earl W. Dye, B. E. Gewin, Dayton Brohard, Thomas R. Griffith, Mrs. E. Robert Hamilton and Robert L. Wright, members of the Council. Councilman L. I. Hoke being absent.

Mayor Alexander called the meeting to order.

Councilman Dye moved, seconded by Councilman Hamilton, to dispense with reading of the minutes of meeting held April 19th. Motion carried.

Councilman Brohard reported the Street Sign Committee was awarding the bid for new street signs to West Virginia State Industries, also that the posts for said signs had been ordered from Ohio Apex and recommended the purchase of two City limit signs to be located at designated places on Route, as designated by the State Road Commission.

The Mayor and Attorney discussed with council the request for fire protection from property owners of the Brookhaven area. The Attorney advised that it would be necessary for the city to enter into a separate contract with each property owner. A rate for such service was discussed, that the fire hydrant would be installed by the person who developed the said area.

Thereupon, Councilman Dye moved, seconded by Councilman Hamilton, the Mayor and Attorney be given the authority to work out an agreement with the property owners of Brookhaven for fire protection of said area. The Motion carried.

Councilman Brohard reported that he had received complaints from residents of 41st Street regarding Childers Chevrolet Company using a vacant lot in residential area for business purposes and also the said company dumping oil in such manner that it runs on privately owned property. The Mayor informed Childers Chevrolet Company had made an application to the Zoning Appeals Board of the City to make the lot in question a part of the business area, and also the property owners in the said area had presented a petition against such request.

The Council requested that Childers Chevrolet Company be ordered to cease using the said lot for business purposes until such time as the Zoning Appeals Board had made their ruling and also stop dumping oil on property.

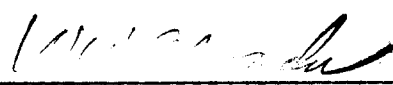
Councilmen Dye and Wright asked when the State Fire Marshal and the Fire Chief would complete the survey of town. The Mayor informed that he did not know when the survey would be completed, however, he would check with the Fire Chief.


Councilman Griffith reported that the fire department were receiving false fire alarms, that these calls were dangerous and expensive. The Council discussed this matter as to educating the public of the cost and consequences of this violation.

The Recorder reported George Lee had requested a street light be installed on Georges Court. The Council discussed this matter and it was decided that Council could not order street lights installed on other than a dedicated street and that it be suggested that Mr. Lee have a dusk to dawn light installed on Georges Court.

Councilman Dye asked if the Appalachian Power Company had made a report on the change of their power poles in the area of Kanawha, Washington and Dupont Avenues from the alley to the street. The Mayor said that the Power Company had not made their report, that he would call the office.

There being no further business to come before the council at this time a motion for adjournment carried.



W. W. Alexander, Mayor

Grace Lewis, Recorder

May 17, 1966

The City Council met in regular session Tuesday, May 17, 1966.

There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, B. E. Gewin, Thomas R. Griffith, Mrs. E. Robert Hamilton, members of the Council. Councilmen Earl W. Dye, L. I. Hoke, M.D., and Robert L. Wright being absent.

Mayor Alexander called the meeting to order.

Councilman Gewin moved, seconded by Councilman Brohard, to dispense with reading of minutes for meeting held May 3, 1966. Motion carried.

Councilman Gewin moved, seconded by Councilman Hamilton, the financial statement for the month of April be accepted. Motion carried.

The Mayor and City Attorney informed Council, after checking the law on furnishing fire protection for areas outside the city limits, that they were of the opinion it was not advisable to proceed with the request from the area of Brookhaven for fire protection. They explained further the state law provides that a municipality must enter into a separate contract with each property owner for such fire protection, that property in this particular area would be assessed for such protection and that said assessment may not amount to enough revenue to warrant such service, however, the main factor for their (Mayor and Attorney) decision is that the law plainly states the city cannot terminate such a contract with any property owner, however, a property owner is given the right by said law to terminate the contract if he so desires.

The Mayor, members of council, and the Attorney then entered into discussion of annexing said area of Brookhaven, the Mayor informed he had held a meeting some time ago with a member of the property owners

Charleston, W. Va.

Plant

Map No. 042166B

Right of Way Agreement

THIS AGREEMENT, made this 5th day of May, 1966, between

Names

Address

City of Nitro

Nitro, W. Va.

hereinafter called Grantors, and **WEST VIRGINIA WATER COMPANY**, a corporation, hereinafter called Water Company,

WITNESSETH: That in consideration of One Dollar (\$1.00) cash in hand paid and of other good and valuable considerations, the receipt and sufficiency of all of which are hereby acknowledged, Grantors do hereby grant and convey unto Water Company, its successors and assigns, a right of way and easement 10 feet in width and approximately 315 feet in length,

in, on, over, under, through and across those certain lands situate in The City of Nitro,
Union District, Kanawha County, West Virginia,

as shown in yellow color on Water Company's Map No. 042166B attached hereto and made a part hereof; together with the additional right to use, if such use should become necessary, the lands of Grantors as more particularly described in Deed Book No. 1445, Page No. 409, in the County Clerk's Office of the aforesaid County; for the purpose of ingress and egress and the temporary placement of earth and equipment, provided that such use shall not materially damage or inconvenience Grantors.

Said easement shall be used for the purpose of installing, laying, operating, maintaining, repairing, replacing and removing water lines, valves, meters and other equipment used in a general water utility business. Grantors reserve the right to cultivate, pave over, or otherwise use said lands in any way not inconsistent with the use and enjoyment of the rights herein granted; however, and with the intent to bind Grantors and anyone who at any time hereafter may own or be entitled to any part of or interest in said lands, Grantors covenant that there will not, without the written consent of the Grantee, be placed or erected any permanent-type structure, or, septic tanks, in, on, across or over the easement area, ~~nor will the surface grade be changed more than six (6) inches~~

Water Company agrees that, as nearly as may reasonably be done, it will properly back-fill and restore the surface of the ground within the easement area to its condition immediately prior to the execution of this agreement, that it will exercise reasonable care in its use and occupation of said easement, and that it will be liable for any damages caused by its negligence in the use and occupation of the easement.

Declaration of Consideration or Value: The Grantors hereby declare that the total consideration for the property transferred by this document is less than \$100.00 and that such transfer is therefore exempt by statute for state excise tax upon the privilege of transferring real estate.

Individuals Only

WITNESS the following signatures and seals:

City of Nitro

~~A Corporation~~
A Municipal Corporation

(SEAL)

(SEAL)

(SEAL)

(SEAL)

(SEAL)

(SEAL)

By

W. W. Alexander
Mayor

Its

WEST VIRGINIA WATER COMPANY

By

John B. Douglass
Vice President

Its

This document was prepared by John B. Douglass

Please use applicable form on reverse side of this sheet for signature acknowledgments.

INDIVIDUAL'S ACKNOWLEDGMENT

STATE OF WEST VIRGINIA,
COUNTY OF _____, to-wit:

I, _____, a Notary Public of said county, do hereby certify that

Grantors, whose names are signed to the foregoing and hereto annexed writing bearing date the _____
day of _____, 19____, have each this day acknowledged the same before me in my
said county.

Given under my hand this _____ day of _____, 19____.

My commission expires _____.

Notary Public

CORPORATION ACKNOWLEDGMENT

STATE OF WEST VIRGINIA,
COUNTY OF Kanawha, to-wit:

I, Robert S. Dawson, a Notary Public of said county, do hereby certify that
John B. Douglass, who signed the foregoing and hereto annexed writing
bearing date the 5th day of May, 1966, for
West Virginia Water Company, a corporation, has this day
in my said county, before me, acknowledged the said writing to be the act and deed of said corporation.

Given under my hand this 5th day of May, 1966.

My commission expires March 12, 1968

Robert S. Dawson
Notary Public

CORPORATION ACKNOWLEDGMENT

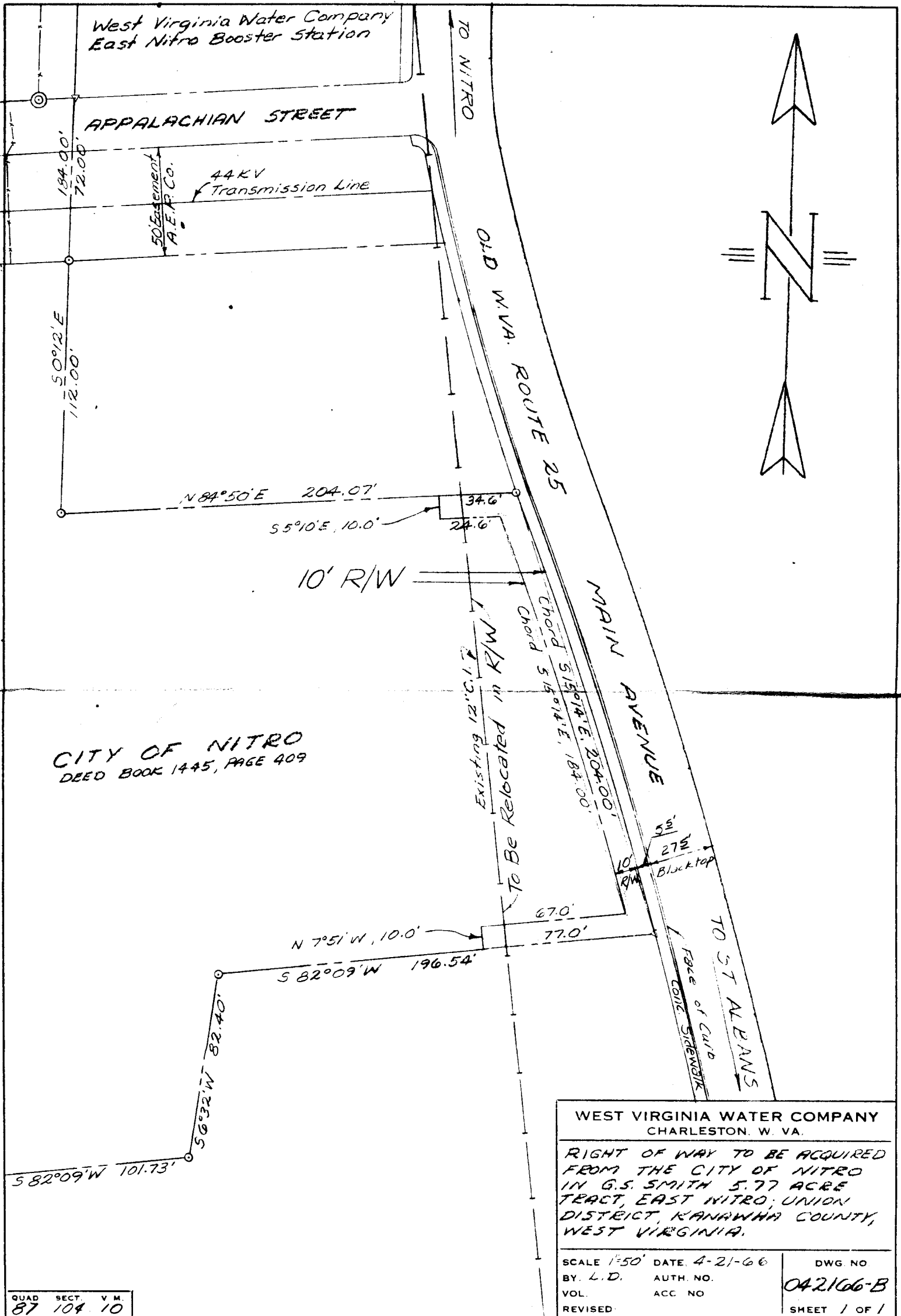
STATE OF WEST VIRGINIA,
COUNTY OF _____, to-wit:

I, _____, a Notary Public of said county, do hereby certify that
W. W. Alexander, who signed the foregoing and hereto annexed writing
bearing date the 5th day of May, 1966, for The City of Nitro
Municipal, a corporation, has this day
in my said county, before me, acknowledged the said writing to be the act and deed of said corporation.

Given under my hand this _____ day of _____, 19____.

My commission expires _____.

Notary Public



of said area, and the consensus of opinion of the group was favorable to annexation. Other areas mentioned as being interested in becoming a part of Nitro were Riverdell Acres area, Cross Lanes area, 39th Street East area, Blakes Creek area and Ortin Heights. The group discussed this matter at length, questions of sewer installation, additional fire stations and comparison of expense to the City were points brought out in discussion. Thereupon Councilman Gewin moved the Annexation Committee make a survey of proposed above areas for annexation, that the feasibility of Cross Lanes and Ortin Heights be left to the discretion of the Engineers, and a report be made at next Council meeting. Motion seconded by Councilman Griffith. Upon a vote motion carried.

Mayor Alexander presented an agreement with the City and West Virginia Water Company granting said Water Company a right of way easement, 10 feet in width and approximately 315 feet in length on the City's property located on Main Avenue and being used as a land fill, in order that the Water Company may move a large water main that is now located near the center of the City's lot.

(Copy of agreement attached.)

Thereupon Councilman Gewin moved, seconded by Councilman Hamilton, the Mayor be authorized to sign said agreement with the West Virginia Water Company. Upon a vote motion carried.

The Mayor and Council discussed a vacancy on the Zoning Appeal Board created by the death of Grant Woodall. The Mayor said he had a couple of people in mind, however, he had not talked with them and would rather make the appointment at a later date.

The Council discussed again the matter of Childer's Cheverlot Company using a residential lot for business purposes, that a letter, as requested, at last Council meeting had been sent to Mr. Delbert Childer's, however, reports were that the company had not complied with request. The Mayor informed that chairman of the Zoning Appeals Board would call a meeting in the very near future.

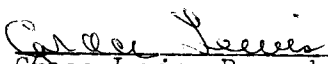
Councilman Griffith asked the Mayor if Mrs. Womack had talked with him about the water drainage near the Moose Club, that Mr. Womack felt the problem was the State Road Commission's. The Mayor said Mr. Womack had not discussed this matter with him, the State Road did have a large drain pipe that went under the highway near the area, the pipe could be stopped up, stating further he would check into the matter.

Councilman Gewin asked if it would be advisable to check with the New York Central Railroad Company regarding the purchase of the old depot building to be moved on the Pool Property and used as a Community Building. Mayor said he would talk to Bob Kay, Attorney for the company, regarding this matter.

There being no further business to come before the Council at this time a motion for adjournment by Councilman Griffith carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

June 7, 1966

The City Council met in regular session Tuesday, June 7, 1966.

There were present W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Earl W. Dye, B. E. Gewin, Mrs. E. Robert Hamilton, L. I. Hoke, M.D., and Robert L. Wright. Councilman Thomas R. Griffith being absent.

Mayor Alexander called the meeting to order.

Councilman Wright, seconded by Councilman Gewin, moved to dispense with reading of the minutes of meeting held May 17. Motion carried.

Mayor Alexander appointed Harry B. Russell, of 108 Holley Street, as a member of the Zoning Appeal Board, as a replacement for Grant Wooddall, deceased. Thereupon Councilman Dye, seconded by Councilman Wright, moved to confirm the appointment of Harry B. Russell as a member of Zoning Appeal Board.

James Cole, of 41st Street, appeared before the Council regarding the matter of Childers Cheverlot Company using area zoned for residential purposes for business purposes, in that Childers Cheverlot Company was using said area for parking and selling of automobiles. Mr. Cole presented, to the Council, a number of pictures to verify his statements. He also stated that he understood the council, last month, had ordered the said company to cease the use of lot in question for business purposes and further, Childers Cheverlot Company had not complied with Council's orders and that he felt that some action should be taken immediately. This matter was discussed at length by the Council. Thereupon Councilman Dye moved, seconded by Councilman Brohard, that Childers Cheverlot Company be notified that they have 24 hours to remove their automobiles from the residential lot or be placed under arrest for violation. Upon a vote motion carried.

Mr. Cole also mentioned that 41st Street paving had a number of holes in it. The Mayor informed that as soon as the trash pick-up was completed, paving of streets would begin.

Mayor Alexander and members of the Council discussed instituting an Ordinance providing for a license of all Insurance Companies. Thereupon Councilman Dye moved, seconded by Councilman Brohard, the attorney be notified to draft an Ordinance providing a license fee on all Insurance Companies doing business in the City. Motion carried.

Mayor Alexander informed Council that about 60% of the property owners on Bailes Drive were in favor of repaving with lip curve and widening said Bailes Drive. Councilman Gewin informed he had had numerous complaints of the bad condition of 18th Street paving between Second and Third Avenues. Paving was discussed by Mayor and Council. Mayor informed that Bob Anderson, engineer, was checking into Federal Aid on Paving Projects for the City.

Mayor Alexander informed Council that he had requested bids from five motor sales companies for a new Police Cruiser, however, he had only received two bids. The bids were presented as follows:

Cargill Motor, Incorporated	\$1,800.00
Holman Motor Sales, Incorporated	\$1,825.00

Councilman Dye questioned the matter of going to automatic transmission, also, Council questioned going into a heavier motor for the Cruiser. Councilman Dye moved, seconded by Councilman Gewin, that the City purchase a Ford Cruiser with 390 horsepower and automatic transmission from Holman's Motor Sales providing an additional \$300.00 above the stipulated bid price of Holman Motor Sales, Inc. Upon a vote motion carried.

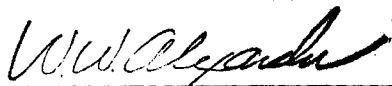
The Mayor and Council discussed the matter of an aluminum canopy

extension for the Concession Stand at the City Pool. The Pool Committee was given the authority to have a canopy constructed providing said work could be done reasonably.


Councilman Hoke requested that the Mayor contact the Nitro Taxi Company asking that the Taxi Cabs not be parked on Second Avenue on Sunday between the hours 7 A. M. and 1 P. M., in order to provide parking spaces for people attending church services.

Mayor Alexander informed Council that Collision Insurance was necessary for the Vehicles being purchased on Lease-Rental Agreement and held by the Bank of Nitro, The Council granted the Mayor the authority to secure the insurance for the new Fiscal Year from Ellis Insurance Company.

There being no further business to come before the Council at this time, a motion by Councilman Hoke for adjournment carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

June 21, 1966

The City Council met in regular session Tuesday, June 21, 1966.

There were present W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Earl W. Dye, B. E. Gewin, Thomas R. Griffith, Mrs. E. Robert Hamilton, L. I. Hoke, M.D., and Robert L. Wright members of the City Council.

Mayor Alexander called the meeting to order.

Councilman Dye moved, seconded by Councilman Hamilton, the minutes for June 7 be approved. Motion carried.

Councilman Gewin moved, seconded by Councilman Hoke, the Financial Statement for the month of May be accepted. Motion carried.

The Attorney presented copies of an amendment to License Ordinance, amendment providing for the issuance and collection of a license tax on all Insurance Companies doing business in the City of Nitro. The Council discussed at length the amendment and thereupon Councilman Griffith moved, seconded by Councilman Dye, the following amendment be passed. Upon a vote motion carried unanimously.

AN ORDINANCE TO AMEND THAT CERTAIN ORDINANCE ENTITLED, "AN ORDINANCE OF THE COUNCIL OF THE CITY OF NITRO PROVIDING FOR THE ISSUING OF LICENSE AND THE COLLECTION OF LICENSE TAXES AND PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF," AS ENACTED BY THE COMMON COUNCIL OF THE CITY OF NITRO, ON THE 18TH DAY OF JUNE, 1957.

NOW, THEREFORE, be it ordained by the Common Council of the City of Nitro, that that certain ordinance entitled, "AN ORDINANCE OF THE COUNCIL OF THE CITY OF NITRO PROVIDING FOR THE ISSUING OF LICENSE AND THE COLLECTION OF LICENSE TAXES AND PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF", as enacted by the Common Council of

the City of Nitro, on the 18th day of June, 1957, be amended by adding thereto the following:

Section 2, (M), No Insurance Company, shall carry on, or engage in the sale of Insurance within the corporate limits of the City of Nitro, without a license. This section shall not apply to any agent or agency representing an Insurance Company or Companies, duly licensed. It shall be the duty of each agent or agency, upon request to furnish the Recorder of the City of Nitro, a list of all Insurance Companies of which they are the duly authorized agent.

Section 3, Amount of License Tax: Each Insurance Company, procuring a license under Section 2, (M), of this amendment shall pay an annual license fee of Fifteen Dollars, (\$15.00), due and payable on or before July 1st, of each fiscal year. This annual license fee shall be paid by each and every Insurance Company, who sells insurance within the corporate limits of the City of Nitro.

The penalty for the violation of this amendment shall be the same as that provided in Section 6, "Liability For Violation of Provisions of Ordinance", as adopted as aforesaid by the Common Council of the City of Nitro, on June 18, 1957.


Entered this 24th day of June, 1966.

Passage date: June 21, 1966

Effective date: July 1, 1966



W. W. Alexander, Mayor



Grace Lewis, Clerk

The Recorder reported to the Council that she had checked over the budget at the end of May and recommended that the Council request approval of the State Tax Commissioner the following transfer of funds:

Transfer		
From Item No.	Amount	To Item No.
8	\$1,040.00	15
40	2,000.00	22
42	2,000.00	22
49	1,500.00	48
11	300.00	48
13	600.00	48
32	228.00	23
43	400.00	23
47	200.00	23
54	275.00	23
55	100.00	23
56	100.00	23
60	1,500.00	23
60A	400.00	23
61	400.00	23


Thereupon Councilman Dye moved, seconded by Councilman Hamilton, that the Council request the approval of State Tax Commissioner on the aforementioned transfer of City Funds. Motion carried.

Mayor Alexander reported to the Council that he had obtained several hundred loads of dirt for the land-fill area.

Councilman Hoke moved, seconded by Councilman Dye, authorizing the yearly payment of paving assessment against the Park Property amounting to \$1,171.41. Upon a vote motion carried.

Mayor Alexander explained to the Council that he felt the City Building needed to be exterminated, in that a number of roaches, termites, and waterbugs had been found on the premises. It was advised, that the City secure bids from Exterminating and Pest Control Companies in the area, said bids to be presented at the July 5 meeting of the Council.

There being no further business to come before the Council motion for adjournment by Councilman Hoke carried.



W. W. Alexander, Mayor




Grace Lewis, Recorder

July 5, 1966

The City Council met in regular session Tuesday, July 5, 1966.

There were present W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Earl W. Dye, B. E. Gewin, Thomas R. Griffith, Mrs. E. Robert Hamilton, L. I. Hoke, M. D., and Robert L. Wright, members of the City Council.

Mayor Alexander called the meeting to order.

Councilman Dye, seconded by Councilman Hamilton, moved to dispense with reading of minutes of June 21. Motion carried.

The Recorder presented bids as follows on Pest Control and Termite Treatment for the City Building:

Bruce Terminix of West Virginia Inc.
Termite control - \$164.00
Extended protection - \$18.00 per year
Pest Control - \$7.00 per month beginning with second month

State Exterminating Company - \$255.00
Guarantee - five years and no charge yearly
Ten additional years for sum of \$20.00

West Virginia Pest Control Company
Termite Control - \$250.00
\$25.00 annually
Pest Control - \$8.00 Per Month

Orkin Exterminating Company, Inc.
Termite Control - \$311.00
Renewal \$35.00 per year
Pest Control - \$8.00 per month

Dodson Brothers Exterminating Co., Inc.
Termite Control - \$527.00
Renewal \$26.00 annually
Pest Control - Initial cost \$24.00, \$6.00 monthly

The Mayor and Council discussed the aforesaid bids to some extent. The Mayor was requested to investigate the Bruce Terminix of W. Va., Inc. and State Exterminating Company with the Charleston Chamber of Commerce as to the length of time they have been in business and also check the financial

standing of the said companies and report at the next meeting of Council.

Councilman Brohard reported that the Street Sign Committee had made further study regarding the purchase of new street signs and thereupon moved the City purchase the following street signs, all aluminum, at the cost of \$11.35 each from the Miro-Flex Sign Company through the Stewart Equipment Company of Charleston, West Virginia. Motion seconded by Councilman Wright. Upon a vote motion carried.

<u>QUANTITY</u>	<u>NAME</u>	<u>TYPE</u>
1	4th Street	Two-way
1	6th Street	Two-way
1	7th Street	Two-way
1	8th Street	Two-way
1	9th Street	Two-way
1	10th Street	Two-way
1	11th Street	Two-way
1	12th Street	Two-way
2	13th Street	Two-way
2	14th Street	Two-way
2	15th Street	Two-way
2	16th Street	Two-way
2	17th Street	Two-way
2	18th Street	Two-way
2	19th Street	Two-way
2	20th Street	Two-way
1	22nd Street	Two-way
2	23rd Street	Two-way
2	24th Street	Two-way

<u>QUANTITY</u>	<u>NAME</u>	<u>TYPE</u>
2	25th Street	Two-way
2	26th Street	Two-way
2	27th Street	Two-way
2	28th Street	Two-way
2	29th Street	Two-way
2	30th Street	Two-way
1	31st Street	Two-way
2	32nd Street	Two-way
2	33rd Street	Two-way
2	34th Street	Two-way
2	35th Street	Two-way
2	36th Street	Two-way
2	37th Street	Two-way
2	38th Street	Two-way
2	39th Street	Two-way
1	41st Street	Two-way
1	31st Street, Second Avenue	Four-way
1	21st Street, First Avenue	Four-way
1	40th Street, First Avenue	Four-way
1	40th Street, Second Avenue	Four-way
1	40th Street Road, Third Avenue	Four-way
1	40th Street Road, 39th Street, East	Four-way
1	39th Street, East, Bailes Drive	Four-way
2	40th Street, Road, Bailes Drive	Four-way
1	21st Street, Second Avenue	Four-way
1	22nd Street, Second Avenue	Four-way

<u>QUANTITY</u>	<u>NAME</u>	<u>TYPE</u>
1	Main Avenue, Fenton Circle	Four-way
1	Walker Street, Okey Avenue	Four-way
1	Walker Street, Lee Avenue	Four-way
1	Park Road, Plant Road	Four-way
1	W. 19th Street, Plant Road	Four-way
1	Ash Street, Main Avenue	Four-way
1	Dogwood Street, Dupont Avenue	Four-way
1	Dogwood Street, Kanawha Avenue	Four-way
1	Elm Street, Dupont Avenue	Four-way
1	Fir Street, Kanawha Avenue	Four-way
1	Hickory Street, Washington Avenue	Four-way
1	Juniper Street, Washington Avenue	Four-way
1	Juniper Street, Dupont Avenue	Four-way
1	Walker Street, Michigan Avenue	Four-way
1	Kapok Street, Michigan Avenue	Four-way
1	Kapok Street, Main Avenue	Four-way
1	Main Avenue, Blackwood Street	Four-way
2	Main Avenue, Center Street	Four-way
3	Wintz Avenue	Two-way
1	Sattes Circle	Single-face
1	Valentine Circle	Single-face
1	Lock Avenue	Single-face

Councilman Griffith reported that Paul Willard of 4th Street had a number of traffic signs he wanted to sell to the City. The Mayor asked that Paul Willard contact him regarding said signs.

Mayor Alexander reported that the new City Limit signs would be erected as soon as possible.

Councilman Dye requested that the Spray Truck be used at the City Park and also a request was made for use of the truck at East 39th Street.

Councilman Griffith reported that he had had a number of complaints of the condition of the City Park after the last horse show, stating that had not been cleaned and that horse droppings were scattered on the grounds, the park grounds/ stating further that people are leaving the park because of such conditions and that an effort should be made to clean up the park after the horse shows. That he had had a complaint of gnats at the City Pool. Councilman Hoke asked who was responsible in case of an accident during the horse shows. The Mayor replied that if negligence on the City was proved our insurance would be liable for the accident. Councilman Hoke said he had reference to the horse owners riding the horses in the crowd, that this is very dangerous. In discussion of this matter the Council contended that all precaution possible should be taken to avoid accidents during the horse shows and that the horses should not be allowed in the crowd.

Councilman Hoke stated that the horse track was a disgrace to our park, in disrupting a park as beautiful as ours, the area cannot be used for anything else and voiced a strong protest of the horse shows.

Councilman Griffith reported that he was not against the horse shows, however, he questioned the use of our park for the shows. He also reported that rats had been seen around the premises of the park shelter.

Councilman Gewin inquired if the park was open during the horse shows to persons not attending the show. The answer was that the park is closed and that the group sponsoring the shows are in charge.

Councilman Dye reported that proceeds of the horse shows was used to purchase equipment for youth programs held at the park, that the park operated on a limited budget and that funds such as these proceeds help supplement the operation of the youth programs. That a volley ball court

is to be made in the center of the horse track for summer use and same area is to be made into a ice skating rink during the winter months.

The Mayor asked Councilman Dye to relate the foregoing remarks to the members of the Park Board.

Councilman Dye asked if anything was to be done about the water standing around the old bakery building. It was reported that J. E. Temple and Jack Diehl, owners of the property in question, are planning to have said area filled in and had asked the City to pay for a load of dirt for the area.

Councilman Griffith asked if the Mayor had any information regarding the City purchasing the old depot building from the New York Central Railroad Company. The Mayor replied that he had been informed that the company had use for the building. Councilman Griffith stated that he had checked the building over and felt that the City could use the building. The Mayor appointed Councilmen Brohard, Dye, Griffith, and John Womack, Building Inspector to check the building to see if it could be used by the City.

Councilman Griffith asked if the Pool Committee had made plans to enlarge the pool area. He was informed that the Committee have been discussing this matter.

Councilman Griffith reported that he had had inquires regarding Councilman Dye "riding shot-gun" in police cruiser. Councilman Dye asked the Mayor to answer this. The Mayor stated that Councilman Dye was chairman of the Police Committee, that he had asked him to spend as much time possible with the police, that we had some rookie police officers, and they needed help to get use to police routine.

Councilman Griffith stated that if Councilman Dye was going to act as a patrolman, he should be in uniform. He questioned Dye's riding in police car and checking inspection stickers in performance of his duties as

Chairman of Police Committee. The Mayor replied that Councilman Dye had the right to spend his time with the police officers and further that a police officer may deputize a person whenever he needs help, stating further that during his first years as Mayor that the City had only one police officer and that he had spent many hours with the officer and had made a number of arrests himself, that personally he did not see anything wrong with Councilman Dye riding with the police officers and in his opinion in doing so Councilman Dye could keep closer check on the department.

Councilman Griffith reported that the patching of streets had stopped at 12th Street. The Mayor informed that street patching was not completed, that time for trash pick-up was the 1st of the month and as soon as this was completed that the street crew would continue with the patching.

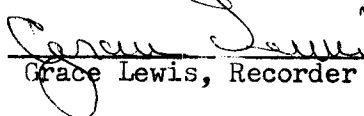
Councilman Hoke informed that he had received complaints of a resident on 26th Street causing a lot of noise, in that the resident was repairing motor bikes and hondas in his garage and back yard. The Mayor informed that his complaint would be taken care of in that the police would give an official notice to the said resident to cease the work on motor bikes.

Councilman Wright asked if the Fire Marshall had completed his inspection of deteriorated buildings in town. The Mayor replied that as far as he knew this tour of inspection had not been completed.

There being no further business to come before the Council at this time motion for adjournment by Councilman Hoke carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

July 19, 1966

The City Council met in regular session Tuesday, July 19, 1966.

There were present W.W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Earl W. Dye, B. E. Gewin, Thomas R. Griffith, and Robert L. Wright members of the Council. Councilmen Hamilton and Hoke being absent.

Mayor Alexander called the meeting to order.

Councilman Wright moved, seconded by Councilman Brohard, the minutes of meeting held July 5, be accepted. Motion carried.

Councilman Dye moved, seconded by Councilman Wright, the Financial Statement for the month of June be accepted. Motion carried.

Mayor Alexander reported to Council that he had checked on Bruce Terminx of West Virginia Inc. and State Exterminating Company and found both companies to be reliable.

Thereupon Councilman Gewin moved the bid to be awarded to State Exterminating Company, providing that their bid includes pest control, at a quote price of \$255.00 and a guarantee extended for five years with no fee per year. Councilman Brohard seconded the motion. Motion carried.

Councilman Dye reported that he had looked at the old Depot Building and felt that repair to said building would cost the City more than the building was worth. Mayor Alexander reported that John Womack, City Building Inspector, had checked said building and did not recommend the purchase due to the bad need of repair.

Mayor Alexander appointed the Rev. C. A. Markham as chairman, and I. M. Hunter as co-chairman of the United Nations Day Program.

Councilman Dye moved, seconded by Councilman Brohard, the Swimming Pool Committee's recommendation to install an all aluminum awning, 12 feet by 56 feet, from Nitro Shade and Awning Company, at a quote of complete cost of \$1,500.00, be accepted by Council. Upon a vote motion carried.

Councilman Gewin made a report to Council of the Water Shed meeting held on Monday night. Reporting that the Water Shed is at a stage where easements and acquisition of property is the next step and the Soil Conservation Engineer from Morgantown, Mr. Wilimek, of the Soil Conservation Commission, suggested proceeding with the actual engineering, getting the descriptions on paper, setting out meets and bounds in a form approved by City Attorney so that these descriptions can be used in acquisition or could be used in deeds so as to eliminate the repetition of this work. A committee, of three people, has been appointed to spearhead this work, committee consisting of one member of Council, Earl Dye, one member of Water Shed Commission, Max Galloway, and one member of Planning Board, O. K. Walker. The Mayor reported that the flood easements about the dam sights involving the area where homes are located would probably be eliminated due to the fact that the engineers were making a study to see if the spillway could be lowered. If this could be done then securing easements from the residential property could be eliminated.

Councilman Griffith asked the question if the question if the cost of \$100,000.00 plus, was to come from the bond issue. The Mayor's answer was yes.

Councilman Griffith asked what projects would be included in the bond issue. The Mayor answered that the projects were a new airport,

Water Shed and recreation.

Councilman Griffith asked what the FHA Loan Association would loan on property near a project such as this. The Mayor answer was that the FHA would not tell you what they would loan until after appraisals were made of property.

In answer to the permanency of the dam Councilman Gewin reported that the engineers assured safety in the solidness.

Councilman Gewin moved the Committee be authorized to have the necessary engineering done on said project, that the cost be kept within the budget figures and in case of an excess cost over budget figure, that said cost be brought before Council. Motion seconded by Councilman Brohard. Upon a vote motion carried.

Councilman Griffith reported to Council that he had been approached by several people about water holes in the slew area of Washington Avenue and asked if equipment could be moved in to topple earth into these water holes to relieve the bad situation.

The Mayor answered that we have on file a petition from home owners of property in question requesting the City to landfill the said area, however, there are several pieces of property involved that we have not been able to establish ownership of and that the Attorney is checking on these owners. Also reporting that the Health Department is holding up permit for landfill for this area until our present landfill has progressed further.

Ben Hughes, present at the meeting, asked of the Mayor if the Kanawha Cable T. V. had permission to string their lines on utility poles, stating that in his area if they had such permission that the lines would be crossing private property. The Mayor stated that the Kanawha Valley Cable

Company had an easement with the Utility Companies to string their wires on utility poles, however, the Mayor said he would contact Cable Company with regard to Mr. Hughes question.

Vernon Casebolt, present at Council meeting, stated that on behalf of City Park Board he would like to answer the article in the Kanawha Valley Leader's report of last Council meeting. That in the last several years \$70,000.00 has been spent for improvements and sports at the Park. That there are very few sponsors and only a select group of people who have worked very hard for this expenditure, that he realizes that in any projects that everyone cannot be satisfied and that everything cannot be perfect, that he realized that the horses should be restricted to a particular area, that our Park Board and Members of Youth Association should be commended for the job and hard work they have done for the Park rather than to be criticised for one instance when the Park was not cleaned satisfactorily. Stating further that perhaps he and the fellows who did the cleaning early Sunday morning after the Horse Show on Saturday night, **probably** did concentrate on one particular area, namely the baseball field, because of the fact that they had games starting early Monday and that the clean-up committee had neglected the picnic area. Also stating that our horse shows draw people from Southern West Virginia, Ohio and Kentucky, that he felt that the Horse Show Ring had increased the value of the Park, that he felt that Kyle Dunlap, President of Park Board, had been unduely criticised at the last Council meeting, that he felt that Mr. Dunlap should be highly praised, that his job is one without pay and not only that, that he had put several hundred dollars of his own money into projects for the Park and much of his time, that if Mr. Dunlap is going to be criticised in such a manner then let the

City pay him a salary so that he can stand up to the criticism.

Reporting also that the Horse Show Ring can be used for other programs.

That more people come out to the Horse Shows than come to see the boys play ball.

Councilman Griffith stated to Mr. Casebolt that he knew how he felt about the accusation, however; he had had complaints from people throughout the town regarding the picnic area and that horses had no business in this area.

Mr. Casebolt agreed on the horses not having any business in the picnic area and stated that restrictions would be made on this matter before the next horse show.

On the matter of the statement that was made at the last Council meeting that the horse enthusiasts are of a minority group. Mr. Casebolt said that swimmers are of a minority group, as are picnickers and that we built a swimming pool and that we have picnic areas.

Councilman Griffith stated that he had had a talk with Mr. Dunlap after the last Council meeting and he knows how he feels and he still contends that stricter clean-up and restriction on the areas for the horses should be enforced. Stating further that he would have helped clean up if he had been called.

Mr. Casebolt stated that if they could get the publicity on events that they held at the Park from the local newspaper that was received by the criticism of an event held at the Park then they would not need to have so many projects.

Mayor Alexander stated that he felt the City Park Board and the Members of the Youth Association should be commended for the good job they had one for the children of Nitro.

Mr. Casebolt, said that at the next Horse Show they would like to see some of them out to help clean-up.

Councilman Griffith said that it was not his intension to jump on the Nitro Youth Association.

Mr. Casebolt said then give the people a chance to talk before making an issue and publicity item out of it. Stating further that they would like to get an article as big commending these people who have worked hard before the 26,000 readers which the newspaper claims to have.

Mayor Alexander reported that the majority of property owners on Nitro Heights Road were in favor of paving this section.


Councilman Griffith said that according to his survey of upper Third Avenue that the majority of the property owners are against paving said section, however, he felt that something should be done to this section of street, that it had had no maintenance or repair. Councilman Dye moved, seconded by Councilman Brohard, the Engineer be authorized to do the preliminary work on Nitro Heights Road for a 20 feet street with curb and gutter or lip curb. Motion carried.

Mayor Alexander reported the Zoning Appeal Board had delayed on the matter of extending the business area on 41st Street First Avenue and the Board had asked the property owner for additional information.

Mr. Casebolt reported that the area where he lived had been troubled with peeking-toms and asked for better street lighting. Councilman Dye reported that he had met with Mr. Judy, of the Appalachian Power Company and that the Power Company was working up a survey for said area and that a dusk to dawn light would be installed by the Power Company as an experiment in the 600 block of Dupont Avenue, reporting further that the Appalachian Power Poles create a problem for lighting in this

area in that the power poles are located in the alleys instead of on the street right-of-way.

There being no further business to come before the Council at this time a motion for adjournment by Councilman Dye carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

August 2, 1966

The City Council met in regular session Tuesday, August 2, 1966.

There were present W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Earl. W. Dye, B. E. Gewin, Mrs. E. Robert Hamilton, L. I. Hoke, M. D., Thomas R. Griffith, and Robert L. Wright.

Mayor Alexander called the meeting to order.

The minutes for July 19 were read, Mayor Alexander explained that the Fire Department was included in the extermination program for the City Building at a cost of \$125.00.

Mayor Alexander also explained that, at the meeting of County Water Shed Program, held last Tuesday in the U. S. Federal Building, in Charleston, Mr. Tom Eslack reported that the lowering of the Nitro proposed spillway had been approved, thus eliminating any chances of property now used as residential ever being affected by the backup of water from the dam.

Councilman Dye moved, seconded by Councilman Griffith, the minutes for July 19, be approved. Motion carried.

Mayor Alexander explained that he had contacted Kanawha Cable Company regarding Mr. Ben Hughes question at the last Council meeting, that he had been told the Cable Company has an agreement to use the telephone and power poles, however, the Cable Company is willing to secure easements from property owners to string their wires over private property.

Councilman Griffith reported that he had talked with a number of property owners on Third Avenue, that some are in favor of the paving from 12th Street to 4th Street and some are against the paving.

Thereupon Councilman Griffith moved, seconded by Councilman Hamilton, that the engineers be instructed to do the preliminary engineering for a 12 foot street on Third Avenue from 12th Street to 4th Street. Motion carried.

The Council again discussed resurfacing 18th Street from Second Avenue to Third Avenue. Points brought out were the Street is in bad shape and needs resurfacing, property owners on said street are actually not responsible for the condition of the street in that there are very few who own automobiles, the majority of the property owners are retired and are unable to pay for resurfacing, the property owners are fearful of a speedway if the street were in better condition, and at the present time they are satisfied with the patch job that the City recently made. Mayor Alexander said that it was a question if we were doing the property owners a favor by not resurfacing at this time and waiting a few years when it will be necessary to install a complete new street at a greater cost to property owners.

In a discussion of the street lights, Councilman Wright requested the City secure a map from the Appalachian Power Company of our present street lighting system. The Street Lighting Committee is to make a survey of the street lights and report back to the Council.

Councilman Griffith asked when the patching would be continued, The Mayor reported as soon as the trash pick-up was completed the men would get back to the patching of the streets.

The Mayor was requested to get a price on a tar shooting machine.

Mr. E. H. Alle/, resident of Main Avenue, appeared before the Council informing Council that he had had a cracked main sewer in front of his house for many years. That the City was aware of this condition,

that he knew the City owned a street sweeper and the only time it was used was when the use was requested. It was his opinion that the streets should be cleaned with the sweeper once a month. Mr. Alley stated that we have a lousy Police Department, that his home is located near three beer joints, that he has called the police at times and the police do not come and that the State Police had come when they had been called, that we have a race track on Main Avenue, that he had called the Police Office Saturday night and had been informed by the desk sergeant when he asked if the radar was out, that there was only one police car on duty on Saturday night, that he felt on Saturday night we should have both police cars on duty, that he did not see any reason why we should not have more than five police officers, that the disturbance in his area is bad and it could be stopped, that he had reported this to the Mayor, that there are some reasons, he knew why, but cannot make any accusations. Mr. Alley invited the members of the Council to come and sit in his yard any Saturday night to view the disturbance.

Mr. Alley stated that he felt like the radar should be used on Main Avenue in his particular area and that the police officers should not spend so much time, 3 to 4 hours a day, in the drive-inn restaurant above the bridge. Mr. Alley stated that when the white and colored were living together on Main Avenue nothing was said or done, that he thinks our Police Department is not sufficient, that he thinks the City should bring the plants into the City Limits as a source of additional revenue, that the City firemen are not paid enough to live on, that taxes could be raised and let the people know what they are paying additional taxes for. That he has put his house up for sale, that he would like for the Council to use voting machines at the Mayor's election next year. Upon

a question from the Mayor as to what the voting machines had to do with the operation of the Police Department, Mr. Alley did not comment. Mr. Alley did tell the Mayor that if he would come up there around the beer joints that none of this would go on. It was pointed out that our police officers cannot be everywhere at one time, that our problem is that we do not have enough policemen, that on night duty it is not advisable to have one man alone in a police cruiser, that the radar has been used a great deal on Main Avenue and that a number of arrests have been made. Councilman Griffith stated that perhaps our police needed training and suggested securing a retired State Trooper and installing him as Police Chief in an effort for control and supervision. The Mayor advised that the City cannot afford to hire a man for the position of Chief of Police, however, during the last 18 years the City has employed former State Troopers as Captain of the Police Force. The Mayor stated that we do have a problem, that we should have a least three more men if the budget permitted, that he would talk to Captain Palmer regarding this particular problem and advise that police coverage be stepped up in this area.

Councilman Dye moved the Council go on record congratulating the Senior Little League on winning the State Championship and to wish them luck in their play-off in Richmond, Kentucky. Councilman Hamilton seconded the motion. Upon a vote, motion carried.

Mayor Alexander reported that he had talked with the leaders of the Little League about a celebration and perhaps a dinner for the boys. He stated further that the Youth Association had chartered a bus for the Richmond, Kentucky trip.

Councilman Dye reported a problem of excessive weeds on vacant lots. The Mayor asked Councilman Dye to secure the names of property owners of said lots.

There being no further business to come before the Council at this time a motion for adjournment by Councilman Hoke carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

August 16, 1966

The City Council met in regular session Tuesday, August 16, 1966.

There were present W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Earl W. Dye, Thomas R. Griffith, Mrs. E. Robert Hamilton, L. I. Hoke, M. D., and Robert L. Wright, members of the Council. Councilman Gewin absent.

Mayor Alexander called the meeting to order.

Councilman Dye moved, seconded, by Councilman Brohard, to dispense with reading of minutes of meeting held August 2, 1966. Motion carried.

Councilman Hoke moved, seconded by Councilman Hamilton, the financial statement for the month of July be accepted. Motion carried.

Councilman Griffith inquired of Mayor if Street patching had been completed. Mayor informed that patching was not completed, however, the men were on other work at present.

Councilman Wright informed that he had been receiving some complaints of noise around the beer places and that he had heard of a fight that occurred at Jean's tavern on Saturday night. The Mayor informed the police had been instructed to keep a close patrol on this particular area.

Mayor Alexander presented the following recommendation for the Police Civil Service Commission:

Nitro, West Virginia
August 13, 1966

TO: City of Nitro
Nitro, West Virginia

Attention: W. W. Alexander, Mayor

Gentlemen:

We, the undersigned, as Commissioners of the Civil Service Commission of the City of Nitro, after having made an investigation into the employment of Dana F. Johnston, as a member of the Police Force of the City of Nitro, find that said Dana F. Johnston, has never resigned from his position on the Police Force of the City of Nitro; that he has never withdrawn his funds from the Pension Plan; that he has been continuously under bond; and further that he has continued to work on a part time basis for said City Police Force as the same rank previously held.

In view of the above findings, it is the opinion of the Civil Service Commission, that said Dana F. Johnston has been continuously a member of the Nitro Police Force, and it is the recommendations of the undersigned that said Dana F. Johnston be re-instated on a full time basis with the Police Force of the City of Nitro at the same rank and pay which he previously had.

ss L. V. Minnick, Chairman

ss Paul B. Hill

ss Norman Welton

Thereupon Mayor Alexander appointed Dana F. Johnston as Sergeant of the Nitro Police Department at the full pay of Sergeant.

Thereupon Councilman Dye moved, seconded by Councilman Brohard, the Mayor's appointment be approved. Motion carried.

Mayor Alexander informed Council that he had requested the following signed paper from the present members of the Nitro Police Department be submitted to the Civil Service Commission before the Commission took the aforesaid action.

Nitro, West Virginia
August 13, 1966

TO: Civil Service Commission of
the City of Nitro.

Gentlemen:

We, the undersigned, as present members of the Police Force of the City of Nitro, after having read and carefully examined the findings and recommendations of the Civil Service Commission of the City of Nitro relating to the employment of Dana F. Johnston, as a member of said Police Force concur in the findings and recommendation of said Civil Service Commission, and also recommend that he be re-instated on a full time basis at the same rank and pay.

We, the undersigned waive all rights to appeal said findings or to institute action against said Commission or the City of Nitro because of such findings, and our signatures hereon may be treated by the City of Nitro as our recommendation to them to re-instate said Dana F. Johnston on a full time basis at the same rank and pay as previously held by him.

ss C. A. Palmer

ss W. C. Post

ss C. W. Rumbaugh

ss James W. Hall

Councilman Hoke requested that high weeds be cut in various sections of town. Mayor informed that was one of the jobs of the Street crew was on at present and that their work had begun near the Nitro-Putnam Elementary School.


Councilman Brohard requested that the hand rail along walkway to the Nitro-Putnam Elementary School be repaired.

Councilman Griffith asked if it was true that two of the City's vehicles had been involved in accidents lately. Mayor Alexander explained that John Womack, driver of the Nitro Sanitary Board truck,

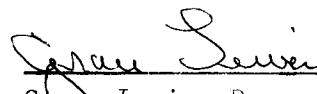
had hit a car at 7 th Street and apparently Womack had had a black-out, as he did not remember hitting the car, The Mayor informed further that he had had Womack checked by a doctor and was to go back to the doctor in a week and was not to drive a motor vehicle until released by the doctor. Councilman Hoke stated that Womack should be checked very carefully before being allowed to operate any City owned vehicle. The Mayor reported that Sergeant Johnston was in pursuit of a car Monday night on First Avenue and as he started to pass a car in front of him the said car turned into Kapox Street and Johnston hit the car, the operator of the car had been taken to the hospital and released.

Mayor asked Councilman Griffith if he knew that the dog warden had quit his job with the four cities. Councilman Griffith said he did not know about this, that ~~he~~ would talk with the chairman of the committee regarding hiring a new dog worden.

There being no further business to come before the Council a motion for adjournment by Councilman Hoke carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

September 6, 1966

The City Council met in regular session Tuesday,
September 6, 1966.

There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Thomas R. Griffith, Mrs. E. Robert Hamilton and Robert L. Wright members of the Council. Councilmen Earl W. Dye, B. E. Gewin and L. I. Hoke, M. D. being absent.

Mayor Alexander called the meeting to order.

Councilman Wright moved, seconded by Councilman Brohard, to dispense with reading of minutes held August 16, 1966.

The following report of the Zoning Appeal Board was presented to the Council.

TO:

The Mayor and Council Members of the City of Nitro.

The Zoning Appeal Board of the City of Nitro, Kanawha and Putnam Counties of West Virginia met at the City Hall at 7:30 P. M. on August 30, 1966 for the purpose of considering an appeal and request of the Childers Realty Company to recommend to the council of the City of Nitro changes and amendments of the Zoning Ordinance in Zone Three. The appeal and request was refused.

The Zoning Appeal Board voted to ask the City Council to consider the rezoning of the present depth of business zoning on First Avenue to a greater depth from 23rd Street through

41st Street. It is felt that the present 90 foot depth is not adequate.

The Zoning Appeal Board also requests that a city map be made showing the present zoning boundaries.

Respectfully submitted,

(SS) E. Robert Hamilton

The Zoning Appeal Board
E. R. Hamilton, Chairman

9-3-66

The Mayor explained to council that the Chairman had told him that the vote of the Childer's request was a tie vote, in that one member of the board was absent, the Mayor explained further that in a decision such as this, he was of the opinion that Childer could ask for another hearing on this matter and it would be necessary to secure the attorney's advise.

The Council decided that the matter proposed in the second paragraph of the report should be channeled through the Planning Commission.

Thereupon Councilman Wright moved the council concur and acknowledge the decision of the Zoning Appeal Board. Councilman Brohard seconded the motion. Upon a vote motion carried.

Councilman Hamilton informed council that she had been approached regarding the city rezoning the 18th Street area for business. This proposal was discussed. The proposal

brought up the matter of classification of businesses in town. The Mayor informed that this was one of the phases being worked on by the Planning Commission in the comprehensive planning.

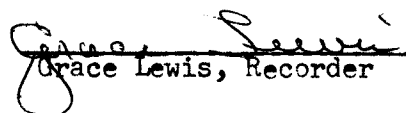
Councilman Griffith stated to council that some time ago the Cities of St. Albans, Dunbar and South Charleston had approved the radio-telephone for the dog warden ambulance and that Nitro had declined the approval for the reason that Mr. Weekly, the dog warden did not and would not have a telephone in his home, that the cities now had a new dog warden - Jess Harrison - who has a telephone in his home, the number being non-listed, the cost per city of the rental of the radio-telephone system would be approximately eleven dollars.

This matter was again discussed by council.

Thereupon Councilman Griffith moved that Nitro accept their one-fourth share of the cost of the radio-telephone by Capitol Service for the dog Ambulance. Motion seconded by Councilman Brohard. Motion carried.

There being no further business to come before the council at this time, a motion for adjournment by Councilman Griffith carried.


W. W. Alexander, Mayor


Grace Lewis, Recorder

September 20, 1966

The City Council met in regular session Tuesday,
September 20, 1966.

There were present: W. W. Alexander, Mayor, Dayton Brohard, Earl W. Dye, B. E. Gewin, Mrs. E. Robert Hamilton, L. I. Hoke, M. D. Thomas R. Griffith and Robert L. Wright members of the Council.

Mayor Alexander called the meeting to order.

The minutes for Meeting held September 6 were read.

Councilman Dye moved, seconded by Councilman Brohard, the minutes for September 6 be approved. Motion carried.

Councilman Gewin moved, seconded by Councilman Hamilton, the Financial Statement for month of August be accepted. Motion carried.

The Mayor recommended the cities of St. Albans, Dunbar, South Charleston and Nitro go together and purchase two uniforms for the dog warden. The cost being approximately twenty to thirty dollars per town. The dog warden to purchase one complete uniform himself.

Thereupon Councilman Gewin moved, seconded by Councilman Griffith that uniforms and a badge be purchased for the dog warden if other cities are in agreement. Motion carried.

Councilman Dye read in part an ordinance establishing a reserve police unit for the City of Nitro. Copies of the said ordinance were distributed to council members. A motion was made by Councilman Gewin, seconded by Councilman Wright, the proposed ordinance be read at next council meeting and said ordinance be

brought to a vote. Motion carried.

Mayor Alexander informed council a study should be made of the annexation problems and the different committees should proceed with the necessary investigations of the various areas.

Councilman Hoke inquired about camping trailers within the city limits. The Recorder will review the ordinance on trailers and report at next council meeting.

Councilman Griffith made a motion, seconded by Councilman Hoke, a copy of each council meeting minutes be presented to the members of council, if proper equipment can be obtained for making copies. Motion carried.

There being no further business to come before the council at this time a motion for adjournment by Councilman Hoke carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

October 4, 1966

The City Council met in regular session, Tuesday, October 4, 1966.

There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, B. E. Gewin, Thomas R. Griffith, Mrs. E. Robert Hamilton, L. I. Hoke, M. D. Robert L. Wright members of the council. Councilman Earl W. Dye being absent.

Mayor Alexander called the meeting to order.

Councilman Hoke moved, seconded by Councilman Brohard, to dispense with reading of minutes of meeting held September 20th. Motion carried.

The council proceeded to discuss annexing the Blakes Creek area, Riverdell Acres and Brookhaven area. It was announced that a meeting would be held with property owners of Brookhaven area on October 5th. Some points brought out in discussion were: the advantage of annexing additional territory, the cost to the city, the proposed areas have more advantages and benefits in being annexed than the city government would realize, encouragement for development, question of fire hydrants in Brookhaven area - the answer being one, reduction of fire insurance rates in the proposed areas, the effect of Brookhaven being served by the Union Sanitary Sewer District, the Union Sanitary Sewer District plant being in the proposed area, Ortin Heights area interest in becoming annexed, said area will be forced into a Sanitary Sewer District.

In a discussion of sewers, the Mayor informed Nitro was under orders of the State of West Virginia to install provisions for an 80% clean up of streams, which is Secondary treatment.

Councilman Griffith reported Mr. Meadows, Chairman of the Dog Committee, had been unsuccessful in getting a meeting of the committee but hoped to have a meeting very soon.

Councilman Gewin moved, seconded by Councilman Wright, the adoption of the following Ordinance as corrected. Motion carried.

AN ORDINANCE ESTABLISHING A RESERVE
POLICE UNIT, OF THE POLICE DEPARTMENT
OF THE CITY OF NITRO, AND PROVIDING FOR
THE ORGANIZATIONAL STRUCTURE, STATUS,
AUTHORITY AND RESPONSIBILITY, POLICY FOR
UNIFORMS AND EQUIPMENT AND RULES AND
REGULATIONS APPLICABLE TO SAID UNIT.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NITRO,
KANAWHA AND PUTNAM COUNTIES, WEST VIRGINIA.

That a reserve police unit be, and the same is hereby, established as an organizational unit of the Nitro Police Department. The organizational structure, status, authority and responsibility, policy for uniforms and equipment, and rules and regulations applicable to the Reserve Police Unit shall be as follows:

I. ORGANIZATION OF THE RESERVE POLICE UNIT:

- A. The reserve police unit is an organizational unit under the Nitro Police Department. The Chief of Police shall designate a regular sworn police officer as Director of the Reserve Police Unit.
- B. For the purpose of smooth operation and organization, the Reserve Police Unit shall be divided into three sections or squads with a total complement of 16 reserve police officers. To provide necessary leadership and supervision over the unit, the Chief of Police shall appoint one member of the unit to hold the rank of reserve lieutenant. Each section or squad shall consist of one

reserve sergeant and four reserve patrolmen with the reserve sergeants' appointed from within the unit by the Director with the approval of the Chief of Police.

C. Reserve Police Lieutenant

1. The reserve lieutenant shall be responsible for carrying out such orders as issued by the Director as may be necessary for the efficient operation of his unit and men under his supervision. The lieutenant shall preside, or designate a reserve sergeant to preside, at all meetings of the reserve police unit. The lieutenant shall be responsible for maintaining complete records of this unit, making frequent reports to the Director or Chief of Police as designated or requested.
2. The reserve lieutenant shall endeavor to fill all requests for details, special or otherwise. He shall keep in close contact with members under his supervision, noting carefully any change in address, telephone numbers and availability of reserve members during the twenty four hours of each day.

D. Reserve Police Sergeant

1. Each section or squad of the reserve police unit shall be under the supervision of a reserve sergeant who shall acquaint himself with all members within the section and shall maintain a listing of names, telephone numbers, addresses and availability of section members for all requests for assistance and emergencies.

II. DIRECTOR OF THE RESERVE POLICE UNIT.

A. The Director of the reserve police unit shall be responsible for the execution of all orders and rules governing the reserve police. The Director shall have the power to enforce all orders, written or verbal, issued by the Chief of Police. In addition, he shall have control of all property of the City of Nitro that may be assigned to the reserve police unit.

B. The Director shall have control, management, and direction over all members of the reserve police unit with authority to detail any member to such service as may be necessary, together with the power to remove, discharge, suspend, or reduce in rank any member for insubordination or dereliction of duty, but in no event shall the Director take such action until the member has been furnished with a written statement of the reason for such action.

Members shall have the right of appeal to the Chief of Police.

- C. The Director shall be responsible for the administration of recruitment and selection process for reserve members. The rules and regulations and staffing process utilized by the local civil service commission shall be used as a guideline, where applicable or practical.

III. STATUS OF THE RESERVE POLICE UNIT.

- A. The reserve police unit shall be maintained for the purpose of assisting regularly appointed police officers in preserving law and order within the corporate jurisdiction of the City of Nitro and for such other functions as may come within the scope of such a reserve.
- B. The reserve police unit shall function only upon the request of the police department and only under the control of the police department. The rank and authority of individual reserve members pertain only to the reserve. A reserve member has no jurisdiction over any regular police officer regardless of rank or title, and when on duty shall be subordinate to the regular police officer.

IV. AUTHORITY AND RESPONSIBILITY.

- A. The reserve police unit, including members of such, shall render volunteer police service upon occasions when in the opinion of the Chief of Police such augmentation of the regular department is essential to the public welfare and safety.
- B. Reserve members shall exercise police power when circumstances make it expedient to preserve order and/or protect life and property pending the arrival of regular police officers. The purpose of the reserve police unit shall be to co-operate with and assist the police department, without compensation to the members, in the enforcement of law and order during augmentation of the regular department and during any and all police emergencies, except those under the responsibility of the local civil defense organization.
- C. Any form of compensation paid to the reserve unit must be used to buy equipment or supplies for the reserve unit.
- D. The reserve police unit shall be used only for traffic control during, for example, parades and sport events, and handling crowds at rallies, fairs, and other events as

determined by the Chief of Police. The reserve police unit shall not perform such duties as routine police patrol, police telephone or radio communications, or investigative activity, except during emergencies where total manpower is essential for the public safety and welfare, and only after approval by the Chief of Police.

- E. A reserve police officer has authority only while in uniform. When off duty the member reverts to his civilian status. When a situation arises that requires police attention while a reserve officer is off duty and out of uniform a regular police officer must be summoned before the reserve officer can perform any police function.

V. UNIFORMS AND EQUIPMENT.

A. Uniforms

1. When providing an authorized police service, every reserve police officer must be in complete uniform as specified for reserve police officers. No uniforms will be furnished by the City of Nitro.
2. A reserve police unit insignia or patch shall be worn on the left sleeve of the outside garment.
3. The regulation reserve police badge shall be worn on the left breast of the outside garment.
4. A regulation police cap shall be worn in place of hats.
5. No reserve rank or insignia may be worn on any part of the uniform while working out of police headquarters on details with regular police officers.

B. Equipment

1. The equipment of each reserve officer shall of: Whistle, baton, flashlight, pencil and notebook.
2. No equipment shall be furnished by the City of Nitro.

VI. RULES AND REGULATIONS.

- A. The manuel of rules and regulations promulgated and prescribed by the City Council of the City of Nitro governing the operation of the regular police department of the City of Nitro shall also be applicable to members of the reserve police unit. A reserve officer may be suspended or dismissed for violation of such rules of conduct or regulations.

- B. The appointment and continuance on the reserve police unit of the various members of the reserve shall depend upon their willingness and ability to attend all calls of duty, scheduled training, and compliance with the Manual of Rules and Regulations.

This Ordinance shall become effective immediately upon passage.

Passed this the 4th day of October, 1966.

W. W. Alexander, Mayor

Grace Lewis, Recorder

Letter from the **Workmen's** Compensation Fund was read to council, said letter advising the Commission had granted to William M. Kelly a 50% (or an additional 10% over and above the 40% previously granted and paid).

Thereupon, after a discussion Councilman Hoke moved, seconded by Councilman Wright, an appeal be taken on the foregoing case. Motion carried.

On the matter of camper trailers, Council instructed the Traffic Committee to make a study and the ordinance on house trailers be amended to include camper trailers in an effort to completely remove said trailers from the city streets.

The Mayor reported he had a price on a tar pot from Stewart Equipment Company, amounting to \$1,125.00 to \$1,350.00 depending on the size. The Mayor informed he had asked for a price from Rish Equipment Company, however had not received their quotation.

The Mayor reported a price of \$400.00 on a 3M dry copy machine. The Mayor said he was to get cost on another dry copier.

The Mayor informed that the other towns had selected October 31st for "Trick or Treat" night and Nitro would do the same.

Mayor Alexander appointed Charles Miller to the Board of Park Commissioners for a term of six (6) years to replace T. O. Townsend, whose term has expired and Mr. Townsend does not wish to be reappointed.

T hereupon Councilman Griffith moved, seconded by Councilman Gewin, to confirm the Mayor's appointment. Motion carried.

Mayor Alexander presented the plans, specifications and Engineer's estimate cost for Bailes Drive, Short Street and Third Avenue (12th to 4th Streets) as follows:

20' concrete paving @	\$ 10.92
12' concrete paving @	8.86

Councilman Griffith said it was the first he had heard of paving Short Street. Mayor informed he had been approached several times regarding paving this street, in fact a Mr. Workman said he was willing to pay for some of the other property in order to get a paved street.

Thereupon, after studying and discussing the plans, Councilman Gewin moved, seconded by Councilman Brohard, the following notice be run for three weeks in the Kanawha Valley Leader. Motion carried.

LEGAL NOTICE

NOTICE TO ALL PERSONS OR CORPORATIONS OWNING PROPERTY ABUTTING ON THE FOLLOWING NAMED STREETS OR PUBLIC WAYS IN THE CITY OF NITRO, KANAWHA AND PUTNAM COUNTIES, WEST VIRGINIA: THIRD AVENUE BEGINNING WITH ITS INTERSECTION WITH TWELFTH STREET TO ITS INTERSECTION WITH

FOURTH STREET; SHORT STREET BEGINNING WITH ITS INTERSECTION WITH PENWOOD AVENUE AND EXTENDING IN AN EASTERLY DIRECTION TO AND INCLUDING ITS INTERSECTION WITH GRAFTON AVENUE (CRESCENT CITY ADDITION); BAILES DRIVE BEGINNING AT ITS INTERSECTION WITH FORTIETH STREET AND EXTENDING IN A NORTHERLY DIRECTION THREE HUNDRED EIGHTY FEET, MORE OR LESS, TO THE BEGINNING OF EXISTING CONCRETE PAVEMENT ON SAID DRIVE.

Proposals have been made to the Common Council of the City of Nitro to permanently improve the portions of the Streets and public ways described above in the City of Nitro, Kanawha and Putnam Counties, West Virginia, by grading, re-grading, draining, paving, re-paving, surfacing, re-surfacing, widening, curbing, re-curbing, guttering, and otherwise permanently improving said streets or public ways and by constructing, providing and renewing any such improvements or other permanent public improvements in and on said above named streets and public ways, or portions thereof, and including any intersections, as the Common Council of the City of Nitro may deem proper and to assess the cost of such improvements on the property abutting said portions of said streets and public ways.

The proposals to make such improvements and the plans, specifications, profiles, and estimates will be considered by the Common Council of the City of Nitro at a public meeting to be held on the 15th day of November, 1966, at 8:00 o'clock P. M. at the City Building in said City of Nitro. Any abutting owners or interested parties will be given an opportunity to protest or be heard at said meeting or any adjournment thereof.

Done by action of the Council of the City of Nitro on the 4th day of October, 1966.

CITY OF NITRO

By: Grace Lewis
City Recorder

Councilman Hoke reported he had observed the police office needed new chairs and the office also need repainting. The Mayor said we needed at least four swivel chairs and two dozen folding chairs.

Councilman Gewin moved, seconded by Councilman Hoke, that prices be secured for chairs needed by the city building.

Councilman Griffith asked about the expense of on duty uniforms for city firemen. Mayor informed that the firemen could get uniforms from West Virginia State Industries, as come of the

other city employees had, however, the firemen should pay for the clothing themselves as the street and garbage men had done.

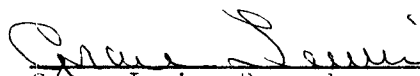
Councilman Griffith said he felt the firemen should be classified as professional and not classified with other employees, that if on duty uniforms were furnished the firemen, it would tend to help the moral of the firemen. Mayor said that if city purchased clothing for the firemen, then they should do the same for other employees, who do not make as much money as the firemen and are out in all kind of weather. The Fire Committee is to discuss the clothing question with firemen.

Councilman Griffith informed council that O. O. Mack of Sattes Circle had requested him to discuss with council his problem of pedestrians coming off the bridge using his property as a walkway, that Mr. Mack and his neighbor are willing to deed a sidewalk right of way to the city, providing city installed the sidewalk. The Mayor informed that the State Road Commission should be consulted regarding this matter and also a check made regarding utility easements, that someone from the State Road Commission should come down and check this matter.

There being no further business to come before the council a motion for adjournment by Councilman Hoke carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

October 18, 1966

The City Council met in regular session Tuesday, October 18, 1966.

There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Earl W. Dye, B. E. Gewin, Thomas R. Griffith, Mrs. E. Robert Hamilton, L. I. Hoke, M. D., and Robert L. Wright members of the Council.

Mayor Alexander called the meeting to order.

Councilman Dye moved, seconded by Councilman Hamilton, to dispense with reading of minutes for meeting held October 4th. Motion carried.

Councilman Hoke moved, seconded by Councilman Hamilton, the financial statement for the month of September be accepted. Motion carried.

Council discussed petitions requesting the council to hold an election on the question of annexing the area of Brookhaven. The petitions showing the majority of signers in favor of annexation. The Council also discussed the annexing of area lying between city limit line on 40th Street Road and Brookhaven, area known as 40th Street Road, Easter Road, 31st Street Road and a portion of East 39th Street. Councilman Hamilton reported that a meeting for residents of foregoing areas would be held in council chambers on the 25th day of October.

Mayor reported he had secured a price of \$ 3.95 each for folding chairs from R. H. Kyle Furniture Company.

Thereupon Councilman Dye moved, seconded by Councilman Brohard, the Mayor purchase two dozen chairs at the aforementioned quote. Motion carried.

Mayor asked the Street Numbering Committee to check the house numbers in the Pauley Tract above 4th Street, explaining that the newly erected houses had been numbered incorrectly.

Letter from the Muscular Dystrophy Associations of America, Inc. was read to council, letter requesting council's permission to solicit funds in Nitro during the period of November 15th to December 15th.

Thereupon Councilman Griffith moved, seconded by Councilman Brohard, permission be granted to the Muscular Dystrophy Association. Motion carried.

Mayor presented a statement from Long Engineering Company in amount of \$ 1,865.00 for survey and maps of the Blakes Creek Watershed area, stating the company would supply the city with ten additional maps.

Thereupon Councilman Gewin moved, seconded by Councilman Hamilton, the foregoing statement be paid. Motion carried.

Councilman Dye reported the Police Reserve Unit had been organized and that at present the organization did not have funds to purchase needed badges and patches.

Councilman Dye moved, the city purchase the badges and patches for the Police Reserve Unit, purchase not to exceed One Hundred-Twenty-five Dollars and that the items be city property. Motion seconded by Councilman Griffith. Motion carried.

Councilman Hamilton reported on the progress of the library, that the library was lending a book every three minutes and thought it was time that the city and Library Commission started thinking of a new library building. Questioned the possibility of putting a building on the pool property. Mayor Alexander reported that the Nitro Lions Club had plans to give the Library Building Fund a portion of the proceeds received from the carnivals they planned to have during the next few years. The Mayor advised that the Library Commission should start planning for a new building.

Councilman Griffith asked if the council wished to discuss the Airport site. The Mayor announced that he felt it advisable for council to remain neutral on the subject. Councilman ^{Dye} asked if it was advisable to appoint a committee to investigate the subject. It was the consensus that either location would be good for Nitro, that the important thing was to get the airport built.

Councilman Gewin asked that the Mayor request the State Road Commissioner to have Mr. Bob Titus make an investigation of the need of traffic lights on First Avenue at 19th Street West and 21st street, that the survey be made on Saturday or during a peak traffic time and also that Mr. Titus attend a council meeting to discuss the matter with council.

There being no further business to come before the council at this time, a motion for adjournment by Councilman Hoke carried.

James Lewis
Recorder

Mayor

November 1, 1966

The City Council met in regular session Tuesday, November 1, 1966.

There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Thomas R. Griffith, Mrs. E. Robert Hamilton, L. I. Hoke, M. D. and Robert L. Wright members of the Council. Councilmen Earl W. Dye and B. E. Gewin being absent.

Mayor Alexander called the meeting to order.

Councilman Hoke moved, seconded by Councilman Wright, to dispense with reading of minutes of meeting held October 18th. Motion carried.

Mayor Alexander informed that Mr. Titus and Mr. Sloman of the State Road Commission had been in and that they recommended making another survey of traffic count and also check into time of building of the new four lane highway through Nitro before a recommendation be made for traffic lights on First Avenue (Route No. 25).

Petitions were presented from the 40th Street area - showing 76% for annexation and 24% against annexation.

Councilman Hamilton informed that some residents of the area between the City limit line and I-64 wished to have a meeting with the Annexation Committee of the council.

Meeting for Riverdell acres area residents was set for November 9th at 7:30 P. M.

Mayor Alexander presented the following bids on equipment:

Walker Machinery Company	Snow plow	\$ 1,430.00
Rish Equipment Company	Snow plow	1,140.00
Stewart Equipment Company	Tar Kettle	775.00
Stewart Equipment Company	Power Spray Attachment	400.00
Rish Equipment Company	Tar Kettle & Spray	1,588.00

The Council discussed the bids and it was the consensus of opinion that the cost of snow plow was high in comparison to the need of the equipment.

Councilman Griffith moved, seconded by Councilman Brohard, the 165 gallon tarbkettle and spray attachment be purchased from Stewart Equipment Company. Motion carried.

The Mayor informed he would check with the State Road Commission on the sale of used equipment and that perhaps the city could purchase a used snow plow at a reasonable cost.

Councilman Griffith announced to the council that he had accepted employment with Nationwide Insurance Company and he would be leaving Nitro about November 13th, that he appreciated the opportunity of serving on the city council and he would submit his resignation within the next few days. Mayor Alexander expressed his wishes of good luck to Councilman Griffith.

There being no further business to come before the council a motion by Councilman Hoke for adjournment carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

November 15, 1966

The City Council met in regular session Tuesday,
November 15, 1966.

There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Earl W. Dye, Mrs. E. Robert Hamilton, L. I. Hoke, M. D. and Kenneth K. Kniceley member of the Council. Councilmen B. E. Gewin and Robert L. Wright being absent.

Mayor Alexander called the meeting to order.

Councilman Dye moved, seconded by Councilman Brohard, to dispense with reading of minutes of meeting held November 1, 1966. Motion carried.

Councilman Hoke moved, seconded by Councilman Hamilton, the financial statement for the month of October be accepted. Motion carried.

Thomas R. Briffith's letter of resignation as member of the city council was presented to council. Resignation effective November 15, 1966.

Thereupon Councilman Dye moved, seconded by Councilman Brohard, the resignation of Thomas R. Griffith be accepted. Motion carried.

Thereupon Councilman Dye nominated Kenneth K. Kniceley to fill the unexpired term of Thomas R. Griffith as Councilman of Ward Two. Motion seconded by Councilman Brohard.

Mayor Alexander asked if there were any other nominations and there were none. Thereupon all members of council present voted in favor of motion and was so ordered.

The Recorder advised the council that the notice to abutting property owners of the proposed permanent improvement has been duly published for three successive weeks in the Kanawha Valley Leader as directed by council in an order made at a regular session on October 4, 1966.

Thereupon Councilman Hamilton moved the Publisher's affidavit be made a part of the minutes of this meeting, said motion was seconded by Councilman Brohard. Motion carried.

AEFIDAVIT OF PUBLICATION

STATE OF WEST VIRGINIA,

COUNTY OF KANAWHA, to-wit:

I, M. K. Buster, Manager of Kanawha Valley Leader, a Weekly Newspaper of general circulation, published in the City of Nitro, Kanawha County, West Virginia, do solemnly swear that the annexed

LEGAL

NOTICE TO ALL PERSONS OR CORPORATIONS OWNING PROPERTY ABUTTING ON THE FOLLOWING NAMED STREETS OR PUBLIC WAYS IN THE CITY OF NITRO, KANAWHA AND PUTNAM COUNTIES, WEST VIRGINIA: THIRD AVENUE BEGINNING WITH ITS INTERSECTION WITH TWELFTH STREET TO ITS INTERSECTION WITH FOURTH STREET; SHORT STREET BEGINNING WITH ITS INTERSECTION WITH PENWOOD AVENUE AND EXTENDING IN AN EASTERLY DIRECTION TO AND INCLUDING ITS INTERSECTION WITH GRAFTON AVENUE (Crescent City Addition); BAILES DRIVE BEGINNING AT ITS INTERSECTION WITH FORTIETH STREET AND EXTENDING IN A NORTHERLY DIRECTION THREE HUNDRED EIGHTY FEET, MORE OR LESS, TO THE BEGINNING OF EXISTING CONCRETE PAVEMENT ON SAID DRIVE.

Proposals have been made to the Common Council of the City of Nitro to permanently improve the portions of the Street and

public ways described above in the City of Nitro, Kanawha and Putnam Counties, West Virginia, by grading, re-grading, draining, paving, re-paving, surfacing, resurfacing, widening, curbing, re-curbing, guttering and otherwise permanently improving said streets or public ways and by constructing, providing and renewing any such improvements in and on said above named streets and public ways, or portions thereof, and including any intersections, as the Common Council of the City of Nitro may deem proper and to assess the cost of such improvements on the property abutting said portions of said streets and public ways.

The proposals to make such improvements and the plans, specifications, profiles, and estimates will be considered by the Common Council of the City of Nitro at a public meeting to be held on the 15th day of November, 1966, at 8:00 o'clock P. M. at the City Building in said City of Nitro. Any abutting owners or interested parties will be given an opportunity to protest or be heard at said meeting or any adjournment thereof.

Done by action of the Council of the City of Nitro on the 4th day of October, 1966.

CITY OF NITRO

By: Grace Lewis, City Recorder

was duly published in said paper once a week for three successive weeks, commencing with the issue of 21st day of October, 1966 and ending with the issue of 4th day of November, 1966.

Manager, SS M. K. Buster

KANAWHA VALLEY LEADER

Subscribed and sworn to before me this 5th day of Nov. 1966.

SS James Jefferies

Notary Public for Kanawha County
West Virginia.

(My commission expires August 28, 1979.)

Printer's Fee \$ 21.78

BK 9, After pg 330

AFFIDAVIT OF PUBLICATION

State of West Virginia,

County of Kanawha, to-wit:

I, _____, Manager of
Kanawha Valley Leader, a Weekly Newspaper of general circu-
lation, published in the City of Nitro, Kanawha County, West Vir-
ginia, do solemnly swear that the annexed

was duly published in said paper once a week for three
successive weeks, commencing with the issue of the Oct
day of 21, 19 66 and ending with the
issue of the Nov day of 4, 19 66
and was posted at the Court House of Kanawha County on
, 19

Manager, M & Bester
Kanawha Valley Leader.

Subscribed and sworn to before me this Nov day of
5, 19 66

James J. Jeffers
Notary Public for Kanawha County, West Virginia.

(My commission expires MY COMMISSION EXPIRES AUGUST 28, 1972)

Services - Legal - Public Notices

My Neighbors



"Have you any without bristles for use in disciplinary action?"

SERVICES

FREE Lance Genealogies will trace Family histories. Call Mrs. John Duffy 776-3134.

9163tp

See "Big Ed Burgess" for your better Used Cars. Call 727-2900

9163tc

HATE TO DO IRONING? Bring them to me. \$4.00 a basket and you deliver, \$5.00 a basket and I'll pick up and deliver. Call 755-5042.

9233tc

FOR SALE

Baby Parakeets, a few at reduced price, nice healthy body. Wonderful pets for children. Call 755-2437.

House and furniture for sale, have home, leaving town. Call 755-1629.

1073tc

Singer Sewing Machine, in lovely light finished console, like new. Equipped to zig-zag, buttonhole, darn, monogram, etc. Pay last 8 payments of \$5.80 monthly. Guaranteed. Phone 768-8853 or After 5 P.M. 727-5114 Electro Hygiene Co. 4860 Mac Corkle Ave. S. W.

CO Floor Furnace 70,000 with controls, same vent and cap use two winters, \$159.95 - only \$75. Call 727-5114

10213tc

LEGAL

NOTICE TO ALL PERSONS OR CORPORATIONS OWNING PROPERTY ABUTTING ON THE FOLLOWING NAMED STREETS OR PUBLIC WAYS IN THE CITY OF NITRO, KANAWHA AND PUTNAM COUNTIES, WEST VIRGINIA: THIRD AVENUE BEGINNING WITH ITS INTERSECTION WITH TWELFTH STREET TO ITS INTERSECTION WITH FOURTH STREET; SHORT STREET BEGINNING WITH ITS INTERSECTION WITH PENWOOD AVENUE AND EXTENDING IN AN EASTERLY DIRECTION TO AND INCLUDING ITS INTERSECTION WITH GRAFTON AVENUE (CRESCENT CITY ADDITION); BAILES DRIVE BEGINNING AT ITS INTERSECTION WITH FORTIETH STREET AND EXTENDING IN A NORTHERLY DIRECTION THREE HUNDRED EIGHTY FEET, MORE OR LESS, TO THE BEGINNING OF EXISTING CONCRETE PAVEMENT ON SAID DRIVE.

Proposals have been made to the Common Council of the City of Nitro to permanently improve the portions of the Streets and public ways described above in the City of Nitro, Kanawha and Putnam Counties, West Virginia, by grading, re-grading, draining, paving, re-paving, surfacing, re-surfacing, widening, curbing, re-curbing, guttering, and other wise permanently improving said streets or public ways and by constructing, providing and renewing any such improvements or other permanent public improvements in and on said above named streets and public ways, or portions thereof, and including any intersections, as the Common Council of the City of Nitro may deem proper and to assess the cost of such improvements on the property abutting said portions of said streets and public ways.

The proposals to make such improvements and the plans, specifications, profiles, and estimates will be considered by the Common Council of the City of Nitro at a public meeting to be held on the 15th day of November, 1966, at 8:00 o'clock P.M. at the City Building in said City of Nitro. Any

PROPERTY TRANSFERS

Keith L. Brick and wife to L. G. Burdette, part of tract 2, Cross Lanes Estates, Union District.

Orville W. Pauley and wife to Sherry L. Johnson, lots 13 and 14, block M, Chandler Addn., St. Albans.

Harry Bennett and wife to Charles R. Damron and wife, lot 95, West Spring Hill Jefferson District.

Joe W. Hodges Sr. and wife to Roy L. Curtis and wife, 1/2 interest in lots 12, 13 and 14, block E. sec. 4 Highlawn Addn., St. Albans.

Luther Dixon and wife to Cecil A. Lovejoy and wife, lot 5, block 6, Caldwell Addn., Amanda-ville, Jefferson District.

Edward Z. Childress and wife to Mary Lou Asbury, parcel, Washinton District.

Mary Lou Asbury to Edward Z. Childress and wife, parcel, Washington District.

Gladys Casto to Clarence E. Cunningham and wife, lot Washington St. W.

Lawrence A. Nida and wife to Roy Croop and wife, lot 3, Belvedere Addn., St. Albans.

W. Keith Ferrell and wife to James C. Dunkin and wife, part of lots 10, 11 and 12, Nelson Kincaid Addn., St. Albans.

DAUGHTERS WERE BORN TO:

Mr. and Mrs. James Albert Barnette, St. Albans, October 7, - girl.

Mr. and Mrs. Robert J. Harless, Nitro, October 9, - girl.

Mr. and Mrs. Albert Dale Roush, St. Albans, October 3, - girl.

Mr. and Mrs. Gary Deil Dixon, Eleanor, October 5, - girl.

Mr. and Mrs. Richard Lee, St. Albans, girl, LeAnn Pullin, October 3, Holzer Hospital, Gallipolis, Ohio. Paternal grandparents Mr. and Mrs. N. C. Pullin, Tornado.

PROCLAMATION

OFFICE OF THE MAYOR
CITY OF NITRO

WHEREAS: October 27th, Halloween, is a holiday especially for children: AND

WHEREAS: Millions of American youngsters share the holiday each year by Trick or Treating for UNICEF and "The World's Needy Children"; AND

WHEREAS: Trick or Treat for UNICEF is a constructive expression of American children's concern and friendship for the less fortunate children of the world; AND

WHEREAS: UNICEF, The United Nations Children's Fund, is helping millions of children and mothers to better health in more than 100 countries and territories by assisting governments in programs of disease control, nutrition, maternal and child welfare and education: AND

WHEREAS: Each coin collected by Trick or Treaters will mean food or medicine for the sick and hungry children of the world,

NOW, THEREFORE, I, W. W. ALEXANDER, MAYOR OF THE CITY OF NITRO, DO HEREBY PROCLAIM THURSDAY, OCTOBER 27, 1966, AS

"UNICEF DAY"

IN NITRO, AND URGE EVERY CITIZEN OLD AND YOUNG ALIKE TO PARTICIPATE IN TRICK OR TREAT FOR UNICEF AND TO WELCOME PROPERLY IDENTIFIED TRICK OR TREATERS AT THE DOOR - THOSE WHOSE CONTAINERS CARRY THE OFFICIAL PRINTED ORANGE AND BLACK TRICK OR TREAT FOR UNICEF MESSAGE WITH THE UNICEF SYMBOL OF A MOTHER AND CHILD, AND WHO ARE ACCOMPANIED BY A RESPONSIBLE ADULT OR TEENAGER.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND CAUSED THE SEAL OF THE CITY OF NITRO TO BE AFFIXED

SALE:
 idaire Automatic Washer
 Speed-Queeninger wash-
 35., plat-form rocker \$25,
 dressers \$10 each, Gossip
 -inch \$5., Dexter iron \$20.,
 boys' 28-inch bike \$5., Labor
 in plat-form rockers and re-
 lining chairs \$15 each. Phone
 Poca Upholstry, 755-5444.

1073tc

959 Richardson Trailer, 2-
 bedroom, air conditioner, ex-
 cellent condition. Call 755-7187
 or 755-1420 9303tc

Hereford Calf, about 400 lbs.,
 Bull - lost from Blakes Creek,
 in area between Poca and
 Dunbar, Goff Mtn. and Cross
 Lanes, call Jack Moody, Blakes
 Creek, 755-1173.
 Owner - Mr. Stern, 755-5400,
 3pd

For Sale: A complete set of
 America Educator encyclo-
 pedias. Bought new in 1963.
 Will sell for \$100. Also, a new
 Roll-a-way Bed, will sell for
 \$25.00. Call -

Winfield, 586-2874

or

Dunbar, 768-6532

Admiral Refrigerator, nice size
 for small apartment or camp,
 \$16. Hot Point dryer older model
 \$25 both in good running condi-
 tion. Call 755-5400.

1073tc

Girls clothing, 8 through 12.
 Sell or trade. 670-15 Ford
 Wheels; 1 - 55 Ford Motor,
 Block and parts, trade for shot
 gun. Everbearing Strawberries
 call 727-3655.

abutting owners or interested
 parties will be given an op-
 portunity to protest or be heard
 at said meeting or any adjourn-
 ment thereof.

Done by action of the Council
 of the City of Nitro on the
 4th day of October, 1966.

CITY OF NITRO

By: Grace Lewis
 City Recorder

SONS WERE

BORN TO:

Mr. and Mrs. James Jones,
 St. Albans, September 29 -
 boy.

Mr. and Mrs. Charles B. Con-
 ner II, Hurricane, October 5, -
 boy.

Mr. and Mrs. James Wehrle,
 Big Tyler Road, October 3, -
 boy.

Mr. and Mrs. James A. Hash
 Jr., Bancroft, October 8, -
 boy.

Mr. and Mrs. Dennis Gay
 Smalley, Nitro, October 7, -
 boy.

Mr. and Mrs. Paul D. God-
 dard, Buffalo, October 8, -
 boy.

Mr. and Mrs. Robert L. Smith,
 St. Albans, October 6, - boy.

Mr. and Mrs. James Floyd
 Cole, Winfield, October 7, -
 twin boys.

Will not be responsible for any
 debts other than my own as of
 10/7/66.

Earl Gordon Williams
 Cochran Circle
 Nitro, West Virginia

1073tc

Mr. and Mrs. Romie W. Mad-
 dox, Hurricane, October 7, -
 girl.

(signed) W. W. ALEXANDER
 MAYOR, THE CITY OF NITRO

ATTENTION, ALL RENTERS!

Looking for a New Home???

... DRIVE OUT TODAY TO NEW, BEAUTIFUL

HARBOURLAND ESTATES

... You'll Like What You See!

MODEL HOMES OPEN DAILY 1 PM UNTIL DARK



A New Concept In Residential Living ...

—3 BEAUTIFULLY FURNISHED MODELS—

—82 BEAUTIFUL LOTS—

\$10 Will Hold The Lot Of Your Choice!

90 Colonial, Ranch, Contemporary and Provincial Styles Offered

- Concrete Streets
- City Sanitary Sewers
- Storm Sewers
- City Water
- Large Level Lots
- Storm Windows
- FHA Planned Sub-Division
- Customized With a Large Choice of Extras
- Clean Air and Good Water All Year
- Ceramic Tile Baths
- Closing Costs Included

DIRECTIONS

Take Interstate-64 to Hurricane interchange ... Watch for arrows
 directing you to Harboursland Estates.

HOME CONSTRUCTION CORPORATION

562-6141 - INLAND HOMES BUILDER - 562-6113

The Chemical Bank & Trust Company

156 Seventh Avenue
 SOUTH CHARLESTON

MEMBER FEDERAL DEPOSIT INSURANCE CORPORATION

4% Paid on Savings Accounts
COMPOUNDED SEMI-ANNUALLY

Open Thursdays from 9 A.M. to 5 P.M.

SMALL BUSINESS SERVICE

INCOME TAX RETURNS

D. JONES

BOOKKEEPER for SMALL BUSINESSES

Professional Building

Twenty-Third Street, Nitro

Telephone 755-4117 or 344-4108

SWAP • HIRE • BUY • SELL • RENT • SWAP • HIRE •

ED ADS GET RESULTS

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The Mayor announced that this was a duly called and advertised public meeting held for the purpose set forth in the legal notice for the hearing of objections and protests from property owners and other interested persons relative to the permanent improvements of the streets and portions of streets set out in the legal notice, further that the protests and objections would be heard and recorded, nowever, there would not be any action taken on the paving or permanent improving program, due to the lack of a majority of the council being present at this meeting.

The council then proceeded to consider the permanent improvement of Third Avenue beginning with its intersection with 12th Street to its intersection with 4th Street; 12 foot concrete, Engineer's estimate of \$ 8.86.

Charles Leshon asked why the cost of the paving was so high? The Mayor informed that the cost was about the same as the lower section of paving on Third Avenue a few years ago.

Mr. Leshon also pointed out that the lwoer section of Third Avenue paving had not held up, that there were a number of cracked places in the paving. The Mayor informed that the city had had trouble with the paving on Third Avenue due to the 54 inch drain line under the paving. There was some discussion of using reinforcement steel in paving. The Mayor pointed out that contractors did not use this method, however, streets would hold up better with more expansion joints.

Arthur Stern, owner of lot number 930 - 9th Street, entered a protest of paving of Third Avenue.

Earl Moore, owner of lot number 518 - 5th Street, entered a protest of paving on Third Avenue.

At this point Mayor Alexander administered the oath of office to Kenneth K. Kniceley as Councilman of Ward Two and Mr. Kniceley took his place as member of the City Council.

The council then proceeded to consider the permanent improvement of Short Street beginning with its intersection with Pennwood Avenue and extending in an easterly direction to and including its intersection with Grafton Avenue (Crescent City Addition). 12 foot concrete, Engineer's estimate of \$ 8.86.

Tom Carrier protested the paving of Short Street on behalf of his mother, Mrs. Georgia Carrier, owner of approximately 50 feet on Short Street.

Jack Carrier, owner of approximately 50 feet on Short Street, protested the paving on Short Street.

Charles Leshon said he was not protesting paving, however., he wanted a good job.

The Mayor explained the method of paying by certificate plan, a certificate was prepared for each lot in the amount of the cost of the paving, that the certificate could be paid in ten equal payments, one payment due each year for ten years, the certificates were given the contractor in lieu of cash and the contractor in turn either collected the payment himself or sold the certificates to a bank or agency and they in turn made the collections.

The council proceeded to consider the permanent improvement of Bailes Drive beginning at its intersection with 40th Street and extending in a northerly direction 380 feet, more or less, to the beginning of existing concrete pavement on Bailes Drive. 20 feet concrete, Engineer's estimate \$ 10.92

Mr. William Kelley asked if the paving would be 7 inches thick? The Mayor answered that 7 inch thickness was correct. Mr. Kelley informed that he had been doing some investigating and that the street could be built cheaper if the owners of the property hired a contractor, thereby eliminating the cost of engineering and attorney, that it would save him about a thousand dollars.

Mr. Kelley asked if any contractor would be allowed to bid on the program. The Mayor informed that any contractor could bid, that the bid was awarded to the lowest responsible bidder.

Mr. Kelley asked who awarded the bid? The Mayor informed this was the duty of the City Council.

Mr. Sheets informed he was not in favor of doing the paving during freezing temperatures.

Mayor Alexander presented a Plat showing division of K. K. Pauley Tract above 4th Street.

Thereupon Councilman Dye moved, seconded by Councilman Brohard, the foregoing Plat be accepted as a continuation of 4th Street. Motion carried.

In discussion of annexing of the Ortin Heights area, it was decided by Mayor and council to have the Engineer make a survey of cost of sewers for this area before considering annexing said area.

Mayor informed council that William R. Pritchard had been transferred by Monsanto Company to their St. Louis plant, therefore Mr. Pritchard had resigned as member of the Nitro Sanitary Board, that the Board recommended L. E. Dodson as replacement for Mr. Pritchard, as the Engineer member of the Board and also the Board recommended that Curtis Woods be named as Vice Chairman of the Board.

Thereupon Councilman Dye moved, seconded by Councilman Hamilton, the above recommendation of the Nitro Sanitary Board be accepted and approved. Motion carried.

Letter from the West Virginia Heart Association was presented to council, said letter asking council's permission to conduct a drive for funds during the month of February, 1967. The council granted the request.

Mayor Alexander presented copy of a letter from the Continental Insurance Company advising that it was necessary to increase the premium of fleet policy of the City of Nitro \$ 979.00 due to claims paid against the policy.

Thereupon after discussion, Councilman Dye moved, seconded by Councilman Brohard the additional premium be paid. Upon a vote

motion carried.

Councilman Hamilton announced a meeting on annexing the Blakes Creek area would be held November 22nd.

There being no further business to come before the council at this time a motion for recess by Councilman Dye carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

December 6, 1966

The City Council met in recessed session Tuesday, December 6, 1966.

There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Earl W. Dye, B. E. Gewin, Mrs. E. Robert Hamilton, L. I. Hoke, M. D., Kenneth K. Kniceley and Robert L. Wright member of the city council.

The Mayor called the meeting to order.

The Council discussed the minutes of meeting held November 15, 1966, relative to the increase of premium on our fleet insurance policy, the question was asked if it was common practice to increase a policy when bids had been secured. The Mayor explained the reason for this increase was a large claim the company had had to pay on an accident involving one of our garbage trucks. Explaining further that the accident occurred after the city had secured and awarded the bid. The council members felt that they would like to have more information regarding this matter. The Mayor offered to call Ray Ellis, agent for the company, to the meeting. It was advised by the attorney that we may contact another insurance company regarding the cost of fleet insurance. The Mayor informed that the claims of the city were a public record and that other insurance companies would charge the city about the same premium. The Mayor also expressed his feelings regarding the insurance policy and paying the insurance premium and that he felt it was necessary we have insurance on our motor

vehicles and we could not run the risk of losing our insurance. The Attorney asked to see the insurance policy and in checking the policy advised the additional premium be paid. The council felt a letter should accompany the check for the additional premium, expressing ~~we~~ felt that this action was unfair to the city since we had secured the bids and been quoted a price for fleet insurance.

Councilman Kniceley moved, seconded by Councilman Hamilton, the minutes for November 15 be approved. Motion carried.

Thereupon the Mayor announced that this is a recessed meeting called for the purpose of considering and acting upon an ordinance regarding the improvement of the streets, alleys, intersections, and public ways to which protests were legally heard by Council on December 6, 1966.

The Council then proceeded to discuss the protest of the paving program. Councilman Hoke moved, seconded by Councilman Hamilton, to delete Short Street beginning with its intersection with Penwood Avenue and extending in an easterly direction to and including its intersection with Grafton Avenue. Motion carried.

Councilman Hoke moved, seconded by Councilman Wright, Third Avenue be paved, beginning with its intersection with 12th Street to and including its intersection with 4th street. Councilman Kniceley stated that he would like for it to go on record that having not been here very long he was leaning on the council and Thomas Griffith, former councilman, who felt that Third Avenue should be paved. Thereupon after a vote motion carried.

Councilman Gewin moved, seconded by Councilman Brohard, Bailes Drive be paved, beginning with its intersection with 40th Street and extending in a northerly direction 380 feet, more or less, to the beginning of the existing paving on Bailes Drive. Upon a vote motion carried.

Thereupon the following ordinance was introduced to council.

RESOLUTION OF THE COUNCIL OF THE CITY OF NITRO DECLARING THE NECESSITY AND CONVENIENCE OF PERMANENTLY IMPROVING CERTAIN DESIGNATED STREETS OR PORTIONS THEREOF IN THE CITY OF NITRO, WEST VIRGINIA; PROVIDING FOR THE PERMANENT IMPROVEMENT OF SAID STREETS OR PORTIONS THEREOF; APPROVING PLANS AND SPECIFICATIONS; PROVIDING FOR COMPETITIVE BIDS, CONTRACT AND SUPERVISION; PROVIDING FOR PAYMENT BY ASSESSING THE TOTAL COST ON ABUTTING PROPERTY AND THE ISSUANCE OF ASSESSMENT CERTIFICATES; ALL AS PROVIDED BY ARTICLE 8, CHAPTER 8 OF THE CODE OF WEST VIRGINIA, AS AMENDED BY THE ACTS OF THE LEGISLATURE OF 1949.

WHEREAS, the Council of the City of Nitro has caused notice to be given to abutting property owners as provided in Section 3, Article 8, Chapter 8 of the Code of West Virginia, as amended by the Acts of the Legislature of 1949, by publication in the Kanawha Valley Leader, the only newspaper of general circulation in said City, once a week for three successive weeks, commencing on the 21st day of October, 1966, and ending on the 4th day of November, 1966, that a public meeting would be held at the City Building in said City on the 15th day of November, 1966, for the purpose of considering a resolution of ordinance declaring the necessity or convenience of the permanent improvement of certain streets, intersections, and public ways or portions thereof in said City, and giving an opportunity to abutting owners and other interested persons to

protest and be heard concerning the adoption or rejection of same, which streets and public ways or portions thereof are described as follows:

THE FOLLOWING NAMED STREETS OR PUBLIC WAYS IN THE CITY OF NITRO, KANAWHA AND PUTNAM COUNTIES, WEST VIRGINIA: THIRD AVENUE BEGINNING WITH ITS INTERSECTION WITH TWELFTH STREET TO ITS INTERSECTION WITH FOURTH STREET; BAILES DRIVE BEGINNING AT ITS INTERSECTION WITH FORTIETH STREET AND EXTENDING IN A NORTHERLY DIRECTION THREE HUNDRED EIGHTY FEET, MORE OR LESS, TO THE BEGINNING OF EXISTING CONCRETE PAVEMENT ON SAID DRIVE.

WHEREAS, prior to said public meeting there have been prepared plans, specifications and estimates of the proposed improvements by Municipal Engineering, for said City of Nitro, showing the proposed grade and sufficient data for any owner of abutting property to calculate approximately what proportionate part of the estimated cost thereof might be assessed against his property, and said plans, specifications and estimates have been on file with the Recorder of said City and open to the inspection of all interested persons; and

WHEREAS, a hearing was duly held pursuant to said notice, at which all abutting owners and interested persons were given an opportunity to protest and be heard concerning the adoption or rejection of said resolution or ordinance; and

WHEREAS, acting under the authority of the last paragraph of Section 2 of Article 8 of Chapter 8 of the Code of West Virginia, as amended in 1949, and regardless of the validity or invalidity of

any petitions which may have heretofore been submitted to the Council, the Council by vote of more than three-fourths of its members, deems it advisable, necessary and convenient to provide for such improvements and to assess the entire cost thereof upon abutting property and the owners thereof;

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA:

SECTION 1, That the certificate of publication of the notice of said meeting by the Kanawha Valley Leader, the only newspaper of general circulation in said City of Nitro, and a copy of said notice be, and the same are hereby made a part of the minutes of the Council and the Recorder is hereby ordered to spread the same upon the record of said meeting.

SECTION 2. That following its own independent investigation and upon its own authority as provided by law, the Council by the affirmative vote of more than three-fourths of its members, hereby declares it to be necessary and convenient to permanently improve by grading, regrading, paving and repaving, surfacing and re-surfacing, with base and drainage and making other incidental permanent improvements in accordance with the plans, specifications and profiles heretofore filed, as modified and amended, the following described streets and portions thereof in the City of Nitro as provided by said plans, specifications and profiles:

THIRD AVENUE BEGINNING WITH ITS INTERSECTION WITH TWELFTH STREET TO ITS INTERSECTION WITH FOURTH STREET; BAILES DRIVE BEGINNING AT ITS INTERSECTION WITH FORTIETH STREET AND EXTENDING IN

A NORTHERLY DIRECTION THREE HUNDRED EIGHTY FEET, MORE OR LESS, TO THE BEGINNING OF EXISTING CONCRETE PAVEMENT ON SAID DRIVE; AND which said plans, specifications, profiles and estimates are on file with City Recorder and are referred to in the recitals to the resolution; and the said plans, specifications, profiles and estimates are hereby approved and adopted for the permanent improvement of said streets and portions thereof, and said improvements are hereby authorized and shall be made under the supervision and direction of Municipal Engineering for said City.

SECTION 3. The grades of said streets and portions thereof shall be the same as shown on said plans.

SECTION 4. After independent investigation by the Council, each respective lot or parcel of real estate abutting on any part of any portion of said streets and public ways above described is hereby found and described to be specially benefited by the proposed improvements abutting such lot or parcel of real estate to an extent substantially greater than the costs to be assessed against such abutting lot or parcel of land.

SECTION 5. The total cost of the improvements, including the cost of improvements at and within intersections, and including all items of costs mentioned in Section 5, Article 8, Chapter 8 of the Code of West Virginia, as amended by the Acts of the Legislature of 1949, shall be apportioned to and assessed against and borne by the Lots or parcels of land and other properties abutting upon the respective portions of streets or other public ways hereby authorized

to be improved, and upon which said improvements shall have been made. Each lot or parcel of land so abutting said portions of streets or other public ways shall be assessed with that portion of the total cost of the improvements on the entire portions of any street or public way herein authorized to be improved, which is represented by the porportion which the abutting frontage in feet of said lot or parcel of land bears to the total abutting frontage in feet of all the assessable lots or parcels of land abutting on any respective portion of a street or public way herein authorized to be improved as provided by Chapter 8, Article 8 of said Code, as amended in 1949.

SECTION 6. The cost so apportioned shall be assessed against the respective abutting lots or parcels of land and shall be paid in ten (10) equal installments, the first to be and become due thirty (30) days after levying of the assessment for the improvements, and the other nine (9) installments to be and become due one (1) each year for nine (9) years thereafter, all at the rate of six per centum (6%) per annum from the date of the assessments, provided that on failure of the owner of the property assessed to pay any installment as and when due, and such default continuing for sixty (60) days, then at the option of the holder of the certificate evidencing any such assessment the entire balance thereof may be declared immediately due and payable, and the holder of the certificates may forthwith proceed to enforce the collection thereof.

SECTION 7. Certificates shall be issued evidencing said

assessments and each installment of principal and interest payable. Said certificates shall be payable to the bearer and be signed by the Mayor and Recorder and shall refer to the Ordinance or resolution laying the assessment, and shall each show the amount and date of the assessment and describe the property against which the assessment is laid, describing the same as to the ownership, amount, frontage and briefly as to location. The property abutting the portion of the street, alley, easement or public way improved shall be subject to a lien, from the date of the ordinance or resolution laying the assessment, for the payment of the costs of the improvements assessed against said property, and said assessments shall be and constitute liens in the hands of the holders of said certificates upon the respective lots and lands assessed and shall have priority over all other liens except those for land taxes due the state, county and municipality and except liens for per-existing special assessments; and the said assessments shall be levied and paid, with interest thereon, and said certificates shall be issued, enforceable and otherwise, in all respects, subject to the provisions of said Chapter 8, Article 8 of the Code of West Virginia, as amended by Acts of 1949. Each installment of said assessment on each certificate, which coupon shall evidence such installment shall refer to the date of the resolution levying said assessment and the time when said installment is due, and shall be signed in the name of the City of Nitro, by the facsimile signature of the Mayor, attested by the facsimile signature of the Recorder.

SECTION 8. The Recorder shall forthwith advertise for bids for said improvements to be made in accordance with said plans and specifications therefore. Such advertisement shall be made by publication at least once a week for two successive weeks in the Kanawha Valley Leader, a newspaper of general circulation in the City of Nitro, but not necessarily published therein. The contract shall be let to the lowest responsible bidder, but the advertisement for bids shall reserve the City the right to reject any and all bids therefor. The work done under such contract, when let, shall be paid for by delivering to the contractor assessment certificates as above provided in lieu of cash.

SECTION 9. Upon the completion of the improvements, the City Engineer is hereby directed to prepare and submit to the Council his report showing the cost of such permanent improvements, the number and descriptions of the lots and parcels of land abutting other matters as may be necessary in order to levy an assessment against said abutting property in accordance with the provisions of Chapter 8, Article 8, of the Code of West Virginia, as amended by the Legislature of West Virginia, Regular Session 1949. Upon the filing of said Engineer's report with the Recorder, the Recorder is hereby directed to give notice in the name of the City to the owners of the property to be assessed according to said Engineers report that on or after date named in said notice an assessment may be laid against the property so improved as embodied in said Engineer's report. Said notice shall state that the owner or owners whose property is to be assessed, or other interested party, may on said date appear be-

fore the Council to move the revision or correction of such proposed assessment. Such notice shall be by publication once a week for two successive weeks in a newspaper of general circulation in the County and shall show the total cost of the improvement, the several frontages abutting thereon and respective amounts to be assessed against the abutting property, with a description of the respective abutting lots and lands as to ownership, frontage and location.

SECTION 10. The attorney for the City is hereby directed to prepare and submit to the Council thereof, such notices, ordinances and information as may be required by the Council for the laying of the assessments and issuance of the certificates as aforesaid.

Thereupon Councilman Hamilton moved, seconded by Councilman Brohard, the adoption of the foregoing ordinance and upon a vote, Council voted unanimously in favor of said motion and was so ordered.

Thereupon Councilman Wright moved, seconded by Councilman Kniceley, that bids be received from contractors until 4:00 o'clock P. M. on January 17, 1967 and that contractors be required to deposit with his bid a certified check or bidders bond in the amount of five percentum of total contract, and that the bids be considered by Council at a regular meeting to be held at 8:00 o'clock P. M. on January 17, 1967, in the Council Chambers in the City Hall of the City of Nitro and at any adjournment or recess thereof. Motion carried unanimously.

The Recorder presented to council sample copies made on a Thermofax Copy Machine and the 3M Dry Copier. The Thermofax cost being \$ 389.00 and the 3M Dry Copier \$ 349.00. Councilman Dye moved, the

City purchase the 3M Dry Copier, that inas much as the Police Accident Reports were being sold by the Police Department for the cost of Three Dollars (\$3.00) per copy, Councilman Dye moved further that the copies be sold for Five Dollars (\$5.00), paid into the general fund of the City and that the City Treasurer disburse, once a month to the Police Uniform Fund, Three Dollars (\$3.00) per copy. Motion seconded by Councilman Brohard. Motion carried.

Councilman Dye reported to Council, accidents at the intersection of First Avenue, Route 25 at the Nitro-St. Albans bridge as follows:

1965 - 9 accidents - one injury - damages \$ 2,050.00. To date 1966 - 9 accidents estimated damages \$ 10,900.00 - 9 injuries. Councilman Dye stated further that he and the police officers had made a complete survey of this area and presented a traffic pattern that they felt may reduce addidents at this section. Councilman Dye moved that this information and traffic pattern be sent to the State Road Commission, that the City Council formally request the Road Commission to make a survey of the area and devise a plan that may reduce accidents in said area. Motion seconded by Councilman Hamilton. Motion carried.

Councilman Wright reported that residents of Hillside Drive were concerned about their children, who attend the West Sattes School, crossing the busy highway, Route 25. Councilman Dye moved, seconded by Councilman Hamilton, that the City Council also request the State Road Commission that Route 25 be heavily marked at its intersection with Wilson Street. Motion carried.

Councilman Dye reported on a meeting he had attended the night before at the Nitro High School, stating that a Boosters Club had been organized and several projects had been outlined for the club. Councilman Dye moved, seconded by Councilman Brohard, the Council go on record complimenting the action of the group and offer the City's assistance to the group.

Councilman Hamilton moved, seconded by Councilman Brohard, that the engineers be instructed to prepare the surveys on metes and bounds of the 40th Street Road Area, Brookhaven and Riverdale Acres area for the purpose of annexing said areas. Motion carried.

Mayor Alexander reported that the engineers are making a study of Ortin Heights area and Blakes Creek Area relative to the sewer situtation.

There being no further business to come before the council at this time motion for adjournment by Councilman Wright carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

January 3, 1967

The City Council met in regular session Tuesday, January 3, 1967.

There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Earl W. Dye, B. E. Gewin, Mrs. E. Robert Hamilton, L. I. Hoke, M. D. and Kenneth K. Kniceley members of the Council. Councilman Robert L. Wright member of council being absent.

Mayor Alexander called the meeting to order.

Councilman Dye moved, seconded by Councilman Hoke, to dispense with reading of minutes of meeting held December 6, 1966.

Motion carried.

Councilman Hoke moved, seconded by Councilman Hamilton, the financial statement for November be accepted. Motion carried.

Mayor Alexander informed council of a used Chevrolet dump truck that had been offered to the city by Holman Motor Sales, Inc. for the cost of \$ 1,500.00, the Mayor told council that he was having Mr. Humphreys check the truck, also informing the city needed an additional truck.

Thereupon, after discussion, Councilman Dye moved, seconded by Councilman Hamilton, the Mayor be authorized to purchase the truck if it appears to be in good condition. Motion carried.

Mayor Alexander reported to council that John Womack of the Sanitary Board had suffered another black out attack, that he had seen his doctor and was scheduled to be examined by a specialist the last of the month, that he (the Mayor) had told Mr. Womack that he was not to drive city vehicles, nor was he to work at the plant alone.

The council discussed this matter at length as to the liability of the city should Mr. Womack have an accident while on the job, Workmen's Compensation would take care of any liability on the part of the city, retirement of Mr. Womack, he is about 61 years old and he had not been covered the required number of years by Employees Retirement plan.

Councilman Hamilton asked if the Engineers had completed their survey of the Blakes Creek and Ortin Heights areas relative to city annexing said areas.

Mayor informed he had been advised by the Engineers that council should not entertain idea of annexing said areas for reason of cost of sewers for the areas, fire hydrants, the lack of water service in the Blakes Creek area, a need of lift stations for the Ortin Heights area, the cost of providing accomodations to these areas would be a burden to the city.

The Council discussed the possibility of annexing area north of city limit line to I-64. This matter will be discussed with Engineers.

Mayor Alexander presented a plot of Helens Court and Lee Lane, informing that a request was being made of council to take Helens Court - width 20 feet and Lee Lane - width approximately 13 feet, into the street system.

The Council requested Mayor to have Engineer check this matter and advise the council as to feasibility of taking said areas into street system.

The Recorder presented an estimate of expenditures for the Nitro Policemens Pension or Relief Fund as submitted by Dana F. Johnston,

Secretary of the Fund.

NITRO POLICEMEN'S PENSION OR RELIEF FUND

ESTIMATED DISBURSEMENTS FOR 1967

Disability checks in 12 monthly payments for W. C. Post, checks in amount of \$205.00 per month	\$ 2,460.00
Bond for Grace Lewis, Treasurer	22.50
Audit for 1967	30.00
Miscellaneous Items	20.00
Secretary's Salary for 1967	<u>60.00</u>
	2,592.50

SS Dana F. Johnston

Secretary

Thereupon Councilman Dye moved, seconded by Councilman Brohard, the foregoing estimate of expenditures be accepted. Motion carried.

Councilman Brohard asked when cable TV system would be completed in Nitro. Mayor reported that he had been told that St. Albans cable system was nearly completed and that Nitro system would be installed next.

There being no further business to come before the council at this time, a motion for adjournment by Councilman Dye carried.

W. W. Alexander, Mayor

Grace Lewis
Grace Lewis, Recorder

January 17, 1967

The City Council met in regular session Tuesday, January 17, 1967.

There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Earl W. Dye, B. E. Gewin, Mrs. E. Robert Hamilton, Kenneth K. Knieeley and Robert L. Wright members of the council. Councilman L. I. Hoke being absent.

Mayor Alexander called the meeting to order.

Councilman Dye moved, seconded by Councilman Brohard, to dispense with reading of minutes of meeting held January 3, 1967. Motion carried.

Councilman Hamilton moved, seconded by Councilman Dye, the financial statement for December be accepted. Motion carried.

Mayor Alexander announced that this meeting was called and held pursuant to ordinance adopted by council on December 6, 1966, and also pursuant to advertisement for bids for permanent improvement of certain streets named in said advertisement which was duly published in the Kanawha Valley Leader. The Mayor informed council that only one bid had been received, that being the bid of Pauley Paving Company, Inc., that Robert Anderson of Municipal Engineering Company advised the council to return the said bid unopened and readvertise for bids.

Thereupon Councilman Dye moved, seconded by Councilman Gewin, the bid from Pauley Paving Company, Inc. be returned unopened and the City readvertise for bids on the paving program. Motion carried.

Thereupon Councilman Gewin moved, seconded by Councilman Brohard, that bids be received from contractors until 4:00 o'clock P. M. on February 21, 1967, and that contractors be required to deposit with his bid a certified check or bidders bond in the amount of five percent of total contract, and that the bids be considered by council at a regular meeting to be held at 8:00 o'clock P. M. on February 21, 1967 in the Council Chambers in the City Hall of the City of Nitro and at any adjournment or recess thereof. Motion carried.

Mayor Alexander presented an answer from Burl A. Sawyers, State Road Commissioner, concerning Center Street and First Avenue (W. Va. Rt. 25), letter informing quote -"that Traffic Engineering Division has had this intersection under surveillance and is preparing pavement marking layouts and corresponding signing for application in early spring."

Mayor also presented answer from Mr. Sawyers relative to intersection of First Avenue (W. Va. Rt. 25) and Wilson Street, informing quote "the Traffic Engineering Division has made a study of this intersection and has recommended that a cross walk and appropriate signs be installed on W. Va. Rt. 25 at its intersection with Wilson Street."

Mayor Alexander presented letter from Jesse B. Gandee, Engineer on the matter of a request made of the council to take Helens Court and Lee Lane into the Street system. Mr. Gandee stated in his letter that rights of ways provided in the subdivision of these lots do not meet the minimum requirements for

streets, as established by the Planning Commission and that request be denied.

Thereupon Councilman Dye moved, seconded by Councilman Wright, on recommendation of the Engineer that council reject the request to take Lee Lane and Helens Court into the street system. Motion carried.

The Recorder informed council that Geraldine Cole, member of the City Ballot Commission has recently moved from Nitro and that she wished to propose the name of Greta Hill of 2807 28th Street as a replacement.

Thereupon Councilman Hamilton moved, seconded by Councilman Kniceley, Greta Hill be made a member of the City Ballot Commission. Motion carried.

Mayor Alexander informed the Engineer would have their survey, maps, metes and bounds completed on areas proposed to be annexed by the first meeting in February.

Mayor Alexander informed council that the last Legislature had passed a bill providing for 48 hour week and time and half pay for overtime, that he had been told that a few towns were paying the overtime as provided by law, some have reduced the pay of employees to meet the requirements of the new law, some had gone to hourly basis, some have not done anything about the new law, as Nitro is doing. The Mayor informed further that he had talked with Attorney General's office, that they have not written an opinion on the bill as the present Legislature may take more action concerning this law.

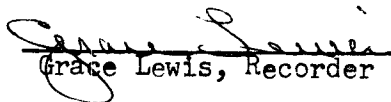
Councilman Dye informed that he had met with officials of the Appalachian Power Company relative to up-grading of street lighting and that the company will present cost estimate and survey for February meeting.

Councilman Kniceley informed council that he attended meeting of committee for Charles Kennan Fund, that he feels real strong about this cause, would like to have council's blessing in securing contributions in order that Charles Kennan be given a fair chance and that he be able to secure counsel of his own choice. Councilman Dye seconded the motion. Motion carried.

There being no further business to come before the council, a motion for adjournment by Councilman Dye carried.



W. W. Alexander, Mayor


Grace Lewis, Recorder

OPTION FOR PURCHASE OF REAL ESTATE

In consideration of the sum of One and 00/100 Dollars

(\$ 1.00) paid by Appalachian Power Company, a corporation, to the undersigned, the receipt and sufficiency of which are hereby acknowledged, the undersigned, **THE CITY OF NITRO**, a municipal corporation under the laws of the State of West Virginia, does hereby give and grant to said Appalachian Power Company the exclusive right and option to purchase for the sum of One Thousand Dollars (\$1,000.00), payable as hereinafter provided and upon the terms and conditions hereinafter set forth, all of that certain lot or parcel of land situate in the City of Nitro, Union District, Kanawha County, West Virginia, which is shown upon Appalachian Power Company's Drawing entitled "Property Map Nitro Substation Site" bearing Drawing No. PP-1813, a print of which is attached hereto and made a part hereof, and which said lot or parcel of land is more particularly bounded and described as follows, to-wit:

BEGINNING at a concrete monument located in the southeasterly corner of the parcel of land now owned and occupied by said Appalachian Power Company and which said beginning point is also located N. 84° 50' E. a distance of 37.2 feet, more or less, from Appalachian Power Company's Pole No. 112-C-306, as shown upon said drawing; thence, from said point of beginning, S. 6° 12' E. a distance of 66.0 feet to a point; thence S. 84° 50' W. a distance of 77.0 feet to a point; thence N. 25° 18' W. a distance of 98.41 feet to an iron pin; thence N. 84° 50' E. a distance of 134.51 feet to the place of beginning, containing 0.266 of an acre, more or less.

For the same consideration aforesaid, the undersigned does hereby further give and grant to said Appalachian Power Company the *omit* ~~exclusive~~ right and option to purchase an easement and right of way to use the hereinafter described area of land, abutting upon the lot

or parcel of land hereinabove described, for purposes of all vehicular and pedestrian travel as may be necessary or convenient for the full use, enjoyment, development, maintenance and operation of said Company's facilities now or hereafter located upon the said lot or parcel of land hereinabove described, said easement and right of way being upon, over and across that certain area of land marked and designated as "Easement Area" upon said drawing attached hereto and made a part hereof, more particularly bounded and described as follows, to-wit:

BEGINNING at a concrete monument marking the north-easterly corner of the lot or parcel of land hereinabove described; thence, from said point of beginning, N. 84° 50' E. a distance of 16.00 feet to a point in the westerly line or terminus of Appalachian Street; thence, in part with said westerly line of Appalachian Street, S. 0° 12' E. a distance of 85.0 feet to a point; thence S. 84° 50' W. a distance of 16.00 feet to a point in the southeasterly corner of the lot or parcel of land hereinabove described; thence, with the easterly line of the lot or parcel of land hereinabove described, N. 0° 12' W. a distance of 85.0 feet to the place of beginning.

If the said Appalachian Power Company shall desire to exercise the rights and privileges of this option, it shall at any time up to 12:00 o'clock midnight on the _____ day of August, 1967, deliver to the undersigned written notice of its election to exercise the rights and privileges of this option or mail such notice by registered or certified mail addressed to the undersigned at _____, and such notice shall take effect from the date of delivery or of mailing thereof, as the case may be.

Thereupon, the said option shall continue in full force and effect for a reasonable time after the said _____ day of August, 1967 sufficient for the making of a survey and plat of said premises and for the preparation, examination and approval by said Appalachian Power Company of an abstract of title.

Upon examination of the abstract and the surveyor's plat and the correction by the undersigned of any defects in title (which defects the undersigned agrees to correct), and the approval of the title to said premises by said Appalachian Power Company, the undersigned does further agree, concurrently with the payment of the balance of the aforesaid purchase price by check or currency, to execute and deliver a good and valid warranty deed granting and conveying the lot or parcel first hereinabove described to said ~~Appalachian Power Company~~ in fee simple, free and clear of all liens and encumbrances, and granting and conveying the aforesaid easement and right of way upon, over and across the easement area hereinabove described, and upon delivery of said deed to forthwith give to said Appalachian Power Company complete and peaceful possession of said premises. The approval of the record title by Appalachian Power Company shall not affect the obligation of the undersigned to convey a good and clear title and shall not affect the operation of the warranty of said deed.

The above mentioned consideration paid at the time of this option shall be considered to be a part of and shall be deducted from the final payment of the purchase price called for herein.

The duly constituted governing body of the undersigned shall take such action as shall be necessary to empower, authorize and direct the Mayor of the undersigned to execute, acknowledge and deliver to Appalachian Power Company the deed hereinabove required and to execute and deliver such other documents or writings as may be necessary for or appropriate to the consummation of the transaction called for herein.

This option shall extend to, be binding upon, and shall inure to the benefit of the successors and assigns of the undersigned and of said Appalachian Power Company, respectively.

IN WITNESS WHEREOF, the undersigned, the CITY OF NITRO, a municipal corporation, has caused its name to be signed hereto by W. W. Alexander, its Mayor, thereunto duly authorized, this _____ day of February, 1967.

THE CITY OF NITRO,
a municipal corporation

By W. W. Alexander
Its Mayor

STATE OF WEST VIRGINIA,

COUNTY OF HANCOCK, To-wit:

I, _____, a Notary Public
in and for said County, do certify that W. W. Alexander, who signed
the foregoing writing bearing date the _____ day of February, 1967,
for THE CITY OF NITRO, a municipal corporation, has this day in my
said County, before me, acknowledged the said writing to be the act
and deed of said municipal corporation.

Given under my hand this _____ day of February, 1967.

My commission expires on the _____ day of _____,

19____.

Notary Public

I, Grace Lewis, Recorder of the City of Nitro, County of Kanawha and State of West Virginia, do hereby certify the attached option for purchase of land owned by Appalachian Power Company, A Corporation, was approved by the Council of the City of Nitro in regular session February 7, 1967 and the Council on same date did authorize the Mayor to execute necessary deed conveying land to Appalachian Power Company.

Given under my hand this 10th day of February, 1967.

Grace Lewis, Recorder

CITY OF NITRO, WEST VIRGINIA

February 7, 1967

The City Council met in regular session Tuesday, February 7, 1967.

There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, Earl W. Dye, B. E. Gewin, Mrs. E. Robert Hamilton, L. I. Hoke, M. D., Kenneth K. Kniceley and Robert L. Wright members of the Council.

Mayor Alexander called the meeting to order.

Councilman Gewin moved, seconded by Councilman Brohard, to dispense with reading of minutes of meeting held January 17, 1967. Motion carried.

Mayor Alexander presented metes and bounds, prepared by the Engineer, including areas commonly known as Sattes, Kinders Lane, Riverdale Acres, 40th Street Road Area, Brookhaven and other adjacent areas as proposed to be annexed as a part of the city limits of Nitro.

Councilman Kniceley moved, seconded by Councilman Gewin, the petitions be prepared requesting an election on annexing the foregoing areas. Motion carried.

Councilman Dye suggested the matter of additional street lights be tabled until after the city's levy election. It was also suggested that members of council check the area from Smith to Elm Streets, between Main and Kanawha Avenues for the need of additional street lights.

Mayor Alexander made the following appointments to the Library Commission:

Reappointed - Term Three Years

Dennis R. Knapp

Mrs. E. Robert Hamilton

George W. Hogshead, M. D.

Mrs. John W. Merical

Mrs. O. G. Facemyer

G. P. Russell

Ira O. Munday, term three years, replacing Mrs. Jane McKinley and concurring with the Commissioner's appointment of O. C. Sanders as Chairman of the Commission.

Thereupon Councilman Gewin moved, seconded by Council man Wright, the foregoing appointments be approved. Motion carried.

Mayor Alexander explained to council the Appalachian Power Company wished to enlarge their Substation located on property adjacent to the city owned land fill, that the Appalachian Power Company desired to purchase from the City 0.206 of an acre, more or less and an easement and right of way to the property across a 16 foot alley adjacent to the end of Appalachian Street.

The council studied the option and attached map of property in question. The word "exclusive" in third paragraph of page one of the option was questioned. Mayor Alexander called Mr. Robie, of Appalachian Power Company, regarding this matter and was told by Mr. Robie to strike out the word "exclusive". The amount of \$1,000.00 purchase price in option was also questioned as being a fair price.

Councilman Gewin moved the city grant the option to Appalachian Power Company, providing the City Attorney approves the wording of said option. Motion seconded by Councilman Kniceley.

Motion carried.

(Option attached hereto.)

Councilman Wright moved, seconded by Councilman Kniceley, the city reserve the right to travel the alley of the portion of land in foregoing option. Upon a vote motion carried.

Councilman Kniceley reported that the Dog Warden was getting calls at home and wished to stress that the Dog Warden's phone number not be given to anyone.

Councilman Kniceley reported the Dog Committee of the four towns had agreed on the purchase of a Tranquillizer gun for the Dog Warden to be used on wild and vicious dogs, the approximate cost of the gun \$ 228.00. The Council discussed liability of using such a weapon.

Thereupon Councilman Kniceley moved, seconded by Councilman Dye, the city pay their share, approximately \$ 57.00, on the Tranquillizer gun, subject to no adverse liability to be checked through the Prosecuting Attorney's office. Motion carried.

A report from Kanawha County Dental Health Council, Inc. was presented, showing their services for the past year and the cost of same being, \$26,884.84, also showing the break down per appointment, the report included total service in all clinics, the report also included a request of the City Council to provide allocations in their 1967-68 budget for the Dental Council.

Councilman Gewin moved, seconded by Councilman Dye, upon previous advice of the local dentists this matter be tabled. Motion carried.

Councilman Dye informed that the police department owned chemical tear gas maces and that they **still** need a riot gun.

The council agreed that pool passes for next season be sold on installment plan.

There being no further business to come before the council, a motion for recess by Councilman Hoke carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

February 21, 1957

The City Council met in regular session Tuesday, February 21, 1967. There were present: W. W. Alexander, Mayor, Grace Lewis, Recorder, Dayton Brohard, B. E. Gewin, Mrs. E. Robert Hamilton, L. I. Hoke, M.D., Kenneth K. Kniceley and Robert L. Wright, members of the Council. Councilman Earl W. Dye being absent.

Mayor Alexander called the meeting to order.

Councilman Hamilton moved, seconded by Councilman Brohard, the minutes for meeting held February 7th be approved. Motion carried.

Councilman Hamilton moved seconded by Councilman Kniceley, the financial statement for month of January be accepted. Motion carried.

The following Resolution was presented to the Council for their consideration:

NOTICE OF SPECIAL ELECTION
FOR

ADDITIONAL MUNICIPAL LEVY

TO THE VOTERS OF NITRO, WEST VIRGINIA

TAKE NOTICE

That at a regular meeting of the Council of the City of Nitro, State of West Virginia, held on the 21st day of February, 1967, the following order was made and entered of record, To-Wit:

The Council of the City of Nitro being of the opinion that the maximum levies for current expenses authorized by Article 8, Chapter 11 of the Code of West Virginia, as last amended, will not provide sufficient funds for the payment of the current expenses of

the City of Nitro, including expenditures for the purposes herein-
after set forth, and that an election should be held to increase
such levies, it is hereby ordered:

1. That the purpose for which additional funds are needed
is as follows:

Street Maintenance and Repairs

Parks and Recreation

Firemen's Wages

Additional Street Lighting

Policemen's Wages

Toward the Purchase of Fire Truck

Library Expenses and Building

2. That the amount for each purpose is as follows:

Street Maintenance and Repairs, \$4,000.00 for each fiscal year
for a period of three years.

Parks and Recreation, \$5,000.00 for each fiscal year for a
period of three years.

Firemen's Wages, \$3,500.00 for each fiscal year for a period
of three years.

Additional Street Lighting, \$2,000.00 for each fiscal year
for a period of three years.

Policemen's Wages, \$4,500.00 for each fiscal year for a period
of three years.

Toward the Purchase of Fire Truck, \$3,000.00 for each fiscal
year for a period of three years.

Library Expenses and Building, \$2,000.00 for each fiscal
year for a period of three years.

3. That the total amount for said purpose or purposes is \$24,000.00 for each fiscal year for a period of three years.

4. That the separate and aggregate assessed valuation of each class of taxable property within the Municipality of Nitro, is as follows:

Class I, \$1,744,750.; Class II, \$5,642,850.; Class IV, \$6,446,160.; Aggregate, \$13,833,760.

5. That the proposed additional rate of levy in cents on each class of property is as follows: Class I, 6.25¢; Class II, 12.5¢; Class IV, 25¢

6. That the proposed years to which the additional levy shall apply are the fiscal years beginning July 1, 1967, July 1, 1968, July 1, 1969.

7. That the question of such additional levy shall be submitted to a vote at a Special Election, to be held on the 21st day of March, 1967.

8. That notice calling such election shall be given by publication of this order at least once each week for two successive weeks before said election in the Kanawha Valley Leader, a newspaper of general circulation in said Municipality and the only newspaper published therein and of general circulation in Kanawha and Putnam Counties, West Virginia in which the City of Nitro is situate. Printed copies of this order shall also be posted at each place of voting at least ten days before siad election. All the provisions of the laws concerning General Election shall apply as far as practicable, except that a separate ballot shall be used at such election when held in connection with any other election.

9. That the ballot to be used at such election shall be in form as follows:

"Special Election to Authorize Additional Levies for the year 1967-68, 1968-69, 1969-70, and for the purpose of Street Maintenance and Repairs, Parks and Recreation, Firemen's Wages, Additional Street Lighting, Policemen's Wages, Toward the Purchase of Fire Truck and Library Expenses and Building, according to order of the Council entered on the 21st day of February, 1967."

Additional Levy shall be on Class I property, 6.25 cents; on Class II property, 12.5 cents; Class IV property, 25 cents.

() For the Levies

() Against the Levies

Instructions: Those favoring the additional levies, place (X) in the square before "For the Levies"; Those against such levies, place (X) in the square before "Against the Levies."

Council of the City of Nitro

By: W. W. Alexander, Mayor

Attest:

Grace Lewis, Recorder

Thereupon after due consideration, Councilman Wright moved, seconded by Councilman Kniceley, the foregoing Resolution calling for a Special Levy Election to be held March 21, 1967, be adopted. Upon a vote motion carried and was so ordered.

Thereupon Councilman Hoke, moved, seconded by Councilman Brohard, the following persons be appointed to serve as election officials for the Special Levy Election to be held March 21, 1967. Upon a vote motion carried.

PRECINCT NUMBER 22 - PUTNAM COUNTY

Edith Fowler	Receiving Commissioner
Hazel Townsend	Receiving Commissioner
Frances Carroll	Receiving Commissioner
Virginia Melton	Receiving Clerk
Mary Michael	Receiving Clerk
Marie Smith	Counting Commissioner
Bertha French	Counting Commissioner
Stella O'Gorman	Counting Commissioner
Wilma Lucas	Counting Clerk
Florence Mollohan	Counting Clerk

PRECINCT NUMBER 299 - KANAWHA COUNTY

H. K. Miller	Receiving Commissioner
Mrs. James Payne	Receiving Commissioner
Christine M. Hall	Receiving Commissioner
Kathryn E. Ingram	Receiving Clerk
Myrtle Lawless	Receiving Clerk
Dessie B. Hawkins	Counting Commissioner
Helen Colcord	Counting Commissioner
Virginia T. Hunter	Counting Commissioner
Glada Welton	Counting Clerk
Camilla Brown	Counting Clerk

PRECINCT NUMBER 298 -- KANAWHA COUNTY

Velma O. Kinder	Receiving Commissioner
Marie Betz	Receiving Commissioner
Mrs. John Perry	Receiving Commissioner
F. B. Kenworthy	Receiving Clerk
Mrs. Frank Grover	Receiving Clerk
Reba Mathes	Counting Commissioner
Ada Post	Counting Commissioner
Viola Ragle	Counting Commissioner
Isabelle H. Hudnall	Counting Clerk
Harold Goodpastor	Counting Clerk

PRECINCT NUMBER 297 - KANAWHA COUNTY

Ernesteen Evans	Receiving Commissioner
Myrtle Atkins	Receiving Commissioner
Naomi Willard	Receiving Commissioner
Mable Sigman	Receiving Clerk
Garnet Dougherty	Receiving Clerk
Vida Bailey	Counting Commissioner
Mary Maxine Woodall	Counting Commissioner
Mrs. J. W. Deeter	Counting Commissioner
Wanda Ferrell	Counting Clerk
Mary F. Moore	Counting Clerk

PRECINCT NUMBER 300 - KANAWHA COUNTY

Golda N. Roark	Receiving Commissioner
Ruby F. Craig	Receiving Commissioner
Sadie Wright	Receiving Commissioner
Eunice Higginbotham	Receiving Clerk
Mrs. Otis Whittington	Receiving Clerk
Ann Cantrell	Counting Commissioner
Winifred P. Chapman	Counting Commissioner
Norma McGill	Counting Commissioner
Opal Gatens	Counting Clerk
Vera Brewer	Counting Clerk

PRECINCT NUMBER 301 - KANAWHA COUNTY

Lucille Callihan	Receiving Commissioner
Wanda Davis	Receiving Commissioner
Virginia Coulter	Receiving Commissioner
Mable Duffy	Receiving Clerk
Mrs. H. L. Reynolds	Receiving Clerk
Bonnie Jones	Counting Commissioner
Audrey Fields	Counting Commissioner
Genieva Luikart	Counting Commissioner
Retha Persinger	Counting Clerk
Marjorie Hudnall	Counting Clerk

PRECINCT NUMBER 302 - KANAWHA COUNTY

Juanita Hastings	Receiving Commissioner
Audria Steele	Receiving Commissioner
Rosalie Drennan	Receiving Commissioner
Forrest R. Martin	Receiving Clerk
Peggy Conner	Receiving Clerk
Mrs. John H. Shiflett	Counting Commissioner
Grace Wallace	Counting Commissioner
Mary Blake	Counting Commissioner
Edna Teel	Counting Clerk
Marjorie Sales	Counting Clerk

The Council was informed that Betty Tyson, Olaf K. Walker and Lucille Callihan had filed petitions with the Recorder, said petitions had been signed by freeholders of the City of Nitro, petitioning the Common Council of the City of Nitro, Kanawha and Putnam Counties, a

Municipal Corporation, and requesting change in corporate limits of the said City and providing for annexation of an area commonly known as a part of Sattes, Kinders Lane, Riverdale Acres, 40th Street Road Area, Brookhaven, and other adjacent areas, all as shown upon surveys attached to the said petitions.

A Surety Bond signed by Clara S. Walker, William C. Post and John W. Taylor as Principal and Ray C. Alexander as Surety was presented, the requirement of the bond pursuant to Chapter 8, Article 2, Section 8 of the Code of West Virginia, to furnish bond in the penalty prescribed by the Council with good and sufficient surety being given by petitioners and conditioned to pay the costs of such election if a majority of the votes cast are against the proposed change in boundary.

Thereupon Councilman Kniceley moved, seconded by Councilman Hoke, the Surety Bond amount be set at Four Hundred Dollars (\$400.00). Upon a vote motion carried. Thereupon Councilman Hamilton moved, seconded by Councilman Wright, the Council accept the five petitions constituting the original having been filed with the Recorder and also moved to accept the Surety Bond. Upon a vote motion carried.

Thereupon Councilman Hoke moved, seconded by Councilman Hamilton moved the following Resolution be adopted. Upon a vote motion carried unanimously and there being a quorum present, it was so ordered.

A RESOLUTION AND ORDER PROVIDING FOR A VOTE

A RESOLUTION AND ORDER PROVIDING FOR A VOTE OF THE QUALIFIED VOTERS AT A SPECIAL ELECTION ON THE 21ST DAY OF MARCH, 1967, TO BE HELD IN THE CITY OF NITRO, KANAWHA AND PUTNAM COUNTIES, WEST VIRGINIA, AND IN CERTAIN UNINCORPORATED AREAS ADJACENT AND CONTIGUOUS TO THE CITY OF NITRO, ON THE SOUTH SIDE AND NORTHSIDE THEREOF, ON THE QUESTION OF ANNEXATION OF SAID UNINCORPORATED ADJACENT AND CONTIGUOUS AREAS TO THE CITY OF NITRO, ESTABLISHING VOTING PLACES AND PROVIDING FOR THE CONDUCTING AND HOLDING OF SAID ELECTION AND ALL MATTERS AND THINGS INCIDENT THERETO.

WHEREAS, petitions in writing, duly verified, signed by Carol Mae Curry, Eleanor J. Little, Robert C. Chapman, and Donna Y. Workman , and some 289 number of other freeholders of the City of Nitro, Kanawha and Putnam Counties, West Virginia, has been filed with the Council of the City of Nitro, setting forth by metes and bounds unincorporated territories contiguous to the City of Nitro, designated as Annexation Area I, and Annexation Area II, proposed to be annexed to said City and asking that a vote be taken upon the proposed annexation, and,

WHEREAS, it appears and the Council of the City of Nitro doth find that the area proposed to be annexed is urban in character; contains at least one hundred persons and an average of not less than five hundred inhabitants per square mile and that the part proposed to be incorporated does not include an amount of territory disproportionate to the number of inhabitants thereof; and taking into consideration the topograph thereof the benefits thereto from incorporation, the amount of uninhabited land required for parks and normal growth and development and the present and probable future uses thereof, does conform to the requirements of Chapter 8, Article 2, Section 1, of the Code of West Virginia, as amended, and,

WHEREAS, it appears and Council doth find that said Petitions are in proper form, and is accompanied by an accurate survey showing the territory embraced within the new boundary and is properly executed by more than five (5) percent of the freeholders residing within the corporate limits of the City of Nitro, all as further appears in said petitions filed with the Recorder of the City of Nitro; and,

WHEREAS, a proper bond has been filed with and made a part of the City records in accordance with the terms and provisions of Chapter 8, Article 2, Section 8, of the Code of West Virginia, as amended, with good and sufficient security with penalty in the amount found sufficient security by the Council, conditioned to pay the costs of the election if a majority of the votes cast are against the proposed change in boundaries of said City; and

WHEREAS, responsive to said petitions and pursuant to the provisions of Chapter Eight of the Code of West Virginia, relative to annexation proceedings, it is the duty of the Council of the City of Nitro to order an election and public vote upon such proposed annexation to the City of Nitro;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE COUNCIL OF THE CITY OF NITRO:

1. That a Special Election shall be held in the City of Nitro, Kanawha and Putnam Counties, West Virginia, on Tuesday, March 21, 1967, and in the unincorporated territories contiguous to the City of Nitro proposed to be annexed to said City of Nitro and described and bounded as follows:

ANNEXATION AREA I

BEGINNING at a point in the easterly right of way line of the New York Central Railway, said point being the northwestern corner of the existing Corporation Line of the City of Nitro in Putnam County; thence with said right of way line, N. 23 deg. 45' E. 1892.50 feet, more or less, to a point in said railway right of way; thence S. 66 deg. 15' E., crossing W. Va. Route 25 and with the Controlled Access Limits of Interstate Route 64, 352.0 feet, more or less, to a point in the western limit of the channel easement acquired by the State Road Commission of West Virginia; thence S. 37 deg. 22' W. with said easement, 318.0 feet, more or less, to a point in the H. Bailey lot, 5.0 feet woutheast of a manhole; thence S. 52 deg. 38' E. With the southern limit of said easement, 250 feet,

more or less, to a point; thence S. 52 deg. 00' E. 240.0 feet, more or less, to a point in the westerly right of way line of the Old County Road (Third Avenue); thence S. 62 deg. 20' E. 230 feet to a point in the northern boundary of "Area O" of Old Nitro Explosives Plant property; thence S. 18 deg. 15' W. 1110 feet, more or less, to a point 200 feet, more or less, west of the Old County Road; thence S. 66 deg. 15' E. 1075 feet, more or less, to a point; thence S. 23 deg. 45' W. 385.0 feet, more or less, to a point 200 feet north of the northern right of way line of 40th Street; thence in an easterly direction, parallel to the centerline of 40th Street, at a distance of 200 feet, more or less, north of the centerline of 40th Street to a point in the property line of H. C. and Hilda C. Peyton, said point being opposite to the westerly right of way line of 3rd Street, extended, Nitro Park Addition; thence N. 54 deg. 42' E. 620 feet, more or less, to a point in the westerly right of way line of U. S. Route 35, being the northeastern corner of said Peyton property; thence N. 53 deg. 17' 45" E. 70.82 feet, crossing U. S. Route 35 to a concrete monument, the northwestern corner of the property of the Brookhaven Land and Development Company; thence continuing N. 53 deg. 17' 45" E., 1246.63 feet to a concrete monument; thence N. 7 deg. 00' E. 264.0 feet to a concrete monument; thence N. 48 deg. 02' E. 264.0 feet to a concrete monument on a ridge; thence N 78 deg. 49' 45" E., 3817.14 feet to a set stone in a fence line, the northeastern corner of said Brookhaven property; thence S. 10 deg. 58' 10" W. 1145.31 feet to a set stone on a ridge; S. 10 deg. 20' W. 535.34 feet to an iron pin; thence S. 3 deg. 48' 50" E., 252.77 feet to a set stone on a ridge; thence S. 17 deg. 49' 45" E. 661.27 feet to a set stone near a drain, the southeastern corner of said Brookhaven property; thence S. 80 deg. 27' 15" W., 4106.62 feet to a concrete monument in the easterly right of way line of U. S. Route 35, the southwestern corner of said Brookhaven property; thence crossing U. S. Route 35, S. 79 deg. 22' 50" W. 78.88 feet to an iron pin in the westerly right of way line of U. S. Route 35, said pin being the southeastern corner of the Peyton Tract; thence S. 79 deg. 22' 50" W. 1418.95 feet, to a set stone 55 feet, more or less, northeast of Joplin Branch, the southwestern corner of said Peyton property; thence continuing S. 79 deg. 22' 50" W., 2750 feet, more or less, crossing Interstate Route 64, to a point, which point is the common corner to the Gaynell Williams Allison, Lyonel and Ruth M. Smith and Ira C. and Mabel Pritt property residue; thence S. 77 deg. 16' 18" E., 1150 feet, more or less, to a point, which point is 285 feet south of I-64 right of way station 37 + 78; thence S. 11 deg. 57' W. 4600 feet, more or less, to a point in the southerly Corporation Line of the City of Nitro, said point being in the southerly right of way line of Langly Place, a street near Blake's Creek; thence with the existing Corporation Line, North 1314.56 feet to a point; thence N. 83 deg. 24' W. 1016.78 feet to a point; thence N. 23 deg. 45' E. 1170.0 feet to a point; thence N. 66 deg. 15' W. 2400 feet to a point; thence N. 23 deg. 45" E., 2232.0 feet to a point in the north bank of Armour's Creek; thence N. 78 deg. 45" E., 705.0 feet to a point; thence N. 68 deg. 56' E., 150 feet to a point; thence N. 7 deg. 00' E. 381.0 feet to a point in the northerly right of way line of 40th Street; thence N. 72 deg. 36' W. with the northerly right of way of 40th Street, 130.40 feet to a point; thence

N. 16 deg. 30' E. 578.88 feet to a point; thence N. 66 deg. 15' W. 272.35 feet to a point in the vicinity of an old quarry site; thence N. 36 deg. 15' W. 127.0 feet to a point; thence N. 61 deg. 10' W. 6.0 feet to a point across an alley; thence S. 87 deg. 30' W. 267.0 feet to a point; thence S. 36 deg. 20' W. 9.05 feet to a point in an alley line; thence N. 61 deg. 50' W. 171.0 feet to a point in the westerly boundary of the Nitro Heights Addition; thence with this boundary S. 25 deg. 30' W. 174.30 feet to a point in said boundary; thence N. 66 deg. 15' W. 1184.0 feet to the place of beginning, containing 650 acres, more or less.

ANNEXATION AREA II

BEGINNING at the northeast corner of the City of Nitro Corporation Line at a point in the center of Blackwood Lane Extended, said point being N. 36 deg. 42' E. 530 feet from the centerline of W. Va. Route 25; thence paralleling W. Va. Route 25 and 530 feet therefrom, S. 53 deg. 37' E., 977 feet, more or less; thence S. 77 deg. 01' E., 4,062 feet to a point 530 feet from W. Va. Route 25; thence N. 29 deg. 35' E., 31 feet; thence S. 76 deg. 39' E., 150 feet; thence S. 17 deg. 54' E., 41 feet to a point in the east line of Red Oak Street; thence S. 64 deg. 07' E., 150 feet to a point 530 feet north of the centerline of W. Va. Route 25; thence S. 25 deg. 53' W., 530 feet to a point in the centerline of W. Va. Route 25 at the place where Gabberts Branch crosses said W. Va. Route 25; thence with the centerline of W. Va. Route 25 northwesterly 170 feet; thence leaving W. Va. Route 25, S. 12 deg. 37' W., 1,100 feet to a point in the center of Kanawha River at the Union-Jefferson District Line; thence down the Kanawha River and with the centerline thereof with the Union-Jefferson Line, 5,780 feet, more or less, to a point at the southeast corner of the Nitro Corporation line; thence with the easterly Nitro Corporation Line and the centerline of Blackwood Lane, N. 36 deg. 42' E., 1,900 feet to the place of beginning, containing 198 acres, more or less.

Both of said Annexation Areas I and II are shown upon a map attached hereto.

2. The purpose of such election is to determine whether said unincorporated areas shall be annexed to and henceforth become a part of the City of Nitro, a Municipal Corporation, created and existing under the laws of the State of West Virginia.

3. The voting precincts within the City of Nitro as arranged adopted and fixed by the County Court of Kanawha County, West Virginia, for that portion of said City of Nitro located in Kanawha County, West Virginia, and by the County Court of Putnam County, West Virginia, for that portion of the City of Nitro located in Putnam County, West

Virginia, and the boundaries thereof, as amended and changed, are hereby adopted and shall be the precincts within the boundaries of said City in Kanawha and Putnam Counties, West Virginia, the addresses of the places of voting therein, and the election officials within the City of Nitro shall be as follows:

PRECINCT NUMBER 22

Edith Fowler
Hazel Townsend
Frances Carroll
Virginia Melton
Mary Michael
Marie Smith
Bertha Franch
Stella O'Gorman
Wilma Lucas
Florence Mollohan

PUTNAM COUNTY
NITRO-PUTNAM ELEMENTARY SCHOOL
39th Street, East
Nitro, West Virginia.

Receiving Commissioner
Receiving Commissioner
Receiving Commissioner
Receiving Clerk
Receiving Clerk
Counting Commissioner
Counting Commissioner
Counting Commissioner
Counting Clerk
Counting Clerk

PRECINCT NUMBER 299

H. K. Miller
Mrs. James Payne
Christine M. Hall
Kathryn E. Ingram
Myrtle Lawless
Dessie B. Hawkins
Helen Colcord
Virginia T. Hunter
Glada Welton
Camilla Brown

KANAWHA COUNTY
Nitro High School
21st Street & Second Avenue
Nitro, West Virginia

Receiving Commissioner
Receiving Commissioner
Receiving Commissioner
Receiving Clerk
Receiving Clerk
Counting Commissioner
Counting Commissioner
Counting Commissioner
Counting Clerk
Counting Clerk

PRECINCT NUMBER 298

Velma O. Kinder
Marie Betz
Mrs. John Perry

KANAWHA COUNTY
Nitro Elementary School
19th Street & Second Avenue
Nitro, West Virginia

Receiving Commissioner
Receiving Commissioner
Receiving Commissioner

F. B. Kenworthy
 Mrs. Frank Grover
 Reba Mathes
 Ada Post
 Viola Ragle
 Isabelle H. Hudnall
 Harold Goodpastor

PRECINCT NUMBER 297

Ernesteen Evans
 Myrtle Atkins
 Naomi Willard
 Mable Sigman
 Garnet Dougherty
 Vida Bailey
 Mary Maxine Woodall
 Mrs. J. W. Deeter
 Wanda Ferrell
 Mary F. Moore

PRECINCT NUMBER 300

Golda N. Roark
 Ruby F. Craig
 Sadie Wright
 Eunice Higginbotham
 Mrs. Otis Whittington
 Ann Cantrell
 Winifred P. Chapman
 Norma McGill
 Opal Gatens
 Vera Brewer

PRECINCT NUMBER 301

Lucille Callihan
 Wanda Davis
 Virginia Coulter
 Mable Duffy
 Mrs. H. L. Reynolds
 Bonnie Jones
 Audrey Fields
 Genieva Luikart
 Retha Persinger
 Majorie Hudnall

Receiving Clerk
 Receiving Clerk
 Counting Commissioner
 Counting Commissioner
 Counting Commissioner
 Counting Clerk
 Counting Clerk

KANAWHA COUNTY

The Moose Lodge 565
 First Avenue, South
 Nitro, West Virginia

Receiving Commissioner
 Receiving Commissioner
 Receiving Commissioner
 Receiving Clerk
 Receiving Clerk
 Counting Commissioner
 Counting Commissioner
 Counting Commissioner
 Counting Clerk
 Counting Clerk

KANAWHA COUNTY

Baker Elementary School
 W. 11th Street & Park Avenue
 Nitro, West Virginia

Receiving Commissioner
 Receiving Commissioner
 Receiving Commissioner
 Receiving Clerk
 Receiving Clerk
 Counting Commissioner
 Counting Commissioner
 Counting Commissioner
 Counting Clerk
 Counting Clerk

KANAWHA COUNTY

Local Lodge No. 656 AFL-CIO (IAM)
 801 Main Avenue
 Nitro, West Virginia

Receiving Commissioner
 Receiving Commissioner
 Receiving Commissioner
 Receiving Clerk
 Receiving Clerk
 Counting Commissioner
 Counting Commissioner
 Counting Commissioner
 Counting Clerk
 Counting Clerk

PRECINCT NUMBER 302

KANAWHA COUNTY

West Sattes School
 Lee Avenue
 Nitro, West Virginia

Juanita Hastings
 Audria Steele
 Rosalie Drennan
 Forrest R. Martin
 Peggy Conner
 Mrs. John H. Shiflett
 Grace Wallace
 Mary Blake
 Edna Teel
 Marjorie Sales

Receiving Commissioner
 Receiving Commissioner
 Receiving Commissioner
 Receiving Clerk
 Receiving Clerk
 Counting Commissioner
 Counting Commissioner
 Counting Commissioner
 Counting Clerk
 Counting Clerk

4. The voting places in the unincorporated areas as proposed to be annexed to said City of Nitro, for all qualified voters within said unincorporated areas, as well as all property owners therein, who shall be entitled to vote on said question on said date, and the election officials shall be as follows:

ANNEXATION AREA L.

PRECINCT NUMBERS 290 - 291 KANAWHA COUNTY

Brookhaven Land & Development
 Company Office
 121 Brookhaven Drive
 Nitro, West Virginia

Riley Propps
 Doris McDougal
 Judy Minner
 Dorothy Kinder
 Betty Carpenter
 Mickey Propps
 Sharon Haley
 Jean Kesling
 Bea Landin
 Peggy Jean Snyder

Receiving Commissioner
 Receiving Commissioner
 Receiving Commissioner
 Receiving Clerk
 Receiving Clerk
 Counting Commissioner
 Counting Commissioner
 Counting Commissioner
 Counting Clerk
 Counting Clerk

PRECINCT NUMBER 23

PUTNAM COUNTY

Residence of Rockford Thornton
 39th Street, East, Extension
 Nitro, West Virginia

P. R. Hill
 Xylphia Reed
 Nellie Thornton

Receiving Commissioner
 Receiving Commissioner
 Receiving Commissioner

Elizabeth Karnes
 Betty Higgins
 Marie Cochran
 Havaline Lovejoy
 Bonnie Batton
 Ann Barber
 Barbara Bailey

Receiving Clerk
 Receiving Clerk
 Counting Commissioner
 Counting Commissioner
 Counting Commissioner
 Counting Clerk
 Counting Clerk

ANNEXATION AREA II

PRECINCT NUMBER 320

KANAWHA COUNTY
 Residence of N. C. Cloud
 707 First Avenue, South
 Nitro, West Virginia

Amy Yates
 Minnie Jones
 Nina Reveal
 Elizabeth Cloud
 Frances M. Johnson
 Vesta Arman
 Mildred Hedrick
 Elsie Ayers
 Sue Goodwin
 Vivian Wright

Receiving Commissioner
 Receiving Commissioner
 Receiving Commissioner
 Receiving Clerk
 Receiving Clerk
 Counting Commissioner
 Counting Commissioner
 Counting Commissioner
 Counting Clerk
 Counting Clerk

5. The ballots for such election to be held within the Corporate Limits of the City of Nitro as aforesaid shall consist of two separate ballots which shall have written or printed thereon the following words:

ANNEXATION AREA I BALLOT

☐

For Change of Corporate Limits Annexation Area I.

☐

Against Change of Corporate Limits Annexation Area II.

ANNEXATION AREA II BALLOT☐

For Change of Corporate Limits Annexation Area II

☐

Against Change of Corporate Limits Annexation Area II

6. The ballot for such election to be held in the unincorporated contiguous area described herein as Annexation Area I shall have written or printed thereon the following words:

☐

For Change of Corporate Limits by annexation of Area I.

☐

Against Change of Corporate Limits by annexation of Area I.

7. The ballot for such election to be held in the incorporated contiguous area described herein as Annexation Area II shall have written or printed thereon the following words:

☐

For Change of Corporate Limits by Annexation Area II.

☐

Against Change of Corporate Limits by Annexation of Area II.

8. The registration of voters and the use of Registration Books shall be governed by the permanent registration law of the State of West Virginia, and the City of Nitro hereby adopts the

the registration list of Kanawha and Putnam County, West Virginia, as amended and corrected according to law as the official registration list of the voters in the City of Nitro and as the official registration lists of the voters in the unincorporated area proposed to be annexed, to include the qualified voters residing in Precincts Nos. 290, 291, and 320, Kanawha County, West Virginia, West Virginia, and Precinct No. 23, Putnam County, West Virginia, who reside within said proposed unincorporated area; and further orders that all persons, firms or corporations owning any part of such unincorporated territory whether they reside therein or not, shall be entitled to vote on such annexation question; and all pertinent and applicable provisions of the general election laws of the State of West Virginia and the Charter of the City of Nitro concerning municipal election shall apply to this election.

9. The notice of the calling of such election shall be given by publication of this Resolution and Order in the Kanawha Valley Leader, a newspaper of general circulation in the City of Nitro and in said proposed areas to be annexed, once a week for _____ weeks, beginning on the _____ day of _____, 1967.

10. The Recorder of the City of Nitro is hereby directed to arrange for the publication and posting of this Resolution and Order, to obtain ballots and election supplies, and to do all things necessary or required by law for the conducting and holding of the election as required by law.

Mayor Alexander informed Council that H. & B. Inc. had presented a bid on the paving that afternoon at 3:25 P. M. and at 7:40 P. M. M & M Construction Company and B & B Building and

Paving, Inc. had brought in bids, the two latter companies had told him that they did not know that bids were due in by 4:00 o'clock P. M. This matter was discussed and the attorney advised that perhaps H & B, Inc. would sign a waiver, he advised the bids go unopened and matter be tabled until the legality had been checked.

Mayor Alexander informed council that he had a request from persons wishing to install a Camper type trailer sales on the grounds formerly operated as Jean's Tavern. This request was granted for display of trailers only.

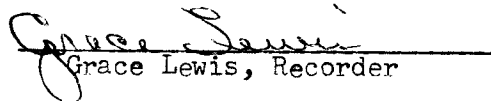
Councilman moved, seconded by Councilman Gwin, the city enter into contract for service for the copy machine with 3M Corporation. Motion carried.

Councilman Hoke reported that there were complaints of hitch hikers on 1st Avenue after school hours. Mayor will instruct the police to check this matter.

There being no further business to come before the council a motion for recess by Councilman Hoke carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

March 7, 1967

The City Council met in regular session Tuesday, March 7, 1967.

There were present, W. W. Alexander, Mayor, Grace Lewis, Recorder, Earl W. Dye, B. E. Gewin, Mrs. E. Robert Hamilton, Kenneth K. Kniceley, and Robert L. Wright members of the Council. Councilman L. I. Hoke being absent.

Mayor Alexander called the meeting to order.

Councilman Dye moved, seconded by Councilman Kniceley, the minutes for meeting of February 21st be approved. Motion carried.

Letter of resignation of Dayton Brohard as Councilman of Ward Number One was presented to Council. Mr. Brohard has moved out of the City Limits.

Councilman Gewin moved, seconded by Councilman Hamilton, Dayton Brohard's resignation be accepted. Motion carried.

Thereupon, Councilman Gewin nominated Tom Waldorf as Councilman of Ward One to fill the unexpired term of Dayton Brohard. Councilman Dye seconded the motion.

Thereupon, there being no further nominations for the office, Councilman Hamilton moved, seconded by Councilman Dye, Tom Waldorf be elected by acclamation and was so ordered.

Mrs. E. C. Colcord appeared before the Council, as spokesman of a group of civic leaders attending the meeting, representing the Nitro Woman's Club, Nitro Junior Woman's Club, Nitro Garden Club and the Junior Civic Club.

Mrs. Colcord informed Council that Sears was awarding a prize to the Community with the most civic improvements and that this group had

a number of items they felt the Mayor and City Council could help out on.

First being a general clean up of the business area of Nitro, that they have taken pictures of the clutter and trash around some of the business houses, that out of town people have made remarks regarding the dirty business area, some merchants being guilty of sweeping their trash onto the City sidewalks.

It has been twelve years since the trash cans were placed on the City Streets, that some need replacing and some repainting. Informing that members of the Junior Civic Club are willing to paint the trash Barrels. The Mayor informed that the trash cans have been replaced a couple of time during the twelve years.

Broken tree limbs along First Avenue, the Junior Civics Club members would also be willing to help trim the trees. Mayor said the City would have the tree trimmings hauled away.

Weeds growing along railroad and First Avenue, blocking vision as well as looking unsightly.

Have had residents complain about the need of additional tables and benches at the park, some of the benches and tables in use now need to be replaced. The Mayor told the group that the Park Board had been promised some equipment from the Shawnee Reservation.

Also complaints of the park being used so much for baseball. It was explained to the group that there was more interest and activity in baseball leagues for the youth of Nitro, the Little League organization had raised over \$10,000.00 each year for the past three years, all money has been used on improvements and equipment and put back into the betterment of the park.

The tennis courts needs fixing and also there was a need of new tennis nets. Councilman Dye informed the Park Board was purchasing new nets

this season, also informing that upgrade of the rest rooms was the Boards major improvement this year.

The Pool is a place to be proud of, however, the concession stand should be kept cleaner.

That two-thirds of the students at Nitro High and Junior High Schools live out of town, and asked if Council would consider selling passes to these students at a lower cost or an in-town rate. Mayor advised that the cost of building was being paid for by the people of Nitro and the Pool Committee was considering eliminating the sale of out-of-town passes, should the annexation issue pass.

Asked if there was any hopes of traffic lights being installed at 19th, 21st, and 41st Street - First Avenue, Mayor explained the State Road Commission controls First Avenue, it being State Highway, however, the Council had discussed this matter several times and made requests of the Road Commission and on the last request had been advised by the Road Commission not to install the lights until the highway in question has been widened. Upon the question of the possibility of the City getting aid in the cost of the installation of the traffic lights, the Mayor informed that this matter was being explored.

Street lights badly needed and some of the present lights are so dim. The Mayor informed the Street Lighting Committee and Appalachian Power Company Office had made a survey of the town and were considering a plan of upgrading the street lights, also the Special Levy being voted on March 21st, the item of street lighting had been increased to take care of the upgrading as well as additional street lights.

The question of parking on Park Avenue and turning right of plant workers from plant road on the Park Avenue.

The teachers of Nitro Junior High School parking on Park Avenue and side streets taking up residential parking spaces. Mr. Mollwain, principal of Nitro Junior High School, has requested teachers to use the schools parking lot, also, the question of Third Avenue being one-way and that Mr. Walker and Dr. Hoke were coming from their homes onto 21st Street, making a dangerous situation. This was clarified, in that Third Avenue was one-way from 23rd to 31st Streets, due to street parking and school children.

Asking permission to install flower boxes on city sidewalks.

Sewage drainage from 18th Street Hill down on 21st Street property.

The group discussed the question of motorist backing out of parking space in front of Cohen Drug area into the line of traffic.

Question of putting gravel on the railroad side of First Avenue.

Questioned the annexing of additional territory, especially the items of fire service, if it would be necessary to build a new fire station. Mayor informed that this amount of the proposed territory would not necessitate another station. The question of additional police officers. The Mayor informed that this was a possibility. On the question of someone on duty at the police station during the day on Sunday. Mayor informed that he hoped to take care of this in the new budget.

Mayor Alexander administered the oath of office for Councilman of Ward One to Tom M. Waldorf and Mr. Waldorf took his place as member of the City Council.

Mayor informed Council that the City Attorney had advised the bids on the paving project be returned unopened to the contractors, further the Attorney felt that possibility of legation was too great.

Thereupon, Councilman Dye moved, seconded by Councilman Hamilton, the bids be returned unopened and the contractors be informed the Council

would consider paving project again by the first meeting of May, 1967.

Motion carried.

Councilman Hamilton moved, seconded by Councilman Wright, the following replacements be made on the election boards to conduct the special election being held March 21, 1967. Motion carried.

Precinct 302	Kanawha County
Daisy M. Yeich	Receiving Commissioner
Albina Bonner	Receiving Clerk
Precinct 301	Kanawha County
Ira Duffy	Receiving Clerk
Precinct 297	Kanawha County
Helen Baxter	Receiving Commissioner
Ethel Bailey	Receiving Clerk
Treva Hatfield	County Clerk
Precinct 22	Putnam County
Mildred Woods	Receiving Commissioner
Rowland Carroll	Counting Commissioner
Precincts 290-291	Kanawha County
Helen Rittenhouse	Counting Commissioner

Councilman Dye presented to members of the City Council, requests for pay increases, vacation pay changes, and needed equipment for the Police Department and the Fire Department. These requests will be considered when the budget is prepared.

Councilman Dye moved, seconded by Councilman Hamilton, the City Council meet in recessed session at 3:45 P. M., Monday, March 20th, for the purpose of making necessary replacement on election boards conducting the Special Election March 21st, that regular session Tuesday, March 21st not be held, and the Council meet March 27th for the purpose of canvassing election March 21st.

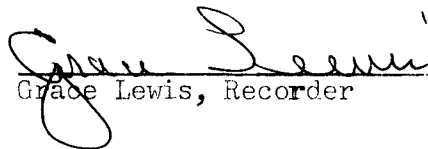
Councilman Dye informed that public telephone booth at the corner of Main Avenue and Elm Street obstructed motorist vision coming out of Elm Street. This matter will be checked with Telephone Company.

Councilman Dye reported that the ditch along the railroad close to Fredrick Street was stopped up and should be cleaned out as it was causing flooding in the Fredrick Street area.

There being no further business to come before the Council a motion by Councilman Kniceley for recess carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

March 20, 1967

The City Council met in recess session Monday, March 20, 1967.

There were present, W. W. Alexander, Mayor, Grace Lewis, Recorder, B. E. Gewin, Mrs. E. Robert Hamilton, Kenneth K. Kniceley, and Tom M. Waldorf members of the Council. Councilman Earl W. Dye, L. I. Hoke, and Robert L. Wright being absent.

Mayor Alexander called the meeting to order and explained meeting was for the purpose of making necessary replacements on the Election Boards.

Thereupon Councilman Gewin moved, seconded by Councilman Hamilton, the following replacements be made on the Election Board conducting Special Election being held March 21st. Motion carried.

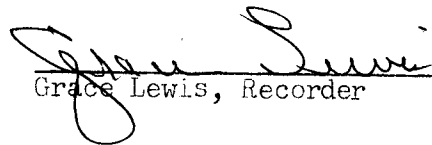
Precinct 297	Kanawha County
Ruth Mitchell	Counting Clerk
Patricia Lovejoy	Counting Clerk
Precinct 298	Kanawha County
Joyce Middleton	Receiving Commissioner
Mrs. Frank Kenworthy	Counting Commissioner
Precinct 299	Kanawha County
Reford Walker	Counting Clerk
Precinct 302	Kanawha County
Lottie Hoover	Receiving Commissioner
Evelyn Maddox	Receiving Clerk
Precinct 22	Putnam County
Freda Patten	Counting Clerk
Precincts 290-291	Kanawha County
Rose Jackson	Counting Clerk
Precinct 23	Putnam County
Belva Rutledge	Counting Commissioner

Councilman Kniceley moved, seconded by Councilman Waldorf, that the Recorder be given authority to make any other replacements on the Boards that might occur. Motion carried.

There being no further business to come before the Council a motion for recess by Councilman Gewin carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

March 27, 1967

The City Council met in recessed session March 27, 1967.

There were present, W. W. Alexander, Mayor, Grace Lewis, Recorder, Earl W. Dye, B. E. Gewin, Mrs. E. Robert Hamilton, L. C. Hoke, M. D., Kenneth K. Kniceley, Tom M. Waldorf, and Robert L. Wright members of the Council.

The Mayor called the meeting to order.

Councilman Dye resolved the Council into a Board of Canvassers to canvass the Special Levy Election, Special Annexation Election Area I, and Special Annexation Election Area II, held March 21, 1967. Motion seconded by Councilman Gewin. Motion carried and was so ordered.

The Recorder laid before the Board the ballots, poll books, talley sheets and certificate of results for Precinct number 302, Kanawha County on the issue of the Special Levy. The Board proceeded to canvass said returns by counting the ballots without unfolding same and tabulated the following:

Number of ballots destroyed - None

Number of ballots remaining not voted - 801 as ascertained from talley sheet. Number of ballots voted - 49.

The Recorder then read the certificate of results as follows:

For the levy - 35.

Against the levy - 14.

The ballots for Precinct 302 were then again sealed in a new envelope and each member of the Board wrote his name across where said envelope was sealed.

The Recorder laid before the Board the ballots, poll books, talley sheets and certificate of results for Precinct 301, Kanawha

County on the issue of the Special Levy. The Board proceeded to canvass said returns by counting the ballots without unfolding same and tabulated the following:

Number of ballots destroyed - None

Number of ballots remaining not voted - 463 as ascertained from talley sheet. Number of ballots voted - 56.

Challenged ballot of Darrell D. Mullins - 903 Dupont Avenue, Nitro, West Virginia, Reason: Incorrect address, was considered by Board. Thereupon Councilman Gewin moved, seconded by Councilman Waldorf, the ballot not be counted. Motion carried.

The Recorder then read the certificate of results as follows:

For the levy - 37

Against the levy - 19

The ballots for Precinct 301 were then again sealed in a new envelope and each member of the board wrote his name across where said envelope was sealed.

The Recorder laid before the board the ballots, poll books, talley sheets, and certificate of results for the Precinct 300, Kanawha County on the issue of the Special Levy. The Board proceeded to canvass said returns by counting the ballots without unfolding same and tabulated the following:

Number of ballots destroyed - None

Number of ballots remaining not voted - 732 as ascertained from talley sheet. Number of ballots voted - 104.

The Recorder then read the certificate of results as follows:

For the levy - 86

Against the levy - 18.

The ballots for Precinct 300 were then again sealed in a new envelope and each member of the Board wrote his name across where said envelope was sealed.

The Recorder laid before the Board the ballots, poll books, talley sheets, and certificate of results for Precinct 299, Kanawha County on the issue of the Special Levy. The Board proceeded to canvass said returns by counting the ballots without unfolding same and tabulated the following:

Number of ballots destroyed - None

Number of ballots remaining not voted - 371 as ascertained from talley sheet. Number of ballots voted - 79.

The Recorder then read the certificate of results as follows:

For the Levy - 72

Against the Levy - 7

The ballots for Precinct 299 were then again sealed in a new envelope and each member of the Board wrote his name across where said envelope was sealed.

The Recorder laid before the Board the ballots, poll books, talley sheets, and certificate of results for Precinct 293, Kanawha County on the issue of the Special Levy. The Board proceeded to canvass said returns by counting the ballots without unfolding same and tabulated the following:

Number of ballots destroyed - 2

Number of ballots remaining not voted - 453 as ascertained from talley sheets. Number of ballots voted - 55.

The Recorder then read the certificate of results as follows:

For the levy - 50

Against the levy - 5

The ballots for Precinct 293 were then again sealed in a new envelope and each member of the Board wrote his name across where said envelope was sealed.

The Recorder laid before the Board the ballots, poll books, talley sheets, and certificate of results for Precinct 297, Kanawha County on the issue of the Special Levy. The Board proceeded to canvass said returns by counting the ballots without unfolding same and tabulated the following:

Number of ballots destroyed - None

Number of ballots remaining not voted - 425 as ascertained from talley sheets. Number of ballots voted - 55.

The Recorder then read the certificate of the results as follows:

For the levy - 40

Against the levy - 15

The ballots for Precinct 297 were then again sealed in a new envelope and each member of the board wrote his name across where said envelope was sealed.

The Recorder laid before the Board the ballots, poll books, talley sheets, and certificate of results for Precinct 22, Putnam County, on the issue of the Specail Levy. The Board proceeded to canvass said returns by counting the ballots without unfolding same and tabulated the following:

Number of ballots destroyed - None

Number of ballots remaining not voted - 782 as ascertained from talley sheets. Number of ballots voted - 68.

The Recorder then read the certificate of the results as follows:

For the levy - 43

Against the levy - 25.

The ballots for Precinct 22 were then again sealed in a new envelope and each member of the Board wrote his name across where said envelope was sealed.

The Recorder then read certificate of results of the canvassing Board of the Special Levy Election held March 21, 1967 in the City of Nitro, West Virginia as follows:

For the levy - 363.

Against the levy - 103

Councilman Wright moved, seconded by Councilman Waldorf, the Council sitting as a Board of Canvassers certify the above results. Upon a vote motion carried and was so ordered.

The Board then proceeded to consider and canvass the Annexation Election, Area I held March 21, 1967.

The Recorder laid before the Board the ballots, poll books, talley sheets, and certificate of results for Precinct 302, Kanawha County, on the issue of annexation of Area I. The Board proceeded to canvass said returns by counting the ballots without unfolding same and tabulated the following:

Number of ballots destroyed - None

Number of ballots remaining not voted - 300 as ascertained from talley sheets. Number of ballots voted - 50.

The Recorder then read the certificate of the results as follows:

For annexation - 39

Against annexation - 11

The ballots for Precinct 302 were then again sealed in a new envelope and each member of the board wrote his name across where said envelope was sealed.

The Recorder laid before the Board the ballots, poll books,

talley sheets, and certificate of results for Precinct 301, Kanawha County, on the issue of annexation of Area I. The Board proceeded to canvass said returns by counting the ballots without unfolding same and tabulated the following:

Number of ballots destroyed - None

Number of ballots remaining not voted - 468 as ascertained from talley sheets. Number of ballots voted - 56.

Challenged ballot of Darrell D. Mullins - 903 Dupont Avenue, Nitro, West Virginia, Reason: Incorrect address, was considered by Board. Thereupon Councilman Gewin moved, seconded by Councilman Waldorf, the ballot not be counted. Motion carried.

The Recorder then read the certificate of the results as follows:

For annexation - 40

Against annexation - 16

The ballots for Precinct 301, were then again sealed in a new envelope and each member of the Board wrote his name across where said envelope was sealed.

The Recorder laid before the Board the ballots, poll books, talley sheets and certificate of results for Precinct 300, Kanawha County, on the issue of annexation of Area I. The Board proceeded to canvass said returns by counting the ballots without unfolding same and tabulated the following:

Number of ballots destroyed - None

Number of ballots remaining not voted - 731 as ascertained from talley sheets. Number of ballots voted - 104.

The Recorder then read the certificate of the results as follows:

For annexation - 75

Against annexation - 29.

The ballots for Precinct 300 were then again sealed in a new envelope and each member of the Board wrote his name across where said envelope was sealed.

The Recorder laid before the Board the ballots, poll books, talley sheets, and certificate of results for Precinct 299, Kanawha County, on the issue of annexation of Area I. The Board proceeded to canvass said returns by counting the ballots without unfolding same and tabulated the following:

Number of ballots destroyed - None

Number of ballots remaining not voted - 371 as ascertained from talley sheets. Number of ballots voted - 79.

The Recorder then read the certificate of the results as follows:

For annexation -53

Against annexation - 26

The ballots for Precinct 299 were then again sealed in a new envelope and each member of the Board wrote his name across where said envelope was sealed.

The Recorder laid before the Board the ballots, poll books, talley sheets, and certificate of results for Precinct 293, Kanawha County, on the issue of annexation of Area I. The Board proceeded to canvass said returns by counting the ballots without unfolding same and tabulated the following:

Number of ballots destroyed - 2

Number of ballots remaining not voted - 453 as ascertained from talley sheets. Number of ballots voted - 55.

The Recorder then read the certificate of the results as follows:

For annexation - 45

Against annexation -10

The ballots for Precinct 293 were then again sealed in a new envelope and each member of the Board wrote his name across where said envelope was sealed.

The Recorder laid before the Board the ballots, poll books, talley sheets, and certificate of results for Precinct 297, Kanawha County, on the issue of annexation of Area I. The Board proceeded to canvass said returns by counting the ballots without unfolding same and tabulated the following:**

The Recorder then read the certificate of the results as follows:
For annexation - 40

Against annexation - 15

The ballots for Precinct 297 were then again sealed in a new envelope and each member of the Board wrote his name across where said envelope was sealed.

The Recorder laid before the Board the ballots, poll books, talley sheets, and certificate of results for Precinct 22, Putnam County, on the issue of annexation of Area I. The Board proceeded to canvass said returns by counting the ballots without unfolding same and tabulated the following:

Number of ballots destroyed - None

Number of ballots remaining not voted - 732 as ascertained from talley sheets. Number of ballots voted - 63.

The Recorder then read the certificate of the results as follows:

For annexation - 39

Against annexation - 30

The ballots for Precinct 22 were then again sealed in a new envelope and each member of the board wrote his name across where said envelope was sealed.

** Number of ballots destroyed - None

Number of ballots remaining not voted - 425 as ascertained from talley sheets.

Number of ballots voted - 55

The Recorder laid before the Board the ballots, poll books, talley sheets, and certificate of results for Precinct 23, Putnam County, on the issue of annexation of Area I. The Board proceeded to canvass said returns by counting the ballots without unfolding same and tabulated the following:

Number of ballots destroyed - None

Number of ballots remaining not voted - 776 as ascertained from talley sheets. Number of ballots voted - 24.

The Recorder then read the certificate of the results as follows:

For annexation - 20

Against annexation - 4

The ballots for Precinct 23 were then again sealed in a new envelope and each member of the board wrote his name across where said envelope was sealed.

The Recorder laid before the Board the ballots, poll books, talley sheets, and certificate of results of Precincts 290-291, Kanawha County, on the issue of annexation of Area I. The Board proceeded to canvass said returns by counting the ballots without unfolding same and tabulated the following:

Number of ballots destroyed - None

Number of ballots remaining not voted - 1,271 as ascertained from talley sheets. Number of ballots voted - 178.

One challenged ballot: No information given on challenged ballot envelope. Councilman Hamilton moved, seconded by Councilman Cewin, the ballot not be considered. Motion carried.

The Recorder then read the certificate of the results as follows:

For annexation - 115

Against annexation - 63

The ballots for Precincts 290-291 were then again sealed in a new envelope and each member of the Board wrote his name across where said envelope was sealed.

The Recorder then read certificate of results of the canvassing Board of the Annexation Election held March 21, 1967 in the City of Nitro, West Virginia as follows:

Precinct numbers 302, 301, 300, 299, 298, 297 Kanawha County and 22 Putnam County. All within the City Limits of the City of Nitro.

For annexation - 331

Against annexation - 137

Precinct numbers 290-291 Kanawha County and Precinct number 23 Putnam County, the unincorporated contiguous area.

For annexation - 135

Against annexation - 67

Councilman Hamilton moved, seconded by Councilman Dye, the Council, sitting as a Board of Canvassers, certify the above results cast for and against annexation of Area I. Upon a vote motion carried unanimously and was so ordered.

The Council then proceeded to consider and canvass the Annexation Election - Area II, held March 21, 1967.

The Recorder laid before the Board the ballots, poll books, tally sheets and certificate of results for Precinct 302, Kanawha County, on the issue of annexation of Area II. The Board proceeded to canvass said results by counting the ballots without unfolding same and tabulated the following:

Number of ballots destroyed - None

Number of ballots remaining not voted - 800 as ascertained from tally sheet. Number of ballots voted - 50.

The Recorder then read the certificate of results as follows:

For annexation - 40

Against annexation - 10

The ballots for Precinct 302 were then again sealed in a new envelope and each member of the Board wrote his name across where said envelope was sealed.

The Recorder laid before the Board the ballots, poll books, talley sheets, and certificate of results for Precinct 301, Kanawha County, on the issue of annexation of Area II. The Board proceeded to canvass said results by counting the ballots without unfolding same and tabulated the following:

Number of ballots destroyed - None

Number of ballots remaining not voted - 468 as ascertained from talley sheet. Number of ballots voted - 56.

Challenged ballot of Darrell D. Mullins - 903 Dupont Avenue, Nitro, West Virginia, Reason: Incorrect address, was considered by Board. Thereupon, Councilman Gewin moved, seconded by Councilman Waldorf, the ballot not be counted. Motion carried.

The Recorder then read the certificate of results as follows:

For annexation - 41

Against annexation - 15

The ballots for Precinct 301 were then again sealed in a new envelope and each member of the Board, wrote his name across where said envelope was sealed.

The Recorder laid before the Board the ballots, poll books, talley sheets, and certificate of results for Precinct 300, Kanawha County on the issue of annexation of Area II. The Board proceeded to canvass said returns by counting the ballots without unfolding same and

tabulated the following:

Number of ballots destroyed - None

Number of ballots remaining not voted - 720 as ascertained from talley sheets. Number of ballots voted: 104

The Recorder then read the certificate of results as follows:

For Annexation - 75

Against Annexation - 29

The ballots for Precinct 300 were then again sealed in a new envelope and each member of the board wrote his name where said envelope was sealed.

The Recorder laid before the Board the ballots, poll books, talley sheets, and certificate of results for Precinct 299, Kanawha County, on the issue of annexation of Area II. The Board proceeded to canvass said returns by counting the ballots without unfolding same and tabulated the following:

Number of ballots destroyed - None

Number of ballots remaining not voted - 371 as ascertained from talley sheets. Number of ballots voted - 79.

The Recorder then read the certificate of results as follows:

For annexation - 53

Against annexation - 26

The ballots for Precinct 299 were then again sealed in a new envelope and each member of the Board wrote his name across where the said envelope was sealed.

The Recorder laid before the Board the ballots, poll books, talley sheets and certificate of results for Precinct 298, Kanawha County, on the issue of annexation of Area II. The Board proceeded to canvass said returns by counting the ballots without unfolding same and tabulated the following:

Number of ballots destroyed - 2

Number of ballots remaining not voted - 453 as ascertained from talley sheets. Number of ballots voted - 55.

The Recorder then read the certificate of results as Follows:

For annexation - 45

Against annexation - 10

The ballots for Precinct 293 were then again sealed in a new envelope and each member of the Board wrote his name across where said envelope was sealed.

The Recorder laid before the Board the ballots, poll books, talley sheets, and certificate of results for Precinct 22, Putnam County, on the issue of annexation of Area II. The Board proceeded to canvass said returns by counting the ballots without unfolding same and tabulated the following:

Number of ballots destroyed - None

Number of ballots remaining not voted - 732 as ascertained from talley sheets. Number of ballots voted - 68.

The Recorder then read the certificate of the results as follows;

For Annexation - 39

Against Annexation - 23

The ballots for Precinct 22 were then again sealed in a new envelope and each member of the Board wrote his name across where said envelope was sealed.

The Recorder laid before the Board the ballots, poll books, talley sheets, and certificate of results for Precinct 320, Kanawha County, on the issue of annexation of Area II. The Board proceeded to canvass said returns by counting the ballots without unfolding same and tabulated the following:

Number of ballots destroyed - None

Number of ballots remaining not voted - 428 as ascertained from
tally sheets. Number of ballots voted - 193.

Challenged ballots:

John Nichols - 307 Michigan Avenue, South, Nitro, West Virginia.
Reason: Does not own property and is not registered.

Leota Davis - 702 Michigan Avenue, South, Nitro, West Virginia.
Reason: Does not own property and is not registered.

Bernice Parsons - 701 Michigan Avenue, South, Nitro, West Virginia.
Reason: Does not own property and is not registered.

Mac Nichols - 307 Michigan Avenue, South, Nitro, West Virginia.
Reason: Does not own property and is not registered.

Thereupon Councilman Dye moved, seconded by Councilman Kniceley,
the challenged ballots not be considered. Upon a vote motion carried.

The Recorder then read certificate of results of the Canvassing
Board of the Annexation Election held March 21, 1967 in the City of Nitro,
West Virginia as follows:

For annexation - 108

Against annexation - 85

The ballots for Precinct 320 were then again sealed in a new
envelope and each member of the Board wrote his name across where the
said envelope was sealed.

Precinct numbers 302, 301, 300, 299, 298, 297, Kanawha County
and 22 Putnam County. All within the City Limits of the City of Nitro.

For annexation - 334

Against annexation - 132

Precinct number 320 Kanawha County the unincorporated contiguous
area:

For annexation - 103

Against annexation - 35.

Councilman Dye moved, seconded by Councilman Hoke, the Council, sitting as a Board of Canvassers, certify the above results cast for and against annexation of Area II. Upon a vote motion carried unanimously and was so ordered.

Councilman Hoke moved, seconded by Councilman Gewin, that all election expenses be paid. Motion carried and was so ordered.

Councilman Hamilton moved, seconded by Councilman Wright, that The Board of Canvassers be dissolved. Motion carried and was so ordered.

Mayor Alexander explained to Council that the highlift needed overhauling and that Rish Equipment Company had told him the cost of the job would be between \$1,100. and \$1,500. Thereupon Councilman Hamilton moved, seconded by Councilman Kniceley, the Mayor be given the authority to have the highlift overhauled.

There being no further business to come before the Council a motion for adjournment by Councilman Hoke carried.

Grace Lewis, Reader

Annepation Ballot 376