

August 5, 1969

City Council met in regular session August 5, 1969.

There were present W. W. Alexander; Mayor, Grace Lewis; Recorder, Dr. R. V. Allen, E. L. Goodwin, Dr. L. I. Hoke, Hugo D. Tidquist, Tom M. Waldorf, and Kenton L. Williamson, members of the Council. Councilman Kenneth Kniceley being absent.

The Mayor called the meeting to order and Rev. Harold Goodpaster of the Nitro Church of God gave the invocation.

The Council proceeded to discuss the proposed paving program. Councilman Hoke said that in making the list for paving and building new streets a lot of streets that the Committee looked at they knew would last for two or three more years before they would need rebuilt, but that the work could be done cheaper if we had a large program. He went on to say that some people asked them to add their streets to the list and then later came in with petitions to not pave. He said that we deleted these streets, but that as far as he was concerned there would be no more streets deleted from the program. He said he had a petition on 12th Street, but that his recommendation was to leave it on the program as it needed paving. 41st Street, recommendation to leave it, 17th Street -- recapping from First Avenue to Second Avenue. Councilman Hoke said that he believed it would be wrong to leave this one for another year and recommended that 17th Street be recapped. Recapping on Bank Street from 21st to 20th Street, Second Avenue from 7th Street to 21st Street, Councilman Hoke said that there would be a place paved in front of the school where the buses sit and run their motors that would have to be worked on and that it would be up to the school to take care of it. He went on to say that 14th Street should be repaved, and that on 16th Street there was a strip of cement on one side that is going to have to be removed. 18th Street from First Avenue to Second Avenue--resurface. 21st Street from First to Third Avenue. 41st Street from First Avenue to

Second Avenue. Wilson Street from First Avenue to Hillside Drive. Cedar Street from Main Avenue to Kanawha River, new pavement. Short Street from Pennwood to top of hill. Third Avenue from 40th Street to East 39th Street. 39th Street, East from end of existing pavement to Easter Road. Councilman Hoke said it was the Committee's recommendation that all of these streets be left on the program. Councilman Williamson said that on some of these there were 100% against the work being done and he couldn't see why the people should have to have this done if they didn't want it. Councilman Hoke said that this work needed done and that since we had deleted so many of the streets so easily that the people were bringin in petitions thinking the streets will be deleted and that this would stop it. Councilman Williamson said that he felt the people on the streets were the ones concerned and he did not feel it should be done over the people's protest. The Mayor said a lot of times you would never have a street paved if you didn't do it against some of the people and that when you move into a City you more or less expect these things and he couldn't see letting the streets completely deteriate and that the longer you let it go the more it will cost. Councilman Williamson said that the people made up the City Government and that if the people didn't want it we shouldn't force it on them. The Mayor said according to the law we could go ahead and do it. He then asked if the people knew how much it was going to cost to have the work done. Mr. Smith from 17th Street said that he had been led to believe it would be 4.50 per front footage. He went on to say that those living on the street did not want to have the work done and they had presented their petition in good faith. The Mayor said that the estimate on this particular street was \$2.80 per front footage. He went on to say that one woman came to him and said that it was going to cost her \$15.00 per front footage and he had told her this was not so. Mr. Smith

said he did not believe in the protesting, but that the people living on 17th Street felt they did not want it paved. Mr. Jividen, another resident of 17th Street, asked why the center of their street was so much higher than the curb and said that if it was decided to have this street paved they would like to have it smoother. Councilman Hoke asked what would happen to the drainage if the center of the street was not higher. The Mayor said that it should be as high as the curb and went on to say that the figures had gotten out on the paving and had scared the people. Mr. Smith said he knew that the City had the power to go ahead and do this if they wanted, but forcing things on the people didn't do any good. He went on to say that if the City did decide to go ahead and repave 17th Street they should do something about the center being higher than the curb. Councilman Hoke said that these streets mentioned could be taken under advisement until the protest meeting. The Mayor said that some of the people may have felt different toward the paving if they had known the cost. Councilman Williamson said that rumors had been flying as to the cost.

Councilman Hoke moved that the streets mentioned be left in the program and that a protest meeting be set up. Councilman Tidquist asked how they were going to handle the petitions. The Mayor said that the City Engineer would look at these streets and give his advise. Councilman Hoke said that if the City Engineer suggested streets be deleted it would be a simple matter.

Thereupon, Councilman Tidquist seconded Councilman Hoke's motion and upon voting the motion carried.

Mr. Luke Michael, City Attorney, presented the notice for protest meeting to Council. After reading over the notice, Councilman Goodwin moved that the protest meeting be held on September 2 and the following notice be run three weeks as a legal notice. The motion was seconded by Councilman Waldorf and upon a vote carried.

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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 COUNTY, WEST VIRGINIA: BANK STREET BEGINNING WITH ITS INTERSECTION WITH TWENTIETH STREET TO ITS INTERSECTION WITH TWENTY FIRST STREET; SECOND AVENUE BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE (95 feet south of center line of Seventh Street) TO ITS INTERSECTION WITH TWENTY FIRST STREET; TWELTH STREET BEGINNING WITH ITS INTERSECTION WITH SECOND AVENUE TO ITS INTERSECTION WITH THIRD AVENUE; FOURTEENTH STREET BEGINNING WITH ITS INTERSECTION WITH SECOND AVENUE TO ITS INTERSECTION WITH THIRD AVENUE; SEVENTEENTH STREET BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE TO ITS INTERSECTION WITH SECOND AVENUE; EIGHTEENTH STREET BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE TO ITS INTERSECTION WITH SECOND AVENUE; TWENTY FIRST STREET BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE TO ITS INTERSECTION WITH THIRD AVENUE; FORTY FIRST STREET BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE TO ITS INTERSECTION WITH SECOND AVENUE.

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 County, 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 portion 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 2nd day of September, 1969, 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 5th day of August, 1969.

It was brought up that the signs placed on 36th, 37th, and 38th Streets were very much appreciated and that several people had come in to thank the City.

The Street Lighting Committee reported there was not a pole at 902 Dupont to put a light as requested. Councilman Goodwin said that it would help the situation here if the people would trim their trees. Councilman Goodwin said that the pole on the end of Dupont set more on Kapok and there wasn't much light here. He said that they had checked the light on 21st Street and it was the Committee's recommendation that the 1,000 aluminum be replaced with a 3500 mercury vapor. Councilman Goodwin said there was a light needed in Valentine Circle next to the river.

Thereupon, Councilman Goodwin moved that a new light be installed in Valentine Circle and that a 3500 mercury vapor be put on the pole on 21st Street. The motion was seconded by Councilman Waldorf and carried.

Councilman Tidquist said that the reflectors on the lights on 21st Street should be changed because they kept the lights from giving out enough light. He said that they would be able to give out twice as much light if there were different reflectors on the lights. The Mayor said we had the same fixtures on every 1,000 light in town. Councilman Allen agreed that we were getting very poor lighting on 21st Street. The Mayor said that we might have to upgrade several lights here to get better lighting and that the 1,000 aluminum just did not give out too much light. Councilman Waldorf suggested that the Street Lighting Committee survey the streets as to the number of lights and the spacing. Councilman Goodwin said that he would get the Committee together to do this.

A copy of the ordinance for the Breathalyzer was passed out to the members of the Council for them to read. The Mayor said that we were not allowed to use the Breathalyzer until the ordinance was passed.

Thereupon, Councilman Waldorf moved that the City of Nitro adopt the ordinance presented to them. Seconded by Councilman Williamson and carried.

O R D I N A N C E

AN ORDINANCE RELATING TO PERSONS DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS, RELATING TO IMPLIED CONSENT TO A CHEMICAL TEST TO DETERMINE THE ALCOHOLIC CONTENT OF THE BLOOD OF THE OPERATOR OF A MOTOR VEHICLE ARRESTED FOR DRIVING OF A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR AND THE DESIGNATION AND ADMINISTRATION OF SUCH A CHEMICAL TEST; RELATING TO CHEMICAL TEST REQUESTED OR DEMANDED BY SUCH ARRESTED PERSON GRANTING CERTAIN IMMUNITY AND CRIMINAL AND CIVIL LIABILITY WHICH MIGHT OTHERWISE ARISE INCIDENT TO THE ADMINISTRATION OF SUCH CHEMICAL TEST; PROVIDING FOR SUSPENSION OF SUCH ARRESTED PERSON'S, OPERATOR'S OR CHAUFFEUR'S LICENSE OR JUNIOR OR PROBATIONARY OPERATOR'S LICENSE, OR NONRESIDENT PRIVILEGE TO DRIVE FOR REFUSAL TO SUBMIT TO A DESIGNATED CHEMICAL TEST; SPECIFYING CERTAIN PRESUMPTIONS WITH RESPECT TO AND THE EVIDENTIARY VALUE OF A CHEMICAL TEST AS TO INTOXICATION; AND PROVIDING FOR THE PAYMENT OF A FEE FOR THE COST OF ADMINISTERING CERTAIN CHEMICAL TESTS.

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

Section 1 (a). Implied consent to test: administration at direction of law enforcement officer.

Any person who drives a motor vehicle on any highway within the City shall be deemed to have given his consent by the operation thereof, subject to the provisions of this ordinance, to a chemical test of either his blood, breath or urine for the purpose of determining the alcoholic content of his blood whenever he shall be lawfully arrested by a law enforcement officer as hereinafter defined for the offense of driving a motor vehicle upon any highway within the City while under the influence of intoxicating liquor. The test shall be incidental to a lawful arrest and shall be administered at the direction of the areesting law enforcement officer having reasonable

grounds to believe the person to have been driving a motor vehicle upon any highway within the City while under the influence of intoxicating liquor. The law enforcement agency by which such law enforcement officer is employed shall designate which one of the aforesaid tests shall be administered: Provided, that if the test so designated is a blood test and the person so arrested refuses to submit to such blood test, then the law enforcement officer making such arrest shall designate in lieu thereof, either a breath or urine test be administered, such refusal to submit to a blood test only shall not result in the suspension of the arrested person's operator's or chauffeur's license, or junior or probationary operator's license or nonresident privilege to drive. The person arrested shall be told that his refusal to submit to the test finally designated as provided in this section, will result in the suspension of his operator's or chauffeur's license, or junior or probationary operator's license, or nonresident privilege to drive for a period of six months.

Section 2. How blood test administered: use of test results: certain immunity from liability incident to administering test.

Only a doctor of medicine or osteopathy, or registered nurse, or trained medical technician at the place of his employment, acting at the request and direction of the law enforcement officer, may withdraw blood for the purpose of determining the alcoholic content thereof. These limitations shall not apply to the taking of a breath test or a urine specimen. In withdrawing blood for the purpose of determining the alcoholic content thereof, only a previously unused and sterile needle and sterile vessel may be utilized and the withdrawal shall otherwise be in strict accord with accepted medical practices. A non-alcoholic antiseptic shall be used for cleansing the skin prior to venapuncture. The person tested may, at his own expense, have a doctor of medicine or osteopathy, or registered nurse, or trained medical

technician at the place of his employment, of his own choosing, administer a chemical test in addition to the test administered at the direction of the law enforcement officer. The failure or inability of the person arrested to obtain an additional test shall not preclude the admission into evidence at any judicial proceeding of the results of the test taken at the direction of the law enforcement officer. Upon the request of the person who is tested, full information concerning the test taken at the direction of the law enforcement officer shall be made available to him. No person who administers any such test upon the request of a law enforcement officer as herein defined, no hospital in or with which such person is employed or is otherwise associated or in which such test is administered, and no other person, firm or corporation by whom or which person is employed or is in any way associated, shall be in any wise criminally liable for the administration of such test, or civilly liable in damages to the person tested unless for gross negligence or wilful or wanton injury.

Section 3. Refusal to submit to certain chemical tests: suspension of license or privilege: consent not withdrawn if person arrested is incapable of refusal.

If any person under arrest as specified in section 1 of this article refuses to submit to the test finally designated in the manner provided in section 1 hereof, no test shall be given, but the commissioner of motor vehicles, upon receipt of a sworn statement of the law enforcement officer that (1) he has reasonable grounds to believe such person had been driving a motor vehicle upon a highway within the City of Nitro while under the influence of intoxicating liquor, (2) such person was lawfully placed under arrest for the offense of driving a motor vehicle upon a highway within the City of Nitro while under the influence of intoxicating liquor, (3) such person refused to submit to the test finally designated in the manner provided

in section 2 of this article, and (4) such person was told that his operator's or chauffeur's license, or junior or probationary license, or nonresident privilege to drive would be suspended for a period of six months if he refused to submit to the test finally designated in the manner provided in section 2 of this article, shall make and enter an order suspending such person's operator's or chauffeur's license, or junior or probationary operator's license, or nonresident privilege to drive for a period of six months. A copy of such order shall be forwarded to such person by registered or certified mail, return receipt requested. No such suspension shall become effective until ten days after receipt of the copy of such order. Any person who is unconscious or who is otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn his consent for a test of his blood, breath or urine as provided in this article and the test may be administered although such person is not told that his failure to submit to the test will result in the suspension of his operator's or chauffeur's license of junior or probationary operator's license, or nonresident privilege to operate a motor vehicle for a period of six months.

A suspension hereunder shall run concurrently with the period of any suspension or revocation imposed in accordance with other provisions of this code and growing out of the same incident which gave rise to the arrest for driving a motor vehicle while under the influence of intoxicating liquor and the subsequent refusal to undergo the test finally designated in accordance with the provisions of this article.

Section 4. Interpretation and use of chemical test.

Upon trial for the offense of driving a motor vehicle on any highway within the City of Nitro while under the influence of intoxicating liquor, or upon the trial of any civil or criminal action or proceeding arising out

of acts alleged to have been committed by any person while driving a motor vehicle while under the influence of intoxicating liquor, evidence of the amount of alcohol in the person's blood at the time of the arrest or of the acts alleged, as shown by a chemical analysis of his blood, breath or urine, is admissible, if the sample or specimen was taken within two hours from and after the time of arrest or of the acts alleged, and shall give rise to the following presumptions or have the following effect:

(a) Evidence that there was, at that time, five hundredths of one percent or less, by weight, of alcohol in his blood, shall be prima facie evidence that the person was not under the influence of intoxicating liquor;

(b) Evidence that there was, at that time more than five hundredths of one percent and less than ten hundredths of one percent, by weight, of alcohol in the person's blood shall be relevant evidence but it is not to be given prima facie effect in indicating whether the person was under the influence of intoxicating liquor;

(c) Evidence that there was, at that time, ten hundredths of one percent or more, by weight, of alcohol in his blood, shall be admitted as prima facie evidence that the person was under the influence of intoxicating liquor.

Percent by weight of alcohol in the blood shall be based upon milligrams of alcohol per one hundred cubic centimeters of blood.

A chemical analysis of a person's blood, breath or urine, in order to give rise to the presumptions or to have the effect provided for in this section, must be performed in accordance with methods and standards approved by the state department of health. A chemical analysis of blood or urine to determine the alcoholic content of blood shall be conducted by a qualified laboratory or by the state police scientific laboratory, of the criminal identification bureau of the department of public safety.

The provisions of this article shall not limit the introduction in any judicial proceeding of any other competent evidence bearing on the question of whether the person was under the influence of intoxicating liquor.

Section 5. Right to demand test.

Any person lawfully arrested for driving a motor vehicle on any highway within the City of Nitro while under the influence of intoxicating liquor and who is not tested at the direction of the arresting law enforcement officer under the provisions of this article, or who is lawfully arrested as aforesaid by any other police officer, shall have the right to demand that a sample or specimen of his blood, breath or urine be taken within two hours from and after the time of arrest, and that a chemical test thereof be made. The analysis disclosed by such chemical test shall be made available to such arrested person forthwith upon demand.

Section 6. Fee for withdrawing blood sample and making urine test.

A fee not exceeding five dollars shall be allowed to the person withdrawing a blood sample or administering a urine test at the request and direction of a law enforcement officer in accordance with the provisions of this article. If the person whose blood sample was withdrawn or whose urine was tested was arrested and charged with a violation of this chapter, the City of Nitro shall pay said fee, and if said person is subsequently convicted of such charge, such fee shall be taxed as a part of the costs of the criminal proceeding and shall be paid, notwithstanding any other provision of this code to the contrary, into the general fund of the City of Nitro. If the person whose blood sample was withdrawn or whose urine was tested was arrested and charged with a violation of a similar ordinance of any municipality, said municipality shall pay said fee, and if said person

is subsequently convicted of such charge, such fee shall be taxed as part of the costs of the criminal proceeding and shall be paid, notwithstanding any other provision of this code to the contrary, into the general fund of said municipality.

Section 7. Severability.

If any provision of this article or its application to any person or circumstance be held invalid, such invalidity shall not affect other provisions or applications of this article, and to this end the provisions of this article are declared to be severable.

Section 8. Hearing procedures: judicial review.

Nothing herein contained shall deprive any person whose operator's or chauffeur's license, or junior or probationary license, or nonresident privilege to drive has been so suspended, from availing himself of any administrative or judicial review as provided for in Chapter 17-c, Article 5A, Section 4, of the Code of West Virginia of 1931, as amended.

The provisions of this ordinance insofar as they are inconsistent herewith, are hereby repealed.

Mr. James Bonnett, a resident from 40th Street, said the people out there had a problem with a couple of undesirable areas. One of these areas is located about a mile out on the left side of the road, where the Winter's Grocery use to be located, and the other is at the end of the road up from the Redwood Inn and it is a place called Dogpatch. He said at one time there were about four families living in the first place and that there was no bathroom facilities and they do not have an outdoor toilet, there is no foundation on the building and it is ready to fall down. He said that they threw garbage on his parents right of way down the hill, which is there only

way of getting off the hill from their house. He said there was water in front of the house and the children had to wait here for buses to come to school. He said it was a health hazard and that they would like to have something done about it. Mr. Bonnett went on to say that his sister had been killed in front of this one place and he meant to see that such a thing did not happen again. He said they would like for Council to help them clear up these situations. He said that the area at Dogpatch was owned by Oscar Barnett and that the second was owned by Reuben Harrison. Councilman Allen said that he would go out and check on these two places and Mr. Bonnett said that he would be glad to show him around.

Mrs. Earl Hall, another resident from 40th Street, asked about the sewer which they voted for when they were annexed into the City. She said they were wondering when they could expect this. The Mayor said that up until about a few months ago there was money available to help pay for running sewer lines and our plans are ready at the present time to build the secondary treatment plant and also to extend the sewer lines. He said that we could go ahead and put lines in and charge the people, but he did not believe the people would be able to pay. Mrs. Hall asked why they were told they would be able to put one in if they couldn't. The Mayor said that at that time they would have been able to do it but that the Federal Government has withdrawn all money to help with these sewer lines. He went on to say that the Water Resources were pushing the City to go ahead with the Secondary Treatment Plant and that he was holding them off. The Mayor said there was a man in to see him about three weeks ago wanting to know what our greatest need was and he told him it was sewers. He said that he had gone to a meeting at the Regional Development Office and a man told him that he had been told by this other fellow that he had hit a hot spot down here and the Mayor indicated that he would not build the Secondary Treatment Plant until we could get the lines to

the people because he could not see building the plant and not being able to use it for the work that was needed to be done. The Mayor went on to say that there were several people working on it and that we could get it anytime. The Mayor said that the Council could vote to go ahead and put in these lines, but the people would end up with the same situation they have at Cross Lanes. Mrs. Bonnett asked if there was some way the people could be made to have their garbage hauled away. Mr. Bonnett said that these people below him ran water out of their house into his right of way. The Mayor asked if these two areas were within 200 feet of the County Road. The answer was yes. Mrs. Hall said there were quite a few problems on 40th Street and that the people out there wanted to get them straightened out and make it a good place to raise their children. She went on to say that the children have to cross the road twice to get to the bus stop and that they would appreciate slow signs or crosswalks to warn people not to speed through here. The Mayor asked Councilman Allen to check on this while he was out in this area. Councilman Allen asked if the blinkers would not help some on this when they are put up.

Mrs. Hall then asked why we had stopped putting in fire hydrants at Easter Road. The Mayor said there was not enough pressure on the line and until they get more pressure on the line they will go no further with the hydrants. Mrs. Hall said it seemed as though they were not getting what they voted for when they voted to be annexed into the City limits. She went on to say that it would cut their fire insurance 50% if they could get these hydrants put in. The Mayor said that the tanks on the trucks used out there were large and that they would not have to use the line. The Mayor said they would have to put in a larger line or put in boosters to take care of it. It was brought up that 40th Street only needed two hydrants. The Mayor said there

were boosters on out beyond these people and from there on the pressure was good enough. The Mayor said we could have this checked also.

Mr. James Bonnett asked whether they were under the same regulations as the rest of the City since they had been annexed. The Mayor said that they were. Mr. Bonnett then asked what the City ordinance was on trailers. The Mayor said they could not put a trailer in the City but that could put them on trailer courts. Mr. Bonnett said there was a trailer court on 40th Street and that when they were annexed he had only a few trailers and now he is preparing to have 15. He asked why this man was allowed to put so many trailers in. Mr. Bonnett went on to say that when he moved in out there he spent \$700.00 on a septic tank and that he had only 4 people in his family and that there were only two septic tanks at these trailers with 15 families and he could not see how they were allowed to do this. The Mayor asked that Councilman Allen also check on these septic tanks and how much land this man had for each trailer. Mrs. Hall said that the main reason they came was to let the Council know about these problems so they could get some help. Councilman Allen asked if the City had an ordinance for outside toilets. The Mayor said no and that he wanted them to check to see if this man was overloading his septic tanks. Councilman Allen asked if the creek was polluted. The answer was yes. The Mayor said that it may be that we will have to bring in a state man on this situation. Councilman Hoke suggested that we write Mr. Pritt, the owner of the trailer court, a letter asking for a blue-print of the trailer court and details of the facilities. The Mayor said this would be done. The Mayor said that on the signs and crosswalks that the State Road Commission came along and took our signs down but that we had painted crosswalks before without their permission even though we weren't suppose to. Mrs. Hall asked why they would do this when the children's safety was at risk. It was suggested that a letter be written to the State Road asking permission to put signs up here.

Kenneth West, a resident on Washington Avenue, said that the City garbage trucks were coming through Washington Avenue on their way to the land fill and they were leaving litter and mud on their road. He said they were using Washington Avenue instead of the access road. The Mayor said there was no other way for them to go in to the land fill because the access road was not paved and would not stand up in the bad weather. The Mayor said that the trucks that came in did not weigh that much and that they did use the access road until it got too bad. Mr. West said the trucks were tearing up the road and that he could not open the dorrs because in five minutes the dust would be so thick he could write his name on the furniture. Mr. West brought up the fact that behind his house it was still swampy and the Mayor said the reason they were not filling in here was that when they started ^{filling} ~~filling~~ in here the people would not give an easement. Councilman Williamson had a petition from the land owners here objecting to the trucks traveling on Washington Avenue. Mr. West said that they could park the cars so the trucks could not get through there and that it would be legal for them to do so. The Mayor said that it would not be legal, that these trucks were the same width as a fire truck and that if they did block the road he would send a wrecker up to tow away the cars. Mr. West said he would go and get his car and park it there again. The Mayor said that it would be towed away again and that the owner had to pay for the towing away of the car. The Mayor said they would keep the street as clean as possible. Mr. West said they had only cleaned this street two times in two years, and that he felt a new access road should be built. The Mayor said that with the elevation there were certain times of the year they couldn't use the access road. Mr. West suggested that we use the access road whenever possible and use Washington just when we had to. The Mayor said he would have the City Engineer check and see if were ruining the road with

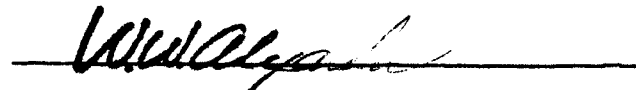
the trucks. Mr. West said that for the inconvenience it caused it would be better to use the access road. Mr. Dixon, another resident of Washington Avenue, said that the Ohio-Apex trucks came in here and they carry about 30 drums weighing 500 pounds and that these trucks were ruining the street. He said he'd called Council members on this a couple of times and nothing was done. He went on to say that the access road was very solid and that he understood it was closed for one man who had a brick house. He said that the trucks threw mud on the street and that they wouldn't even fill the holes up with cinder. The Mayor said he thought they had filled these holes and suggested that the members of the Council go and take a look at the situation. Mr. Dixon said that we were allowing a Chemical Company to dump in here. He went on to say that since this had started the value of his house had gone down \$3,000. Mr. West said he thought the land fill was a good thing but that it was being handled wrong. The Mayor said that the man they sent down from the Health Department said this was the best he'd seen around. Councilman Hoke asked if the access road was a recognized road. The Mayor said that it was. Mr. Dixon said that since Mr. Moody had left the situation had gotten worse. He went on to say that the new foreman, Jesse Harrison, came through here at 40 and 50 miles per hour and that he acted as though he owned the City of Nitro.


The Mayor said we have in our budget money for a new cruiser and that we do have one car that is pretty well shot and the Police have asked that we go ahead as quick as we can to replace the car. He asked Council to give permission to ask for bids. Councilman Allen asked if we would have the same specifications. The Mayor said that we would. It was agreed by Council that we should get air-conditioning. Councilman Allen suggested that we go

ahead and get the equipment for the new car so that we will have it ready to be mounted on the cruiser. The Mayor said that in this case we would transfer the equipment on the old car onto the new one.

Thereupon, Councilman Allen moved that we go ahead and get bids for a new cruiser. Motion seconded by Councilman Waldorf and carried.

There being no further business to come before Council, Councilman Hoke's motion for adjournment carried.


W. W. Alexander, Mayor


Grace Lewis, Recorder

August 19, 1969

The City Council met in regular session August 19, 1969.

There were present: W. W. Alexander; Mayor, Dr. R. V. Allen, E. L. Goodwin, Dr. L. I. Hoke, Kenneth K. Kniceley, Hugo D. Tidquist, Tom M. Waldorf, and Kenton L. Williamson, members of the Council. Grace Lewis, Recorder, being absent.

Mayor Alexander called the meeting to order.

Councilman Goodwin moved the minutes of meeting August 5 be approved. Motion seconded by Councilman Waldorf and carried.

Luke Michael, City Attorney, presented the notice for protest meeting to Council on the second grouping. The Mayor said that at this late date it would be necessary to delete 41st Street from the program. Mr. Michael told Council that any foreign corporation must be given notice 30 days before any action and that the service station on said street was owned by such a corporation. Councilman Allen asked if this was the same notice presented to Council at the previous meeting. Mr. Michael answered that it was not, but it was the same form. Councilman Allen said he could not understand why we had to have two legal notices. The Mayor said the engineer had the other group ready and since it is so late in the year he decided to make it two phases, recapping and new construction. It was decided to have 41st Street in with the second grouping.

Thereupon, Councilman Hoke moved to ask for bids and to set the protest meeting for the second grouping for October 7 on the proposed improvements. Motion seconded by Councilman Kniceley and 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: CEDAR STREET BEGINNING WITH ITS INTERSECTION WITH MAIN AVENUE TO ITS INTERSECTION WITH KANAWHA AVENUE; (Kanawha Co.) IVY STREET BEGINNING WITH ITS INTERSECTION WITH MAIN AVENUE TO ITS INTERSECTION WITH KANAWHA AVENUE; (Kanawha Co.) SHORT STREET BEGINNING WITH ITS INTERSECTION WITH PENWOOD AVENUE TO ITS INTERSECTION WITH GRAFTON AVENUE; (Kanawha Co.) THIRTY NINTH STREET EAST BEGINNING AT THE END OF EXISTING CONCRETE PAVEMENT AT OLD CORPORATION LINE AND EXTENDING IN AN EASTERLY DIRECTION TO ITS INTERSECTION WITH EASTER ROAD; (Putnam Co.) THIRD AVENUE BEGINNING WITH ITS INTERSECTION WITH THIRTY NINTH STREET EAST TO ITS INTERSECTION WITH FORTIETH STREET; (Putnam Co.) FORTY FIRST STREET BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE TO ITS INTERSECTION WITH SECOND AVENUE; (Putnam Co.).

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 County and Putnam County, 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 7th day of October, 1969, at 8:00 o'clock P. M., at the City Building in said City of Nitro, 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 19th day of August, 1969.

CITY OF NITRO

By: Grace Lewis
City Recorder

The Mayor pointed out there were several people present from 12th Street and he told these people that the Council decided at the last Council meeting that no more streets were to be deleted until the protest meeting which would be held September 2 for their group.

The Mayor said that we had writtn Mr. Pritt a letter regarding his trailer court and we requested him to bring in a drawing of his property with the facilities. Mr. Pritt brought such a drawing in last week. At the present time he has six trailers on his property and he has 73,032 square footage of property. He is planning to add fice more trailers to his court. He has three septic tanks and the Health Department told him that he had the best systems of any other property around. He has a 350 gallon tank which takes care of one trailer, a 500 gallon tank taking care of two trailers and a 700 gallon tank taking care of three trailers. Councilman Allen said that he felt we should let the people out there know that this man is complying with the law in everyway he can. It was brought up that this man was said to have been planning to buy more property to put more trailers on. The Mayor said that it was made apparent to the man that he could not buy more land for trailers. Mr. Pritt said he had no intention of buying more land. The Mayor said he only had to have 24 sq. ft. per trailer and that he could put in three times as many trailers and still be within the law but that Mr. Pritt only wanted eleven. The Mayor said he was of the opinion that so many trailers are being used that Council should take some kind of action to allow for them and that the Council should take a long look at this area because it would be a very good location for trailers.

Councilman Allen said that he and Councilman Waldorf went out to check on the two areas which were reported to be health hazards and that something does have to be done. They are throwing garbage out and the building is

ready to fall down. Councilman Allen went on to say that the building inspector should go out there and do something right away. The Mayor said to get rid of the building we would have to go before the Court and condemn the building. Mr. Michael said that we could probably move on it being a health hazard. Councilman Allen said there were several people living here. Councilman Hoke said we might be able to get the County Health Department down here. Mr. Michael suggested that we also get in touch with the State Health Department. Councilman Kniceley pointed out that we had discussed the garbage situation before. Mr. Michael said he was working on an ordinance for this now and that he should have it for the Council at the next meeting. The Mayor said he would get hold of the County and State Health Departments and see when they could come down and look over the situation. Councilman Waldorf said that if they would condemn the building and it could not be rented Mr. Harrison would have to tear it down. The Mayor said that Mr. Harrison would not tear it down even if it was condemned and that he would not even give the City permission to tear it down. Councilman Waldorf asked how long it would take to get the County and State Health Departments down to look at this and how long it would take. The Mayor said that it probably would not take too long.

Councilman Allen said that Mr. Miller on 21st Street was wondering about a shield for the street light in front of his house. This light is being updated and is to give out more light and will shine directly into his daughters bedroom window. The Mayor said that after the light was put in we would check to see if a shield would affect the amount of light it gives off.

Councilman Allen said that over at the entrance gate to the park there was a place where the sidewalk is broken off and that it is a high place and

it is very dangerous. He went on to say that with all the people who will be over there we should do something about this. He said the problem could be taken care of by putting steps here. The Mayor said that this was about two feet from the ground and it is dangerous. Councilman Goodwin asked whether they could make it a gradual incline but it was decided that steps would be easier. The Mayor said that three steps would probably handle it.

Councilman Allen said that he had been asked when the hole on 26th Street would be fixed. This is in front of Mr. Fridley's house. The Mayor said that we would be doing more patching before fall and that we would get 26th Street at that time.

Councilman Kniceley said there was a place out at Brookhaven where the people are stacking tocks and making walls. He said some of these are very prettu but one family was just making a ness and it didn't look nice. The man's name is Gonzalez. Councilman Allen said that the man may be planning to plant flowers here or put shrubs or something here and that it could turn out to be the prettiest one around there.

The Mayor said he felt we should put in another fire hydrant in Brookhaven. He said that we liked to keep these one thousand feet apart and now there is seventeen hundred feet between the last one and he felt we shoüld also put in another street light at the end. He went on to say that they are going to put the playground in this area and this was one reason we needed to put the fire hydrant and street light in.

Thereupon, Councilman Kniceley moved that the Mayor go ahead if the line is all right and order a fire hydrant and also another street light for this area. Motion seconded by Councilman Goodwin and carried.

Councilman Tidquist asked if anyone had had complaints about rats. The members of the Council said they had not. Councilman Tidquist said he had complaints about rats around 10th, 11th, and 12th Streets.

There being no further business to come before Council, Councilman Hoke moved we adjourn. The motion was seconded by Councilman Williamson and carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

The City Council met in regular session September 2, 1969.

There were present: W. W. Alexander; Mayor, Grace Lewis; Recorder, Dr. R. V. Allen, Dr. L. I. Hoke, Kenneth K. Kniceley, Hugo D. Tidquist, Tom M. Waldorf and Kenton L. Williamson, members of the Council. Councilman Goodwin being absent.

Mayor Alexander called the meeting to order.

Councilman Kniceley moved the minutes of the August 19 meeting be approved. Motion was seconded by Councilman Waldorf and carried.

The Recorder advised the Council that the notice to abutting property owners of the proposed permanent improvements had been published for three (3) successive weeks in the Kanawha Valley Leader as directed by Council order.

Thereupon, Councilman Hoke moved the publishers affidavit be made a part of the minutes of this meeting. Said motion was seconded by Councilman Waldorf and carried upon a vote.

AFFIDAVIT 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

NOTICE TO ALL PERSONS OR CORPORATIONS OWNING PROPERTY ABUTTING ON THE FOLLOWING NAMED STREETS OR PUBLIC WAYS IN THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA: BANK STREET BEGINNING WITH ITS INTERSECTION WITH TWENTIETH STREET TO ITS INTERSECTION WITH TWENTY FIRST STREET; SECOND AVENUE BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE (95 feet south of center line of Seventh Street) TO ITS INTERSECTION WITH TWENTY FIRST STREET; TWELFTH STREET BEGINNING WITH ITS INTERSECTION WITH SECOND AVENUE TO ITS INTERSECTION WITH THIRD AVENUE; FOURTEENTH STREET BEGINNING WITH ITS INTERSECTION WITH SECOND AVENUE TO ITS INTERSECTION WITH THIRD AVENUE; SEVENTEENTH STREET BEGINNING

WITH ITS INTERSECTION WITH FIRST AVENUE TO ITS INTERSECTION WITH SECOND AVENUE; EIGHTEENTH STREET BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE TO ITS INTERSECTION WITH SECOND AVENUE; TWENTY FIRST STREET BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE TO ITS INTERSECTION WITH THIRD AVENUE.

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 County, 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 2nd day September, 1969, 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 5th day of August, 1969.

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 the 7th day of August, 1969, and ending with the issue of the 21st day of August, 1969, and was posted at the Court house of Kanawha County on

Manager, M. K. Boster

Kanawha Valley Leader

Subscribed and sworn to before me this 2nd day of September, 1969.

James Jefferies

Notary Public for Kanawha County, West Virginia
My commission expires August 28, 1972.

The Mayor said there were people present believing their streets would be discussed and that some of these were not until October 7. He went on to say that the streets in this program were Bank Street, Second Avenue, 14th, 17th, 18th and 21st Streets. 21st is from First to Third Avenue. A resident from 16th Street said he was under the impression that 16th would be brought up. The Mayor informed the gentleman that 16th Street had already been deleted from the program, that they were only going to repair the street.

Second Avenue beginning with its intersection with First Avenue to its intersection with Twenty-first Street was discussed at this time. The engineers estimate on this is \$4.56 per front foot from First Avenue to Nineteenth Street. Bob Marshall asked if this was a guaranteed estimate. The Mayor answered that it was not, but that if it went over 10% Council would reject it. Mr. Gandee asked where we got the \$4.56, and said that he had a newer estimate which was \$5.53. Councilman Allen asked if the prices were advertised in the newspapers. The Mayor answered that it was not. Councilman Allen said he had quoted figures to people and that since the estimates had changed he had told the people wrong. Mr. Gandee explained that the first estimate was a map estimate and the new one is from a field survey, that the number of drop inlets caused the increase. Councilman Williamson asked if some of the drop inlets could be deleted to enable lowering the cost. Mr. Bandee said we could but he did not want to quote a lower figure and then have the actual price be higher, but he preferred to give an estimate that would show what the highest price would be. Mr. Marshall asked if the property owners ever paid on paving here. The Mayor said the only time there was ever any assessment made on Second Avenue was when it was widened and resurfaced in 1953 and we had a bond issue paying 1/3 and the property owners paid 2/3.

Thereupon, Councilman Hoke moved that Second Avenue from its intersection with First Avenue to its intersection with 19th Street be resurfaced. Said motion seconded by Councilman Waldorf and upon voting carried.

Second Avenue from its intersection with 19th Street to its intersection with 21st Street. The Mayor said there was a bad situation in front of the schools where the buses sit and run their motors. He went on to say that on that side of the street there would be an eleven (11) foot strip of heavy reinforcement concrete which the Board of Education is to pay for. That part will cost \$19.08 per front foot and the cost on the other side of the street, which property owners will pay, is \$5.23. Mr. Marshall said he did not know why we, as the property owners, should pay for the school boards property. "I know ours is a reduced rate but we don't use the road that much and I don't see why we should have to pay the expenses of paving this street. We are paying more than the rest of Second Avenue." Councilman Kniceley said that Mr. Marshall was paying 30 cents less than the other people. Mr. Marshall said he did not see why the property owners should pay any of this because the buses travel these toads most and they are the reason it is so torn up. The Mayor said there was no doubt that the buses have had a great deal to do with the damage, but that we have gone as far as we can legally on this. Mr. Marshall said he appreciated this, but still felt the property owners should not have to pay for the damage the buses do. Mr. Witry asked if there was any City that paid for the paving of roads. The Mayor said the only way you can pave is for it to be assessed to property owners, that none of the Cities pay for the paving.

Thereupon, Councilman Waldorf moved that we resurface this portion of Second Avenue. Seconded by Councilman Kniceley. All voted in favor of this street being resurfaced with the exception of Councilman Williamson.

Bank Street beginning with its intersection with Twentieth Street to its intersection with Twenty-first Street. The engineers estimate on Bank Street was \$4.41 per front foot.

There being no protests on Bank Street, Councilman Hoke moved said street be resurfaced. Seconded by Councilman Allen. Motion carried.

Twelfth Street beginning with its intersection with Second Avenue to its intersection with Third Avenue. Engineer estimate is \$3.43. Councilman Kniceley pointed out that this price was up from \$2.58. He said that he had a petition from 12th Street with 23 signatures out of 24 lots and that he had checked these very carefully.

Thereupon, Councilman Kniceley moved that 12th Street be deleted from the program. Councilman Allen seconded the motion. Upon a vote, motion carried.

Fourteenth Street beginning with its intersection with Second Avenue to its intersection with Third Avenue. Councilman Kniceley presented a petition with 18 signatures out of 24 lots. He said there were people present from 14th Street with whom the Council may wish to speak. He went on to say that the price was up from \$2.75 to \$3.15 and that we were paving Second Avenue and hitting the people on the corners awfully hard. Councilman Kniceley said that Second Avenue needed work very much but he thought that 14th Street could wait for awhile.

Thereupon, Councilman Kniceley moved that 14th Street be deleted from the program. Motion seconded by Councilman Williamson.

Councilman Hoke asked the engineer what his opinion of the surface on these streets was. Mr. Gandee said he believed there were some openings in the streets that should be sealed off if we did not resurface. He went on to say that it will have to be done eventually and a delay would not make too much of a difference. There was a discussion on sealing the openings off. Mr. Gandee said that

it would cost very little to do this work. Councilman Tidquist suggested the City look into this sealer as a measure of preserving the streets. The Mayor instructed Mr. Gandee, as engineer, to look into this.

Upon a vote, motion to delete 14th Street from the paving program carried.

Seventeenth Street beginning with its intersection with First Avenue to its intersection with Second Avenue. The engineers estimate being \$3.30.

Councilman Hoke presented a petition from 17th Street with 13 signatures out of 17.

Thereupon, Councilman Hoke moved that 17th Street be deleted from the program, seconded by Councilman Allen. Motion carried.

Eighteenth Street beginning with its intersection with First Avenue to its intersection with Second Avenue. Councilman Hoke recommended this street be left on the program, that it was in very bad shape and needed the work. The estimate is \$3.20. There were no petitions presented.

Thereupon, Councilman Hoke moved 18th Street be resurfaced. Motion was seconded by Councilman Kniceley and carried.

Twenty-first Street beginning with its intersection with First Avenue to its intersection with Third Avenue. Engineers estimate is \$7.98. There were no protests.

Thereupon, Councilman Hoke moved that 21st Street be resurfaced. Motion seconded by Councilman Waldorf and carried.

Councilman Allen said he felt we should notify these people in some way that a lien is placed against their property and it is their responsibility to get it paid off. The Recorder explained we handled it as the law states it and each one is sent a statement telling them they have such a period to pay it. Councilman Allen said they should be notified that this will go against them. The Mayor said he did not believe that anyone in town did not know this. He went on to say that there has not been one that has gotten a release

that hasn't been told what to do with it. Councilman Allen said that they should be told before this if they don't pay the certificates that it will go on a lein. The Mayor said that the entire roll of assessments is recorded at the Court House regardless. This has to be legally publicized and then it goes on record. The certificates must be made up and a lein must be made on each assessment regardless of when it is paid.

Thereupon, Luke Michael presented a paving ordinance to Council. Councilman Kniceley moved that the ordinance be passed but that 12th Street, 14th Street and 17th Street be left out. Motion seconded by Councilman Waldorf and carried.

PAVING ORDINANCE

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.

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, and subsequent amendments, 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 7th day of August, 1959, and ending on the 21st day of August, 1969, that a public meeting would be held at the City Building in said City on the 2nd day of September, 1969, for the purpose of considering a resolution of ordinance declaring the necessity or convenience of the premanent improvement of certain streets intersections, and public way or port ons 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 street and public ways or portions thereof are described as follows:

THE FOLLOWING NAMED STREETS OR PUBLIC WAYS IN THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA: BANK STREET BEGINNING WITH ITS INTERSECTION WITH TWENTIETH STREET TO ITS INTERSECTION WITH TWENTY FIRST STREET; SECOND AVENUE BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE (95 feet south of center line of Seventh Street) TO ITS INTERSECTION WITH TWENTY FIRST STREET; EIGHTEENTH STREET BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE TO ITS INTERSECTION WITH SECOND AVENUE; TWENTY FIRST STREET BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE TO ITS INTERSECTION WITH THIRD AVENUE.

WHEREAS, prior to said public meeting there have been prepared plans, specifications and estimates of the proposed improvements by Robert R. Anderson, Engineer 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, 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 owners thereof.

NOW, THEREOF, 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 authorized 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:

BANK STREET BEGINNING WITH ITS INTERSECTION WITH TWENTIETH STREET TO ITS INTERSECTION WITH TWENTY FIRST STREET; SECOND AVENUE BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE (95 feet south of center line of Seventh Street) TO ITS INTERSECTION WITH TWENTY FIRST STREET; EIGHTEENTH STREET BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE TO ITS INTERSECTION WITH SECOND AVENUE; TWENTY FIRST STREET BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE TO ITS INTERSECTION WITH THIRD AVENUE; AND

which said plans, specifications, profiles and estimates are on file with the 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 Robert R. Anderson, Engineer 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 speciall benegited 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, 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 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 proportion 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 of said Code, as amended, except however, that said plans and specifications provide for a nine inch re-enforced concrete parking lane 11 feet in width, adjacent to the northerly curb of Second Avenue between 19th Street and 21st Street; the Council doth find that said concrete land will be of no benefit to the property owners abutting the south side all as set forth in the Engineers report dated September 2, 1969, and the cost of said strip shall be borne by the property owners abutting the north side of said parking lane.

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 certificates 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, ally, 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 pre-existing special assessments; and the said assessment shall be levied and paid, with interest thereof, and said certifi-

cates 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. 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 to 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 numbers 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 Engineer's 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 before 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. ✓

Luke Michael presented the notice to contractors at this time. The Mayor said that in order to give enough time for the notice to contractors to be advertised the earliest date we could have these bids back in would be September 23, a week after the regular Council meeting. The Mayor said that if the Council wished we could set it up for that night and have an additional meeting or that we could postpone the meeting which would normally be held September 16 till the next week. Councilman Kniceley asked if there was any reason we could not postpone the meeting. The Mayor answered there was not.

Thereupon, Councilman Hoke moved that the September 16 meeting be postponed until the 23. Motion seconded by Councilman Kniceley and carried.

Councilman Waldorf moved that the notice to contractors be approved. Motion seconded by Councilman Williamson and carried.

NOTICE TO CONTRACTORS

THE CITY OF NITRO will receive sealed proposals for the paving, re-paving, widening, surfacing, re-surfacing, grading, draining, curbing and guttering and otherwise permanently improving same, upon and along Bank Street beginning with its intersection with Twentieth Street to its intersection with Twenty First Street; Second Avenue beginning with its intersection with First Avenue (95 feet south of center line of Seventh Street) to its intersection with Twenty First Street; ~~Eighteenth Street~~ beginning with its intersection with First Avenue to its intersection with Second Avenue; Twenty First Street beginning with its intersection with First Avenue to its intersection with Third Avenue.

Proposals will be received only on and in accordance with forms furnished by the City Recorder. Work must be performed in accordance with plans, specifications, profiles and estimates on file with Grace Lewis, City Recorder. Payment for said work will be made by certificates in the manner set out in the bid proposal forms. The contractor shall deposit a certified check or bidder's bond in the amount of Five percent (5% of the bid price and furnish letter committing performance bond.

All bids shall be sealed and in the hands of Grace Lewis, City Recorder on or before _____ o'clock P. M. EST, _____ day of _____, with. Bids will be opened and publicly read at the City Hall, in the Council Chamber at a meeting of the Council to be held on the _____ day of _____. 1969, at _____ o'clock P. M. EST. The City reserves the right to reject any and all bids or to waive any irregularities in bids.

Plans, specifications and proposal sheets may be obtained at the Office of Grace Lewis, City Recorder.

GRACE LEWIS, CITY RECORDER
CITY OF NITRO

Mr. Gandee asked what the deadline would be for the bids to be in. The Mayor said the deadline was usually set at 4:00 or 4:30. It was decided that the deadline be set at 4:30, September 23.

Bids were then passed out on police cruisers. The Bids read as follows:

Cargill Motors, Inc.	2390.00
Tag Galyean, Inc.	3033.65
Harvey Shreve Ford, Inc.	2785.00
Childers Chevrolet	2883.27
C & O Motors, Inc.	2625.00

The lowest bidder being Cargill and C & O. It was asked what the preference was of the Police Department as to wanting a Ford or Chevrolet. The Mayor said that he had only talked to Captain Palmer and Lt. Johnston and both preferred a Ford. They were of the opinion that the Chevrolet was not going to hold up as long as it should and they would rather have the Ford. Councilman Waldorf suggested that the Council give the Mayor the authority to talk to the Police Department and then decide which was preferred by them and then he could go ahead and order such a car. The Mayor said that if he did this he would have the men to sign a paper showing what there preference was so that he could show Council if any questions were asked. It was asked if it would be between Cargill and C & O. Councilman Allen pointed out that we had to worry about service on the cars. Councilman Tidquist said that for the difference of \$5.00 on the Fords it looked like Harvey Shreve would be closer. At this time the bids from Harvey Shreve and Cargill were closely studied. Councilman Waldorf said we should go with the low bidder or we would ruin the way bids were taken. Councilman Allen said that we may be better off if we decided to take bids only from in the City limits and that it was something to think about.

Thereupon, Councilman Waldorf moved that the Mayor be given the power to poll the Police Department and to order the car after such poll. Motion was seconded by Councilman Williamson and carried.

The Mayor presented a resolution at this time which he asked Council to adopt.

RESOLUTION

WHEREAS, proposals for construction of new water treatment facilities in Charleston have created a growing concern for the economic health of the Kanawha Valley's residential and business-industrial consumers, and

WHEREAS, Council is of the opinion that an independent feasibility study should be made of the water needs of the entire Kanawha County, and

WHEREAS, federal assistance for making such study can more likely be obtained if the region involved is larger than the boundaries of a municipality or the area served by a single waterworks system.

NOW, THEREFORE, BE IT RESOLVED, that City Council of the City of Nitro, West Virginia, recommend to the Kanawha County Court that the Regional Development Authority of Charleston, Kanawha County, West Virginia, Metropolitan Region of the Kanawha County Planning and Zoning Commission make or have made a comprehensive study of all aspects of present and projected water consumption in Kanawha County, of all publicly and privately owned waterworkssystems and other sources of water supply now furnishing or providing water to individual, business, industrial and governmental consumers in Kanawha County, and of alternative water systems and sources, both publicly and privately owned and operated, for the purpose of making findings and recommendations as to what single or multiple waterworks systems and sources would best supply and provide water to consumers.

Councilman Waldorf asked whether this meant that we were supporting the study of the Regional Development Authority. The Mayor said that it did. Councilman Waldorf asked that in supporting this would it help us in getting assistance. The Mayor said this was the only way we would be able to obtain any assistance. Councilman Hoke asked whether the other Cities were doing this. The Mayor said they were.

Thereupon, Councilman Williamson moved we adopt said resolution. Motion seconded by Councilman Williamson. Councilman Waldorf asked if the W. Va. Water Works was going to continue with their program. The Mayor said he did not know. Councilman Alln said he felt we should have done something like this a long time ago and he was in favor of it. Upon a vote, motion carried.

Councilman Allen asked whether anything had been done yet on the steps at the park. The Mayor said nothing had been done but that we would try to get to it in the next few days.

The Mayor told Councilman Allen that he had talked to Dr. Seekford and that he (Dr. Seekford) said he would try to get down here in the next few days to look over the situation on 40th Street. He said that he would try to give us at least 24 hours notice of when he could come down.

The Mayor reported that he and Councilman Widorf had made a trip out to Brookhaven over the weekend and that the group out there has raised quite a bit of money and they are going ahead with their work on the recreation area. They do need some land leveling and they asked if the City could help them with this. The Mayor said that he had told them it would be impossible for us to do it during the week, but that we would work on it two Sundays. He asked whether there was any objection from the Council. There was none.

Councilman Kniceley reported that the parking situation at the Graduate Center on 19th Street was quite bad this evening. Councilman Tidquist explained that they were registering tonight and that not all of these cars would be over there normally. It was brought up that there would be a lot of cars over there and that something will have to be done. The Mayor said that last year we had informed them that they could use the City parking lot and that we had even fixed an entrance at that end of the lot for them. The Mayor went on to say that we may have to eliminate parking on one side of the street here to take care of the situation. Councilman Allen pointed out that we do not allow any parking at all in this area during a football game. The Mayor said he would inform them the parking lot was available for their use and if this does not help we will have to take further steps to eliminate this hazardous problem.

Mr. H. A. Hechesky from Hillside Drive introduced himself and two other residents from this area, Denver Peters and T. J. Shelly. He presented a petition from the residents of Hillside Drive asking the City of Nitro to:

(1) Expedite the paving of Wilson Street. (2) Have merchants in the immediate area keep from and refrain from using their property as a trash dump and to keep all refuse contained either in a trash house or barrels securely closed. (3) The property fronting on the north side of 1st Avenue and running between Center Finance and Weather-Tite is a breeding place for all sorts of flying pests and crawling pests. It is a disgrace to the City much less a nuisance as it is nearly impossible to enjoy a comfortable evening. Spraying regularly as in the past has not been done this year.

After discussion on these three problems the Mayor said that we would try to get these things straightened out. He said that he believed we had sprayed the area around Weather-Tite more this year than ever before. Mr. Shelby said he did not think so. The Mayor said that if his orders were being carried out that we had. These complaints are to be looked into.

Councilman Allen said the stop sign on Dupont had been torn down and that there was a wreck here with a car and truck. He said that they should see that this sign be put back up as soon as possible as it did cause a hazard. The Mayor said that Mr. Bailey was told to take care of this and that if he hadn't done so yet he would remind him.

Councilman Waldorf commented on the stop light on 21st Street and 2nd Avenue. He asked whether this was a new light. The Mayor said that it was not that it had been painted black to help see the light better. Councilman Waldorf said that you could distinguish between the red and the green better. It was suggested that members of the Council pay attention to the light and that if they receive any complaints about the light lasting too long that the yellow light lasted 29 seconds and the red and green lasted 20 seconds.

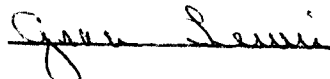
Councilman Allen asked whether the blinker light had been installed on 40th Street yet. The Mayor said that it had been and it was reported to be helping the situation there.

Councilman Tidquist said that he had been asked by several workers at Viscose to request the Council to take down the sign which is placed on Plant Road which makes it illegal to make a right turn from Plant Road toward the Park. Councilman Hoke said he didn't believe we should take this sign down, that we would just be letting the traffic go up past the school which we were trying to eliminate. Councilman Tidquist said that a lot of the workers were turning there anyway. Councilman Allen said that we should enforce the law more. The Mayor asked the Traffic Committee to check on this and make a report at the next meeting.

Councilman Hoke moved the meeting be adjourned. Motion carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

The City Council met in regular session September 23, 1969.

There were present: W. W. Alexander; Mayor, Grace Lewis; Recorder, Dr. R. V. Allen, E. L. Goodwin, Dr. L. I. Hoke, Kenneth K. Kniceley, Hugo D. Tidquist, Tom M. Waldorf and Kenton L. Williamson, members of City Council.

Mayor Alexander called the meeting to order and Rev. James Hornton of the Nitro First Baptist Church gave the invocation.

Councilman Hoke moved the minutes of September 1, 1969 be approved. Motion seconded by Councilman Williamson and carried.

Councilman Kniceley moved the financial statement for the month of August be accepted. Motion seconded by Councilman Waldorf and carried.

The Mayor pointed out that we were supposed to have had the bids in tonight on the paving but due to the fact that the 11th copy of the newspaper failed to carry the notice to contractors we have to readvertise. We will not be able to have the bids until October 14 and that it will be delayed until that time if the Council wishes to have it at that time. The ordinance will have to be passed again for this.

Mr. Michael, City Attorney, said that the municipal law had been rewritten by legislature and that as of July 1, 1969, any ordinance to be passed by any municipality must be read twice at two separate meetings.

Thereupon, Mr. Michael read the title of the paving ordinance.

ORDINANCE

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 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 COST OF WEST VIRGINIA, AS AMENDED.

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, and subsequent amendments, 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 _____ day of _____, 1969, and ending on the _____ day of _____, 1969, that a public meeting would be held at the City Building in said City on the 2nd day of September, 1969, 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 COUNTY, WEST VIRGINIA: BANK STREET BEGINNING WITH ITS INTERSECTION WITH TWENTIETH STREET TO ITS INTERSECTION WITH TWENTY FIRST STREET; SECOND AVENUE BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE (95 feet south of center line of Seventh Street) TO ITS INTERSECTION WITH TWENTY FIRST STREET; EIGHTEENTH STREET BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE TO ITS INTERSECTION WITH SECOND AVENUE; TWENTY FIRST STREET BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE TO ITS INTERSECTION WITH THIRD AVENUE.

WHEREAS, prior to said public meeting there have been prepared plans, specifications and estimates of the proposed improvements by Robert R. Anderson, Engineer 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 Code of West Virginia, as amended, 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:

BANK STREET BEGINNING WITH ITS INTERSECTION WITH TWENTIETH STREET TO ITS INTERSECTION WITH TWENTY FIRST STREET; SECOND AVENUE BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE (95 feet south of center line of Seventh Street) TO

ITS INTERSECTION WITH TWENTY FIRST STREET; EIGHTEENTH STREET BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE TO ITS INTERSECTION WITH SECOND AVENUE; TWENTY FIRST STREET BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE TO ITS INTERSECTION WITH THIRD AVENUE; AND

which said plans, specifications, profiles and estimates are on file with the 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 Robert R. Anderson, Engineer 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 cost mentioned in Section 5, Article 8, Chapter 8 of the Code of West Virginia, as amended, 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 proportion 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 portions of a street or public way herein authorized to be improved as provided by Chapter 8, Article 8 of said Code, as amended, except however, that said plans and specifications provide for a nine inch reinforced concrete parking lane 11 feet in width, adjacent to the northerly curb of Second Avenue between 19th Street and 21st Street; the Council doth find that said concrete lane will be of no benefit to the property owners abutting the south side all as set forth in the Engineers report dated September 2, 1969, and the cost of said strip shall be borne by the property owners abutting the north side of said parking lane.

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 part on 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 pre-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. 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 advertisements 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 advertisements for bids shall reserve to the City the right to reject any and all bids therefore. 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 numbers 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 Legis-

lature 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 Engineer's 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 before 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 lawing of the assessments and issuance of the certificates as aforesaid.

Thereupon, Councilman Hoke moved that this be accepted as second reading ~~and that the ordinance be passed.~~
of the ordinance. Motion seconded by Councilman Waldorf and carried.

It was then pointed out that the Notice to Contractors had to be acted on again and that this would be set for the 14th of October. All bids shall be sealed and in the hands of Grace Lewis, City Recorder on or before 4:30 o'clock P. M. EST, 14th day of October, 1969. Bids will be opened publicly and read at the City Hall, in the Council Chamber at a meeting of the Council to be held on the 14th day of October, 1969, at 8:00 o'clock P. M. EST. The City reserves the right to reject any and all bids or to waive any irregularities in the bids.

Thereupon, Councilman Hoke moved that the notice to contractors be passed. Motion seconded by Councilman Waldorf and carried.

Mr. John Marshall presented a petition from Second Avenue from 7th Street to 21st Street. Councilman Hoke said there were 47 lots listed on the petition and that of these 47 lots there were 29 signatures. It was discussed and decided that the actual number of plts here was 56. The Mayor said that one thing about this street was that we would not have any next year if we had a bad winter. Councilman Kniceley said that at the last meeting there had been no petitions brought in and this was the reasoning behind his feeling at the time to delete some of the other streets to avoid hardships on some of the people having corner lots. At the beginning of the program we discussed this and we decided that Second Avenue should definitely be paved and he saw no reason to alter this. He pointed out that there was much traffic on this street and it is getting in very bad shape. Councilman Hoke said that it was the next to most used street other than First Avenue. The Mayor said there was no doubt that they will be paying for a street for other people to use, but this is one thing that should be taken into consideration when a person buys a corner piece of land. Councilman Waldorf said it certainly needed resurfacing job and he would like to be able to assist through the City, but he realized there was no way it could be done. He went on to say that he felt if we let this street go another yet it would cost us a great deal more. Councilman Hoke said he had to go against the petition and move that Second Avenue be resurfaced. Motion seconded by Councilman Kniceley and carried with Councilmen Tidquist, Williamson and Allen voting against it.

The Mayor said a street that he would like not to have to pave was Bank Street but it needed it so he had voted for it to be paved even though he was going to have to pay for part of it. Mr. Marshall said that Bank Street was different because it was a commercial street, but Second Avenue is something

else. He said that this was not going to break him, but he was asked to bring in the petition, that some people will be hit quite hard by it. The contention of the people who he talked to was, the street being such as it is and used by so many people, that a more suitable manner to resurface it would be through a bond issue. The Mayor asked Mr. Marshall how he felt the people who have had to pave streets would vote. Mr. Marshall said he realized they would vote against it but that he had to be just as selfish. He went on to say that he would not blame those people for voting against a bond issue. Mr. Marshall said that his side of the street was not in bad shape and asked why couldn't only one side be paved. The Mayor said this could not be done. Mr. Marshall suggested that it be spot paved.

Council was informed that the survey for a police cruiser had been made of the Police Department and that it was six (6) to three (3) in favor of the Ford and the bid was awarded to Cargill. Councilman Allen asked whether the \$2390.00 quoted in the minutes was not wrong. He said that he didn't think Cargill was the low bidder. It was decided that the wrong figure had been copied and that the error would be corrected. The correct figure is \$2780.93

Councilman Allen moved that at this time the second reading of the Breathalyzer be made. Motion seconded by Councilman Tidquist and carried.

Thereupon, Mr. Michael read the title to the ordinance.

O R D I N A N C E

AN ORDINANCE RELATING TO PERSONS DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS, RELATING TO IMPLIED CONSENT TO A CHEMICAL TEST TO DETERMINE THE ALCOHOLIC CONTENT OF THE BLOOD OF THE OPERATOR OF A MOTOR VEHICLE ARRESTED FOR DRIVING OF A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR AND THE DESIGNATION AND ADMINISTRATION OF SUCH A CHEMICAL TEST; RELATING TO CHEMICAL TEST REQUESTED OR DEMANDED BY SUCH ARRESTED PERSON GRANTING CERTAIN IMMUNITY AND CRIMINAL AND CIVIL LIABILITY WHICH MIGHT OTHERWISE ARISE INCIDENT TO THE ADMINISTRATION OF SUCH CHEMICAL TEST; PROVIDING FOR SUSPENSION OF SUCH ARRESTED PERSON'S OPERATOR'S OR CHAUFFEUR'S LICENSE OR JUNIOR OR PROBATIONARY OPERATOR'S LICENSE, OR NONRESIDENT PRIVILEGE TO DRIVE FOR REFUSAL TO SUBMIT TO A DESIGNATED CHEMICAL TEST; SPECIFYING CERTAIN PRESUMPTIONS WITH RESPECT TO AND THE EVIDENTIARY VALUE OF A CHEMICAL TEST AS TO INTOXICATION; AND PROVIDING FOR THE PAYMENT OF A FEE FOR THE COST OF ADMINISTERING CERTAIN CHEMICAL TESTS.

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

Section 1. (a). Implied consent to test: administration at direction of law enforcement officer.

Any person who drives a motor vehicle on any highway within the City shall be deemed to have given his consent by the operation thereof, subject to the provisions of this ordinance, to a chemical test of either his blood, breath or urine for the purpose of determining the alcoholic content of his blood whenever he shall be lawfully arrested by a law enforcement officer as hereinafter defined for the offense of driving a motor vehicle upon any highway within the City while under the influence of intoxicating liquor. The test shall be incidental to a lawful arrest and shall be administered at the direction of the arresting law enforcement officer having reasonable grounds to believe the person to have been driving a motor vehicle upon any highway within the City while under the influence of intoxicating liquor. The law enforcement agency by which such law enforcement officer is employed shall designate which one of the aforesaid tests shall be administered: Provided, that if the test so designated is a blood test and the person so arrested refuses to submit to such blood test, then the law enforcement officer making such arrest shall designate in lieu thereof, either a breath or urine test be administered, such refusal to submit to a blood test only shall not result in the suspension of the arrested person's operator's or chauffeur's license, or junior or probationary operator's license or nonresident privilege to drive. The person arrested shall be told that his refusal to submit to the test finally designated as provided in this section, will result in the suspension of his operator's or chauffeur's license, or junior or probationary operator's license, or nonresident privilege to drive for a period of six months.

Section 2. How blood test administered: use of test results: certain immunity from liability incident to administering test.

only a doctor of medicine or osteopathy, or registered nurse, or trained medical technician at the place of his employment, acting at the request and direction of the law enforcement officer, may withdraw blood for the purpose of determining the alcoholic content thereof. These limitations shall not apply to the taking of a breath test or a urine specimen. In withdrawing blood for the purpose of determining the alcoholic content thereof, only a previously unused and sterile needle and sterile vessel may be utilized and the withdrawal shall otherwise be in strict accord with accepted medical practices. A non-alcoholic antiseptic shall be used for cleansing the skin prior to venapuncture. The person tested may, at his own expense, have a doctor of medicine or osteopathy, or registered nurse, or trained medical technician at the place of his employment, of his own choosing, administer a chemical test in addition to the test administered at the direction of the law enforcement officer. The failure or inability of the person arrested to obtain an additional test shall not preclude the admission into evidence at any judicial proceeding of the results of the test taken at the direction of the law enforcement officer. Upon the request of the person who is tested, full information concerning the test taken at the direction of the law enforcement officer shall be made available to him. No person who administers such test upon the request of a law enforcement officer as herein defined, no hospital in or with which such person is employed or is otherwise associated or in which such test is administered, and no other person, firm or corporation by whom or which person is employed or is in any way associated, shall be in any wise criminally liable for the administration of such test, or civilly liable in damages to the person tested unless for gross negligence or wilful or wanton injury.

Section 3. Refusal to submit to certain chemical tests: suspension of license or privilege: consent not withdrawn if person arrested is incapable of refusal.

If any person under arrest as specified in section 1 of this article refuses to submit to the test finally designated in the manner provided in section 1 hereof, no test shall be given, but the commissioner of motor vehicles, upon receipt of a sworn statement of the law enforcement officer that (1) he has reasonable grounds to believe such person had been driving a motor vehicle upon a highway within the City of Nitro while under the influence of intoxicating liquor, (2) such person was lawfully placed under arrest for the offense of driving a motor vehicle upon a highway with the City of Nitro while under the influence of intoxicating liquor, (3) such person refused to submit to the test finally designated in the manner provided in section 2 of this article, and (4) such person was told that his operator's or chauffeur's license, or junior or probationary operator's license, or nonresident privilege to drive would be suspended for a period of six months if he refused to submit to the test finally designated in the manner provided in section 2 of this article, shall make and enter an order suspending such person's operator's or chauffeur's license, or junior or probationary operator's license, or nonresident privilege to drive for a period of six months. A copy of such order shall be forwarded to such person by registered or certified mail, return receipt requested. No such suspension shall become effective until ten days after receipt of the copy of such order. Any person who is unconscious or who is otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn his consent for a test of his blood, breath or urine as provided in this article and the test may be administered although such person is not told that his failure to submit to the test will result in the suspension of his operator's or chauffeur's license or junior or probationary operator's license, or nonresident privilege to operate a motor vehicle for a period of six months.

A suspension hereunder shall run concurrently with the period of any suspension or revocation imposed in accordance with other provisions of this code and growing out of the same incident which gave rise to the arrest for driving

a motor vehicle while under the influence of intoxicating liquor and the subsequent refusal to undergo the test finally designated in accordance with the provisions of this article.

Section 4. Interpretation and use of chemical test.

Upon trial for the offense of driving a motor vehicle on any highway within the City of Nitro while under the influence of intoxicating liquor, or upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving a motor vehicle while under the influence of intoxicating liquor, evidence of the amount of alcohol in the person's blood at the time of the arrest or of the acts alleged, as shown by a chemical analysis of his blood, breath or urine, is admissible, if the sample or specimen was taken within two hours from and after the time of arrest or of the acts alleged, and shall give rise to the following presumptions or have the following effect:

(a) Evidence that there was, at that time, five hundredths of one percent or less, by weight, of alcohol in his blood, shall be prima facie evidence that the person was not under the influence of intoxicating liquor;

(b) Evidence that there was, at that time, more than five hundredths of one percent and less than ten hundredths of one percent, by weight, of alcohol in the persons blood shall be relevant evidence but it is not to be given prima facie effect in indicating whether the person was under the influence of intoxicating liquor;

(c) Evidence that there was, at that time, ten hundredths of one percent or more, by weight, of alcohol in his blood, shall be admitted as prima facie evidence that the person was under the influence of intoxicating liquor.

Percent by weight of alcohol in the blood shall be based upon milligrams of alcohol per one hundred cubic centimeters of blood.

A chemical analysis of a person's blood, breath or urine, in order to give rise to the presumptions or to have the effect provided for in this section, must be performed in accordance with methods and standards approved by the state department of health. A chemical analysis of blood or urine to determine the alcoholic content of blood shall be conducted by a qualified laboratory or by the state police scientific laboratory, of the criminal identification bureau of the department of public safety.

The provisions of this article shall not limit the introduction in any judicial proceeding of any other competent evidence bearing on the question of whether the person was under the influence of intoxicating liquor.

Section 5. Right to demand test.

Any person lawfully arrested for driving a motor vehicle on any highway within the City of Nitro while under the influence of intoxicating liquor and who is not tested at the direction of the arresting law enforcement officer under the provisions of the article, or who is lawfully arrested as aforesaid by any other police officer, shall have the right to demand that a sample or specimen of his blood, breath or urine be taken within two hours from and after the time of arrest, and that a chemical test thereof be made. The analysis disclosed by such chemical test shall be made available to such arrested person forthwith upon demand.

Section 6. Fee for withdrawing blood sample and making urine test.

A fee not exceeding five dollars shall be allowed to the person withdrawing a blood sample or administering a urine test at the request and direction of a law enforcement officer in accordance with the provisions of this article. If the person whose blood sample was withdrawn or whose urine was tested was arrested and charged with a violation of this chapter, the City of Nitro shall pay said fee, and if said person is subsequently convicted of such charge, such fee shall be taxed as a part of the costs of the criminal proceeding and shall be paid, notwithstanding any other provision of this code to the contrary, into

the general fund of the City of Nitro. If the person whose blood sample was withdrawn or whose urine was tested was arrested and charged with a violation of a similar ordinance of any municipality, said municipality shall pay said fee, and if said person is subsequently convicted of such charge, such fee shall be taxed as a part of the costs of the criminal proceeding and shall be paid, notwithstanding any other provision of this code to the contrary, into the general fund of said municipality.

Section 7. Severability.

If any provision of this article or its application to any person or circumstance be held invalid, such invalidity shall not affect other provisions or applications of this article, and to this end the provisions of this article are declared to be severable.

Section 8. Hearing procedures: judicial review.

Nothing herein contained shall deprive any person whose operator's or chauffeur's license, or junior or probationary license, or nonresident privilege to drive has been so suspended, from availing himself of any administrative or judicial review as provided for in Chapter 17-c, Article 5A, Section 4 of the Code of West Virginia of 1931, as amended.

The provisions of this ordinance insofar as they are inconsistent herewith, are hereby repealed.

Councilman Goodwin moved that the Breatholyzer Ordinance be adopted by Council, Motion was seconded by Councilman Tidquist and carried.

The Mayor said he had a letter and recommendation from the Health Department on 40th Street Road and that as soon as he had received such he asked the City Attorney to draw up an ordinance on the recommendations.

Recommendations:

1. Building is unfit for human habitation. Building should be repaired or demolished.

2. City of Nitro should be notified of conditions and inquiries about the housing ordinances in Nitro. If the City of Nitro has no building ordinances, the City should be encouraged to adopt such codes.
3. Nitro should incorporate training personnel for inspecting housing in their City.
4. With the violations mentioned above, the building is substandard and should be considered a health nuisance.

Mr. Michael then explained that this was a very dangerous thing to undertake, that there is no law that gives the authority to tear anyones building down. He went on to say that he talked to the City Attorney for St. Albans and was informed that they sterred away from this area, and the only one who has ever attempted to do anything was Charleston and he felt that we should proceed along the lines that Charleston did. In the first place we have to have an ordinance passed and he said he thought whoever was on this committee would have to work with him to set up a housing authority or commission. He informed that there was quite a bit of legal steps that had to be taken care of. The Mayor asked if Councilman Allen's committee would work with the attorney on this. The members of said committee being Councilmen Allen, Tidquist and Waldorf. The Committee said that they would work with the attorney.

The house on 32nd Street that was in such bad shape was brought up and the Recorder informed Council that a permit was issued for the people who own this to demolish three (3) rooms and to remodel one (1) apartment. Councilman Allen asked whether it would be wise to have the fire marshall cone down. The Mayor said that it certainly would not hurt but that before the Circuit Court had thrown cases out of court.

The Mayor said there were several houses in the east end of town that during the last heavy rain the force of the sewer, which could only be caused by surface water, was so great from lines under one man's basement that it tore

up the line and the man's concrete floor in his basement. Councilman Waldorf asked how many homes are tied into surface water. The Mayor said he didn't know that it was probably 1,500 which would make it about 2/3. There was an ordinance presented to Council. The Mayor said that the men in the Sanitary Board had inspected the drainage to this man's house and it was their opinion that this ordinance should be passed. Councilman Allen asked whether, on his street, the storm sewers were connected to the sanitary lines. The Mayor said he was not sure. Councilman Allen said he was wondering whether the one in front of his house ran to the creek. The Mayor said he thought it did. Councilman Tidquist asked what the people would do with the water. The Mayor said they would have to drain it out to the ground and that someday we will have to run the street drains to the river. Councilman Goodwin said the big problem with putting all this water into the sanitary sewers was that it cost a great deal of money to treat this water. The Mayor said that at the last meeting of the Sanitary Board it was a unanimous vote that the ordinance be drawn up and passed. Councilman Waldorf said he felt something should be done about it because it is causing too many problems. Councilman Tidquist said this was probably one of the reasons our streets flood as much as they do. The Mayor pointed out that this was gradually becoming worse. Councilman Kniceley asked how much time the people would be given to correct this. The Mayor said he would think 30 or 60 days would be enough. Councilman Tidquist asked whether there would have to be two readings before this ordinance was passed. The Mayor answered yes. Councilman Allen pointed out that the weather changing would have to be taken into consideration. Councilman Waldorf said that the October and November months were good ground working weather. Councilman Hoke said you could give them six months and still some of the people would not get it done. Councilman Kniceley asked how we would go about enforcing this. The Mayor said our employees would conduct smoke tests. Councilman Kniceley said he did not believe in passing something like this if we are not going to enforce

it. The Mayor said we have been trying for the last five years, everytime a new home is built to get them to put the lines into the sewers but some of them didn't. Councilman Kniceley said he didn't feel like voting on this until he checked with the people in his area on how it will effect them and that he would have to make this survey. The Mayor said that this would mean two surveys would have to be made. Councilman Kniceley said he would go out on his own time and do a survey to see how it will effect the people. Councilman Allen said that some of the road sewers will not handle the water now. The Mayor said a lot of this water is coming back up through manholes. Councilman Kniceley said he was not against this, but he felt a survey should be made on it. That he would vote for the first reading and then take his survey. Councilman Hoke asked if it was possible to get the State Road to enlarge the lines on First Avenue to make adequate provisions for this water. It was pointed out that it was hard to get the State Road to do anything. The Mayor said that we were the last town in the valley to take action on this. Councilman Waldorf said there was not that much of a cost factor on the home owners but it will then give us a problem of surface water and force us to take action along thos lines. Councilman Goodwin said in order to be as liberal as possible he suggested we give the people 90 days after passing of the ordinance to change their lines. He said that he would like to make this in the form of a motion. Motion was seconded by Councilman Hoke and carried. Another reading will be made on this at the next meeting.

O R D I N A N C E

AN ORDINANCE PROHIBITING THE DRAINAGE OF SURFACE WATER INTO THE SANITARY SEWER SYSTEM OF THE CITY OF NIRO, AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

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

No person, firm or corporation shall knowingly, or who should have knowledge, permit or allow surface water accumulating on roofs, buildings,

sidewalks, lawns or from any other source to drain into the sanitary sewer system of the City of Nitro.

It shall be the duty of the property owner or owners, jointly or severally, or any other person, firm or corporation charged with the maintenance of said property, to correct such violation within 90 days from the effective date of this ordinance, and also to prevent any future violation.

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 noncompliance, 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 offense. 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.

Any ordinance or ordinances or parts of any ordinance inconsistent with this Ordinance or any part thereof is hereby repealed.

This Ordinance shall take effect as of the _____ day of _____, 1969.

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 _____, 1969.

IN WITNESS WHEREOF, I have hereunto affixed by Official signature and the seal of said City, this _____ day of _____, 1969.

SEAL:

Grace Lewis, Recorder

Councilman Allen said the storm sewer on 18th Street Hill was in terrible shape and that it needed covering. He said that he had gone up there and removed three logs. Councilman Allen pointed out that the problem was that the road was slanted the wrong way.

The Mayor reported that at the Sanitary Board meeting it was voted on to appoint Borden Gewin as replacement for L. E. Dodson who is moving.

Thereupon, Councilman Hoke moved, seconded by Councilman Kniceley, the appointment of B. E. Gewin to the Nitro Sanitary Board be approved. Motion carried.

The Mayor said he would also like to reappoint Curtis Woods to the Sanitary Board. Councilman Waldorf moved that this appointment be approved. Motion seconded by Councilman Goodwin and carried.

The Mayor reported that there will be a ten (10) week course held at Cedar Lake starting on November 2 on all types of crime work. This is being funded by the Federal Government. The Mayor said he had a list of the different things which would be taught and he could not think of a single thing that had been left out. This shall be a total of four hundred (400) hours. He had

talked with the members of the Police Department and they feel it would be very helpful if we could send a man who we feel is going to be with us for a while and who is capable of coming back after the course and teaching our men who were on the job the things that were taught out there. This means we will be working a little short at times, but the men are willing to do anything to get this training. The only thing it would cost us would be the man's salary while he is gone and 8¢ a mile for traveling time. It is impossible for us to send two men because it would leave us too shorthanded. I talked to one of the men who is willing to go and it would not interfere with the two men who are taking full courses at State College and who are also working their shifts. He went on to say that the Police Department should be acquainted with the different laws and how to cope with them. Councilman Goodwin asked if this was a live-in course. The Mayor said that it was but the man could come home on the weekends but the weather will probably not permit too much of that. Councilman Waldorf said that from what he had heard this was a very meaningful course and that it would motivate the Police Department. The Mayor said that we had a marijuana case here in town and there were questions that had to be asked and different things in regard to the case had to be answered. He said that all of these would be covered in this course. Councilman Goodwin asked if there had been any thought on a method of selecting a man. The Mayor said he had talked to the members of the Police Department and they have come up with two men and that if one is unable to attend for some reason the other man will go. This other man is attending State but we feel he will be given full credit for attending this course. Councilman Allen asked if this would weaken our force for the ten weeks. The Mayor said that it would not be too bad, that right now we are working with one man short due to a man resigning but that he had informed Captain Palmer to notify the Civil Service to hold a class and that we were hoping to hire another man soon. Councilman Kniceley said that maybe we should do something to help the two fellows who had the initiative to go to State College. The Mayor said that this was also a Federal program but that this year the men had to pay for their books.

Thereupon, Councilman Goodwin moved that a man be sent to Cedar Lakes to attend these courses. Motion seconded by Councilman Waldorf and carried.

Councilman Kniceley asked whether anyone from the Police Reserve had contacted the Mayor lately on the matter of insurance. The Mayor said that this was in the process of being checked and he asked Mr. Marshall what he knew on the subject. Mr. Marshall said that the companies would positively not cover these men. The Mayor said we had not been able to find any company that would write coverage for these men and that the Reserve was very unhappy about this. Mr. Marshall made the suggestion that the Reserves check with their own companies. The Mayor said that we had asked the men to do this but for some reason they would not do so. He said that someone had informed us that the Coal River Insurance Company had some type of policy and they sent us information but it was nothing like the men want. It was brought up by Mr. Marshall that supposedly the Pocahontas Reserve had the type of coverage our men want. The Mayor said that Bill Hall had replaced Charles Sisk as director and that he would check into this further to see what we can possibly get for these men. Councilman Allen asked if the Insurance Commissioner could give us some information on this. The Mayor said that as far as he knew the commissioner had not been contacted. Mr. Marshall said that the Insurance Commissioner was not allowed to suggest any company that he probably could direct us in the right direction and give us several companies that possibly would cover these men. Councilman Waldorf said he would check with the Pocahontas Reserve to see what kind of insurance coverage they have.

The Mayor reported that there is a feasibility study being made for the entire system of the West Virginia Water Company and that the Supreme Court was supposed to have given a decision on the Public Service Commission's approval of rate increases today but the only thing they did was to docket it, that they did not hear the case. He had talked to the Regional Development Authority and we are on record as going along with the RDA and the City of Charleston as to

the action they are taking on the rates. We have one of the industries here in town who is very much interested in the rate increases. He met with one of the officials week before last of the Monsanto Company from the St. Louis office. There company uses a lot of the West Virginia Water. There are persons in the industries talking to other industrial leaders and just how much support we will get he was not sure but we may have quite a bit. There are some industries that have their own water plant and do not use the W. Va. Water but Monsanto does. The Mayor said that Monsanto was going to hire Horne and Sheffren, Inc., if Council approves it, to make a feasibility study. We have not worked out the final details but Monsanto Company will pick up the tab on the study and give the information to the City. In the case we decide it would be wise to obtain the West Virginia Water Company in Nitro, Monsanto would be refunded the amount of money spent on the study. Councilman Welford said that this is anticipating an increase and that this would probably minimize this, otherwise is the Water Company gets the approval for the increase in cost the rate will rise 2.43 percent. Councilman Kniceley said he could not see how it could hurt us any at this time. The Mayor pointed out that this was a large engineering company and that Monsanto would not hire anyone that was not competent to do the job. He went on to say that there will have to be a new plant built in Charleston and he could see no reason why we should have to help pay for that plant. The Mayor said that when the study was made in regard to carbon filters about six years ago that when the pilot test was made at that time there was only two sections that used carbon filters and that the water was good up to 21 days. He said he did not know how many of the carbon filter sections they were using now but he was certain they were not using as many as they could and that they do not reactivate the filters often enough. The Mayor said the only thing he needed from Council was the authority to work with these people and to sign a contract with them so that we can go ahead with the study. He said that Mr. Michael, City Attorney, and the Attorney for Monsanto Company would work out the final details.

Thereupon, Councilman Waldorf moved that such authority be given to the Mayor. Seconded by Councilman Hoke. Motion carried.

Councilman Tidquist asked whether anything had been done on the traffic study which was to be made. The Mayor said that there had not been and that the man who he was going to get to make the study had refused, and that he could get someone else if the Council wished. Councilman Tidquist said that several people had asked him about this. The Mayor said that if the Council wished he would check around to see how much it would cost. It was decided for the Mayor to check into this.

Councilman Allen asked about the junkyard and whether Council was going to do anything about it. It was pointed out that this was the Dunbar Trading Post. The Mayor said that the State was trying to buy part of this land and were going to clear it out and they did not want the City to take any steps that might rock the boat.

Mr. Boggess from 31st Street, East asked why they had not gotten fire hydrants in their area yet. He said that a new line had been put in here and the man told him he was waiting on the City to give him the go ahead. The Mayor said that we had told them to put in a fire hydrant as soon as they got enough line in to carry it. It was asked whether a location had been designated for the hydrant. The Mayor said he did not think so. He said that we had never been notified that the line was completed, and that he would contact the Water Company and give them the go ahead on putting in the hydrant. It was pointed out that the Mayor and a representative from the Water Company decided where the fire hydrant should be located and then it had to be approved by the West Virginia Inspection Bureau.

Thereupon, Councilman Goodwin moved that we put in as many plugs as necessary to take care of the area. Motion seconded by Councilman Kniceley and carried.

The Mayor informed that he was appointing Earl Dye to replace Mr. Dobson on the Firemen's Civil Service Commission.

Thereupon, Councilman Hoke moved this appointment be approved, seconded by Councilman Goodwin. Motion carried.

There being no further business to come before Council, motion to adjourn by Councilman Hoke carried.

W. M. Alexander

W. M. Alexander, Mayor

Grace Lewis

Grace Lewis, Recorder

City Council met in regular session October 7, 1967.

There were present: W. W. Alexander, Mayor, George Lewis, Recorder, Dr. R. V. Allen, F. L. Goodwin, Dr. L. I. Hoise, Kenneth K. Kriceley, Hugo D. Tiddquist, and Henton L. Williamson, members of the Council. Councilman Wildorf being absent.

Mayor Alexander called the meeting to order and Rev. Jerry Foster of the Nazarene Church gave the invocation.

Mike Michael, City Attorney, asked the members of Council to turn to page six of the minutes for the meeting held September 23. He pointed out that the action was made to accept the reading of the paving ordinance at the last meeting as the second reading but he was sure it was the intention of the Council for this Ordinance to be passed and that if it was, the minutes should be amended to read as such. He explained that when the certificates are sold the attorney for the contractor checks the minutes and this could possibly cause some difficulty.

Thereupon, Councilman Goodwin moved that the minutes be amended to read that the reading be accepted as the second and that the ordinance be passed and the minutes of September 23 be approved. Motion was seconded by Councilman Hoise and carried unanimously.

The Recorder advised the Council that the notice to publishing property owners of the proposed permanent improvements had been published for three (3) successive weeks in the Fort Valley Leader as directed by Council order.

Thereupon, Councilman Kriceley moved the publishers affidavit be made a part of the minutes of this meeting. Said motion was seconded by Councilman Goodwin and carried.

AFFIDAVIT OF PUBLICATION

State of West Virginia,

County of Kanawha, to-wit:

I, M. K. Boster, Member 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

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: CEDAR STREET BEGINNING WITH ITS INTERSECTION WITH MAIN AVENUE TO ITS INTERSECTION WITH KANAWHA AVENUE; (Kanawha Co.) IVY STREET BEGINNING WITH ITS INTERSECTION WITH MAIN AVENUE TO ITS INTERSECTION WITH KANAWHA AVENUE (Kanawha Co.) SHORT STREET BEGINNING WITH ITS INTERSECTION WITH PENWOOD AVENUE TO ITS INTERSECTION WITH GRAFTON AVENUE; (Kanawha Co.) THIRTY NINTH STREET EAST BEGINNING AT THE END OF EXISTING CONCRETE PAVEMENT AT OLD CORPORATION LINE AND EXTENDING IN AN EASTERLY DIRECTION TO ITS INTERSECTION WITH EASTER ROAD; (Putnam Co.) THIRD AVENUE BEGINNING WITH ITS INTERSECTION WITH THIRTY NINTH STREET EAST TO ITS INTERSECTION WITH FORTIETH STREET; (Putnam Co.) FORTY FIRST STREET BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE TO ITS INTERSECTION WITH SECOND AVENUE; (Putnam Co.).

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 County and Putnam County, 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 7th day of October 1962, at 8:00 o'clock P. M., at the City Building in said City of Nitro, 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 12th day of August, 1962.

CITY OF NITRO

BY: Grace Lewis
City Recorder

LEGAL NOTICES

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: CEDAR STREET BEGINNING WITH ITS INTERSECTION WITH MAIN AVENUE TO ITS INTERSECTION WITH KANAWHA AVENUE; (Kanawha Co.) IVY STREET BEGINNING WITH ITS INTERSECTION WITH MAIN AVENUE TO ITS INTERSECTION WITH KANAWHA AVENUE; (Kanawha Co.) SHORT STREET BEGINNING WITH ITS INTERSECTION WITH PENWOOD AVENUE TO ITS INTERSECTION WITH GRAFTON AVENUE; (Kanawha Co.) THIRTY NINTH STREET EAST BEGINNING AT THE END OF EXISTING CONCRETE PAVEMENT AT OLD CORPORATION LINE AND EXTENDING IN AN EASTERLY DIRECTION TO ITS INTERSECTION WITH EASTER ROAD; (Putnam Co.) THIRD AVENUE BEGINNING WITH ITS INTERSECTION WITH THIRTY NINTH STREET EAST TO ITS INTERSECTION WITH FORTIETH STREET; (Putnam Co.) FORTY FIRST STREET BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE TO ITS INTERSECTION WITH SECOND AVENUE; (Putnam Co.).

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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 7th day of October, 1969, at 8:00 o'clock P.M., at the City Building in said City of Nitro, 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 19th day of August, 1969.

CITY OF NITRO

By: Grace Lewis
City Recorder

WILLIAM L. CANTRELL

Gunnery Mate Third Class William L. Cantrell, USN, son of Mr. and Mrs. Robert F. Cantrell of 1426 W. 14th St., Nitro, is serving aboard the guided missile destroyer USS Cochrane off the coast of Vietnam.

The Cochrane provides fire support for ground forces in Vietnam. Air spotters provide the Cochrane with detailed information on the location of enemy targets. Using this information the ship can aim its missiles at targets which are dangerous to American troops ashore.

The Cochrane is homeported at Pearl Harbor, Hawaii.

Local Florist In Hawaii For Meeting

Brooks Brubaker Carlous Adams of Nitro Floral Shop attended the 1969 "Mid-Pacific" Convention of Florists' Transworld Delivery Association, held at the Hilton Hawaiian Village Hotel, Honolulu, Hawaii, August 9-14.

Highlights of the Convention included the national finals of the FTD "Design of the Year" Contest, the FTD Annual Members' Meeting at which Association business was transacted,

and election of new national officers.

Florists' Transworld Delivery Association is a non-profit association, owned and operated by almost 12,000 retail florist members in North and South America. Through the FTD service, and the service of its international affiliate, Interflora, flowers-by-wire can be sent practically anywhere in the world.

LEGAL NOTICES

NOTICE TO ALL PERSONS OR CORPORATIONS OWNING PROPERTY ABUTTING ON THE FOLLOWING NAMED STREETS OR PUBLIC WAYS IN THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA: BANK STREET BEGINNING WITH ITS INTERSECTION WITH TWENTIETH STREET TO ITS INTERSECTION WITH TWENTY FIRST STREET; SECOND AVENUE BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE (95 feet south of center line of Seventh Street) TO ITS INTERSECTION WITH TWENTY FIRST STREET; TWELFTH STREET BEGINNING WITH ITS INTERSECTION WITH SECOND AVENUE TO ITS INTERSECTION WITH THIRD AVENUE; FOURTEENTH STREET BEGINNING WITH ITS INTERSECTION WITH SECOND AVENUE TO ITS INTERSECTION WITH THIRD AVENUE; SEVENTEENTH STREET BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE TO ITS INTERSECTION WITH SECOND AVENUE; EIGHTEENTH STREET BEGINNING WITH ITS INTERSECTION WITH SECOND AVENUE; TWENTY FIRST STREET BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE TO ITS INTERSECTION WITH THIRD AVENUE. FORTYFIRST STREET BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE TO ITS INTERSECTION WITH SECOND AVENUE.

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 County, 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 2nd day of September, 1969, at 8:00 o'clock P.M. at the City Building in said City of Nitro. 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 5th day of August, 1969.

CITY OF NITRO

By: Grace Lewis
City Recorder

Cross Lanes Women Plan First Meeting

The Woman's Club of Cross Lanes will hold their first meeting of the year Tuesday, September 2, 1969, at 8 p.m. at the Lake Chawewa Club House.

Mrs. Camille Stewart, West Virginia University Agent for Home Demonstration, will speak on "Developing Sense of Values in Children."

COAL RIVER INSURANCE CO.

83 Main St. * P. O. Box 266 * St. Albans, W. Va. 25177



727-4225

guest of Miss Nyla Cox.

AFFIDAVIT OF PUBLICATION

State of West Virginia,

County of Kanawha, to-wit:

I, M K Bartei, 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 Aug
day of 21, 1969. and ending with the
issue of the Sept day of 4th, 1969
and was posted at the Court House of Kanawha County on
, 19

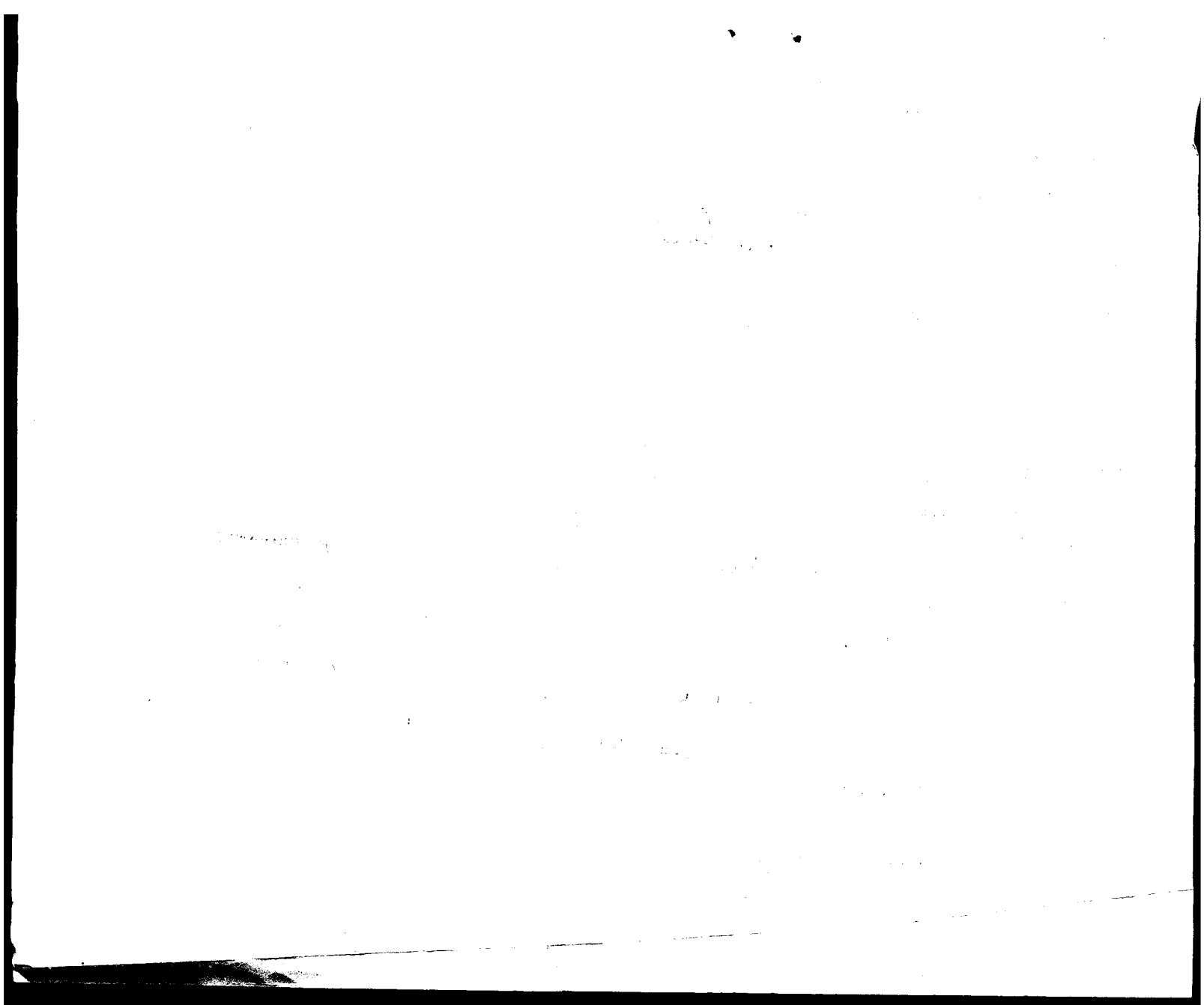
Manager, M K Bartei
Kanawha Valley Leader.

Subscribed and sworn to before me this 21st day of
Oct, 1969

James Jeffries
Notary Public for Kanawha County, West Virginia.

(My commission expires MY COMMISSION EXPIRES AUGUST 28, 1972)

~~7-21-69~~
8-21-69
8-28-69
9-4-69



was duly published in said paper once a week for three successive weeks, commencing with the issue of the 21st day of August, 1962, and ending with the issue of the 4th day of September, 1962, and was posted at the Court House of Kanawha County on

Manager, M. K. Boster

Kanawha Valley Leader

Subscribed and sworn to before me this 6th day of October, 1962

James Jefferies

Notary Public for Kanawha County, West Virginia
My commission expires August 20, 1972.

The Mayor said that on Forty-first Street we had a foreign corporation and the notification was not sent to the proper company, therefore, he thought it would be in order to delete Forty-first Street from the program.

Thereupon, Councilman Hoke moved Forty-first Street beginning with its intersection with First Avenue to its intersection with Second Avenue be deleted from the program. Motion seconded by Councilman Williamson and carried.

Third Avenue beginning with its intersection with Thirty-ninth Street East to its intersection with Fortieth Street. The Mayor said the Engineer's estimate was \$6.64 per front foot on Third Avenue. Councilman Hoke presented a petition from the property owners and it looked as though everyone had signed it. It was asked whether bids would be taken for both asphalt and concrete. Mr. Gendee said the bids would be on asphalt.

Thereupon, Councilman Hoke moved that Third Avenue be deleted, seconded by Councilman Tidquist. Motion carried.

Thirty-ninth Street East beginning at the end of existing concrete pavement at old corporation line and extending in an easterly direction to its intersection with Easter Road. The Engineer's estimate per front foot on this is \$14.00.

Councilman Hoke presented a petition with eight (8) signatures. He said there were twenty (20) lots but the way they figured it some people owned $2\frac{1}{2}$ or $1\frac{1}{2}$ lots and that actually there was seventeen (17) against it out of the twenty (20). He went on to say that this was on the short end of the street that would tie in with Easter Road, which is unpaved. He said he could not see paving Thirty-ninth Street East until we are able to pave Easter Road.

Thereupon, Councilman Hoke moved that Thirty Ninth Street East be deleted from the program. Motion seconded by Councilman Kniceley and carried.

Short Street beginning with its intersection with Penrod Avenue to its intersection with Grafton Avenue. The Mayor said the Engineer's estimate was \$8.00 per front foot. Mr. Charles Leshon said that a while back the cost was \$6.00 and he asked why the increase. It was pointed out that the \$6.00 estimate was two years ago and the costs have increased. Mrs. Virginia Dodson said that the \$6.00 was printed in the Kanawha Valley Leader. The Mayor said that no estimates were printed in the Kanawha Valley Leader, the lady who is here taking minutes for the Leader remembers that I asked her not to publish those figures because it would give contractors information that he did not feel they should have. He said the estimates were not even given to the papers. It was pointed out that the Engineer's report had not even given such a figure, that the figure listed in it was \$9.35. Mrs. Dodson said she was protesting the paving of Short Street in behalf of her mother Mrs. Georgia Carrier and Mr. Leshon said he was not opposed to it when the cost was \$6.00 but he was opposed to it now. This made 100% against the paving of Short Street.

Thereupon, Councilman Hoke moved Short Street be deleted from the program. Motion was seconded by Councilman Williamson and carried.

Cedar Street beginning with its intersection with Main Avenue to its intersection with Kanawha Avenue. The Engineer's estimate per front foot being \$11.83. There was a petition presented with eight (8) signature out of twelve (12) lots.

Thereupon, Councilman Hoke moved Cedar Street be deleted, seconded by Councilman Kniceley. Motion carried.

Ivy Street beginning with its intersection with Main Avenue to its intersection with Kanawha Avenue. The Engineer's estimate being \$16.15. There was a petition presented listing fourteen (14) lots and nine (9) signatures. A property owner said there were two lots listed that were not supposed to be, Mr. Dye's and Mr. Wood's and this would make it twelve (12) lots. He said also that Mr. Pauley did not sign these petitions but usually went along with the majority as did Mr. Wallace.

Thereupon, Councilman Hoke moved that Ivy Street be deleted from the program. Motion was seconded by Councilman Williamson and carried.

The Mayor said that he had gotten information on insurance for the Police Reserve and that it was for \$20.00 a year. He said this seemed a ridiculously low price and he told them to send him a binder on this until we could get the policy. The company is McDonough-Caperton-Shepard-Goldsmith, General Insurance. It was asked whether the \$20.00 was per person. The Mayor said it was not, but they did say that the cost could go to \$1.18 per person and there are thirteen (13) members. This is giving them a coverage of \$100,000 each person for bodily injury, \$300,000 each occurrence of bodily injury and \$25,000 each occurrence of property damage. The Council felt that if it was at such a low cost we should grab it. The Mayor said he had told them to go ahead with this and the men are covered now.

At this time the Recorder read the title to the Storm Sewer Ordinance.

AN ORDINANCE PROHIBITING THE DRAINAGE OF SURFACE WATER INTO THE SANITARY SEWER SYSTEM OF THE CITY OF NITRO, AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

The Recorder told Council we needed a motion to accept this as the second reading and the ordinance to be adopted or rejected. Councilman Kniceley said he had conducted his study of the people in his ward and there was possibly not one or two people on each of the streets that tied into our lines and that the newer houses were the ones tied in. The Mayor said the newer houses were the ones asked not to tie in. He went on to say that several people had talked to him and that none of them objected to this change. Councilman Kniceley said he saw where Belle acted on this last week. Councilman Kniceley asked the Mayor if he knew of any area where we might have problems. Dennis Jones said that on 21st Street this was their problem now, the sewer that goes up 21st Street is not large enough to take care of the water. The Mayor said the only solution to this was to take the surface water out of the sanitary sewer system. He went on to say that it was the east end of town that had the most trouble. He said that when the force of water is great enough to tear up a concrete floor in a basement you have quite a bit of water. Several places were discussed that was having trouble with water. The Mayor said that we have several areas that have a need of sanitary sewers but if we would attempt to do this without some financial aide it would cost the citizens of Nitro \$12.00 or \$14.00 for sanitary service and he did not believe that we could afford this. They have this problem at Cross Lanes. Councilman Hoke said there is a lot of problems in this, but this wasn't going to cure it, that it was a step in the right direction. It was pointed out that it cost the City quite a bit of money to treat this rainwater.

AN ORDINANCE PROHIBITING THE DRAINAGE OF SURFACE WATER INTO THE SANITARY SEWER SYSTEM OF THE CITY OF NITRO, AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

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

No person, firm or corporation shall knowingly, or who should have knowledge, permit or allow surface water accumulating on roofs, buildings, sidewalks, lawns or from any other source to drain into the sanitary sewer system of the City of Nitro.

It shall be the duty of the property owner or owners, jointly or severally, or any other person, firm or corporation charged with the maintenance of said property, to correct such violation within 20 days from the effective date of this ordinance, and also to prevent any future violation.

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 or noncompliance, and any person violating, neglecting or failing to comply with the provisions of this Ordinance, shall be required to correct, or remedy, such violation within a reasonable time, and each day that any such violation, neglect or noncompliance shall continue shall constitute a separate offense.

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 or ordinances or parts of any ordinance inconsistent with this ordinance or any part thereof is hereby repealed.

This ordinance shall take effect as of the 7th day of October, 1967.

W. T. Alexander, Mayor

Grace Lewis, Recorder

thereupon, Councilman Holte moved that this be accepted as the second reading of the Ordinance and that the Ordinance be passed. Motion seconded by Councilman Tidquist and carried unanimously.

Councilman Tidquist said he had a tip for street lighting on Sattes Circle and between Modern Supply and Nitro Furniture. At this time there are no lights there. The Mayor said that as long as Modern Supply keeps their lights on there is enough light but when they turn them off late at night it is very dark in the area. It was asked if there was a pole to Modern Supply and the answer was no. There also is no pole on Sattes Circle. Councilman Goodrich said he had received a request for a street light on South Kennedy. Councilman Allen said he believed he had checked on this before and there is no pole there. Councilman Goodrich said this was just the other side of the Twiller Court. Councilman Allen said there was a light on one side of the railroad crossing but it did not help the other side at all. The Street Lighting Committee is to check on this.

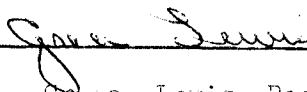
Councilman Williamson said he had gotten a call about a camper trailer being parked in a yard blocking peoples sight. The Mayor said we have not passed an ordinance eliminating camper trailers as long as they are not used

to live in. The Recorder said she believed the police had checked on this and it is on the man's property. The Mayor said that if it was beyond the building line of the property then something could be done. That it could be causing a hazard. Councilman Williamson is to check to see where it is located.

Councilman Hoke move the meeting be recessed until October 14. Motion carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

October 14, 1969.

There were present: W. W. Alexander; Mayor, Grace Lewis; Recorder, Dr. R. V. Allen, E. L. Goodwin, Dr. L. I. Hoke, Kenneth K. Kniceley, Hugo D. Tidquist, Tom M. Waldorf, and Kenton L. Williamson, members of Council.

Mayor Alexander called the meeting to order.

The Recorder reported that she had complied with direction of Council by ordinance heretofore adopted and had duly advertised for bids for permanently improving and constructing by repaving, surfacing, re-surfacing, grading, draining, and curbing upon and along Bank Street beginning with its intersection with Twentieth Street to its intersection with Twenty First Street; Second Avenue beginning with its intersection with First Avenue (95 feet south of center line of Seventh Street) to its intersection with Twenty First Street; Eighteenth Street beginning with its intersection with First Avenue to its intersection with Second Avenue; Twenty First Street beginning with its intersection with First Avenue to its intersection with Third Avenue in the Kanawha Valley Leader a newspaper of general circulation in the City of Nitro for two successive weeks as required by said ordinance.

Thereupon, Councilman Kniceley moved the Publishers Affidavit be set out and made a part of the minutes. Motion seconded by Councilman Goodwin and carried.

AFFIDAVIT OF PUBLICATION

State of West Virginia,

County of Kanawha, to-wit:

I, M. K. Boster, 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

NOTICE TO CONTRACTORS

THE CITY OF NITRO will receive sealed proposals for the paving, re-paving, widening, surfacing, re-surfacing, grading, draining, curbing and guttering and otherwise permanently improving same, upon and along Bank Street beginning with its intersection with Twentieth Street to its intersection with Twenty First Street; Second Avenue beginning with its intersection with First Avenue (95 feet south of center line of Seventh Street) to its intersection with Twenty First Street; Eighteenth Street beginning with its intersection with First Avenue to its intersection with Second Avenue; Twenty First Street beginning with its intersection with First Avenue to its intersection with Third Avenue.

Proposals will be received only on and in accordance with forms furnished by the City Recorder. Work must be performed in accordance with plans, specifications, profiles and estimates on file with Grace Lewis, City Recorder. Payment for said work will be made by certificates in the manner set out in bid proposal forms. The contractor shall deposit a certified check or bidder's bond in the amount of Five percent (5%) of the bid price and furnish letter committing performance bond.

All bids shall be sealed and in the hands of Grace Lewis, City Recorder, on or before 4:30 o'clock P. M. EST, 14th day of October, 1969. Bids will be opened and publicly read at the City Hall in the Council Chamber at a meeting of the Council to be held on the 14th day of October, 1969 at 8:00 o'clock P. M. EST. The City reserves the right to reject any and all bids or to waive any irregularities in bids.

Plans, specifications and proposal sheets may be obtained at the Office of Grace Lewis, City Recorder.

GRACE LEWIS
CITY RECORDER, CITY OF NITRO

was duly published in said paper once a week for two successive weeks, commencing with the issue of the 25th day of September, 1969, and ending with the issue of the 22nd day of October, 1969, and was posted at the Court House of Kanawha County on

Manager, M. K. Boster
Kanawha Valley Leader

Subscribed and sworn to before me this 6th day of October, 1969.

James Jefferies

Notary Public for Kanawha County, West Virginia.

My commission expires August 28, 1972.

The Recorder presented sealed bids submitted by Blackrock Contracting, Inc. and Orders and Haynes Paving Co. Thereupon, the foregoing contractors bids were listed and read as follows:

BLACKROCK CONTRACTING, INC. (read by Councilman Goodwin)

Item No. 1	Unit Price	.40	Total Bid	356.00
Item No. 2	Unit Price	.35	Total Bid	380.00
Item No. 3	Unit Price	.15	Total Bid	266.55
Item No. 4	Unit Price	13.60	Total Bid	14,620.00
Item No. 5	Unit Price	13.60	Total Bid	9,792.00
Item No. 6	Unit Price	13.00	Total Bid	9,360.00
Item No. 7	Unit Price	56.00	Total Bid	616.00
Item No. 8	Unit Price	46.00	Total Bid	2,162.00
Item No. 9	Unit Price	13.60	Total Bid	2,108.00

TOTAL BID \$ 39,588.55

ORDERS AND HAYNES PAVING CO. (read by Councilman Tidquist)

Item No. 1	Unit Price	.15	Total Bid	133.50
Item No. 2	Unit Price	.35	Total Bid	308.00
Item No. 3	Unit Price	.02	Total Bid	355.40
Item No. 4	Unit Price	13.00	Total Bid	13,975.00
Item No. 5	Unit Price	13.00	Total Bid	9,360.00
Item No. 6	Unit Price	13.00	Total Bid	9,360.00
Item No. 7	Unit Price	75.00	Total Bid	825.00
Item No. 8	Unit Price	50.00	Total Bid	235.00
Item No. 9	Unit Price	13.00	Total Bid	2,015.00

TOTAL BID \$ 38,681.90

Mr. Gandee said the only thing that would go over was the 9 inch porcelain, everything else was under the estimate. He went on to say this was lower than the State was getting and lower than we had last year. Councilman Hoke said the other streets should have been left in the program with the cost being so low.

Mr. Gandee, Engineer, retired to an adjoining office to compute the foregoing bids of cost per front foot for each street. After computing the bids, Mr. Gandee returned to the Council Chamber and submitted to the Council the following cost per front foot for the bid of Orders and Haynes Paving Company, the low bidder.

Street	Engineer's Estimate	Calculations
Bank Street	5.53	3.87
Second Avenue First Ave. to 19th St.	5.53	4.38
Second Avenue 19th St. to 21st St.	19.08 with concrete 5.23 without concrete	19.98 with concrete 4.61 without concrete
18th Street	3.20	2.75
21st Street	7.98	6.97

Mr. Gandee said he would like to reserve the right to verify his calculations.


Thereupon, Councilman Hoke moved the bid be awarded to Order and Haynes, the low bidder. Motion seconded by Councilman Waldorf and carried unanimously.

Mr. Gandee said he would verify his calculations and give the Mayor a letter on this. The Mayor asked Mr. Michael when he would have a contract ready for Bob Orders to sign and pointed out that time was a prime factor. Mr. Gandee pointed out there was a standard form for this contract in the specifications if it met with Mr. Michaels approval. The Mayor said he would call Mr. Orders and tell him to get his performance bond and to be in Mr. Michaels office before 12:00 o'clock Saturday, October 18, 1969.

There being no further business to come before Council, Councilman Hoke moved the meeting be adjourned. Motion carried unanimously.



W. W. Alexander, Mayor



Grace Lewis, Recorder

October 21, 1969.

The City Council met in regular session on October 21, 1969.

There were present: W. W. Alexander; Mayor, Grace Lewis; Recorder, Dr. R. V. Allen, E. L. Goodwin, Dr. L. I. Hoke, Kenneth K. Kniceley, Hugo D. Tidquist, Tom M. Waldorf, and Kenton L. Williamson, members of City Council.

Mayor Alexander called the meeting to order and Reverend Horton of the First Baptist Church gave the invocation.

Councilman Hoke moved the minutes for the meetings held October 7 and October 14 be approved. Motion was seconded by Councilman Goodwin and carried.

Councilman Kniceley moved the financial statement for the month of September be accepted. Motion was seconded by Councilman Goodwin and carried.

Councilman Allen said he was asked to make a report sometime ago on the sign on Plant Road which allows no right turn toward Park Avenue. He went on to say that last Wednesday afternoon he made a survey and approximately 45 cars turned right, some were trying to avoid the traffic and some were going home. Councilman Allen recommended that we either enforce the law or take the sign down. The Mayor said that the traffic committee had made recommendations that the sign be left up. Councilman Hoke said that when the school permitted us to open that street into their land it was their wish that we would not let the plant traffic go through their because of the school children and that was the reason the sign was erected. He went on to say that he believed the sign should be left and the law should be enforced. Councilman Waldorf asked whether the sign was still up and whether it was visible. The answer was yes. The Mayor said he would issue an order to the Police Department to enforce the law.

Councilman Goodwin then reported that he had checked on the three locations where street lights were requested. He said there was a pole on Wilson Street that could be used and there was also a pole on Kanawha Avenue, South. Councilman Goodwin said there would have to be a pole set on Sattes Circle, and asked how we would go about getting one put there. The Mayor said that we would have to notify the power company and they would send one of their engineers to ~~make~~ a survey and then they would send us a map of what they would and could do and their cost estimate.

Thereupon, Councilman Goodwin moved that street lights be put on pole number 137A443 on Kanawha Avenue, South and also on pole number 113B26 on Wilson Street. Motion was seconded by Councilman Waldorf and carried. These are to be 3,500 mercury vapor lights.

Councilman Goodwin said he would check into getting a pole set on Sattes Circle.

The Mayor said the people on Michigan Avenue, from Kinder Lane to the backwater, have asked permission to put in an 18 foot street on their own. He went on to say that the railroad companies property abutts one side of this and that the railroad company could not be assessed. These people have kept this road rocked and it seems to have a good base and they contacted Orders and Haynes Paving Company and they have given them a price of laying blacktop over the rock base. The Mayor went on to say that we have done this at several places and that he had contacted the engineer, Mr. Gandee, who gave his approval. These people have every property owner but one agreeing to pay their portion. The Mayor said he had received this quotation from Mr. J. W. Burgess of 509 Michigan Avenue and that he and Mr. Gandee had approved it. They are planning to pave with hot laid asphaltic concrete leveling course @ 2" compacted depth and then put a hot laid asphaltic concrete wearing course @ 1" compacted depth.

Thereupon, Councilman Kniceley said it was refreshing to see someone in town who wanted to do some paving and moved that these people be given the permission to do so. Motion was seconded by Councilman Goodwin and carried.

Councilman Tidquist said the house which we had talked about on 30th Street had been torn down to the floor and the rest is just lying there. He said that it was an eyesore. Councilman Hoke said this was where Mr. Yates had not cleaned up yet. The Mayor said we would notify Mr. Yates to clean this up.

The Mayor said he had a long report which he would not attempt to read. He said that it meant the C & P Telephone Company is trying to talk all the municipalities into an increase in telephone rates. He went on to say that they showed where the price of everything else is going up which everyone already knows. It was pointed out that they need about \$1.00 a month from each telephone user in the valley. Councilman Hoke asked if they had anything in the report showing the increase of telephones put into new houses. They did not have. Councilman Allen said that when the dial system went into effect the telephone company said the prices would probably go down because they could serve more people and now they were trying to raise the costs and he was against it. Councilman Waldorf asked what they wanted from the Council. The Mayor said they didn't want us to protest the increase and they weren't asking us to approve it. Councilman Tidquist said he felt they were too high now.

Thereupon, Councilman Hoke moved that we strongly protest an increase in rates. Motion was seconded by Councilman Allen and carried.

Councilman Waldorf said that several months ago we had discussed signs which obstructed peoples view and that the sign committee was to make a survey. He said that he had several calls about signs obstructing views and

that he felt some of these signs were put up without any thought to this and that they probably would move them without any trouble. He said a sign was located on 31st Street and First Avenue for the church located on 31st Street and Second Avenue. Councilman Kniceley asked if the Street Sign Committee had the jurisdiction on this sort of thing. The Recorder said she didn't believe they did have. After some discussion it was decided that the Street Sign Committee could make a survey on this. The Mayor said there was one sign that he wanted to get moved right away, the one at the east end of town which has the church signs on it. He said that this sign had been damaged during the storm and that we were going to have to put stronger poles on them. He said that we were going to move it on up to Cleveland Avenue. Councilman Waldorf said that along with this perhaps the committee could look for other forms of obstructions such as shrubbery, etc. He went on to say that he would like to see some kind of headway on this because of the great amount of traffic.

Councilman Hoke said that perhaps they could look into the corner of 19th Street, Plant Road, and First Avenue. He said this did not go at a 90° angle and that it caused trouble. The Mayor said we asked the State Road Commission to do something about this and also down at 41st Street and they refuse to do anything due to the plans to put a four lane highway through here. He said this was also reason for us not getting stoplights put in on First Avenue.

Councilman Allen asked if it was possible to get a crosswalk sign placed on 40th Street. The Mayor asked if we had painted a crosswalk out there. Councilman Allen said not at this area, that this was out next to the trailer court. The Recorder said she did not believe we had ever had a request for one out in that area. The Mayor said that we put one in at Cochran's Circle entrance and that he would check into getting one out next to the trailer court,

that we have to get permission from the State Road Commission but that last time we had no trouble with getting the permission.

Councilman Waldorf brought up the matter of people burning leaves and trash within the City limits. He said he had calls on two families burning such and that this caused a bad odor. He went on to say he believed they had garbage cans and service, that they were renters. It was asked whether this had been reported to the police. Councilman Waldorf said he did not know, but that he would call it in the next time they start burning. The Mayor said that the Health Department was watching the restaurants close and that if they have drums they are making them get cans with lids. Councilman Kniceley asked if the attorney had ever come up with an ordinance on the garbage. Mr. Michael said that he had not but that he should have it soon. The Mayor asked him to have this ready at the next Council meeting.

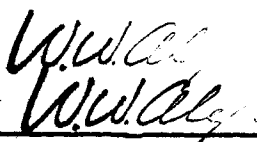
Mr. Frank Cunningham introduced himself and four other gentlemen from Nitro Park Addition and presented a petition for the City of Nitro to annex into the City the area known as Nitro Park Addition. He said that due to the number of cases of hepatitis and the health hazard caused from lack of sewers that this area was wide open to diseases. The petition he presented was signed by 93 persons out of a possible 103. He said they had 52 houses and 3 trailers. He went on to say that they were wondering if they could get into the City limits and could they have some idea as to how much the sewer fees would be. The Mayor said that it would be an impossibility to tell them at this time how much it would cost or how much rates would be, that it would be based on the amount of money spent on the improvements. He went on to say that we have two large areas that we don't have sewers to and we are waiting for the Federal Government to give us some financial aid. Mr. Cunningham said they were hoping that we would sewer their area when we did 40th Street. The Mayor said it would be best to do it at that time but he could not tell them what the cost would be. It was brought up that only

ten people had not signed the petition and Mr. Cunningham said the main reason for this was that these people were afraid of expensive paving programs, that several owned corner lots. The Mayor said that they do have a bad problem in this area and he thought it would pay to have a heart to heart talk with the ten who will not sign the petition. Mr. Cunningham said that he did not feel these people would protest against the annexation. The Mayor said that in order to take in an area such as Nitro Park Addition you have to have an election throughout the town and this would cost around \$2,000 and that it would seem a shame to spend that kind of money on an election when it could be used for something else. He went on to say that if all the people would sign the petition they might be able to be taken in by a minor boundary change which would have to come by an order of a judge in the circuit court. Mr. Cunningham asked if they had to have 100% for annexation before they could be taken in by a boundary change. The Mayor said he did not know, that the law states that if there is a reasonable objection they have to have an election. Mr. Cunningham said the people who would not sign the petition were the ones who would not bother to get the facts. The Mayor said that at the present time we have nothing better to offer these people and that they definitely had a problem that he would like to see taken care of. He suggested that we get these people in and let us talk to them. He went on to say that if we were able to change their minds we could save the cost of an election by taking them in with a minor boundary change. Councilman Allen pointed out that we could not promise these people that we would have the sewers in two or five years from now. Mr. Cunningham said they knew that but at least they would have some hope, and asked how many names they would have to have to take it before the judge. Mr. Michael said he did not have his code book with him but that he would check it for them. Councilman Waldorf said it could be that they would have enough signatures now. The Mayor said he did not know what the thinking of Judge Taylor


was on this. Mr. Cunningham said that he believed the judge would be sympathetic due to the health conditions. Councilman Hoke suggested they get a letter from the Health Department. Mr. Cunningham said he would be able to do this. The Mayor said we should accept the petition and take no action until some of the questions are taken care of. Mr. Cunningham said that at the next council meeting perhaps we could have some of the answers.

Thereupon, Councilman Waldorf moved the petition be accepted and held until we have more information. Motion was seconded by Councilman Hoke and carried. Mr. Cunningham asked if they could draw up another petition like this one to try to get the other people to sign. The Mayor said that they could and that it would help. Mr. Cunningham asked if they had to pay for sewer service if they did not have a sewer tap. The Mayor said no one was forced to pay without service but they would be required to tie into the sewer.

There being no further business to come before Council, Councilman Hoke moved the meeting be adjourned.



W. W. Alexander, Mayor



Grace Lewis, Recorder

November 4, 1969

The City Council met in regular session on November 4, 1969.

There were present: W. W. Alexander; Mayor, Grace Lewis; Recorder, Dr. R. V. Allen, E. L. Goodwin, Dr. L. I. Hoke, Kenneth K. Kniceley, Hugo D. Tidquist, Tom M. Waldorf, and Kenton L. Williamson, members of the City Council.

Mayor Alexander called the meeting to order and Reverend Victor Scott of Sattes Presbyterian Church gave the invocation.

Councilman Kniceley moved the minutes for the meeting of October 21, 1969 be approved. Motion was seconded by Councilman Waldorf. Motion carried.

Councilman Kniceley reported for the street sign committee as follows: (1) the Calvary Church sign located on First Avenue at 31st Street be moved back four feet from the highway toward the sidewalk. (2) the shrubs on the parkway at 34th and 35th Streets be trimmed or removed. He explained that there is a flower box containing shrubs at 35th Street which blocks the motorists view. On the corner of Park Avenue and 11th Street West a large shrub needs to be trimmed especially the lower branches. Councilman Kinceleley explained further that he feels the need of a good supply of stop signs. The Mayor explained that any driver should know to stop before entering a thoroughfare and that it would cost a couple thousand dollars to purchase stop signs for the town. In answer to Councilman Kniceley's question regarding prices of stop signs the Mayor said that one sign would cost approximately nine dollars and that was without labor.

Thereupon, Councilman Kniceley moved that the land owners be notified to remove the shrubs from the parkway between 34th and 35th Streets and the lower branches of the shrub on Park Avenue and 11th Street West be

removed, and that the owners be given a fifteen day period. The motion was seconded by Councilman Goodwin upon a vote, motion carried.

Councilman Allen questioned the shrubs on parkway at 34th and 35th Streets being located on city property. This is to be checked.

Councilman Kniceley said he would like to see the purchase of stop signs considered in our next budget that if we bought so many a year we would soon have a good supply. In discussion in the type of sign it was pointed out that the state instructs us as to the kind of sign we can use at intersections on state highways and that they are expensive. Councilman Hoke asked if writing the sign on the street would be less expensive and the Mayor said that it would. In answer to Councilman Kniceley as to how long a painted sign would last the Mayor said probably a year.

Councilman Waldorf asked if anything had been accomplished on the cleaning of the lot located on the corner of 30th Street and the Recorder reported that she had talked with the owner of the property who had given her the name of the contractor that demolished the house on this lot, that Captain Palmer had talked with the contractor regarding cleaning the lot and had been promised that it would be cleaned up very soon. The office had received numerous calls regarding a refrigerator located on this lot and that Captain Palmer had been successful getting the refrigerator removed. The same contractor demolished a house on Hillside Drive and Captain Palmer has also talked to him about cleaning up this lot and he promised he would do it in the near future.

There were present at the meeting a number of people from the Nitro Park Addition, who are requesting the city to annex the Nitro Park Addition area. The Mayor explained that we did not have a report from our attorney

regarding questions involved in annexing this area. Mr. Cunningham, spokesman for the group, said they had discovered there was a number of vacant lots and the owners did not sign the petition which they presented to the Council October 21, 1969. The Mayor explained that they should contact these owners in an effort to have their name signed to the petition for annexation. In answer to question of the number of vacant lots the guess was 40 or 50. In answer to Mayor's question on the size of lots Mr. Cunningham said that most of them were 40 feet by 120 feet. Mr. Cunningham presented letters from Doctor Arnold D. Burke, Doctor Page H. Seekford, and Charles R. Saber, Chief Sanitarian of the Charleston Health Department. The letters dealt with contamination and spreading of disease, improper sewage systems, a detailed report of the Sanitary Survey conducted by the Charleston Health Department and recommendations to the people of this area. The Mayor suggested that Mr. Cunningham leave the letters and surveys and that we shall make a copy of them for our files. The group discussed the amount of money it would take for an election. Mr. Cunningham asked how to go about getting names of the vacant lot owners. The Mayor referred him to the County Clerks Office of Kanawha County or secure the names from the Record Room or County Assessor.

The Recorder presented a letter from the Charleston Area Chapter of Muscular Dystrophy Associations of America, Inc., who asked permission to hold their annual fund raising campaign during the period of November 15 to December 15, 1969. Thereupon, Council moved, seconded by Councilman Waldorf that permission be granted. Motion carried.

There being no further business to come before Council, Councilman Hoke moved the meeting be adjourned.

W. W. Alexander, Mayor

Grace Lewis
Grace Lewis, Recorder

November 18, 1969

The City Council met in regular session November 18, 1969.

There were present: W. W. Alexander; Mayor, Grace Lewis; Recorder, Dr. R. V. Allen, E. L. Goodwin, Dr. L. I. Hoke, Kenneth K. Kniceley, Hugo D. Tidquist, and Kenton L. Williamson, members of the Council. Councilman Tom M. Waldorf being absent.

Mayor Alexander called the meeting to order and Reverend Victor Scott of Sattes Presbyterian Church gave the invocation.

Councilman Goodwin moved the minutes for the meeting of November 4, 1969 be approved. Motion was seconded by Councilman Williamson. Motion carried.

The Financial Statement for October was read. Councilman Kniceley moved the financial statement be approved. Motion was seconded by Councilman Goodwin. Motion carried.

The Recorder reported that a letter had been sent to the minister of the Calvary Baptist Church regarding the church sign located on First Avenue and also a letter to Mr. Knell regarding his tree on the corner of Park Avenue and 11th Street West.

Councilman Kniceley reported that the lower branches of the tree had been cut and that this had helped motorists vision on the corner. It was also reported that bush and shrubs on First Avenue and 34th and 35th Streets are on city property and that the city crew will take care of this matter.

Councilman Goodwin reported that the lot on 30th Street and First Avenue had not been cleaned up and that they were given fifteen days to clean it up. The Mayor said we would have Captain Palmer to talk to the owner.

The Mayor reported that Mr. Curtis of the Water Company had brought

him the measurements and the information on locating fire hydrants on 31st Street East and Brookhaven Drive and that the city also sent a letter to the Water Company for an estimate of the installation and costs of the hydrants.

Councilman Hoke asked about the new street paving program and the Mayor replied that he had tried to contact Mr. Orders of Orders and Haynes and had not been able to locate him, that he had left word for Mr. Orders to call him. In discussion of installing blacktop it was pointed out that blacktop could be installed in weather of 40 degrees.

The Mayor informed the Council that our traffic light for the intersection of 21st Street and 2nd Avenue was completely worn out and that the men had installed four way stop sign at the intersection and from reports people had accepted the stop sign favorably. The members of the Council agreed that the stop sign were working out real well. The Mayor said that he and Captain Palmer had talked about installing the sign at center point of the intersection, and the question arose if the motorist could get around center located sign. The Mayor felt that we should try the stop signs for a period to be sure that they would work out satisfactory.

Other questions brought out in discussion were the installation for individual signs or one big sign hanging from center with four way stop. What ever sign used it would need to be anchored securely. Painting the stop sign on the pavement and also use signs. The Mayor asked the Traffic Committee to make a study of the intersection and report the recommendations at the next Council Meeting.


Councilman Tidquist reported that Jess Hoffman asked the city to do some repair work on Easter Road. The Mayor said that this section was in need of repair and that our street crew had done some work in this area but the property owners had objected to it therefore the street crew has stopped their work and that he would have the men to check this

road again.

There being no further business to come before the Council, Councilman Hoke moved the meeting be adjourned. Motion carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

December 2, 1969

The City Council met in regular session December 2, 1969.

There were present: W. W. Alexander; Mayor, Grace Lewis; Recorder, Dr. R. V. Allen, E. L. Goodwin, Kneneth K. Kniceley, Hugo E. Tidquist, and Kenton L. Williamson members of the Council. Councilmen L.I.Hoke and Tom M. Waldorf being absent.

Mayor Alexander called the meeting to order.

Councilman Goodwin moved the minutes for the meeting of November 19, 1969 be approved. Motion was seconded by Councilman Allen. Motion carried.

It was reported the shrubs on 34th and 35th Streets had been cleared out. Report was made to Council that the office had had a call on hedge obstructing vision of motorists coming from West 12th Street onto Park Avenue. Councilman Kniceley reported that all of these intersections had been checked by the committee. Councilman Tidquist said that it was necessary to ease onto Park Avenue from the side streets because of the shrubs and hedges. It was pointed out that the curbs on these side streets had been painted in order to eliminate parking of cars at these points. Councilman Kniceley said the shrub was far enough back because you have the car length plus the sidewalk. The Mayor said you have the parking lane which is 8 feet and the sidewalk which is 4 feet. Councilman Tidquist said it would not help if the shrub were cut. The Mayor asked Councilman Tidquist to check this situation.

Councilman Kniceley asked why Orders & Haynes had not started on the paving contract? The Mayor reported that since he has signed the contract we have not had suitable weather to lay the concrete which would be the first phase of the job. It was pointed out that 21st Street had numerous bad holes and cannot be put off much longer. Councilman Kniceley brought up

the weather changes and said that the work had to be done sometime. The Mayor said that the contractor would have his men start working and if the temperature would drop he would stop the job and that he would not pour blacktop below 40 degrees temperature. The Mayor said that he would check with Mr. Orders in an effort to see when he could begin the work.

Councilman Allen reported that he had received all favorable comments on the traffic stop sign on 21st Street and 2nd Avenue, however, that the ideal situation would be to install a red blinker which would clearly help at night. It was suggested that the red blinker and four way stop signs would be the ideal solution. The Council observed a blinker light system in a catalog and suggested that this type of sign be used but that the four stop signs be erected also. The cost of the light being \$225.00. The Mayor said he thought that the blinker light and the additional signs could be purchased within the neighborhood of \$300.00. Councilman Allen moved that a blinker light and signs be purchased. Seconded by Councilman Tidquist. Motion carried.

The Recorder presented a reply from the West Virginia Water Company on cost of installation of two hydrants.

1. Install fire hydrant on 31st Street East (Pine Grove Road) approximately 2000' from the hydrant located on the corner of 31st Street and 2nd Avenue. Estimated cost \$900.00.

2. Install fire hydrant on Brookhaven Drive, approximately 1400' from existing hydrant on the corner of Brookhaven Drive and Brookhaven Circle. Estimated cost \$900.00.

Thereupon Councilman Kniceley moved, seconded by Councilman Allen, that the two hydrants be ordered installed at the quoted estimated prices. Upon a vote motion carried.

Mr. Cunningham from Nitro Park Addition got the additional landowners

and a map for the Council to look over. He said he hoped they will consider and act soon. The Annexation Committee will study it, the committee is composed of Chairman - Councilman Williamson, Councilman Goodwin and Councilman Kniceley. There are 51 families in favor and 5 are not. Out of 30 lot owners they are unable to locate five. Mr. Cunningham said there weren't any strictly against annexation but they can't find some of the owners. The Mayor said Councilman Williamsor may want information from him when ever the committee gets together and told him to get the addresses or phone numbers.

The Mayor asked Councilman Tidquist if he had been contacted by the people about the Dog Wardens new uniform. The cost was \$25.00. Councilman Tidquist said he had not been contacted.

Councilman Tidquist said the street lights on West 13th and the corner of West 12th and Park Avenue were out. The Mayor told him to call Applachian and to tell anyone who sees one is out to call Applachian.

Councilman Kniceley reported that he had been confronted by member of his church regarding the situation at the Four Horsemen Club on Bank Street. A representative of the Liqueur Control Agency had been refused admittance to the Club. Persons under age are allowed to go in and that a fourteen year old boy plays in the band. He asked why Policemen cannot check this out and issue warrents for such. The Mayor explained that our Policemen have to see violence in the Four Horsemen and that only the Alchol Inforcement Officer had the jurisdiction to make arrests. Reported further that our officers had made numerous arrests on the outside of the club. Councilman Allen reported that he had heard comments that the gorup that attends the Club does get out of hand. Councilman Tidquist said that members are not the only ones going in the Club. Councilman Allen said it was a simple process to become a member. The Mayor stressed that it was the state law that our Police Officers cannot go in unless there is a fight or some sort

of violence. This man has state liscense and therefore it is the city's duties to sell him a city liscense. Councilman Allen asked if our Policemen could be seen in there that maybe this would control some of the problems. The Mayor said if they would grant admittance the Policemen could go in. The Mayor said he would talk to the Liqueur Control Chairman and get opinion and more information. Councilman Kniceley said it has a bad affect on our city because of the fights and drunks. The people of his church are talking about it. The Mayor said that our Policemen spend a great deal of time around this place. Councilman Allen said that construction men are spending a lot of time and money in this place. The Mayor said he would check with the Commissionor as to how much jurisdiction our officers have. Councilman Kniceley moved and seconded by Councilman Allen to despense with regular meeting of December 16 unless there should be some urgent business. Upon a vote motion carried.

Councilman Allen moved, seconded by Councilman Williamson that the city office be closed December 25 and 26. Motion carried.

Mayor Alexander appointed Councilman Goodwin as member of the Planning Commission. Thereupon Councilman Kniceley moved, seconded by Councilman Allen to confirm the Mayor's appointment. Motion carried.

There being no further business to come before the Council motion by Councilman Kniceley for adjournment carried.

W. W. Alexander, Mayor

Grace Lewis
Grace Lewis, Recorder

January 6, 1970

The City Council met in regular session January 6, 1970.

There were present: W. W. Alexander; Mayor, Grace Lewis; Recorder, Dr. R. V. Allen, E. L. Goodwin, Dr. L. I. Hoke, Kenneth K. Kniceley, Hugo D. Tidquist, Tom M. Waldorf and Kenton L. Williamson members of the Council.

Mayor Alexander called the meeting to order.

Councilman Goodwin moved the minutes for the meeting of December 2, 1969. be approved. Motion was seconded by Councilman Williamson. Motion carried.

Councilman Kniceley moved the Financial Statement for the month of November 1969 be accepted. Motion seconded by Councilman Waldorf. Motion carried.

The recorder reported the new stop sign had been delivered. The stop sign was purchased from W. S. Darley Company at cost of \$114.00 and a dozen bulbs for \$5.64.

The Mayor reported that the Water Company had installed the new fire hydrant on 31st Street, East and Brookhaven Drive.

Representatives from the Nitro Park Addition were present at the meeting. Luke Michael, the City Attorney, informed the Council and the representatives that in order to annex this area without holding an election that the area would have to be less than a square mile and it would be necessary to secure petitions signed by 60 percent of the qualified voters and 60 percent of the freeholders and that the petitions would be presented by the City to the Circuit Court. The Court would determine the benefits that Nitro could give the annexing area and also the benefits the area would be giving Nitro. The Council entered into a discussion as to a portion of that area being in Putnam County and if the area did lie in both counties then it would be necessary to present petitions to both Kanawha and Putnam Circuit Courts. Several of the representatives did not feel that a part of the area that wished to be annexed to Nitro was in Putnam County that it all was

in Kanawha County. The Attorney advised that a complete survey should be run on this area, and the mets and bounds be set out in the required petitions. The Mayor pointed out that this question should be studied at length also pointing out that the area of the Ortin Heights had been wanting to become a part of Nitro for a long time. The Annexation Committee is composed of Councilmen Williamson, Kniceley and Goodwin. They were asked to make a study of this question and meet with the City Attorney in an effort to see what should be done.

The Recorder presented a letter from the Applichian Power Company with the following recommendations.

Remove 1,000 lumen lights now in place on poles 137-A-256; 137-A-252 136-C-577 and 137-A-295 and install 3500 lumen mercury vapor lights on poles 137-A-254; 137-A-256; 137-C-576 and 137-A-295. These lights would be installed on existing wood poles on the South side and West End of the Circle. In order to provide lighting on the North Side of the Circle it will be necessary to install new wood poles at all light locations. We recommend 4 - 3500 lumen mercury vapor units for this section. The installation of the poles in this section will, however, depend upon the cooperation of the property owners.' This proposal, as shown on the attached map, would consist of removing 4 - 1,000 lumen units at \$1.30 each per month and the installation of 9 - 3500 lumen units at \$2.50 each per month resulting in a monthly increase in the City's street light billing of \$13.25.

The map reffered to in the letter was given to Councilman Tidquist, Chairman of the Street Light Committee.

Councilman Goodwin reported that the debris on 30th Street and 1st Avenue and also lot on Hillside Drive had not been removed. The Mayor said that it would be necessary to contact the owners of these lots.

Councilman Waldorf reported that the church sign on 31st Street and 1st Ave. had not been relocated. The Mayor said that the City would probably take care of this matter.

Councilman Hoke asked if we had had a report on the survey of the Water Company properties. The Mayor informed that he had not had a report, however, he had been asked to come to St. Louis, Wednesday the 14th with two representatives

from Monsanto Company. Councilman Hoke said there had been a lot in the newspapers about what Nitro was going to do regarding the Water Company and that people think Nitro is going to buy the Water Plant. The Mayor said that his statements had not been what Nitro was going to do or wanted to do but there might be a report that he himself would favor doing. This is the first phase of the preliminary study to be reported on.

Councilman Kniceley brought out the story of the Four Horsemen Club on Bank Street and the question of policing the Private Club was again discussed. The Mayor said that any policing done is by the inspectors from the Alcoholic Unit. Councilman Hoke preposed doing everything to close this place that it had been reported that the Police had watched the fighting on the streets and walked off and wives of husbands who are drinking in the Club are coming to him frequently complaining of the Club. The Mayor said that our Police cannot arrest people inside the Club but that they can outside and the Police have arrested several on the outside. The Mayor also added that the person who told the story of the Police walking off from the fight and come to the Police and apologized for an unture statement. Councilman Hoke said the wives have told him their husbands come home at 5 and 6 o'clock bringing beer and whiskey from the Club. Councilman Allen asked if the City Officers could be seen in the club that Clubs in Charleston quite often the Police Officers are seen. This was discussed and pointed out that there the Police officers could be moonlighting and it was also pointed out that there weren't many local people who go to the Club. It was also brought out that the whiskey liscense were suspended for a period of ten days, however the Club was allowed to sell beer and didn't close. Councilman Tidquist asked if it was against the law to put the names of people arrested in the paper. Councilman Waldorf said this would hurt a lot of innocent people and steps should be taken to inforce the closing hour. The Attorney was asked to check the closing time on the Private Clubs.

Councilman Tidquist reported that George Minner of Brookhave had called his attention to a culvert in the Brookhaven area that was not large enough to carry off storm water. The Mayor said that last year the engineer had run a topo of this water shed and had told the people the size of pipe they needed was 84" and that they had a 36". The minimum cost over \$30.00 a foot but after this information no one seemed to be interested. In answer to Councilman Kniceley's question if there was anything the City could do the Mayor said he did not know very much we could do rith now. Councilman Allen reported that Charles Miller had told him that his street was falling in. The Mayor said that practicly the same situation exists in the area of Main Avenue and Boundary Street.

Councilman Goodwin reported the bad conditions of the switch track in the Riverdale Acres area. He said he didn't know anything we could do about it. We can inform the Penn Central that we know about it. Councilman Kniceley said that this problem was a national thing. The Mayor asked if that track belonged to Carbide. Councilman Goodwin said not that area but the area above it belonged to Carbide.

The Mayor brought up the Special Levy which is voted on every three years pointing out it is a continuation of our present rates. The notice of the Special Election For Additional Municipal Levy was read for the first reading.

NOTICE OF SPECIAL ELECTION
FOR
ADDITIONAL MUNICIPAL LEVY

TO THE VOTORS OF NITRO, WEST VIRGINIA
TAKE NOTICE

That a regular meeting of the Council of the City of Nitro, State of West Virginia, held on the _____ day of January, 1970, 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 B, Chapter 11 of the Code of West Virginia, as amended, will not provide sufficient funds for the payment of the

current expenses of the City of Nitro, including expenditures for the purposed hereinafter set forth, and that an election should be held to increase such levies under the provisions of Section 16, Article 8, Chapter 11 of the Code of West Virginia, as amended, 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
Library
Fire Hydrant Rental
Additional Recreation

2. That the approximate amount for each purpose is as follows:

Street Maintenance and Repairs, \$6,000.00 for each fiscal year for a period of three years.

Parks and Recreation, \$6,500.00 for each fiscal year for a period of three years.

Firemen's Wages, \$3,500.00 for each fiscal year for a period of 3 years.

Additional Street Lighting, \$4,000.00 for each fiscal year for a period of three years.

Policemen's Wages, \$9,500.00 for each fiscal year for a period of 3 years.

Library, \$2,500.00 for each fiscal year for a period of three years.

Fire Hydrant Rental, \$1,000.00 for each fiscal year for a period of three years.

Additional Recreation, \$4,065. for each fiscal year for a period of three years.

3. That the total approximate amount for said purpose or purposes is \$37,065.00 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, \$2,027,330; Class II, \$10,834,640; Class IV, \$10,549,040; Aggregate, \$23,411,010

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, 1970, July 1, 1971 and July 1, 1972.

7. That the question of such additional levy shall be submitted to a vote at a special election, to be held on the _____ day of _____, 1970.

8. That the notice calling such election shall be given by the publication of this order at least once each week for two successive weeks before said election, within fourteen consecutive days next preceding the election, in the Kanawha Valley Leader, a newspaper of general circulation in said Municipality and the only qualified newspaper published therein and of general circulation in the City of Nitro. Printed copies of this order shall also be posted at each place of voting at least ten days before said 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:

OFFICIAL LEVY BALLOT
CITY OF NITRO
WEST VIRGINIA
SPECIAL ELECTION

Special election to authorize additional levies for the fiscal years beginning July 1, 1970, July 1, 1971 and July 1, 1972 for the following purposes and in the approximate amounts set forth as follows:

For street maintenance and repairs, the annual approximate amount of	\$6,000.00
For parks and recreation, the annual approximate amount of	\$6,500.00
For firemen's wages, the annual approximate amount of	\$3,500.00
For additional street lighting, the annual approximate amount of	\$4,000.00
For policemen's wages, the annual approximate amount of	\$9,500.00
For library, the annual approximate amount of	\$2,500.00
For fire hydrant rental, the annual approximate amount of	\$1,000.00
For additional recreation, the annual approximate amount of	\$4,065.00
The annual total approximate amount to be expended during the term of this levy is \$37,065.00.	

Additional levy shall be on Class I property, 6.25cents; on Class II property, 12.5 cents; Class IV property, 25 cents.

() For the Levies

() Against the Levies

Instructions: Those favoring the additonal 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: _____, Mayor

Attest:

Recorder

Councilman Kniceley said that more people are using the Park and we are spending more money. We are fortunate for the help and more people who are using the park. We are going to need someone to be in charge of the Recreation around the Dam. Councilman Tidquist said we are not adding new facilities because we don't have money for the Park. Councilman Kniceley said they thought about building a storage and rest room in back of the Little League diamond. These are just plans because these things are needed. Councilman Allen suggested that we take one of the portables from the High School. The portables must be removed from School ground by September 1970. Councilman Allen said he would ask for two portables but we would have to move them.

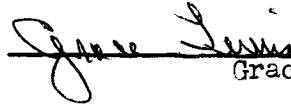
The Mayor said we have hired another Policeman and put an increase in the levy for them. Councilman Kniceley moved that this be accepted as the first reading of the resolution and order calling for a special election to be held on the 24th day of February 1970. Motion seconded by Councilman Allen. Upon a vote motion carried unanimously.

The Recorder had two letters, one from the Sunrise Foundation, Inc. requesting approval to make minimum solicitations among Nitro individual and business residents on behalf of Sunrise Foundation, Inc., and a letter from the Kanawha Valley Heart Association requesting permission to conduct its Annual Heart Fund Drive in Nitro during the month of February, 1970. Councilman Hoke moved, seconded by Councilman Tidquist, Kanawha Valley Heart Association be granted permission but not the request from the Sunrise Foundation, Inc. Motion carried.

There being no further business to come before the Council, Councilman Hoke moved the meeting be adjourned. Motion Carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

January 20, 1970

The City Council met in regular session on January 20, 1970.

There were present W. W. Alexander; Mayor, Grace Lewis; Recorder, Dr. R. V. Allen, E. L. Goodwin, Dr. L. I. Hoke, Hugo D. Tidquist, and Tom Waldorf, members of the Council. Councilman Kenneth K. Kniceley and Kenton L. Williamson being absent.

Mayor Alexander called the meeting to order.

Councilman Goodwin moved the minutes for January 6, 1970 be approved. Seconded by Councilman Waldorf. Motion carried.

Councilman Allen moved the Financial Statement for the month of December be accepted. Motion seconded by Councilman Goodwin. Motion carried.

The Annexation Committee was not ready to make their report on the Nitro Park Addition.

Councilman Tidquist did not call the Committee members about the Street lights in Valentine Circle due to the bad weather, the area will be surveyed at another day.

It was pointed out that 30th Street property is not completely cleaned up, yesterday a man was checking the owner regarding purchasing the lot. Councilman Allen said that Smith told him it would be some time before the man gets it cleaned up.

The Mayor said the report on the Water Purchase was not ready yet, he sent it back for revisions and changes. It should be ready in a couple weeks at least. There was a meeting last Wednesday, January 14, 1970 with engineers and other interested officials. The Mayor said there wasn't any reporting we could do, that Horner & Shifrin Inc. were making some revisions. Councilman Waldorf said there was a lot of detailed work to be brought out. Councilman Hoke said the less that was said about the Water Purchase the better off we would be.

The discussion about the Four Horseman Club on Bank Street was brought up again. The Mayor indicated that a month or two ago things were bad but since

he talked to the owner things has been quiet. Also the Mayor brought out that in checking with the Police, they told him that about 40 trips a shift are made by the Club. They have told him that things have quieted down. Councilman Hoke said the cold weather probably has a lot to do with this. This bears close watching. The Mayor said that Saturday night was a big night for the Police Officers and not one of the arrest were from the Four Horseman club. Councilman Allen said he found out the closing time of the Clubs, which was 2:00 Saturday and 2:30 on weekdays. Drinks were not allowed after this time.

The Special Levy Resolution was presented, explaining that Item 9 had been changed and Item 10 is the ballot form. The Mayor explained that the Kanawha County Court has set their election for February 21, causing some confusion regarding closing of Registration books, the use of the Registration books and the length of time required by the County Court for their canvas. It was suggested that we reset the date of the Special Levy election to March 17, 1970.

The Resolution with revisions was read as follows:

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 _____ day of _____, 1970, 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 B, Chapter 11 of the Code of West Virginia, as amended, will not provide sufficient funds for the payment of the current expenses of the City of Nitro, including expenditures for the purposes hereinafter set forth, and that an election should be held to increase such levies under the provisions of Section 16, Article 8, Chapter 11 of the Code of West Virginia, as amended, it is hereby ordered:

1. That the ~~purpose~~ 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

Library

Fire Hydrant Rental

Additional Recreation

2. That the approximate amount for each purpose is as follows:

Street Maintenance and Repairs, \$6,000.00 for each fiscal year for a period of three years.

Parks and Recreation, \$6,500.00 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, \$4,000.00 for each fiscal year for a period of three years.

Policemen's Wages, \$9,500.00 for each fiscal year for a period of three years.

Library, \$2,500.00 for each fiscal year for a period of three years.

Fire Hydrant Rental, \$1,000.00 for each fiscal year for a period of three years.

Additional Recreation, \$4,065.00 for each fiscal year for a period of three years.

3. That the total approximate amount for said purpose or purposes is \$37,065.00 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, \$2,027,330; Class II, \$10,834,640; Class IV, \$10,549,040;
Aggregate, \$23,411,010.

5. That the proposed additional rate of levy in cents on each class of property is as follows: Class I, 6.25 cents; Class II, 12.5 cents; Class IV, 25 cents.

6. That the proposed years to which the additional levy shall apply are the fiscal years beginning July 1, 1970, July 1, 1971 and July 1, 1972.

7. That the question of such additional levy shall be submitted to a vote at a special election, to be held on the _____ day of _____, 1970.

8. That notice calling such election shall be given by the publication of this order at least once each week for two successive weeks before said election, within fourteen consecutive days next preceding the election, in the Kanawha Valley Leader, a newspaper published therein and of general circulation in the City of Nitro. Printed copies of this order shall also be posted at each voting at least ten days before said 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. For the purpose of this special levy election, absentee ballots may be applied for, obtained from and returned to the Recorder of the City of Nitro, at the City Building on 20th Street, in Nitro, West Virginia.

10. That the ballot to be used at such election shall be in form as follows:

OFFICIAL LEVY BALLOT
CITY OF NITRO
WEST VIRGINIA
SPECIAL ELECTION

Special election to authorize additional levies for the fiscal years beginning July 1, 1970, July 1, 1971, and July 1, 1972 for the following

purposes and in the approximate amounts set forth as follows:

Street maintenance and repairs, the annual approximate amount of	\$6,000.00
For parks and recreation, the annual approximate amount of	\$6,500.00
For firemen's wages, the annual approximate amount of	\$3,500.00
For additional street lighting, the annual approximate amount of	\$4,000.00
For policemen's wages, the annual approximate amount of	\$9,500.00
For library, the annual approximate amount of	\$2,500.00
For fire hydrant rental, the annual approximate amount of	\$1,000.00
For additional recreation, the annual approximate amount of	\$4,065.00

The annual total approximate amount of to be expended during the term of this levy is \$37,065.00.

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: _____, Mayor

Attest:

Recorder

Thereupon Councilman Waldorf moved the Resolution with the revisions calling for Special Levy Election to be held March 17, 1970 be accepted for the Second Reading. Motion seconded by Councilman Allen. Upon a vote motion carried.

Councilman Allen reported that the Kanawha County Board of Education said the two portables on the school ground are going to be used for about another year.

Mayor Alexander reported to the Council that Light System at the entrance of Brookhaven is antique gas lights. The people who live in Brookhaven wanted to know if the City could take the payments over. It would cost about \$125 to \$130 a year for the gas bill. The Garden Club wants to maintain this old look. He also said we would be obligated to furnish Brookhaven with an entrance light. He suggested we pay the cost of one street light toward the gas light. The Mayor said that we would have to have a bill from the Gas Company for this amount. The Representative from Brookhaven area said he would arragne for a seperate bill. Councilman Waldorf made a motion to pay either \$2.35 or \$2.50 per month on the gas light at Brookhaven Entrance. Seconded by Councilman Hoke. Motion carried.

Councilman Tidquist reported that at the end of West 14th Street at the turn around it was hard to see after Hogshead's turned out their outside lights, that a street light was needed. The Mayor said that West 13th is the same way. Councilman Allen suggested taking another look at the area. Councilman Tidquist said he would check out all the streets because it is believed to be the same problems in the whole area.

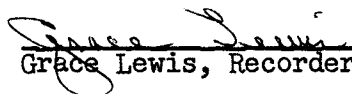
Councilman Allen said he had been getting complaints from citizens that they were not allowed to use the pond at the Dam Site for ice skating and sleigh riding. He said that a lot of the people were adults and he did not see why they should restrict the area. The Mayor said that there had been a lot of vandalism of the equipment of the contractor in this area and that it had been necessary for the contractor to put on a night watchman. He also said that the contractor would probalby be held liable for any injury on the property. Councilman, Hoke questioned as to who was responsible. It was pointed out by the Attorney

that a right of entry had been secured to start the project and that commendation suits were not in progress and that the area was still privately owned property. It is a question as to who is responsible. Next year the city had hopes of having these recreation projects going in this area.

There being no other business to come before the Council, Councilman Hoke made a motion for adjournment.



W. W. Alexander, Mayor



Grace Lewis, Recorder

February 3, 1970

The City Council met in regular session February 3, 1970.

There were present: W. W. Alexander; Mayor, Grace Lewis; Recorder, Dr. R. V. Allen, E. L. Goodwin, Dr. L. I. Hoke, Kenneth K. Kniceley, Hugo D. Tidquist, Tom M. Waldorf and Kenton L. Williamson members of the Council.

Mayor Alexander called the meeting to order. Father Swallow of the Holy Trinity Church gave the invocation.

Councilman Hoke moved the minutes for the meeting of January 20, 1970 be approved. Motion was seconded by Councilman Williamson. Motion carried.

The debris on 30th Street and 1st Avenue has not been cleaned up.

There is still no report on the Purchase of the Water Company.

Members of Council discussed the raid of the Four Horseman Club this past Friday night. Councilman Tidquist asked what effect the raid could have. The Mayor said that the owner must appear for trial for the charges and if the findings are bad that his license could be revoked. Councilman Tidquist said that he had heard that the charge this particular night was selling beer to minors.

Councilman Williamson speaking for the Annexation Committee said they pursued the situation and felt that at this time the City could not do the area a lot of good. We owe other responsibilities. At this time there are needed improvements in other parts of the city. We feel that it would be an up hill fight to bet this area annexed. We are not against the annexation. In order for the annexation to be successful we would have to wait. It is up to the Council to make a decision. Councilman Waldorf said there wasn't much we could offer them right now. Councilman Williamson made a motion to table the annexation of the Nitro Park Addition at this time. Motion seconded by Councilman Hoke. Motion carried. Councilman Tidquist said he looked over Sattes Cr. and Councilman Kniceley said he also looked over this area. A motion made by Councilman Tidquist to accept recommendations of the Appalachian Power Company consisting of removing

4 - 1,000 lumen units at \$1.30 each per month and the installation of 9 - 35,000 units at \$2.05 each per month and order the installation be made on Sattes Circle. Motion seconded by Councilman Kniceley. Motion carried.

*

Councilman Allen said if the City has any desire to obtain portables we should write Mr. Willis Chambers of the Kanawha Board of Education. Councilman Allen said there was one portable at the Junior High School and two on the Nitro High School property. Councilman Kniceley said we should try to get all three of them. A motion was made by Councilman Williamson to ask for the three portables. Councilman Waldorf seconded the motion. Motion carried.

Councilman Allen said that a discussion forusing one of the protables for the Park was discussed, one member of the Park Board had told him that he doesn't want to use the protables for the Park. Mayor Alexander said even if we decide to remodel the protable it would still be cheaper to use a portable instead of building a new building. Councilman Kniceley reported that about 200 blocks had been stolen.

The Resolution of Notice of Special Election for Additional Muncipal Levy was again presented as follows:

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 _____ day of _____, 1970, 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 curretn expenses authorized by Article 8, Chapter 11 of the Code of West Virginia, as amended, will not provide sufficient funds for the payment of the current expenses of the City of Nitro, including expenditures for the purposes herinafter set forth, and that an election should be held to increase

such levies under the provisions of Section 16, Article 8, Chapter 11 of the Code of West Virginia, as amended, 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
Library
Fire hydrant Rental
Additional Recreation
2. That the approximate amount for each purpose is as follows:

Street Maintenance and Repairs, \$6,000.00 for each fiscal year for a period of three years.

Parks and Recreation, \$6,500.00 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, \$4,000.00 for each fiscal year for a period of three years.

Policemen's Wages, \$9,500.00 for each fiscal year for a period of three years.

Library, \$2,500.00 for each fiscal year for a period of three years.

Fire Hydrant Rental, \$1,000.00 for each fiscal year for a period of three years.

Additional Recreation, \$4,065.00 for each fiscal year for a period of three years.

3. That the total approximate amount for said purpose or purposes is \$37,065.00 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, \$2,027,330; Class II, \$10,834,640; Class IV, \$10,549,040;
Aggregate, \$23,411, 010.

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 cents; Class IV, 25 cents.

6. That the proposed years to which the additional levy shall apply are fiscal years beginning July 1, 1970, July 1, 1971 and July 1, 1972.

7. That the question of such additional levy shall be submitted to a vote at a special election, to be held on the _____ day of _____, 1970.

8. That notice calling such election shall be given by the publication of this order at least once each week for two successive weeks before said election, within fourteen consecutive days next prededing the election, in the Kanawha Valley Leader, a newspaper of general circulation in said Municipality and the only qualified newspaper published therein the City and of general circulation in the City of Nitro. Printed copies of this order shall also be posted at each place of voting at least ten days before said 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. For the purpose of this special levy election, absentee ballots may be applied for, obtained from and returned to the Recorder of the City of Nitro, at the City Building on 20th Street, in Nitro, West Virginia.

10. That the ballot to be used at such election shall be in form as follows:

OFFICIAL LEVY BALLOT
CITY OF NITRO
WEST VIRGINIA
SPECIAL ELECTION

Special election to authorize additional levies for the fiscal years beginning July 1, 1970, July 1, 1971 and July 1, 1972 for the following purposes and in the approximate amounts set forth as follows:

For Street maintenance and repairs, the annual approximate amount of

\$6,000.00

For parks and recreation,=the annual approximate amount of	\$6,500.00
Fore firemen's wages, the annual approximate amount of	\$3,500.00
For additional street lighting, the annual approximate amount of	\$4,000.00
For policemen's wages, the annual approximate amount of	\$9,500.00
For library, the annual approximate amount of	\$2,500.00
For fire hydrant rental, the annual approximate amount of	\$1,000.00
For additional recreation, the annual approximate amount of	\$4,065.00
The annual total approximate amount to be expended during the term of this levy is \$37,065.00.	

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: _____, Mayor

Attest:

Recorder

Thereupon Councilman Waldorf moved and seconded by Councilman Hoke that this be accepted as the third Reading of order setting the Election date as March 17, 1970. Upon a vote motion carried unanimously.

Thereupon Councilman Kniceley moved and seconded by Councilman Goodwin

that the Order of Notice of Special Election for Additional Municipal Levy setting the Election March 17, 1970 be adopted. Upon a vote motion carried. unanimously.

The Recorder submitted a list of Legal Qualified Voters for each voting Precinct in the City for Councils consideration, explaining that the name of the persons has been taken from Election Officials List used in 1968 Election, explaining further that there were few changes where persons had moved out of town or accepted permanent employment. Councilman Allen asked if it was necessary to have this many people working in each Precinct. The Attorney replied that it was necessary. The Recorder explained that the IAM Union Hall had a scheduled meeting on March 17, 1970 starting at 7:30 P.M. The official of the Union Hall had said that they could give us a few minutes to clear the room and there was also another problem in using the Union Hall in that they do not have Public restroom facilities. The Mayor and Council discussed the use of other places in this area. The residents of Mrs. Coulter and the Graduate Center were mentioned. Councilman Kniceley moved, seconded by Councilman Williamson, that the following persons be named to conduct the Election March 17, 1970. Upon a vote motion carried.

PRECINT NUMBER 22

PUTNAM COUNTY

(VOTING PLACE - NITRO - PUTNAM ELEMENTARY SCHOOL --39th STREET EAST)

FRANCES CARROLL	RECEIVING COMMISSIONER
BERTHA FRENCH	RECEIVING COMMISSIONER
STELLA O'GORMAN	RECEIVING COMMISSIONER
MILDRED WOODS	RECEIVING CLERK
MARY MICHAEL	RECEIVING CLERK
FLORENCE MOLLOHAN	COUNTING COMMISSIONER
ANNA BARBER	COUNTING COMMISSIONER
EDITH FOWLER	COUNTING COMMISSIONER
MARIE SMITH	COUNTING CLERK
MARIE COCHRAN	COUNTING CLERK

PRECINCT NUMBER 299

KANAWHA COUNTY

(VOTING PLACE- NITRO HIGH SCHOOL -- 21st STREET)

VIRGINIA T. HUNTER	RECEIVING COMMISSIONER
NELLIE STEWART	RECEIVING COMMISSIONER
GLADA WELTON	RECEIVING COMMISSIONER
KATHRYN INGRAM	RECEIVING CLERK
HELEN COLCORD	RECEIVING CLERK
TREVA WADE	COUNTING COMMISSIONER
VALEIDA McCLANAHAN	COUNTING COMMISSIONER
VIRGINIA SPENCE	COUNTING COMMISSIONER
DOROTHY KINDER	COUNTING CLERK
JUDY MINNER	COUNTING CLERK

PRECINCT 298

KANAWHA COUNTY

(VOTING PLACE -- NITRO ELEMENTARY SCHOOL -- 19th STREET)

VELMA KINDER	RECEIVING COMMISSIONER
EZELLA C. PERRY	RECEIVING COMMISSIONER
MAURINE DAVIS	RECEIVING COMMISSIONER
MARIE BETZ	RECEIVING CLERK
REBA MATHES	RECEIVING CLERK
VIOLA RAGLE	COUNTING COMMISSIONER
LOWELL LANHAM	COUNTING COMMISSIONER
E. MARGAURITE GROVER	COUNTING COMMISSIONER
ISABELLE HUDNALL	COUNTING CLERK
HAROLD M. GOODPASTER	COUNTING CLERK

PRECINCT NUMBER 297

KANAWHA COUNTY

(VOTING PLACE -- NITRO MOOSE LODGE -- 101 - 1st AVENUE)

MAXINE GOODALL	RECEIVING COMMISSIONER
NAOMI WILLARD	RECEIVING COMMISSIONER
VIDA BAILEY	RECEIVING COMMISSIONER
HELEN BAXTER	RECEIVING CLERK
MABLE SIGMAN	RECEIVING CLERK
MYRTLE ADKINS	COUNTING COMMISSIONER
AUDRY DEETER	COUNTING COMMISSIONER
ETHEL BAILEY	COUNTING COMMISSIONER
RUTH RICE	COUNTING CLERK
RATRICIA A. LOVEJOY	COUNTING CLERK

PRECINCT NUMBER 300

KANAWHA COUNTY

(VOTING PLACE -- BAKER ELEMENTARY SCHOOL -- 11th STREET WEST)

EUNICE HIGGINBOTTHAM	RECEIVING COMMISSIONER
SADIE WRIGHT	RECEIVING COMMISSIONER
RUBY CRAIG	RECEIVING COMMISSIONER
ANN CANTRELL	RECEIVING CLERK
RETHA PERSINGER	RECEIVING CLERK
COLDA N. ROARK	COUNTING COMMISSIONER
OPAL GATENS	COUNTING COMMISSIONER
MABEL REINCAHER	COUNTING COMMISSIONER
MRS. HERNDON EDWARDS	COUNTING CLERK
INEZ SMITH	COUNTING CLERK

PRECINCT NUMBER 301

KANAWHA COUNTY

(VOTING PLACE -- LOCAL LODGE 656 IAM -- 801 MAIN AVENUE)

LUCILLE CALLIHAN

RECEIVING COMMISSIONER

VIRGINIA COULTER

RECEIVING COMMISSIONER

BONNIE JONES

RECEIVING COMMISSIONER

AUDREY FIELDS"

RECEIVING CLERK

IRA DUFFY

RECEIVING CLERK

JO ANNE ADDISON

COUNTING COMMISSIONER

JOYCEL REYNOLDS

COUNTING COMMISSIONER

MARIE DYE

COUNTING COMMISSIONER

HELEN BRITT

COUNTING CLERK

EVELYN SHEPHARD

COUNTING CLERK

PRECINCT NUMBER 302

KANAWHA COUNTY

(VOTING PLACE -- WEST SATTES ELEMENTARY SCHOOL -- LEE AVENUE)

JUANITA HASTINGS

RECEIVING COMMISSIONER

ALBINA BONNER

RECEIVING COMMISSIONER

LOTTIE M. HOOVER

RECEIVING COMMISSIONER

GRACE WALLACE

RECEIVING CLERK

MARY BLAKE

RECEIVING CLERK

NELLIE SHIFLETT

COUNTING COMMISSIONER

LOUISE BAILEY

COUNTING COMMISSIONER

MARJORIE SALES

COUNTING COMMISSIONER

EDNA TEEL

COUNTING CLERK

GLADYS ANDERSON

COUNTING CLERK

PRECINCT NUMBER 320

KANAWHA COUNTY

(VOTING PLACE -- RESIDENCE - MRS. N. C. CLOUD -- 707 1st AVENUE)

SUE GOODWIN

RECEIVING COMMISSIONER

VIVIAN WRIGHT

RECEIVING COMMISSIONER

FRANCES JOHNSON

RECEIVING COMMISSIONER

BETTY DAWSON

RECEIVING CLERK

OLLIE HANCOCK

RECEIVING CLERK

ELEZABETH CLOUD

COUNTING COMMISSIONER

HELEN CARTER

COUNTING COMMISSIONER

MARGARET KELLER

COUNTING COMMISSIONER

LANA GOOD

COUNTING CLERK

AMY YATES

COUNTING CLERK

Mayor Alexander explained to the Council that a meeting had been held last week in the Council Chambers during the day pertaining to recreation facilities to the Nitro Water Shed. The group meeting consisted of five men of the Soil Conservation Commisson and our City engineer. He added that the group consisted of top Recreational persons for W. VA. and that they were studying the placing of each facility they will bring in a map of the loaction at a later date.

The Recorder reported that she had received an answer to our letter to Penn Central pertaining to the switch track in the South end of town. A copy of the Citys letter has been turned over to the Assistant Division Engineer.

Councilman Allen reported that a man had called him wanting to know what we were doing with our garbage, if we were burning it and not burying the garbage. Mayor Alexander replied that we have been doing some burning of wood, paper boxes, tree limbs and so forth. Those being items that are hard to bury but the garbage is being burried. The Mayor also told Council that a representative of the Air Pollution had called him last week regarding the burning. He had explained to the representative what we were burning and asked what about the trash, if he desired the City to stop burning that it would be necessary for the City to stop

hauling any trash.

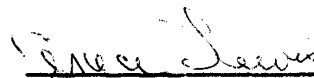
Councilman Allen asked what would we do in Nitro if we had an emergency such as happened at Diamond recently. The Mayor said we would endeavor to evacuate the people. Councilman Allen said that if this happened at 3:00 A.M. it would be hard to evacuate and we need to think of something to protect our citizens against such emergencies. The Mayor said that it would be a difficult job to evacuate all the people and that serious thought should be given this matter. Councilman Tidquist said that the Railroad workers are a lot more reckless today than they used to be. Councilman Hoke said he felt that this is the industry responsibilities. Councilman Allen said that he would like to see something done to protect the people that there were just two ways of getting out of Nitro. Councilman Goodwin said the Civil Defense did have plans of evacuating all towns in the Valley during any emergencies.

There being no further business to come before the Council, Councilman Hoke moved the meeting be adjourned. Motion carried.

* Councilman Tidquist reported that all streets on the West side, with the exception of West 14th Street had a street light at the end next to the Kanawha River. Thereupon Councilman Tidquist moved seconded by Councilman Hoke that a 35,000 mercury unit be installed on Pole located at the turn around of West 14th Street and Kanawha River. Motion carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

February 17, 1970

The City Council met in regular session February 17, 1970.

There were present: W. W. Alexander; Mayor, Grace Lewis; Recorder, Dr. R. V. Allen, E. L. Goodwin, Kenneth K. Kniceley, Hugo D. Tidquist, Tom M. Waldorf and Kenton L. Williamson members of the City Council. Councilman L. I. Hoke being absent.

Mayor Alexander called the meeting to order. Father Swallow of the Holy Trinity Church gave the invocation.

Councilman Kniceley moved the minutes for the meeting of February 3, 1970 be approved. Motion was seconded by Councilman Williamson. Motion carried.

The Mayor and Council discussed again an emergency happening in Nitro as happened in Diamond recently. It was pointed out that we may have a similar problem some day. It would be difficult to evacuate the people of Nitro without a proper evacuation plan even with the people's cooperation. The Mayor said that we did have a complete evacuation program set up and it will be studied more in the future by the Police Department, Fire Department and Police Reserves. This plan was worked up a few years ago when Bill Lester and Kenneth Sales were head of the Civilian Defense Program. Councilman Allen said some kind of communications with the people should be worked out for them to help. The Mayor said that our Police Reserve members are becoming more active and we might be able to reactivate the plans where it could be a good thing. We have five mobile units and Base Station in the organization. Councilman Goodwin asked if this plan ties in with the Kanawha Valley Emergency Plan? The Mayor said it did.

The Mayor reported that we have a vacancy on the Board of Ballot Commissioners for the City. Mrs. Grattie Hill is out of the state and will not be returning until after the March 17 election. Thereby he submitted John I. Reed as a member of the Ballot Commission. Councilman Goodwin moved, seconded by Councilman

Kniceley John I. Reed be appointed as member of the City Ballot Commission.

Upon a vote motion carried.

The Recorder informed the Council that it had been proposed that the Council appoint a group of citizens to act in advisory manner to the City Pool Committee.

The names proposed being:

1. Mrs. Hope Morris
2. Mrs. Betty Kniceley
3. Mrs. Peggy Snyder
4. Mrs. Helen Colcord
5. Mrs. Bonnie Jones

Thereupon Councilman Waldorf moved that the named persons act as an Advisory Committee to the City Pool Committee. Motion seconded by Councilman Williamson. Motion carried.

The Recorder reported that she received a letter from the Charleston Chapter of Muscular Dystrophy Association to conduct a Tag Day Saturday March 14, 1970. Councilman Kniceley made a motion to grant permission, seconded by Councilman Waldorf. Motion carried.

Councilman Kniceley said the Park Board is talking over plans for the next year. It will have to wait until after the election March 17 to find out how much money they will have. We are trying to initiate a definite plan. We are thinking about getting a fence along the road.

Councilman Allen said the School Board wrote him and said to write a letter to Mr. Chambers. The letter said the school will not change this year. The Mayor said the letter has been written to Mr. Chambers and they had turned the letter over to someone else.

Mayor Alexander said the City Council of St. Albans, South Charleston, and Dunbar have gone on record supporting the Levy of the New Court House. I believe that is something needed and we should go on record supporting it. One thing about it is these things are necessary and they have to have them if they are

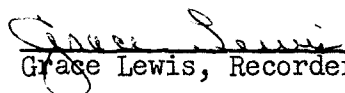
going to carry on the business that is necessary. Councilman Waldorf made a motion to go on record to support the Levy Vote for the Court House, seconded by Councilman Williamson. Motion carried.

Councilman Allen asked if we have intensions of putting fire plugs on Easter Road? The Mayor informed that there is not enough water preasure in this area. Councilman Allen reported that a person had talked to him regarding this matter and that the person implied tis could be corrected if we would contact Mr. Curtis of the Water Company. The Mayor said that he and Mr. Curtis had made the survey of this area and that in order to install adequate fire hydrants the preasure needed to be increased. Councilman Allen added every area except this area had fire hydrants and these people are due some consideration.

There being no further business to come before the Council, Councilman Kniceley moved the meeting be adjourned. Motion carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

March 4, 1970

The City Council met in regular session March 4, 1970.

There were present: W. W. Alexander; Mayor, Grace Lewis; Recorder, Dr. R. V. Allen, E. L. Goodwin, Dr. L. I. Hoke, Kenneth K. Kniceley, Hugo D. Tidquist, and Kenton L. Willaimson members of the Council. Councilman Tom M. Waldorf being absent.

Mayor Alexander called the meeting to order. The Reverend William Inghram of the Nitro Presbyterian Church gave the invocation.

Councilman Kniceley moved the minutes for the meeting of February 17, 1970 be approved. Motion was seconded by Councilman Goodwin. Motion carried.

Councilman Hoke asked when the City incorporated a section is it not up to the Water Company to furnish adequate water for the section? It was pointed out that the section of 40th St. Road has water supply but the pressure is not good enough for fire hydrants. Mr. Curtis of the Water Company has suggested that he and the Mayor review this area. The Mayor explained that in order to have fire hydrants installed on the 40th Street area that it is necessary to install new water pipes which would be an expensive project and the City would be vilified for the costs of the installation. Councilman Allen reported that the Nitro Park Addition have better water pressure than Brookhaven and the other areas. He also reported that there is 1.2 miles between fire hydrants. The Mayor reported that the Water Company has recommended two hydrants for the 40th Street Area. The question of a booster being used was brought up and the Mayor said that a Booster in this section would not do any good and in answer to the question on Brookhaven area water pressure it was also reported that Brookhaven has a storage tank. The Mayor said he would contact Mr. Curtis and review the area.

The recorder submitted the following person's names to serve as replacements on the Election Board March 17. Precincts listed as follows:

PRECINCT NUMBER 22

NORMA O'GORMAN

RECEIVING COMMISSIONER

PRECINCT NUMBER 298

FRANK KENWORTHY

RECEIVING COMMISSIONER

ADA POST

COUNTING COMMISSIONER

FREDA INGRAM

COUNTING CLERK

PRECINCT NUMBER 297

MARY ELLEN MILLER

COUNTING COMMISSIONER

PRECINCT NUMBER 300

REBECCA HAMILTON

RECEIVING COMMISSIONER

RUBY HUSTEAD

COUNTING CLERK

PRECINCT NUMBER 301

EDITH CHAPMAN

RECEIVING CLERK

PRECINCT NUMBER 302

EMMA ROSE CAVENDER

RECEIVING CLERK

JUANITA CLARK

COUNTING CLERK

PRECINCT NUMBER 320

ELVA BOSWELL

RECEIVING COMMISSIONER

ELIZABETH CLOUD

RECEIVING CLERK

RUTH GIBSON

COUNTING COMMISSIONER

BETTY JO THOMAS

COUNTING COMMISSIONER

The Councilman submitted several names of persons that we may be able to use in case of any other vacancies.

The Mayor informed the Council that he intended to have an article in next weeks newspaper explaining the importance of the Levy Election. He would explain the losses if the Levy should be defeated. It would set the town back at least 18 years. He explained that in order to obtain the same amount of money

as the Levy raised it would necessitate increasing the Municipal Service charge to \$5.00 per month. The Council members agreed that the importance of the election should be stressed. Councilman Tidquist said he thought all members of the Council should sign the article. The Mayor replied that he would like to have all members sign with him. All members of the Council agreed to sign the article for the newspaper.

Councilman Williamson asked about the landfill and reported that the high water carried a lot of debris up close to homes. The Mayor said that as soon as it was dry enough the men would get this area cleaned up.

The Mayor reported that some of our streets, that are not in the paving program are in very bad condition, in fact, his own street is in a bad shape after this hard winter. In a discussion of patching the streets the Mayor pointed out that we should have some dry warm weather before any patching is done. When cold patching is used it does not hold up as well as the hot patching. The Mayor asked members of the Council to check the streets of the town. Councilman Allen said he has had several complaints regarding the bad holes in 21st Street.

The Council again discussed the debris on lot 3002 - 30th Street and directed a letter written to the owner and 10 days be given him to clean up the lot or the City would hire a contractor to clean the lot and bill the owner for the expenses.

Councilman Allen reported that the storm sewer near the Moose Lodge is clogged and when it rains the water goes in near by property. The Mayor said that a letter would be written to the Department of Highways regarding this matter.

The Mayor reported that the Department of Highways have worked up plans and cost estimates for the traffic light at 19th Street and 1st Avenue and the plans have been approved by Bob Titus of the Department of Highways. The costs he understands is quite high, however, the plans are drawn in order that the light recommended would take care of a four lane highway. The costs is borne in that

the Department of Highways pay $3/4$ and the City pays $1/4$.

Councilman Allen reported the bad condition existing on the four lane highway in the lower section of town caused by trucks going in and out of the Plant area and that there was so much mud on the highways that it has caused a very dangerous condition. The Mayor said that he had sent Captain Palmer to see the Superintendent of the job regarding this matter.

Two sealed bids on gasoline for the Cityfleet were presented to the Council. The bids were opened and read as follows: Texaco - .1964 per gallon and Union 76 - .1724 per gallon. After examination and discussion Councilman Goodwin moved and seconded by Councilman Hoke that the bid be awarded to Union 76 Division. Upon a vote motion carried.

There being no further business to come before the Council, Councilman Hoke made a motion for Recess, seconded by Councilman Kniceley. Motion carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

March 16, 1970

The City Council met in recess session March 16, 1970.

There were present: W. W. Alexander; Mayor, Grace Lewis; Recorder, Dr. R. V. Allen, Dr. L. I. Hoke, Hugo D. Tidquist, Tom M. Waldorf, Kenton L. Williamson members of the Council.

The Mayor explained the reason for calling the Council in session was that we had had a number of refusals, due mostly to sickness, on the Election Boards for Tuesdays's March 17th Special Levy Election.

The Recorder submitted the following persons named for the replacements.

PRECINCT NUMBER 299

CLARA WALKER	RECEIVING CLERK
BEATRICE MARTIN	COUNTING CLERK

PRECINCT NUMBER 298

SAM WHITE	RECEIVING COMMISSIONER
EVA WHITE	RECEIVING CLERK
THELMA COMSTOCK	COUNTING COMMISSIONER
EVELYN JANE GOODPASTER	COUNTING CLERK

PRECINCT NUMBER 297

VIDA BAILEY	RECEIVING COMMISSIONER
JESSIE RAYNES	RECEIVING COMMISSIONER
RUTH CARPENTER	RECEIVING CLERK
SHIRELY FINNEY	COUNTING COMMISSIONER

PRECINCT NUMBER 300

GOLDA N. ROARK	RECEIVING CLERK
MARY ANN BRIGHTWELL	COUNTING COMMISSIONER
JANET LONG	COUNTING CLERK

PRECINCT NUMBER 301

MARJORIE HUDNALL

RECEIVING CLERK

PRECINCT NUMBER 302

CEREDO MILLER

RECEIVING COMMISSIONER

MARTHA TAYLOR

RECEIVING CLERK

RUTH McINTYRE

COUNTING COMMISSIONER

ELLEN DENNY

COUNTING CLERK

Thereupon Councilman Waldorf moved the Election Officials be approved, motion seconded by Councilman Tidquist. Motion carried. The Council stands in Recess.



W.W. ALEXANDER, MAYOR

GRACE LEWIS, RECORDER

March 23, 1970

The City Council met in recessed session March 23, 1970.

There were present: W. W. Alexander; Mayor, Grace Lewis; Recorder, Dr. R. V. Allen, Dr. L. I. Hoke, Kenneth K. Kniceley, Hugo D. Tidquist, Tom M. Waldorf members of the Council. Councilman Kenton L. Williamson being absent.

The Mayor called the meeting to order.

Councilman Allen resolved the Council into a Board of Canvassers to canvass the Special Levy Election held March 17, 1970. Motion seconded by Councilman Waldorf. 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 320, 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 - 0

Number of ballots remaining not voted - 403 as ascertained from talley sheet.

Number of ballots voted - 43.

The Recorder then read the certificate of results as follows:

For the Levy - 42

Against the Levy - 1

The ballots for Precinct 320 were 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 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 - 0

Number of ballots remaining not voted - 793 as ascertained from talley

sheets. Number of ballots voted - 88.

The Recorder then read the certificate of results as follows:

For the Levy - 79

Against the Levy - 9

The Ballots for Precinct 302 were then again sealed in an 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 Number 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 - 0

Number of ballots remaining not voted - 441 as ascertained from talley sheet.

Number of ballots voted - 51.

The Recorder then read the certificate of results as follows:

For the Levy - 45

Against the Levy - 6

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 Number 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 - 0

Number of ballots remaining not voted - 695 as ascertained from talley sheets.

Number of ballots voted - 131.

The Recorder then read the certificate of results as follows:

For the Levy - 128

Against the Levy - 3

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 - 0

Number of ballots remaining not voted - 682 as ascertained from talley sheets.

Number of ballots voted - 145.

Challenged ballot of Mary Butler Blasingim - Nitro, West Virginia, Reason: Moved from 2323 - 23rd Street to 4104 - 1st Avenue. Had not changed Voters Registration but still a residence of Nitro. Thereupon Councilman Hoke moved, seconded by Councilman Allen, the ballot be counted. Motion carried.

Challenged ballot of Carl David Ashley - Nitro, West Virginia, Reason: Moved to 3407 - 34th Street. Had not changed Voter Registration but still a residence of Nitro. Thereupon Councilman Hoke moved, seconded by Councilman Waldorf, the ballot be counted. Motion carried.

Challenged ballot of Thomas Layne Blasingim - Nitro, West Virginia, Reason: Moved from 2323 - 23rd Street to 4104 - 1st Avenue. Had not changed Voters Registration but still a residence of Nitro. Thereupon Councilman Hoke moved, seconded by Councilman Kniceley, the ballot be counted. Motion carried.

The Recorder then read the certificate of results as follows:
 For the Levy - 136
 Against the Levy - 9

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 298, 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 - 0

Number of ballots remaining not voted - 442 as ascertained from talley sheet.

Number of ballots voted - 104.

The Recorder then read the certificate of the results as follows:

For the Levy - 98

Against the Levy - 6

The ballots for Precinct 298 were 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 - 0

Number of ballots remaining not voted - 456 as ascertained from talley sheets.

Number of ballots voted - 55.

The Recorder then read the certificate of the results as follows:

For the Levy - 54

Against the Levy - 1

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 Number 22, Putnam 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 --0

Number of ballots remaining not voted - 784 as ascertained from talley sheets.

Number of ballots voted - 116

Challenged ballot of Clarence McDaniel - Nitro, West Virginia, Reason: not

registered in the Poll Book, but has voted for the last 20 years in this precinct, had Voters Card. Thereupon Councilman Allen moved, seconded by Councilman Waldorf the ballot be counted. Motion carried.

The Recorder then read the certificate of the results as follows:

For the Levy - 102

Against the Levy - 14

The ballots for Precinct Number 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 17, 1970. in the City of Nitro, West Virginia, as follows:

For the Levy - 684

Against the Levy - 49

Councilman Kniceley moved, seconded by Councilman Waldorf the Council sitting as a Board of Canvassers certify the above results. Upon a vote motion carried and was ordered.

Councilman Tidquist moved, seconded by Councilman Kniceley that the Board of Canvassers be dissolved. Motion carried and was ordered.

Councilman Allen moved, seconded by Councilman Waldorf that we pay the expenses of the Special Election.

There being no further business to come before the Council a motion for adjournment be Councilman Hoke carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

March 24, 1970

The City Council met in recessed session March 24, 1970.

There were present: W. W. Alexander; Mayor, Grace Lewis; Recorder, Dr. R. V. Allen, E. L. Goodwin, Dr. L. I. Hoke, Kenneth K. Kniceley, Hugo D. Tidquist and Tom M. Waldorf members of the Council. Councilman Kenton L. Williamson being absent.

Mayor Alexander called the meeting to order.

Councilman Goodwin moved the minutes for the meetings of March 4 and 16, 1970 be approved. Motion was seconded by Councilman Waldorf. Motion carried.

Councilman Hoke moved the February Financial Statement be approved. Motion was seconded by Councilman Goodwin. Motion carried.

The Mayor informed the Council that the members of the Police Department requested Council's permission to install two Federal Sound Systems and decals on two cruiser cars. The cost of these items will be borne by the Police Department Fund. The Mayor explained that they had earned this money and that he thought they should be given permission, however, since it was City equipment he felt that the Council should be consulted. Thereupon Councilman Kniceley moved, seconded by Councilman Waldorf that permission be granted to the Police Department. Upon a vote motion carried.

The assessed evaluation figures from the assessors of Kanawha and Putnam Counties, comparison sheets and Levy Estimate forms were presented to the Council for their consideration. The Recorder explained to the Council that the rates being used this year. It was also explained that the 1970 - 71 proposed budget has an increase for all salaried employees \$15.00 per month. All regular employees 7¢ per hour increase. Jess Harrison and Helen Sanders an increase of 10¢ per hour.

Mayor Alexander explained to the Council the item of receipts headed Advanced Donation Civic Benefit Association of \$56,000.00 and also the item Water Shed Recreational Facilities, \$56,000.00. This money was being advanced from the

Civic Benefit Association, "Local Industries", without interest, to provide a matching fund of the Federal Government for the recreation facilities at the Dam Site. This money will decrease the yearly contributions of Civic Benefit Association from 30,000.00 per year to 18,000.00 per year. The Recreation Facilities have been figured by the engineers and recreational expert of the Government at approximately \$100,000.00 and that it could go a little over this amount. In talking to the Government men from Morgantown they had said that they may need 5 to 10 thousand extra, trying to be as flexible as possible.

Councilman Allen asked about the increase of evaluation of property. The Recorder explained that Putnam County Class 4 property had gone down, however, the overall evaluation of property did have an increase. The increase being \$868,890.00 of last years figures. The increase was in Class 4 property assessments.

Councilman Allen asked if the money for the Swimming Pool, was received from Pool passes? The mayor explained that the Pool passes, admissions, and the concession stand just about pays for the operation of the Pool, however, the City pays for the expense of the Revenue Funds. The Mayor explained further that weather condition played a big part in the Pool Receipts paying for the operation.

In answer to Councilman Allen's question regarding expenses for new Garbage equipment, the Mayor informed that this goes for the equipment contracted for last year on the Lease Rental agreement.

In answer to Councilman Allen's question regarding an election next year the Mayor replied that it was doubtful if the City would be holding an election, however, an allocation was being made in case an election would be held.

In answer to Councilman Allen's question of the City portion paid on the Water Shed Program the Recorder informed that to date the City had paid out \$8,382.20.

In the discussion of the money for Recreation the Mayor explained that \$4,650.00 for additional operation had been included with the \$6,500.00 for operation of the Park. We will have the need of a full time director of all Recreation

and when the Recreation facilities have been completed at the Dam Site this need will be greater.

In answer to Councilman Allen's question on Capitation Tax Receipts from Kanawha and Putnam Counties as shown on the statement prepared July 1, 1969 through February 28, 1970 the Recorder replied at the end of the fiscal year the assessor of Kanawha County will make their payment for the full year.

Councilman Goodwin moved seconded by Councilman Tidquist that a \$15.00 per month be granted the salaried employees, 7¢ per hour be granted hourly employees, and 10¢ per hour be granted to Jess Harrison and Helen Sanders. Upon a vote motion carried.

Councilman Waldorf moved seconded by Councilman Goodwin to approve the Levy Estimate for the year 1970 - 71. Upon a vote motion carried and all members of the Council proceeded to sign his name to the Levy Estimate as follows:

STATE OF WEST VIRGINIA,
COUNTIES OF KANAWHA & 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 24th day of March, 1970, there were present: W.W. Alexander; Mayor, Grace Lewis; Recording Officer, and Tom Waldorf, E. L. Goodwin, Hugo D. Tidquist, Roy V. Allen, Kenneth K. Kniceley, and L. I. Hoke 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

Estimate Form No. 1
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)	\$ 6,000.00
Balance in Hands of Sheriff (Estimated)	9,000.00
Redemption and Sale of Delinquent Lands	1.00
Police Fines and Costs	11,500.00
Permits - Building, Street, Sewer and Other	500.00
Advance Donation Civic Benefits Association	56,000.00
Swimming Pool	15,000.00
Rents, Buildings and Concessions	420.00
Civic Benefits Association	18,000.00
Taxes: Gross Sales (Business & Occupation)	75,500.00
Capitation-dog	2,200.00
Franchise	1,000.00
Consumers' Sales (Liquor)	16,000.00
Amusement	5.00
Fees:	
Municipal Service	87,000.00
Library	100.00
Service Fees	15.00
Licenses:	
Electricians and Plumbers	4,650.00
General	4,500.00
Miscellaneous	3,650.00
Total Estimated Receipts to Page E-6	307,041.00

ESTIMATED CURRENT EXPENDITURES:

Salary of Mayor	8,100.00
Salary of Recorder	7,200.00
Salary of Treasurer	1.00
Salary of Police Judge	2,400.00
Salary of City Attorney	500.00
Salary of Councilmen	2,400.00
Salaries of Assistants and Clerks	7,300.00
Salaries of Chief and 8 Police	54,120.00
New Equipment Police Department	3,000.00
General Expenses Police Department	5,200.00
Policemen's Pension Fund	2,800.00
Salaries of Jailor and Expenses Feed Prisoners	8,860.00
Salaries of Chief and 6 Firemen	40,260.00
New Equipment Fire Department	1,000.00
General Expense Fire Department	3,000.00
Firemen's Pension Fund	2,428.00
Salaries Health Commissioner and Employees	1,540.00
General Expenses Health Department	1,000.00
Salaries Garbage Employees	47,300.00
New Equipment Garbage Department	2,000.00
General Expenses Garbage Department	10,000.00
Building Maintenance Salaries and Supplies	800.00
Repair to Jail and City Buildings	2,000.00
Furniture, Fixtures and Office Machines	1,000.00
Stationery, Office Supplies and Equipment	1,000.00
Postage	2,000.00
Water - Fire Protection, Streets and Sewers	9,000.00
Water - City Building and Other Purposes	250.00
Light for Street Lighting	10,000.00

Light - City Building and Other Purposes.	\$ 1,200.00
Repairs, Street and Traffic Lights.	25.00
Fuel - Heating City Building.	1,200.00
Telephone and Telegraph (All Departments)	1,400.00
Legal Publications	1,500.00
Insurance on City Building and Other Property	3,000.00
Premiums on Policemen's and Official Bonds.	400.00
Election Expenses	1,500.00
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	21,100.00
New Equipment Street Department	4,000.00
Materials, Supplies and Expenses, Street Department	4,000.00
Maintenance of Sewers, Salaries and Supplies	500.00
Construction of New Street, Sidewalks and Sewers.	1,200.00
Workmen's Compensation Premiums	1,500.00
Audit by Tax Commissioner	650.00
Refunding Erroneous payments.	50.00
Watershed Program	7,600.00
Parks and Playgrounds, Salaries and Supplies and Expenses	10,565.00
Planning Commission.	275.00
Traveling and Car Expenses of City Officials.	100.00
Civilian Defense.	100.00
Municipal Bldg. Program	1,000.00
Treas. Fees	135.00
Library, Salaries, Supplies and Expenses.	2,675.00
Social Security	9,000.00
Public Employees Retirement	9,620.00
Dues to League (Code 8 - 1 - 3)	210.00
Contingent Expenses (Mandatory Only).	500.00
Dog Pound Expenses.	2,060.00
Swimming Pool	16,000.00
Watershed ⁿ Recreation Facilities.	56,000.00
 Total Current Expenses	 408,024.00
 Total estimated disbursements (A + B)	 408,024.00
less estimated receipts brought forward from page E-4 \$ 307,041.00	
Net amount to be raised by levy (page E-7) 100,983.00	

TOTAL RECEIPTS 408,024.00

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 amount the following levies are proposed to be laid on each one hundred dollars valuation of each class of property, viz:

Sixteen cents (16¢) on Class No. I property,
 Thirty-two cents (32¢) on Class No. II property,
 Sixty-four cents (64¢) on Class No. IV property,

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

CLASS	Assessed Valuation	Special Levy	Proposed Rates	Taxes Levied (Whole Dollars)
Number I				
Personal Property	\$1,132,100.00	9.75¢ + 6.25¢	16¢	\$ 1,811.00
Public Utility Property	679,600.00	9.75¢ + 6.25¢	16¢	1,087.00
Total Class No. I	<u>1,811,700.00</u>			<u>2,898.00</u>
Number II				
Real Estate	<u>10,778,670.00</u>	19.5¢ + 12.5¢	32¢	<u>34,492.00</u>
Number IV				
Real Estate	5,535,290.00	39¢ + 25¢	64¢	35,426.00
Personal Property	3,779,740.00	39¢ + 25¢	64¢	24,190.00
Public Utility Property	2,374,500.00	39¢ + 25¢	64¢	15,197.00
Total Class No. IV	<u>11,689,530.00</u>			<u>74,813.00</u>
Totals	24,279,900.00			112,203.00
Less Delinquent Taxes and Exonerations				
estimated at 10%				11,220.00
Net amount to be raised by Levy				<u>100,983.00</u>

Estimate Form No. 2

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 of Vote	Original	Amount	Amount Required for		
Authorizing	Amount of	of Bonds			
Issue	Issue	Outstanding	sinking Fund	Interest	Total
7-1-53	\$ 50,000.	\$ 10,500.	\$3,000.	\$ 315.	\$ 3,315.
7-1-55	95,000.	47,000.	4,000.	1,292.	5,292.
12-16-58	168,000.	137,000.	4,000.	5,137.	9,137.
Totals	\$313,000.	194,500.	11,000.	6,744.	\$ 17,744.
Delinquent Taxes and Exonerations Estimated at			10%		1,744.
Total Amount to be Raised by a Levy of Taxes					19,518.

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 + three quarter cents (2.75¢) on Class No. I property,
 Five + one-half (5.5¢) on Class No. II property,
 Eleven cents (11¢) on Class No. IV property,

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

CLASS

Number I

Personal Property	\$1,132,100.00	2.75¢	\$ 311.00
Public Utility Property	679,600.00	2.75¢	187.00
Total Class No. I	<u>1,811,700.00</u>		<u>498.00</u>

Number II

Real Estate	<u>10,778,670.00</u>	5.5¢	<u>5,928.00</u>
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Number IV

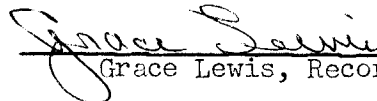
Real Estate	5,535,290.00	11¢	6,089.00
Personal Property	3,779,740.00	11¢	4,158.00
Public Utility Property	2,374,500.00	11¢	2,612.00
Total Class No. IV	<u>11,689,530.00</u>		<u>12,859.00</u>

TOTALS	24,279,900.00		19,285.00
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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 7, 1970

The City Council met in regular session April 7, 1970.

There were present: W. W. Alexander; Mayor, Grace Lewis; Recorder, Dr. R. V. Allen, E. L. Goodwin, Dr. L. I. Hoke, Kenneth K. Kniceley, Hugo D. Tidquist, Tom M. Waldorf and Kenton L. Williamson members of the Council.

Mayor Alexander called the meeting to order. The Reverend Victor Scott of the Sattes Presbyterian Church gave the invocation.

Councilman Tidquist moved the minutes for the meetings of March 23, 1970 and March 24, 1970 be approved. Motion was seconded by Councilman Kniceley.

Councilman Tidquist reported on a request for a street light at the Church of God at 503 Main Avenue. He has made a survey and in building the Church the light from the street light had been blocked by the Church building. He also added that there was a pole at this location for a street light. Councilman Kniceley reminded the Council of the refusal for a street light from the Church of Christ and he did not think that we should turn down one Church and not the other. Mayor Alexander told the Council that he had had a request for a street light at 224 Lee Avenue. The people living there say there is a great distance between the lights on that street. The Street Light Committee will check this area. In answer to question of charge for installation for poles for street lights the Mayor informed that several years ago the Power Company did charge the City for the installation of the poles, however, now this cost is included with the rental of the street lights.

The Council then discussed the debris on vacant lot at 3002 - 30th Street. The Recorder said that Mr. Yates, the owner had been given ten days to clean up the lot as Council directed. The Mayor said that Mr. Yates had talked to him about two weeks ago and told him the lot would be cleaned up. Councilman Allen said that a stove and refrigerator had been removed from the lot. The Council felt that they had been fair with Mr. Yates and had given him ample time. The Mayor said he

would call him to inform him that the City would have the lot cleaned and he would be billed for same. The Council also discussed lot on Hillside Drive and Blackwood Avenue. Councilman Allen said that he would check this lot. Councilman Allen said he got a complaint about the old house on 40th Street Road. The person said the roof was falling in and the children, while waiting for school busses, are playing inside. Councilman Waldorf said he didn't think there was any hope in restoring this building. The Mayor said we have to go to the Circuit Court to get it condemned. Councilman Kniceley said Charleston has burned house. The Mayor said they have been in the Urban Renewal and probably went through the Circuit Court. I don't know of any other way unless we go through the Circuit Court and get it condemned.

Councilman Hoke asked about the traffic problem on Main Avenue from the St. Alban-Nitro Bridge up to Harmon's Trailer Court. The Mayor informed that the office had gotten some calls on parked vehicles on Main Avenue close to the Trailer Court, especially on Saturday and Sunday. The persons making the calls said that they could not see to enter Center Street from Main Avenue because of these cars blocking vision. The Mayor informed that several years ago when a restaurant was located at the place now occupied by the Harmon's Trailer Court that it was necessary for the Council to prohibit trucks from parking on Main Avenue. If the Council would stop the parking now it would prevent people from parking in front of their homes.

Councilman Kniceley reported on the Park Board meeting held April 1, 1970 stating that the Board members had directed a letter to be sent to Dana Johnston, President of the Nitro Youth Center and read the letter as follows:

At a meeting of the Nitro Board of Park Commissioners, April 1, the program to build a Youth Center and the request for property for same was discussed. The Board is of the opinion that they should have in their possession a copy of the plans and specifications for said building.

The Board wishes to have the plans and specifications studied by competent Building Engineers in order to determine that the proposed building is structurally sound.

When the Board has been assured that the proposed building would be sound

and safe and your organization has sufficient funds to erect and equip the building, the members of the Park Board will be happy to make property available, through legal channels, for the erection of the Nitro Youth Center. Signed by James Jones, President, Mrs. Bob Higginbotham, E. S. "Bo" Hammond, Kenneth K. Kniceley; Members of the Board of Park Commissioners and W. W. Alexander, Mayor; City of Nitro, West Virginia.

Councilman Hoke said that he was glad to see the Board make this move in that we do have a beautiful Park and would not want a building erected that would detract from the beauty.

Councilman Tidquist asked about the water problem created by Diehl's Car Wash. The people say that they were not bothered with water problem until the Car Wash was constructed. The Mayor said that at one time the people in this area had had a ditch dug at the rear of the lots in order to take care of excess water and this ditch had gradually filled up with weeds and debris. The Mayor said he would have men from the Sanitary Board test a sample from the water problem below Diehl's Car Wash.

Councilman Allen reported on fly ash that was being dumped on vacant lots in the south end of town. It was creating a problem in that the wind was carrying the fly ash all through the area. He asked if the fly ash was supposed to be dampened. The Mayor said that he had gotten calls on this same problem and had sent Captain Palmer to the Contractor to instruct him that it was necessary that the fly ash be kept dampened and covered with soil as soon as possible.

Mayor Alexander reported that the Regional Development Authority and the County Court had been working on County Communication system that it would lead into each Police Department in the County. They had approached Nitro in having it installed at our Police Department. This system would in no way affect our present communication system. At any time there was a disaster in any part of the County that might affect all parts of the County it would be an easy matter to alert all Police Departments. The major cost of this system would be paid for by the Federal Government. Every participating city was asked to spend approximately \$1,495.00. This

type of system is being used through out the Country. In answer to the question of maintenance, the Mayor said that he understood the County would take care of the maintenance after installation. Councilman Goodwin said it was his understanding that this system would replace the present Civil Defense. Councilman Waldorf moved, seconded by Councilman Goodwin that the City participate in this program. Motion carried.

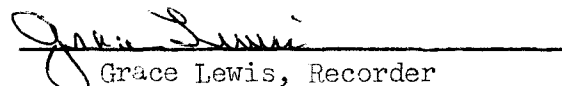
The Mayor informed the Council that he had been looking over the city streets and that he thought we should have a committee to make a new study of the condition of our streets and a recommendation to the Council. Councilman Kniceley said he had one objection to the paving of streets and that was the interest rate. The Mayor said the interest rate was still six percent. Councilman Allen said when the street paving is finished that he thought the City is going to be required to have a better maintenance program. Councilman Hoke set the date for Sunday, April 12, depending on the weather for all members of the Council to make a survey of the streets.

Councilman Goodwin asked about the plans for sewers in the Riverdale Acres area. The Mayor informed that the City has plans for the sewers and that the engineers are watching for any information coming from Washington where money might be available in order that the sewer lines may be installed in this area. The Mayor also reported that we had had a representative from the Health Department look over the bad situation of the hill section of Riverdale Acres and their recommendation was that it was a terrible mess and the only thing that would correct it was new intersepter sewer lines.

In answer to Councilman Kniceley's question regarding how soon the City could apply for money in the event money would become available. The Mayor said that our engineers can make application in 48 hours.

There being no further business to come before the Council, Councilman Hoke moved that the Council be adjourned.


W. W. Alexander, Mayor


Grace Lewis, Recorder

April 21, 1970

The City Council met in regular session on April 21, 1970.

There were present: W. W. Alexander; Mayor, Grace Lewis; Recorder, Dr. R. V. Allen, E. L. Goodwin, Dr. L. I. Hoke, Kenneth K. Kniceley, Hugo D. Tidquist, Tom M. Waldorf and Kenton L. Williamson members of the Council.

Mayor Alexander called the meeting to order and the Reverend Victor Scott of the Sattes Presbyterian Church gave the invocation.

Councilman Goodwin moved the minutes for April 7, 1970 be approved. Seconded by Councilman Waldorf. Motion carried.

Councilman Hoke moved the Financial Statement for the month of March be approved. Seconded by Councilman Goodwin. Motion carried.

Councilman Tidquist reported on the Street Light Committee Survey of Lee Avenue. He reported this was a long street and that there was a light at the corner of Lee and Walker and one at the Lee Avenue and Sattes School entrance.

Councilman Tidquist moved two 3500 Lumen lights be installed on Lee Avenue. Seconded by Councilman Allen. Motion carried.

The Mayor reported to the Council that he had had a report for a street light at the extreme North end of Hillside Drive, back of the Weathertite Building. He asked the Committee to make a survey of Hillside Drive.

The Mayor told the Council that Mr. Smith had promised him that he would clean up the vacant lot at 30th Street and 1st Avenue. Councilman Allen reported that they had cleared up some of the debris.

Councilman Allen reported on the water problem from Diehl's Car Wash. The drain from the Car Wash was made of tile. The ditch back of the homes has grown up with weeds and the water dumped into the field.

The Mayor said he would check with Jack Diehl regarding this property.

Councilman Hoke reported that the Streets had been checked over and the Committee



**State Tax Department
of West Virginia
Charleston 25305**

CHARLES H. HADEN II
COMMISSIONER

LGRD AL9
ALD 12:62
(Rev. 1967)

To the Common Council
Municipality of Nitro
Nitro, West Virginia 25143

In accordance with the provisions of Chapter 11, Article 8, of the Code of West Virginia, as amended, and contingent upon compliance with the provisions of Chapter 8, Article 5, Section 12, of the Code of West Virginia, as amended, the levies proposed by you for your municipality for the fiscal year beginning July 1, 1970, are hereby approved, subject to the following exceptions:

NONE

I hereby make 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 your common council has also made such a finding and the rates in excess of those prescribed by the Constitution were legally authorized by a vote of the people.

Given under my hand this 3rd day of April 1970.

TAX COMMISSIONER

CHH:bts

will go over their notes and give a recommendation for street work at the next meeting.

The Recorder presented a letter of approval, from the State Tax Commission, of the Levy Estimate as past by the Council March 24, 1970, (the letter hereby attached to the minutes of this meeting.) She presented to the Council copies of the Levy Order. Thereupon Councilman Goodwin moved, seconded by Councilman Hoke that the rates be approved for the Budget Year 1970 - 71. Upon a vote motion carried. Every member of the 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 Chamber thereof on Tuesday, the 21st Day of April, 1970. Present; W. W. Alexander; Mayor, Recording Officer; Grace Lewis, and Tom Waldorf, E. L. Goodwin, Roy V. Allen, Hugo D. Tidquist, Kenton L. Williamson, Kenneth K. Kniceley, and L. I. Hoke members of the Council of said Municipality.

CURRENT REGULAR MUNICIPAL LEVY
ORDER

Order Form No. 1

The Council having ascertained that the net amount necessary to be raised by a levy for the current fiscal year for regular municipal purposes will be \$112,203.00, according to the estimate made and entered of record on the 24th day of March, 1970, 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:

Sixteen cents (16¢) on Class No. I property,
Thirty-two cents (32¢) on Class No. II property,
Sixty-four cents (64¢) 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 1			
Personal Property	\$1,132,100.00	16¢	\$ 1,811.00
Public Utility Property	679,600.00	16¢	1,087.00
Total Class No. 1	<u>1,811,700.00</u>		<u>2,898.00</u>
Number II			
Real Estate	<u>10,778,670.00</u>	32¢	<u>34,492.00</u>
Number IV			
Real Estate	5,535,290.00	64¢	35,426.00
Personal Property	3,779,740.00	64¢	24,190.00
Public Utility Property	2,374,500.00	64¢	15,197.00
Total Class No. IV	<u>11,689,530.00</u>		<u>74,813.00</u>
TOTALS	<u>\$24,279,900.00</u>		<u>112,203.00</u>

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 \$313,000.00 will be \$19,285.00 according to the estimate made and entered of record on the 24th day of March, 1970 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 having approved the same in writing, it is therefore ordered that said estimate 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 & Three Quarter cents (2.75¢) on Class No. 1 Property

Five & one half cents (5.5) on Class II property,

Eleven cents (11¢) 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	1,132,100.00	2.75¢	\$ 311.00
Public Utility Property	679,600.00	2.75¢	187.00
Total Class No. I	<u>1,811,700.00</u>		<u>498.00</u>
Number II			
Real Estate	<u>10,778,670.00</u>	5.5¢	<u>5,928.00</u>
Number IV			
Real Estate	5,535,290.00	11¢	6,089.00
Personal Property	3,779,740.00	11¢	4,158.00
Public Utility property	2,374,500.00	11¢	2,612.00
Total Class No. IV	<u>11,689,530.00</u>		<u>12,859.00</u>
TOTALS	<u><u>24,279,900.00</u></u>		<u><u>19,285.00</u></u>

Councilman Kniceley reported the Pool Committee has had meetings and set up a set of rules and will give these rules to the Staff and also a copy given to everyone buying a family pass to the Pool. The pool will open Memorial Day, May 30, 1970. We have four qualified instructors to teach swimming lessons. Not all the hiring is done. The Mayor said we have men working on the Pool now and asked who has a sand blasting machine. Councilman Tidquist said Monsanto has one, but the compressor is not working right now. The Mayor said we would like to have the pool painted. They are waiting to sand blast before painting. Councilman Tidquist said he will have to check with Mr. Charles Young. The Mayor said it will save us some expense on renting one. The Health Department has given us a very good inspection every year. They wish we would eliminate the flaking by sand blasting. The Health Department checks the water and facilities very close. Indoor - Outdoor carpet will be installed in the gate house and at the Pool.

Copies of the resolution creating a Regional Intergovernmental Council was presented to the Council for their consideration. Councilman Allen asked why the controversies in other towns regarding the creation of this Regional Intergovernmental Council. The Mayor stated that the Planning Commission in these towns felt that anything pertaining to funds should come under the jurisdiction. However, our Planning Commission has voted unanimously in favor of the Regional Intergovernmental Council Agreement. Councilman Goodwin stated that unless we are a part of this organization we can not get any Federal Funding on projects in our

jurisdiction. Councilman Allen said that he understood that a fee of ten cents per person would be charged. The Mayor said that he did not feel there would be a charge. The Council Planners were apposed to it. The Mayor said that the group felt that we will be able to get by without a fee cost if it is operated by the Planners. The people, who are elected officials, are the ones who should say whether a job should be funded. He said that we need this resolution adopted in order to become a part of the Regional Intergovernmental Council and until the organization is set up and operating there will be no funds. Thereupon Councilman Kniceley moved, seconded by Councilman Waldorf the adoption of the Resolution.. Motion carried.

RESOLUTION

Whereas, Chapter 8, Article 25 of the Code of West Virginia of 1931, as amended, authorizes the creation of a Regional Planning Commission in the manner and for the purposes therein provided, and,

Whereas, An agreement entitled "Regional Intergovernmental Council Agreement" in accordance with said Chapter and Article has been prepared for execution by those units of government desiring to form such regional planning Commission, and,

Whereas, the County Court of Kanawha County, West Virginia, has approved and executed said Agreement for and on behalf of said County, and,

Whereas, the City of Nitro, West Virginia, acting by and through its Council is of opinion that said Agreement accomplishes the purposes desired as set forth therein, and desiring to enter into the said Agreement to create a regional planning commission.

NOW, THEREFORE BE IT RESOLVED,

That the Mayor of the City of Nitro, West Virginia, be and he is hereby authorized and directed to execute, on behalf of the said City of Nitro, West Virginia, that certain Agreement entitled "Regional Intergovernmental Council Agreement."

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

I, Grace Lewis, Recorder of the City of Nitro, West Virginia, do hereby certify the foregoing to be a true and accurate copy of Resolution and Order passed by the Common Council of the City of Nitro at a regularly held meeting on the 21st Day of April, 1970.

Given under my hand this ____ day of _____, 1970.

Grace Lewis, Recorder
CITY OF NITRO, WEST VIRGINIA

Councilman Allen asked if the recently inacted law regarding junked cars would have any effect on us. The Mayor said that we should have an ordinance to conform with the State Law. Councilman Allen moved, seconded by Councilman Goodwin that the City Attorney be directed to prepare an ordinance to conform with the new law on junked cars. Upon a vote motion carried.

The Mayor reported that a contract had been let for a new Highway, Rt. 25 through Riverdale Acres Area.

Councilman Allen reported that the Riverview Mobile Homes had a bad sewage problem. Our Sewer Department should take a look at it. The pipes lead from the homes and drain directly into the creek.

The Mayor reported that Captain Palmer had reached the age of 65 and could only work under Civil Service for 30 days after his birthday. The Police Committee and the Civil Service Board are of the opinion that the best thing to do is to appoint Mr. Palmer as Chief of Police. This would freeze his pension at this time and he would work for the same salary as Chief. Councilman Allen asked if it would be necessary to move some one up to the Captain rank? The Mayor said there has been a lot of thinking in that line and also the Civil Service Board had thought about it. Conditions have been uncertain in the Police Department for a while. We do not have many men who are old enough and who have had enough experience. At the present time we need another Sergeant but are waiting until a man has had enough experience for the position.

Councilman Waldorf moved, seconded by Councilman Hoke that C. A. Palmer be appointed Chief of Police as of May 10. Upon a vote motion carried.

Councilman Allen reported again the Railroad siding of the Penn Central located in Riverdale Acres Area stating that this section was very dangerous and that something should be done about it. The Recorder reported that a letter had been sent to the Penn Central on January 21, 1970 regarding this matter but that we would send a follow up letter.

Councilman Goodwin reported on junk being placed on lot 716 Kanawha Avenue South. Councilman Tidquist reported on a car that had been parked on lot 404 Washington Avenue.

Councilman Tidquist said that in Brookhaven across from George Minner's house the cement block is cracked and is blocking the water. They have a tremendous problem when it rains. The Mayor said that it is a 36" drain and the people asked us to get the cost of a larger drain that would do the job. They took a topo of the place and said it would take a 72" and it should be a 84" drain. The cost would be \$3,500.00. Councilman Allen said the water comes back up. The Mayor said the man who lives on the left is in a lot more trouble. If they would put in 36" line he would not stand a chance. Councilman Kniceley asked what about putting a 34" line. Councilman Waldorf said there would be a location problem and a road problem. Councilman Allen said if they continue to build more house more water will run down, it could wash those houses out. We don't want to restrict his building houses but we want to protect what is there. We should try to work out something. Councilman Kniceley said he thought the Builder could get a right of way across the back of the houses to lay one strip through. Councilman Allen said the Builder has created this problem. Councilman Hoke said we are going to have to get a larger drain under the road. Councilman Allen said it goes through the manholes and goes down through the sewer plant and then we have two problems. The Mayor said they tried to get the Health Department to see it that way. Councilman Allen said the Builder is going to put in another street. Councilman Waldorf said they will force us to do something about the filter plant. The Mayor will have the engineer take another look at this situation.

There being no further business to come before Council, Councilman Hoke moved the meeting adjourned, seconded by Councilman Kniceley. Motion carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

May 5, 1970

The City Council met in regular session on May 5, 1970.

There were present: W. M. Alexander; Mayor, Grace Lewis; Recorder, Dr. R. V. Allen, E. L. Goodwin, Dr. L. I. Hoke, Kenneth K. Kniceley, Hugo D. Tidquist, Tom Waldorf, Kenton L. Williamson members of the Council.

Mayor Alexander called the meeting to order. The Reverend William Inghram of the Nitro Presbyterian Church gave the invocation.

Councilman Hoke moved the minutes for April 21, 1970 be approved. Seconded by Councilman Waldorf. Motion carried.

Councilman Tidquist reported the Light Committee had checked the request for Street Light on Hillside Drive. He said that the Committee could not recommend a light at the end of the Street. Councilman Kniceley said that a light had been more houses added to the block. In discussion of the present light the Council determined it to be a 2500 lumen. The Mayor suggested moving the light and put in a 2500 Mercury Vapor that it might help the situation. The Mayor went on to say that the problem creating the request for the light is behind the Weatherlite Building. Councilman Tidquist said that he doubted if a light on Hillside Drive would help the situation. The Committee is to make another survey.

The Mayor reported that he had talked to Jack Diehl regarding the problem created by the Car Wash and Mr. Diehl and Charles Fitzsimmons were obtaining a large peice of equipment to dig a ditch back of the property in effort to eliminate the problem. .

Councilman Hoke reported that the Street Committee had not completed checking the streets and would report to the Council on the Street Recommendations next meeting.

Councilman Kniceley reported the Pool Committee recommended an increase in admission to the Pool for children from 35¢ to 50¢. The Pool passes are to remain the same, family passes \$25.00 and a single pass \$12.00. Out of town

guest 60¢ for children and \$1.25 for adults. Thereupon Councilman Kniceley moved that a charge of 50¢ be made for a ticket issued for a single admission to all persons residing in the City of Nitro under the age of 16 years old. Motion seconded by Councilman Goodwin and upon a vote motion carried.

Councilman Kniceley reported the two ladies who had worked the Concession, Mrs. Davis and Mrs. Honsker had been hired and also Mrs. Beatrice Fore had been hired for the gate house. The life guards are Romie Hughart, Jr., David Sayre, Archer Bailey, Michael Clark, Susan Hogshead, Jane Moody, Jane Stientmetz. Four of the life guards have their Instructors and will teach swimming lessons starting June 15. A copy of the rules of the Pool will go to every person buying a pass. Councilman Kniceley also reported that arrangements had been made for the carpet and signs are being painted.

Luke Michael, the City Attorney, presented each member of the Council a copy of the new Law regarding junked cars. He said that the law is lengthy and would take a long time to read and study it and suggested the members of the Council take the copy home with them in an effort to study the law. In explaining some parts of the law, Mr. Michael said that tis was a very broad status and called attention to page 5 and said it would be necessary for the Council to adopt the law in whole.

Councilman Tidquist reported that the car on 404 Washington Avenue was still there.

Councilman Goodwin reported that Penn Central is working on the Railroad tracks in Riverdale Acres Area. The Mayor said that the Chief Engineer had been down to talk with him. The Penn Central was working with the Carbide Plant trying to get another side line installed above the City Limit Line.

The Mayor reported that Captain Palmer had checked the two place in the South end regarding the junked heaps. One place had promised that they would clean up the lot and the other place the owners were not home.

The Mayor said he got a request for a 15 mile speed limit on Fredrick street. It is a one lane traffic. Stating he could not see how there would be much speed-ing on this street. They say it is a very hazardous place. The people would like to have a 15 mile speed limit on this street. It is a long block from Walker Street to Kapok Street. The Mayor said they would have to take some kind of action on it. Councilman Kniceley asked if they have a 15 mile speed limit sign any place else. The Mayor said we do have one up at Fenwood Avenue. We don't have it any place where they have a regular width street. Councilman Waldorf asked how many people live on this street and want it. The Mayor said about 10 houses and a church. Councilman Hoke made a motion to turn it over to the Traffic Committee and have them check it over, seconded by Councilman Kniceley. Motion carried.

Mitchell Childress presented a petition to be read by Councilman Waldorf, signed by 19 people from the E st 39th Street area. It was a complaint about an open ditch. After the petition was read the Mayor said he wished to take issue with different parts of the petition. He had been called about three weeks ago that he had called the engineer and had him to check the situation. He had also been down and checked the situation. He had men from the Sewer Department to check three different times to see if it was contaminated. They did find one break in the pipe. This break was caused by who ever open up the Sewer line. It was believed that they had some type of pipe in the ditch and took the pipe out and left the ditch open which caused the break. This had been corrected. The Mayor said he had been told that none of the homes have lines that would lead to this particular line. There has been evidence of food particles in this drain which leads to believe that drainage from a kitchen is going into this line.

The Mayor reported that the engineer recommended a fifteen inch line should be installed in the entire area of the open ditch and then continue parallel with East 39th Street down grade to another open ditch which comes down the hill. At this area a large catch basin should be installed and from this point into the

creek a twenty-four inch line should be installed. The costs will be in the neighborhood of 4,500.00. The Mayor continued that he had told the people that this problem should be taken care of and had also told them the cost and that the cost was too great and we could not take care of it at this time. The Mayor said that they do have a bad situation and it should be taken care of and corrected. Councilman Waldorf said that since they had seen food particles it could be from a disposal. The Mayor said that a dye test should be run from every home. There has been times when detergent had created suds in the ditch. In answer to Councilman Hoke's question on the location of this ditch the Mayor informed that it was on the back property line of B ilos Drive behind Mr. Mitchell's, about 125 feet from the road between 40th Street Road and East 39th Street. Councilman Allen asked if it would be wise to put in a 90 degree ell. The Mayor said that it would be 380 feet to go under the street into the creek then we would not be helping the other section of East 39th Street. A dye test from every home would show what property was furnishing the contamination. Councilman Waldorf asked about allocation of money to do a job like this. The Mayor said that he certainly would not have the right to give the O.K. on a job like this without the Council's permission even if the City did have the money. In answer to Councilman Tidquist's question on the responsibility for surface water the Attorney said we have the same responsibility in Sewers as we do with drainage problems. The Mayor said he would have the engineer take another look at this problem and make his recommendations to the Council.

Keith Pritty presented a petition to the Council pertaining to the change in the High School and Juniata High School. It was addressed to the Kanawha County Board of Education opposing the change. The Gym at the Juniata High School is not big enough for the High School. The auditorium seat 580 at Jr. High School and 1,000 at the High School. The Bandroom and shop is not big enough for High School. There is more activity for Junior High School children at the Jr. High School and the Jr. High School will have a parking problem if the High School moved over

there. Councilman Tidquist made a motion to take action opposing the change, seconded by Councilman Williamson. Motion carried. Councilman Allen asked if the cost would be more to the city. The Mayor said there would be no place to park at the Jr. High School. The Mayor said he talked to a member of the School Board today and the Mayor said he was not for the change. Councilman Goodwin asked what we were going to do, write a letter to the School Board opposing the change. Keith Pritty said they have a petition and he would like to have it signed by the Council. The Council agreed and signed the petition.

Councilman Allen said that in back of 3727 - 36th Street near creek there is a City Sewer Line and the brush is coming along and causing water to back up there. The Mayor said our sewer men were supposed to have cleaned the brush from around the sewer pipe just last week.

There being no further business to come before Council, Councilman Hoke moved the meeting adjourned, seconded by Councilman Waldorf. Motion carried.

W. M. Alexander

W. M. Alexander, Mayor

Grace Lewis

Grace Lewis, Recorder

May 19, 1970

The Council met in regular session Tuesday, May 19, 1970.

There were present: W. W. Alexander, Mayor; Grace Lewis, Recorder, Dr. R. V. Allen, E. L. Goodwin, Dr. L. I. Hoke, Kenneth K. Kniceley, Hugo D. Tidquist, Tom M. Waldorf and Kenton L. Williamson members of the City Council.

Mayor Alexander called the meeting to order. The Reverend Kenneth Ball of the St. Paul Methodist Church gave the invocation.

Councilman Kniceley moved the minutes for the meeting of May 5, 1970 be approved. Motion seconded by Councilman Goodwin. Motion carried.

Councilman Hoke moved, seconded by Councilman Waldorf, the Financial Statement for the month of April be approved. Upon vote, motion carried.

Councilman Tidquist informed Council that the Street Lighting Committee had made another inspection on Hillside Drive for additional street lights, and that the Lighting Committee did not see the need for an additional light. In discussion it was suggested that the last light on the lower end of Hillside Drive be moved to the last street lighting pole and be up-graded, thereupon Councilman Tidquist moved, seconded by Councilman Waldorf that the last street light on lower Hillside Drive be moved to the last pole and up-grade to 3500 mercury vapor. Upon vote, motion carried.

Councilman Tidquist reported that the light on West 14th Street had not been installed. The Recorder informed that she had called the Appalachian Power Company in April regarding this installation as the Power Company had been given the order in early February.

The Mayor reported that he did not know if Mr. Diehl and Mr. Fitzsimmons had begun the work on the ditch leading from the car wash, however, he had been told by Mr. Diehl that he had an agreement worked out with Mr. Fitzsimmons.

Councilman Hoke made a report on the recommendation of the Street Committee, he said that the Council had gone over all the streets and had had a meeting

and felt as a whole, there was not a lot of change in the condition of the streets and felt they would be all right for another year. There were some streets that may need resurfacing but the Council felt if the property owners desired these streets be resurfaced they should petition the Council to resurface them. Council recommended at this time there be no further paving, however, they did stress that the streets be given better attention as to patching and repairing of the streets. He pointed out that 16th Street does need some repair.

The Attorney Luke Michael, reported on the Law of Junk Cars and said that he had given the Council Members a copy of the Law at the last Council meeting in order that they may make a study of the Law and make any recommendation they may have, and that he did not prepare the Ordinance covering this Law as yet but would try to have the Ordinance by the next Council meeting. In discussion of the Law, it was pointed out that it was necessary for the City to adopt an Ordinance in Compliance with the State Law in order that the City Police Department have the proper authority to carry out the Law. Thereupon, Councilman Kniceley moved, seconded by Councilman Allen, that Mr. Michael prepare the Ordinance covering the Law on Junk Cars. Upon a vote, motion carried.

Councilman Allen reported that he had made three visits to Fredrick Street and had found in addition to their request and need for a 15-mile speed limit sign, that they also had other problems that the speed limit sign was not going to correct their problems. That they had an open ditch which was causing a lot of problems. In discussion of this ditch, it was pointed out that the ditch runs parallel with Fredrick Street and the railroad. The Mayor said that the Street Crews had taken care of this ditch numerous times but that someone on the street continues to fill it with debris causing flooding during rains and that the people on that street will not tell who is filling in the ditch. Councilman Allen also reported that the residences of Fredrick Street would like to have stop signs erected at either end of the street. They would also like to have a street

sign. The Mayor said that he would have the ditch checked again. Thereupon Councilman Allen moved, seconded by Councilman Williamson, that stop signs be erected on Fredrick Street at either end and that a 15-mile speed limit sign also be erected. Upon vote, motion carried.

Mayor Alexander informed Council that in making another check of the 39th Street area on the drainage problem, as presented to Council at the last meeting, the men had discovered a lot of utility lines in and along the area of the drainage and there would need to be a great amount of hand work done because of the utility lines. The job would necessitate in the neighborhood of 700 feet of pipe and our men also estimated the cost of this job to run from \$4500.00 to \$4800.00. The Mayor told Council that he was asking the engineer to make his survey on this problem and make his recommendations to the Council and then we would have to find the money to do the work.

Councilman Kniceley reported that the Pool will open May 30, 1970 and the Pool Committee had decided that starting this year no pool passes were to be sold at the pool. The reason for this decision was the amount of money taken in from sale of pool passes at the pool and no adequate facilities for safe keeping of the money at the pool and that all pool passes will be purchased at the City Hall. He also announced that the swimming classes will start June 15.

Councilman Allen asked what our Law was pertaining to dead trees on property between the walk and street property? There was a dead tree in front of the property on 2120 - 21st Street and the tree was very dangerous and could fall on a person or someone's car. The Mayor replied that his property between the sidewalk and the curb is for beautification purposes and that the property owner usually took care of this area that was close and that if a tree was cut down on the property that the property owner took care of the cutting down of the tree and the City would haul it away. However this is not an ordinance covering this situation. The Mayor also pointed out that if the City had to assume responsibility of

taking care of trees on the Park-way, it could run into a lot of cost for the City. The Attorney also was asked for his opinion. He pointed out that in a lot of places the liability of sidewalks was on the property owner, that the City should have an ordinance taking care of the sidewalk and Park-way.

Councilman Williamson reported that in the 700 or 800 block of Main Avenue, hedge has grown out over the sidewalk and the sidewalk was blocked.

Councilman Waldorf said that he though O.K. Walker should be given recognition for taking his time to go over the Streets with the Council.

Mr. James Stone presented three copies of editorials given over WKAZ Radio on April 27, and May 1st stating that if conditions outlined in the editorials exist that something should be done about it and asked Council what they intend to do to correct these matters? In answer, Mayor Alexander questioned as to how he obtained the copies, Mr. Stone replied that he got them from WKAZ Radio Station. Mayor Alexander said that he had talked to the General Manager of this Station almost daily requesting copies of the editorials and that he had only received a copy of the April 27 editorial, and that he had even considered going through the FCC to obtain the other two copies. Councilman Waldorf asked that copies of these editorials be made and sent to each member of the Council.

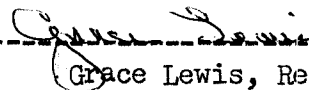
Keith Britt asked if we had a Street Sweeper? The Mayor replied Yes. Mr. Britte said his street had not been swept but twice in the twelve years he lived in Nitro, and that he though if the streets were swept more often they would keep them in better condition. Mr. Britte also recommended making Washington Avenue from 700 to 800 block one-way parking on one side only. Also recommending that Kanawha Avenue up through the 800 block be made one-way parking on one side, pointing out that fire trucks or ambulances could not get through the streets as they were now. Councilman Hoke said that a lot of cane would be raised about this and asked how many people would sign for this recommendation?

Mayor Alexnader asked Mr. Britt if he would be willing to contact his neighbors regarding this matter, asking Mr. Britt if he would be willing to contact his neighbors regarding this matter, asking Mr. Britt if he lived on Kanawha or Washington Street. Mr. Britte informed the Mayor that he lived on Dupont Avenue. The Mayor said it was eviden that these streets were narrow but he felt that the people would be very unhappy with a change of which has been recommended. Mayor Alexander told Mr. Britt that he thought it would be real nice of him if he would contact the people on these two blocks. The suggestion was made that the proper solution to this problem was to widen the streets.

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



W. W. Alexander, Mayor



Grace Lewis, Recorder

June 2, 1970

The City Council met in regular session June 2, 1970.

There were present: W. W. Alexander; Mayor, Grace Lewis, Recorder, Dr. R. V. Allen, E. L. Goodwin, L. I. Hoke, Kenneth K. Kniceley, Hugo D. Tidquist, Tom M. Waldorf and Kenton L. Williamson members of the City Council.

Mayor Alexander called the meeting to order. The Reverend Donald Cummings of the Sattes Presbyterian Church gave the Invocation.

Councilman Kniceley moved the minutes for the meeting of May 19, 1970 be approved. Motion was seconded by Councilman Waldorf. Motion carried.

The Recorder reported the order for change of a street light on Hillside Drive had been given to Appalachian Power Company. Councilman Allen and Tidquist reported the light on West 14th Street had been installed.'

The Mayor reported a complaint from Sattes Circle regarding a light that had been moved close to 1410 Sattes Circle. The people felt that this light should not have been taken out.

Attorney Michael explained in more detail the Law covering Junk Cars. (A copy of the Senate Bill covering this Law had been presented to members of the Council at the last meeting.) The Attorney proposed the Council to adopt the complete bill for the first reading at this meeting. Informing Council that the headings and titles would be the same as the Senate Bill. The definitions will generally be the same with exception of Law enforcement to mean the Nitro Police Department, suggesting leaving out the Legislative Declaration on page 4 and 5. The fines for violations would be paid into the City Treasury. Advising Council that he will have completed copies of the Ordinance for each member at the next meeting. Thereupon Councilman Allen moved, seconded by Councilman Tidquist, that the Council adopt this Ordinance for the first reading. Upon a vote motion carried unanimously.

In answer to Councilman Allen's question regarding signs for Frederick Street

the Mayor said it would take about four weeks to get the signs.

Councilman Kniceley reported a list of pool rules and regulations had been given out to all persons pruchsing pool passes. Pointing out that item eight had been changed by the Pool Commitee to allow eight year old children and over to enter the Pool without an older personsaccompanying them. Councilman Kniceley said the Poo; opened in grand fashion. The men had done a good job getting the Pool in readiness.

The Councildiscussed the matter of dead trees on the Parkway. The Attorney said he had checked this matter thoroughly and in this case the City owned the property between the sidewalk and the street. Statute provides that the City must keep the streets safe and that the odds are the Court would find the City liable. in any case. It was pointed out that the City does not have sufficient money to maintain this particular area and that perhaps the owners of abutting property should not be allowed to have the right to plant trees on City property. If the City is going to accept thisresponsibility then additionnal money must be found for that purpose. It was suggested that two or three men could cut the trees down ina couple of hours. Councilman Allen said that he was the one who brought up this situation, the tree is dead and is going to fall and he thought someone should take it down.

The matter of WKAZ Editorials were then discussed by the Council. Councilman Allen asked what National Magazine was referred to in the Editorials, no one seemed to know the name of the Magazine. The Mayor stated that one item in the Editorials was our illegal traffic tickets. The Mayor said that the traffic tickets causes us to buy more paper and have more paper to throw away. The City now has the proprietttraffic tickets. It costs the City \$120.00 per thousnad. It was his understanding that the State Police do not use four copies of a ticket. In answer to Councilman Hoke as to who got the copies of a ticket, one for the violator, one for the Police Department and one for the Judge. The Mayor said

that he thought anyone that is familiar with the City Government should know that there is no truth to the most of the items. There are certain things that have been argued at elction time. They have beendiscussed by the City Council, one imparticular is the voting machine and the paper wallot. Nitro is in two Counties and the one Cournty hassapproved voting machines. He has never been the Chief of Police, nor has he ever been the Fire Chiefl He is Chairman of the Sanitary Board because the State Code says he must be. Councilman Allen said that the Editorials said that the Mayor was conducting an investigation of the Polie Department. The Mayor said that he was. He had investigated because the Council brought up a question and he almost took two men to task over it. He said the reportecame from a member of the Police Department and he reported same to the Council. Then he found it necessary to have another investigation of the problem and found the second time that the first investigation as reported from a member of the Police

Department was completely wrong. The reason he is not telling the complete story is that he does not wish to hurt innocent persons. These Editorials are a continuation of politics that has been used for the past several years. Councilman Tidquist said that if the City Government is wrong then he thought we should get right and if we are not wrong then we have nothing to fear. Councilman Waldorf said that he did not know who put these acquisitions in but said let them prove them otherwise we should not waste our time on it. It is nothing but petty politics. The Mayor said that it was not true about him being against the Nitro Youth Club. Every minister in Nitro knows andKen Kniceley knows that there is no truth to this statement. The Mayor said that he was promised by Mr. Gunter of WKAZ the copies of the Editorials regarding Nitro. He only received one copy. Councilman Kniceley said there was an article in the Shopping Guide in which Reagan made a statement that the only activity and recreational in Nitro was the Swimming Pool. I defy him to come to the City Park where hundreds of children play every day.

Councilman Kniceley moved, seconded by Councilman Hoke, that this matter be tabled. Upon a vote motion carried unanimously.

Thomas Reagan stood up and introduced himself as the News Director of WKAZ. The following is not exact quotes but in affect the conversation that transpired. He asked the Mayor who was the Chief of Police and Fire Chief two months ago. The Mayor replied that he had never been Chief of Police and that two months ago the Departments were under the charge of Palmer and McDonald, the same as they are today. He asked if Nitro had been without Chief of Police. The Mayor said we had not had a Chief of Police. We had had Captains of the Departments. Reagan said the four copies are being used by St. Albans, South Charleston and by the State Police. Therefore is the Law foolishness. The Mayor said it was a waste of money to use four cppyies. Reagan went on to say that copies of the Editorials had been sent to the Mayor. The Mayor said that he had been promised by Mr. Gunther copies of the Editorials and statements of People from Nitro but he had only received one copy of an editorial. Reagan informed Mayor that he was not promised copies of people's statements. The tapes of the telephone conversation would prove this. Reagan said there is nothing in these Editorials that are not true. This has gone on for two years and we will stand back of the statements. Everyone on the City Council is liable for the State Law. He stands behind the facts not his opinions. He pointed out to the Mayor that according to the City Financial Statement that he received \$1.00 a year for the job of Chief of Police. The Mayor said that he had never received any compensation for these positions.

The Engineer's Report was presented to the Council on the paving of:

21st Street - Firest Avenue to Third Avenue
 18th Street - First Avenue to Second Avenue
 Bank Street - 21st Street to 20th Street
 2nd Avenue (Unit 1) - 19th Street to WVa Route 25 (F)
 2nd Avenue (Unit 2) - 21st Street to 19th Street

CITY OF NITRO
Street Resurfacing Program
Project No. 1-69

May 11, 1970

ENGINEER'S REPORT

21st Street - First Avenue to Third Avenue
18th Street - First Avenue to Second Avenue
Bank Street - 21st Street to 20th Street
2nd Avenue (Unit 1) - 19th Street to WVA Route 25 (F)
2nd Avenue (Unit 2) - 21st Street to 19th Street

TO THE HONORABLE MAYOR AND COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA, COUNTY OF KANAWHA AND PUTNAM.

I, hereby certify and report that the cost of the permanent improvement of the afore-mentioned streets, all situate within the limits of the City of Nitro, Kanawha County, Washington District, West Virginia, was Thirty-Eight Thousand Six Hundred Six Dollars and Sixty-Three Cents. (38,606.63).

It is further reported and certified that said work was made and completed in accordance with the direction of the Mayor and Common Council of the City of Nitro; the specifications, plans and supervision of the Engineer, his representative and Inspector, and in accordance with the contract made by the City of Nitro and Orders and Haynes Paving Company, Inc., the low bidder; that the description of the lots and lands and the amounts assessed against each of the said owners and the property abutting, bounding and fronting upon the said streets are hereinafter correctly shown; that the amounts have been charged, calculated and apportioned for each parcel and lot abutting, bounding and fronting on said street; that said streets were permanently improved in accordance with Chapter 8, Article 8, of the Code of West Virginia, and that said improvements are completed and ready for acceptance by the Council of the City of Nitro, and is properly assessable according to law, and that the lands and lots abutting, fronting and bounding thereon are properly assessable according to law, in the amounts shown on the assessment rolls attached hereto.

Respectfully Submitted,

Robert R. Anderson
Engineer

Attachments

BANK STREET

From its intersection with 21st Street to its intersection
with the northerly line of 20th Street

Name of Owner	Lot Number or Description	EAST SIDE		
		Front Footage Assessed	Cost Per Front Foot	Total Assessment
A.W. Cox Department Store Company, a corporation	Parcel	114.00	3.03952	\$ 346.50
W. W. Alexander	Parcel	46.00	3.03952	139.82
Leonard E. Higginbotham Gerald R. Higginbotham	Parcel	27.50	3.03952	83.59
W. W. Alexander G. C. Alderson Luther H. Carson	Parcel	22.50	3.03952	68.39
Four Horseman, Inc.	Parcel	22.50	3.03952	68.39
James A. Marrs Jean Ann Marrs	Parcel	25.00	3.03952	<u>75.99</u>
Total, East Side of Bank Street		257.50		\$ 782.68

Bank Street (Continued)

Name of Owner	Lot Number or Description	WEST SIDE		
		Front Footage Assessed	Cost per Front Foot	Total Assessment
G. C. Alderson	Pt. Plot 24, Area R	235.00	3.03952	\$ 714.28
Totals, West Side of Bank Street		235.00		\$ 714.28
TOTALS, BANK STREET		492.50		\$1,496.96

SECOND AVENUE

Beginning at its intersection with the south line of
21st Street to its intersection with the north line
of 19th Street

WEST SIDE

Name of Owner	Lot Number or Description	Front Footage Assessed	Cost per Front Foot	Total Assessment
Henry J. Witry Mary Virginia S. Witry	Part of Plot 19	140.31	4.34612	609.80
City of Nitro	Part of Plot 19	102.19	4.34612	444.13
Marshall Properties, Inc.	Part of Plot 19	40.00	4.34612	173.85
Richard S. Veazey Mary Ann Veazey	Part of Plot 21	40.00	4.34612	173.85
Trustees for Textile Workers Union of America, CIO Local No. 7, Nitro, West Virginia	Part of Plot 21	40.00	4.34612	173.85
James P. Jefferies Dorothea Jefferies	Part of Plot 21	50.00	4.34612	217.30
Mary L. Sampson	Part of Plot 21	57.50	4.34612	249.90
John T. Westfall Loretta M. Westfall	Part of Plot 21	30.00	4.34612	130.38
Total, West Side		500.00		2,173.06

EAST SIDE

The Board of Education of the County of Kanawha	Nitro High School parcel	565.00	22.405015	12,658.83
TOTAL EAST SIDE		565.00		12,658.83

SECOND AVENUE

Beginning at its intersection with the south line
of 19th Street to its intersection with the north
line of West Virginia Route No. 35 (First Avenue)

WEST SIDE

Name of Owner	Lot Number or Description	Front Footage Assessed	Cost per Front foot	Total Assessment
R. M. Harrison, Wendell Harrison, Mabel Edwards, Isabelle Hurdiall, Ralph Harrison, Betty Ruth Hall	Lot No. 1918	65.00	4.1924	272.51
Oval Smith	Lot No. 1817	65.00	4.1924	272.51
E. O. Kinder	Lot No. 1816	65.00	4.1924	272.51
E. O. Kinder	Lot No. 1715	65.00	4.1924	272.51
Elsie C. Alderson	Lot No. 1716	65.00	4.1924	272.51
Elsie C. Alderson	Lot No. 1615	65.00	4.1924	272.51
James E. Casebolt Pauline E. Casebolt	Lot No. 1614	65.00	4.1924	272.51
Ralph Fowler and Ruby Fowler	Lot No. 1513	65.00	4.1924	272.51
Rosa T. Wysong	Lot No. 1514	65.00	4.1924	272.51
Frank E. Grover Marguerite Grover	Lot No. 1411	65.00	4.1924	272.51
Nellie Irene Custer	Lot No. 1412	65.00	4.1924	272.51
James Conrad Stewart	Lot No. 1313	65.00	4.1924	272.51
Raymond O. Briscoe Bertha H. Briscoe	Lot No. 1312	65.00	4.1924	272.51
Elsie Marie Jones	Lot No. 1211	65.00	4.1924	272.51
Dessie R. Hawkins	Lot No. 1210	65.00	4.1924	272.51
James B. Coon Virginia F. Coon	Lot No. 1107	65.00	4.1924	272.51
Otmer Withrow Lucy Withrow	Lot No. 1108	65.00	4.1924	272.51
Norman S. Phelps Amy M. Phelps	Lot No. 1005	65.00	4.1924	272.51

SECOND AVENUE (CONTINUED)

Name of Owner	Lot Number or Description	Front Footage Assessed	Costper Front Foot	Total Assessment
Henry B. Chaney Emily F. Chaney	Lot No. 1006	65.00	4.1924	\$ 272.51
Maple Lourine Wilson Lenia Gertrude Wilson (Maggie L. Wilson (life estate)	Lot No. 903	65.00	4.1924	272.51
Charleston Land Company, a W. Va. corporation	Lot No. 902	65.00	4.1924	272.51
Charleston Land Company, a W. Va. corporation	Lot No. 801	65.00	4.1924	272.51
Nitro Properties, Ltd.	<u>Lot No. 800</u>	<u>85.00</u>	4.1924	<u>356.24</u>
TOTALS WEST SIDE		1,515.00		\$ 6,351.46
	<u>EAST SIDE</u>			
Robert Eugene Middleton Joyce Middleton	Lot No. 1922	65.00	4.1924	272.51
F. W. Surface Virginia Surface	Lot No. 1821	65.00	4.1924	272.51
Jeanette Oldham	Lot No. 1820	65.00	4.1924	272.51
Reda M. Simmons	Lot No. 1719	65.00	4.1924	272.51
Timothy Wayne George Joyce Anne George	Lot No. 1720	65.00	4.1924	272.51
York Ragle Viola Ragle	Lot No. 1619	65.00	4.1924	272.51
Trustees of the Church of God of Nitro, W. Va.	Lot No. 1618	65.00	4.1924	272.51
Trustees of the Church of God of Nitro, W. Va.	Lot No. 1517	65.00	4.1924	272.51
F. B. Kenworthy Hilda Kenworhty	Lot No. 1518	65.00	4.1924	272.51
Ada G. Post	Lot No. 1415	65.00	4.1924	272.51
Kanawha Banking and Trust Co., Trustee under Agreement dated February 14, 1968, made by Rosehelena Hanes	Lot No. 1416	65.00	4.1924	272.51
Harry K. Miller, Jr. Charlotte D. Miller	Lot No. 1317	65.00	4.1924	272.51

SECOND AVENUE - EAST SIDE (CONTINUED)

Name of Owner	Lot Number or Description	Front Footage Assessed	Cost per Front foot	Total Assessment
Kanawha Banking and Trust Co., Trustee, under Agreement dated February 14, 1968, made by Rosehelena Hanes	Lot No. 1316	65.00	4.1924	\$ 272.51
Lemma Realty Co., Inc.	Lot No. 1215	65.00	4.1924	272.51
Corbett Ferrell Wanda K. Ferrell	Lot No. 1214	65.00	4.1924	272.51
Nitro Properties, Ltd.	Lot No. 1111	65.00	4.1924	272.51
P.V. Rhodes (Pharozina Rhodes,), and heirs of Gilbert Rhodes, deceased	Lot No. 1112	65.00'	4.1924	272.51
Nitro Properties, Ltd.	Lot No. 1009	65.00	4.1924	272.51
Thomas W. Kelley Betty Jo Kelly	Lot No. 1010	65.00	4.1924	272.51
Claude Fox Beatrice Fox	Lot No. 907	65.00	4.1924	272.51
Charles L. Hissom Frances M. Hissom	Lot No. 906	65.00	4.1924	272.51
Ray Hammond Beulah Hammond	Lot No. 805	65.00	4.1924	272.51
George A. Null Truda P. Null	Lot No. 802	65.00	4.1924	272.51
Russell W. Casto, Jr. Thomas F. Casto (Althea M. Casto and Russell W. Casto, life estate)	Lot No. 701	65.00	4.1924	272.51
Luvada Stone	Lot No. 702	<u>30.54</u>	4.1924	<u>127.94</u>
TOTALS EAST SIDE		1,590.54		\$ 6,668.18
TOTALS SECOND AVENUE		4,170.54		27,851.53

From its intersection with Second Avenue to its
intersection with First Avenue

NORTH SIDE

Name of Owner	Lot Number or Description	Front Footage Assessed	Cost per Front Foot	Total Assessment
Oval Smith	Lot No. 1817	50.00	2.93059	\$ 146.53
Oval Smith	Eastern one half of Lot 1815	25.00	2.93059	73.26
Trustees of St. Paul's Metho- dist Church, of Nitro, W.Va.	Western one half of Lot No. 1815	25.00	2.93059	73.26
Trustees of St. Paul's Metho- dist Church, Nitro, W.Va.	Lot No. 1813	50.00	2.93059	146.53
Sonny Lewis Mary Lour Lewis	Lot No. 1811	50.00	2.93059	146.53
Lemma Realty Co.m Inc.	Lot No. 1809	50.00	2.93059	146.53
Cecil Lemma	Lot No. 1807	50.00	2.93059	146.53
Orlena A. Keener	Lot No. 1805	50.00	2.93059	146.53
Dorothy Evelyn Davis	Lot No. 1803	50.00	2.93059	146.53
Pennsy Davis Farley	Lot No. 1801	<u>27.98</u>	2.93059	<u>82.00</u>
TOTAL, NORTH SIDE		427.98		\$ 1,254.23

SOUTH SIDE

E. O. Kinder	Lot No. 1816	50.00	2.93059	\$ 146.53
John S. Hopper	Lot No. 1814	50.00	2.93059	146.53
Lowell Lanham Edith P. Lanham	Lot No. 1812	50.00	2.93059	146.53
Elizabeth B. Robins	Lot No. 1810	50.00	2.93059	146.53
Violet B. Demoss	Lot No. 1808	50.00	2.93059	146.53
William N. Westlund Etta W. Westlund	Lot No. 1806	50.00	2.93059	146.53
James L. Raynes Agnes D. Raynes	Lot No. 1804	50.00	2.93059	146.53
Paul V. Woods Mae Woods, Life estate	Lot No. 1802	<u>71.73</u>	2.93059	<u>146.53</u>
TOTAL, SOUTH SIDE		421.73		\$ 1,235.92

849.71

\$ 2,490.15

TWENTY-FIRST STREET

Extended from its intersection with Third Avenue to
its intersection with First Avenue

NORTH SIDE

Name of Owner	Lot Number or Description	Front Footage Assessed	Cost per front Foot	Total Assessment
East View Land Company	Lot	127.00	7.41275	\$ 941.42
Lemma Realty Co.m Inc.	Lot	48.13	7.41275	356.78
Trustees of the First Presbyterian Church of Nitro	Lot	105.52	7.41275	782.19
Trustees of the First Presbyterian Church of Nitro	Lot	2.33	7.41275	17.27
Cinema South, Inc.	Lot	148.21	7.41275	357.37
L. M. Downing Mallie Downing	Lot	58.00	7.41275	429.94
Paul J. Cline	Lot	50.00	7.41275	370.64
Trustees of the First Presbyterian Church of Nitro	Lot	20.79	7.41275	154.11
Nitro Properties, Ltd.	Lot	230.00	7.41275	1,704.92
Richard M. Oliver Geraldine K. Oliver	Lot	82.00	7.41275	607.85
David W. Comstock	Lot	<u>74.95</u>	7.41275	<u>55.59</u>
TOTALS, NORTH SIDE		846.93		6,278.08

SOUTH SIDE

A. W. Cox Dept. Store Co.	Lot	127.00	7.41275	941.42
J. E. Temple & Inez Temple	Lot	63.82	7.41275	473.08
J. E. Temple & Inez Temple	Lot	50.77	7.41275	376.35
David W. Comstock	Lot	53.00	7.41275	392.88
Clara S. Walker	Lot	35.00	7.41275	259.45
Henry J. Witry & Mary Virginia S. Witry	Lot	80.39	7.41275	595.91
The Board of Education of the County of Kanawha	Lot	<u>437.33</u>	7.41275	<u>3,241.81</u>
TOTALS, SOUTH SIDE		847.31		\$ 6,280.90
TOTALS, TWENTY-FIRST STREET		1,694.24		12,558.98

Jess Gandee, the Engineer, explained to Council the differences in the budget prices on the present price of the paving. He explained that they tried to stay within 10 percent of the estimate.

Councilman Hoke moved the adoption of the Engineer's Report. Motion seconded by Councilman Kniceley. Motion carried.

The Attorney explained that it would be difficult to get the Legal Advertising of the Paving in this weeks paper and asked that the meeting of June 16 be changed to June 23. Councilman Kniceley moved, seconded by Councilman Allen that this meeting be recessed and that the Council meet in recessed session June 23.

Councilman Tidquist moved, seconded by Councilman Waldorf, that the Council meet June 23 at 8:00 P.M. to revise or correct any changes in the Engineer's Report.

Councilman Waldorf moved, seconded by Councilman Goodwin that the Engineer's Report be published in the Kanawha Valley Leader for two consecutive weeks. Motion carried.

In answer to Councilman Allen's question regarding the ditch line on 39th Street, Mr. Gandee reported that he had looked the situation over several weeks ago. His recommendation is a line should be installed to pick up two bad drainage problems that extend from 40th Street Road down to East 39th Street and the approximate footage of pipe would be 729feet. His costs estimates on it would be some where between 45 hundred and 5,000.00, if it was done by the City Forces and the City Forces are qualified to do the work.

The Mayor reported to Council that he had been trying to figure some means to take care of numerous problems such as this ditch line at the 39th Street and 40th Street area. We have other drainage problems. The creek needs to be dredged and cleaned out. These items all cost money. We over work our present employees which he considered at a very small rate and we do have good employees and he feels like they are not getting enough money. He went on to say that he felt that we need three more full time employees at a minimum of 15,000.00 cost per year. An addi-

tional dump truck at a cost of 45 hundred and \$900.00 for expenses of truck. We will need at least \$5,000.00 for blacktop and work to repair our streets. The City employees should be increased at least \$25.00 each per month. Work to be done in the Police Department Quarters \$3500.00 and the item of trees \$4200.00. The item of pipe at least \$2500.00. He feels that we need approximately \$42,000.00 per year to take care of these several needed items. The Mayor said he would like to appoint a Committee to check into feasibility of toehr towns as to how they are meeting their needs and try to come up with a solution for Nitro. The Committee members are: Councilman Allen, Chairman; Councilman Tidquist and Councilman Williamson. Councilman Allen asked for a member of the Finance Committee to serve with them and Councilman Goodwin was selected to serve with this Committee.

Kermit Means, a resident of Nitro asked how much the City receives from the Plants toward fire protection and what fund was this money put inot? The Mayor replied that we receive two to five hundred dollars per month from the Industries and that it is put in the general fund. It is not ear marked for any one particular thing. Mr. Means wanted to know what plants paid in and how much we they pay. The Mayor replied that all industries paid into it but as to how much we do not have that information. it was suggested that the City should have an Ordinance requiring the Plants to pay for Fire Protection.

, Mr. Samples of Park Avenue told the Council that the people who live on Park Avenue feel that sometimes it is a race track. We have speed limit signs but the drivers do not observe the speed limit. He suggested the installation of road bumps in an effort to curb the speed. People on Park Avenue feel that the children playing may be injured by speeding motorist. The Attorney was asked to check into the installation of road bumps or spring breakers.

Mr. and Mrs. Martin of Main Avenue told the Council that they had been informed by someone in the Sheriff's Office that the Nitro annex had the highest tax rate in the County and wanted to know why the differences. The Martins were


told that the Nitro tax rates applied to the whole town. No one seemed to know why the Sheriff Office would put out such information.

A resident of 37th Street and a resident of 9th Street also reported speeding on the street and asked that they be checked.

There being no further business to come before Council, Councilman Hoke made a motion to recess. Motion carried.



W. W. Alexander, Mayor



Grace Lewis, Recorder

June 23, 1970

The City Council met in recessed session June 23, 1970.

There were present: W. W. Alexander; Mayor, Grace Lewis, Recorder, Dr. R. V. Allen, E. L. Goodwin, L. I. Hoke, Kenneth K. Kniceley, Tom M. Waldorf and Kenton L. Williamson members of the City Council. Councilman Hugo D. Tidquist being absent.

Mayor Alexander called the meeting to order. The Reverend Donald Cummings of the Sattes Presbyterian Church gave the invocation.

Councilman Goodwin moved the minutes for the meeting of June 2, 1970. Motion was seconded by Councilman Allen. Motion carried.

Councilman Waldorf moved the financial statement for the month of May be approved. Motion was seconded by Councilman Goodwin. Motion seconded.

The Ordinance relating to disposal of junk and abandoned vehicles was discussed. The Ordinance having had its first reading June 2. The Attorney explained that if there were no revisions to the Ordinance we should have a motion accepting this as the 2nd reading.

Thereupon Councilman Allen moved, seconded by Councilman Kniceley the following Ordinance be accepted for the 2nd reading. Upon a vote motion carried.

ORDINANCE NO. _____

INTRODUCED IN COUNCIL

June 2, 1970

ADOPTED BY COUNCIL

June 23, 1970

AN ORDINANCE RELATING TO THE DISPOSAL OF JUNK AND ABANDONED VEHICLES" PROVIDING FOR PUBLIC NOTICE TO DETERMINE VEHICLE OWNERS AND LIENHOLDERS, PROVIDING FOR SALE AT AUCTION BY LAW ENFORCEMENT AGENCIES OF VEHICLES UNCLAIMED AND FOR SIMPLIFIED METHODS TO TRANSFER JUNK AND ABANDONED VEHICLES TO DEMOLISHERS FOR DEMOLITION, WRECKING, AND DISMANTLING JUNK AND ABANDONED VEHICLES.

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

SECTION 1. DISPOSAL OF JUNK AND ABANDONED VEHICLES.

§ 1. Definitions.

As used in this section, unless the context clearly requires a different meaning:

"Vehicle means any device in, upon, or by which persons or property may be transported or drawn that is operated customarily in contact with or immediately adjacent to the surface of the earth and which device is self-propelled or propelled by an energy providing force except those devices propelled or drawn by human energy or used exclusively upon stationary rails or tracks.

"Junk vehicle" means any vehicle that is not lawfully and validly registered and remains inoperative or incapable of being driven for a period of ten days after the day the vehicle becomes inoperative or incapable of being driven and which vehicle the owner, bailee or finder, whichever is applicable, within the ten-day period, fails to have made operative or capable of being driven or fails to make arrangements to have the vehicle made operative or capable of being driven.

"Abandon" or "abandoned" means to permit or allow any vehicle to become an abandoned vehicle.

"Abandoned vehicle" means any vehicle or major part thereof that is inoperative and is left unattended on public property for any period of time over ten days, or any vehicle or major part thereof that has remained illegally on public property for any period of time over ten days, or any vehicle or major part thereof that has remained on private property without consent of the owner or person in control of the property for any period of time over ten days or any vehicle or major part thereof that is unattended, discarded, deserted and unlicensed or is inoperative for any period of time over one hundred eighty days.

"Law enforcement agency" means the Police Department of the City of Nitro.

"Demolisher" means any licensed person (other than his agents or employees, if any, while acting within the scope of their authority or employment) whose business, to any extent or degree, is to convert a vehicle into processed scrap or scrap metal, or into saleable parts, or otherwise to wreck or dismantle vehicles.

§ 2. Abandonment of vehicle prohibited.

No person shall abandon a vehicle upon public property or upon property which he does not own, lease, rent or otherwise control within the City of Nitro.

§ 3. Penalty; abandoned vehicle.

Any person who abandons a vehicle shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than one hundred dollars nor more than one thousand dollars, or imprisoned in the county jail not less than three nor more than six months.

§ 4. Authority to take possession of abandoned vehicles.

The law enforcement agency that has knowledge of, or discovers or finds any vehicle abandoned on private or public property shall take into custody that vehicle. For that purpose, the law enforcement agency may employ its own personnel, equipment and facilities or hire persons, equipment and facilities for the purpose of removing, preserving and storing abandoned vehicles.

§ 5. Notification of vehicle owner and lienholders.

(a) The law enforcement agency which takes into custody an abandoned vehicle shall notify within fourteen days after taking custody, by registered or certified mail, return receipt requested, the last known registered owner of the vehicle and all lienholders of record

that the vehicle has been taken into custody. The notice shall contain a full description of the vehicle including the year, make, model, manufacturer's serial or identification number or any other number that may have been assigned to the vehicle by the commissioner of motor vehicles and any distinguishing marks; set forth the location of the facility where the vehicle is being held; inform the owner and any lienholders of record of their right to reclaim the vehicle within ten days after the date notice was received by the owner or lienholders, upon payment of all towing, preservation and storage charges resulting from taking the placing the vehicle in custody; and state that the failure of the owner or lienholders of record to exercise their right to reclaim the vehicle within the ten-day period shall be deemed a waiver by the owner and all right, title and interest in the vehicle and of their consent to the sale of the abandoned vehicle at a public auction.

(b) If the identify of the last registered owner of the abandoned vehicle cannot be determined; or if the certificate of registration or certificate of title contains no address for the owner; or if it is impossible to determine with reasonable certainty the identity and addresses of all lienholders, notice shall be published as a Class II legal advertisement in compliance with the provisions of article three, chapter fifty-nine of the Code of West Virginia, and the notice shall be published in a newspaper of general circulation in the county wherein the vehicle was abandoned, and the notice shall be sufficient to meet all requirements of notice pursuant to this section. Any notice by publication can contain multiple listings of abandoned vehicles. The notice shall be published within fourteen days after the vehicle is taken in to custody and shall have the same contents required for notice in subsection (a) of this section.

(c) The consequences and effect of failure to reclaim an abandoned vehicle within the ten-day period after notice is received by registered or certified mail or within ten days after the final notice is published in a newspaper shall be set forth in the notice.

§ 6. Auction of abandoned vehicles.

If an abandoned vehicle is not reclaimed as provided for in section six of this ordinance, the law enforcement agency in possession of the abandoned vehicle shall sell it at a public auction. The Purchaser of the vehicle shall take title to the vehicle free and clear of all liens and claims of ownership, shall receive a sales receipt from the law enforcement agency that auctioned the vehicle and shall be entitled to register the purchased vehicle the purchased vehicle and receive a certificate of title on presentation of the sale receipt to the department of motor vehicles and upon compliance with the provisions of article three, chapter seventeen-a of the Code of West Virginia. The sales receipt at such sale shall be sufficient title only for purposes of transferring the vehicle to a demolisher for demolition, wrecking or dismantling, and no further titling of the vehicle shall be necessary by either the purchaser at auction or by the demolisher, both of whom shall be exempt from the payment of any fees and taxes required under article three, chapter seventeen-a of the Code of West Virginia, PROVIDED, That the purchase at auction must place the vehicle in the possession of a demolisher within thirty days from the date he purchased the vehicle and the demolisher must demolish, wreck or dismantle the vehicle within six months after taking possession of the vehicle and if they do not they shall be required to pay any fees and taxes required under article three, chapter seventeen-a of the Code of West Virginia.

§ 7. PROCEEDS FROM SALE OF ABANDONED VEHICLE.

From the proceeds of the sale, the law enforcement agency which sold the abandoned vehicle shall reimburse itself for any expenses it may have incurred in conducting the auction, any costs of towing, preserving and storing the vehicle which resulted from placing the abandoned vehicle in custody, and all notice and publication costs incurred pursuant to section six of this article.

Any remainder from the proceeds of sale after payment of these costs shall be held for the last registered owner of the vehicle or entitled lienholder for ninety days, after which time, if no owner or lienholder claims the remainder, it shall be deposited in the City treasury to be kept and maintained as a special revolving account designated as the "abandoned vehicle disposal account" and any moneys so collected and deposited shall be used solely by law enforcement agencies for the payment of auction, towing, preserving, storage and all notice and publication costs which result from placing other abandoned vehicles in custody, whenever the proceeds from a sale of those abandoned vehicles are insufficient to meet these expenses and costs.

The "abandoned vehicle disposal account" shall be under the direction and control of the City Treasurer. He or she shall assure that moneys are properly deposited in the account by any law enforcement agency that sells any abandoned vehicles at auction and that any moneys necessary to pay costs and expenses of those sales, as specified in the preceding paragraph are disbursed in accordance with state accounting procedures to law enforcement agencies selling an abandoned vehicle.

The "abandoned vehicle disposal account" shall never be maintained in excess of the amount necessary to efficiently and properly carry out the intentions of this article and in no event shall the "abandoned vehicle

disposal account" be maintained in excess of the sum of five thousand dollars; whenever the "abandoned vehicle disposal account" exceeds the amount, theTreasurer shall tansfer the excess to the City general revenue fund.

§ 8. GARAGEKEEPERS AND ABANDONED VEHICLES.

Any vehicle left for more than ten days in a garage operated for commercial purposes, after notice by the garagekeepers by registered or certified mail, return receipt requested, to the owner to pick up the vehicle, shall be deemed and considered an abandoned vehicle and shall be reported by the garagekeeps to the appropriate law enforcement agency.

Allabaonded vehicles left in garages shall be taken into custody by the law enforcement agency to which they are reported and sold in accordance with the procedure set forth in this section unless prior to sale the vehicle is properly reclaimed and the garagekeeper paid any costs he may have incurred regarding the vehicle. If the vehicles is sold the proceeds of the sale shall first be applied to the garagekeepers charges for servicing, storage or repiar to the vehicle, and any surplus after such payment shall be distributed in accordance with section § 7.

Nothing in this section shall be construed to impair any lien of a garagekeeper under the laws of this state or the right of a lienholder to foreclose.

For purposes of this section "garagekeeper" means any operator of a parking place, lot or establishment, vehicle storage facility or establishment for the servicing, repair or maintenance of vehicles.

§ 9. DISPOSAL OF ABANDONED VEHICLE DIRECTLY TO DEMOLISHER.

(a) Any person, firm corporation within the City of Nitro, state

of West Virginia upon whose property or in whose possession is found any abandoned vehicle or any person being the owner of a vehicle whose certificate of title is faulty, lost or destroyed, may apply to the law enforcement agency of the City of Nitro, for authority to sell, give away or dispose of the vehicle to a demolisher.

(b) The application shall set out the name and address of the applicany, the year, make , model, manufacturer's serial or identification number or any other number that may have been assigned to the vehicle by the commissioner of motor vehicles, if ascertainable, and any distinguishing marks and shall contain a concise statement of the facts surrounding the abandonment, or that the title of the vehicle is lost or destroyed, or the reasons for the defect of title in the owner. The applicant shall execute an affidavit stating that the facts alleged in the application are true and that no material fact has been withheld.

(c) If the law enforcement agency finds that the application is executed in proper form and shows that the vehicle has been abandoned upon the property of the applicant or if it shows that the applicant appears to be the rightful owner, the law enforcement agency shall follow the notification procedures set forth in section § 5.

(d) If the abandoned vehicle is not reclaimed in accordance with section six of this article, the law enforcement agency shall give the applicant a certificate of authority to sell the vehicle, which certificate shall be sufficient title only for purposes of transferring the vehicle to a demolisher for demolition, wrecking or dismantling, and no further titling of the vehicle shall be necessary by either the applicant or the demolisher both of whom shall be exempt from the payment of any fees and taxes required under article three, chapter seventeen-a of this code: Provided, That the demolisher must demolish, wreck or dismantle the vehicle within six months after taking possession of the vehicle and

if he does not he shall be required to pay any fees and taxes required under article three, chapter seventeen-a of the Code of West Virginia.

(e) Notwithstanding any other provisions of this article, any person, firm, corporation, in said city of Nitro, upon whose property or in whose possession is found an abandoned vehicle, or any person being the owner of a vehicle whose certificate of title is faulty, lost or destroyed, may dispose of the vehicle to a demolisher without title and without complying with the notification procedures set forth in section § 5, if the vehicle is nine years old or older and has no engine or is totally inoperative.

§ 10. Duties of Demolisher.

Notwithstanding any provisions contained in this ordinance to the contrary, any demolisher who purchases or otherwise acquires a vehicle for purposes of wrecking, dismantling or demolition shall be exempt from the payment of any fees and taxes required under this ordinance.

PROVIDED, That the demolisher must demolish, wreck or dismantle the vehicle within six months after taking possession of the vehicle and if he does not he shall be required to obtain a certificate of title in his name and pay the fees and taxes required under this ordinance, Immediately after the vehicle has been demolished, wrecked, dismantled or changed so that it physically is no longer a vehicle, the demolisher shall surrender to the Department of Motor Vehicles for cancellation the certificate of title or auction sales receipt for the vehicle with the word "scrapped" or word or words of similar meaning written across the face thereof. If the demolisher does not have a certificate of title or auction sales receipt for the vehicle, he shall give notice to the Department of Motor Vehicles on the for the department shall prescribe.

The surrender of auction sales receipts, certificates of title and

notification to the State Department of Motor Vehicles that a vehicle has been demolished, wrecked, dismantled or changed so that it physically is no longer a vehicle shall be in accordance with the forms, rules, and regulations promulgated by the State Department of Motor Vehicles for that purpose.

A demolisher shall keep an accurate and complete record of all vehicles purchased or otherwise acquired by him in the course of his business. These records shall contain the name and address of the person from whom each vehicle was purchased or otherwise acquired and the date of purchase the date required. The records shall be open for inspection by the law enforcement agency at any time during normal business hours. Any record required under this section shall be kept by the demolisher for a period of at least two years.

§ 11. General repealer.

All other ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

§ 12. Severability.

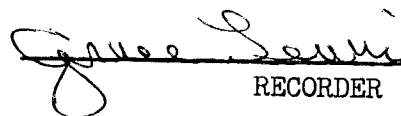
If any person of this ordinance or the application thereof in any case or situation is held invalid, that invalidity shall not affect other provisions or applications of this ordinance, and to this end the provisions of this ordinance are declared severable.

This ordinance shall become effective July 1, 1970.

Passed this _____ day Of June, 1970.



MAYOR



RECORDER

Thereupon Councilman Kniceley moved, seconded by Councilman Allen that the foregoing Ordinance be adopted. Upon a vote motion carried unanimously.

The Mayor announced that this meeting was to consider the Engineers Report set out in the notice to property owners as published in the Kanawha Valley Leader the dates of June 11th and June 18th. He further announced that the meeting was open for any revision or correction of the report of the Engineer set out in said notice.

The Recorder informed Council that the Engineer had heretofore filed his report and that pursuant to Council's direction she had given notice as requested by law to the property owners of the property abutting upon the streets and portions therefore pursuant to the paving ordinances, adopted by Council and had been published in the Kanawha Valley Leader, a newspaper of the general circulation in the City of Nitro, and tendered to Council the publishers affidavit and certificate of publication of said notice.

Thereupon Council Kniceley moved, seconded by Councilman Williamson the publishers affidavit and certificate of publication as above mentioned be received and made a part of the minutes this meeting by actual inclusion therein. Upon a vote all members voted in the affirmative. Motion declared carried.

AFFIDAVIT OF PUBLICATION

State of West Virginia,

County of Kanawha, to-wit:

I, William E. Blake, 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

NOTICE OF LEVY OF PAVING ASSESSMENTS, GRADING ASSESSMENTS, CURBING ASSESSMENTS, DRAINING ASSESSMENTS AND CUTTING ASSESSMENTS FOR THE PERMANENT IMPROVEMENT OF CERTAIN STREETS AND WAYS IN THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA, AGAINST PROPERTY ABUTTING ON BANK STREET BEGINNING WITH ITS INTERSECTION WITH TWENTIETH STREET TO ITS INTERSECTION WITH FIRST AVENUE (95 FEET SOUTH OF THE CENTER LINE OF SEVENTH STREET) TO ITS INTERSECTION WITH TWENTY FIRST STREET:

AFFIDAVIT OF PUBLICATION

State of West Virginia,

County of Kanawha, to-wit:

I, WILLIAM E. BLAKE, 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

LEGAL NOTICE

was duly published in said paper once a week for TWO
successive weeks, commencing with the issue of the 11th
day of JUNE, 19 70 and ending with the
issue of the 18th day of JUNE, 19 70,
~~and was posted at the Court House of Kanawha County on~~

William E. Blake
Manager,

Kanawha Valley Leader.

Subscribed and sworn to before me this _____ day of _____

19

James Jeffries
Notary Public for Kanawha County, West Virginia.

(My commission expires MY COMMISSION EXPIRES AUGUST 28, 1972)

LEGAL NOTICE

LEGAL NOTICE

ENTS, CURBING ASSESSMENTS,
THE PERMANENT IMPROVE-
O, KANAWHA COUNTY, WEST
GINNING WITH ITS INTERSEC-
TWNETY FIRST STREET; SEC-
AVENUE (95 FEET SOUTH OF
WITH TWENTY FIRST STREET;
TH FIRST AVENUE TO ITS IN-
BEGINNING WITH ITS INTER-
RD AVENUE.

tro, West Virginia, on the 23rd
above named streets and por-
rther providing for the assess-
ed by Chapter 8, Article 8, of
e above named streets or por-
ed and filed his report showing
proved; the frontage of each of
nst the respective abutting lots

designated on maps of the City
f the Clerk of the County Court
aid maps and deeds for more

to its intersection
th street

age Cost per Total
Front Foot Assessment

0 3.03952 \$ 346.50

0 3.03952 139.82

0 3.03952 83.59

0 3.03952 68.39

0 3.03952 68.39

0 3.03952 75.99

\$ 782.68

e Cost per Total
Front Foot Assessment

3.03952 \$- 714.28

\$ 714.28

James E. Casebolt
Pauline E. Casebolt

Ralph Fowler and
Ruby Fowler

Rosa T. Wysong

Frank E. Grover
Marguerite Grover

Nellie Irene Custer

James Conrad Stewart

Raymond O. Briscoe
Bertha H. Briscoe

Elsie Marie Jones

Dessie R. Hawkins

James B. Coon
Virginia F. Coon

Otmer Withrow
Lucy Withrow

Norman S. Phelps
Amy M. Phelps

Henry B. Chaney
Emily F. Chaney

Maple Lourine Wilson
Lenia Gertrude Wilson
(Maggie L. Wilson (life estate)

Charleston Land Company, a W. Va.
corporation

Charleston Land Company, a W. Va.
corporation

Nitro Properties, Ltd.

TOTALS WEST SIDE

1,515.00

\$6,351.46

EAST SIDE

Joyce Middleton

F. W. Surface
Virginia Surface

Jeanette Oldham

Reda M. Simmons

Timothy Wayne George
Joyce Anne George

York Ragle
Viola Ragle

Lot No. 1614 65.00 4.1924 272.51

Lot No. 1513 65.00 4.1924 272.51

Lot No. 1514 65.00 4.1924 \$ 272.51

Lot No. 1411 65.00 4.1924 272.51

Lot No. 1412 65.00 4.1924 272.51

Lot No. 1313 65.00 4.1924 272.51

Lot No. 1312 65.00 4.1924 272.51

Lot No. 1211 65.00 4.1924 272.51

Lot No. 1210 65.00 4.1924 272.51

Lot No. 1107 65.00 4.1924 272.51

Lot No. 1108 65.00 4.1924 272.51

Lot No. 1005 65.00 4.1924 272.51

Lot No. 1006 65.00 4.1924 \$ 272.51

Lot No. 903 65.00 4.1924 272.51

Lot No. 902 65.00 4.1924 272.51

Lot No. 801 65.00 4.1924 272.51

Lot No. 800 85.00 4.1924 356.24

Lot No. 1922 65.00 4.1924 \$ 272.51

Lot No. 1821 65.00 4.1924 272.51

Lot No. 1820 65.00 4.1924 272.51

Lot No. 1719 65.00 4.1924 \$ 272.51

Lot No. 1720 65.00 4.1924 272.51

Lot No. 1619 65.00 4.1924 272.51

Lot No. 1618 65.00



June 16, 1950

American Legion Post 108 presented the National Colors last Sunday to the Nitro Fire Department. Commander James W. Hartley directed the activities as City Councilman M. L. Bush presented the 3 x 5 American flag to Captain Ira Ellis. The flag was then hoisted to the top of the new flag pole by Firemen Bob Priddy and Bill Jones as the post and four companies stood by.

The first step in building a wading pool at Nitro Recreation Park was finished last Friday when Cecil L. Lemma at the controls of a Diesel bulldozer completed the rough grading. Lemma, who donated the equipment and assisted in the initial operation, does contract work. He is interested in the development of the park and is donating his services.

An increase in water rates at Buffalo was authorized by the Public Service Commission to meet the existing emergency there. The wells which supply the town have gone almost dry and a national guard filter unit has been pressed into emergency service.

Mrs. Roy Knapp and daughter, Eva Dean of Eleanor have returned from New York City where they attended the graduation exercises of Columbia University. Denver Knapp, son of Mr. and Mrs. Roy Knapp received a masters degree at the exercises. Mrs. Knapp and her daughter made the trip by plane.

Mr. and Mrs. M. L. Brown of Crawford City have as their guest, Mrs. L. L. Brown of Valley Center, Kansas.

Mrs. W. D. Amos of Bancroft has returned home from Thomas Memorial Hospital. He is much improved after suffering a fractured leg and kneecap in a car wreck two weeks ago.

Delmas Jeffries of Red House, who has been connected with the Honaker Garage for several years, is now employed at the Kenna Noffsinger Garage.

Mrs. J. C. Wallace of Woods spent the weekend visiting friends and relatives in Ohio.

Mr. and Mrs. Kenneth Raynes and Bobby Raynes of Pittsburgh spent the weekend with Mr. and Mrs. J. R. Jordan of Buffalo. Mrs. Virgie Cain is a patient

TONY FONTANE STORY . . . Youth Rally At Eleanor

On Saturday, June 20, 1970, at 7:30 p.m., there will be a youth rally held at the First Baptist Church of Eleanor. A film entitled, The Tony Fontane Story, will be shown. There will also be special music by Tony Light, a resident of Huntington.

"The Tony Fontane Story" is the unbelievable, yet true story of one of the world's great singers. Filmed in Hollywood, by Youth Films, it dramatically presents Tony Fontane's personal testimony, showing to teenagers and adults alike that the answer to life and the hereafter is found only in the person of Jesus Christ.

Fontane acquired nation-wide success when his hit record "Cold, Cold Heart", sold more than a million copies. Two of his most outstanding albums were "Showboat" recorded with Sophie Tucker, Patti Page, and Toni Martin; and "Sunny Side of the Street" recorded with Vic Damone, Frankie Lane, and Billie Daniels. His recording of "I Talked to the Trees" held first position on the Australian hit parade for 16 consecutive weeks.

As guest soloist, Tony has appeared on many national TV shows such as The Ed Sullivan Show, The Steve Allen Show, The Hoagy Carmichael Show and many other New York and Hollywood programs. He was privileged to have his own radio and television show, "The Tony Fontane Show," and was featured as the star of Emile Littler's London success, "Brewsters Millions," the well-known musical comedy.

Tony's wife, the former Kerry Vaughn, was a professional actress when she and Tony were married. After their marriage, Kerry continued performing on the stage and in the night clubs around the world and appearing in many Hollywood motion pictures.

On a peaceful, sunny September afternoon in 1957, Tony Fontane, filled with the excitement and satisfaction of a successful rehearsal for a TV network show, was driving in the San Fernando Valley. Suddenly there was an ear-splitting crash and everything went blank. Thirty days later, Tony regained consciousness. This automobile crash brought Tony and Kerry and their daughter, Char-ae, to a knowledge of Jesus Christ. For their new-found Lord, they left lucrative careers to devote themselves to

LEGAL NOTICE

NOTICE OF LEVY OF PAVING ASSESSMENTS, GRADING ASSESSMENTS, DRAINING ASSESSMENTS AND GUTTERING ASSESSMENTS FOR IMPROVEMENT OF CERTAIN STREETS AND WAYS IN THE CITY OF NITRO, VIRGINIA, AGAINST PROPERTY ABUTTING ON BANK STREET BEGINNING WITH TWENTIETH STREET TO ITS INTERSECTION WITH SECOND AVENUE BEGINNING WITH ITS INTERSECTION WITH FIRST CENTER LINE OF SEVENTH STREET) TO ITS INTERSECTION WITH EIGHTEENTH STREET BEGINNING WITH ITS INTERSECTION WITH INTERSECTION WITH SECOND AVENUE; TWENTY FIRST STREET BEGINNING WITH ITS INTERSECTION WITH SECOND AVENUE TO ITS INTERSECTION WITH THIRTEENTH STREET

By virtue of the ordinances adopted by the Council of the City of Nitro of September, 1969, providing for the permanent improving of the streets thereof, by paving and otherwise permanently improving, and funding of the costs thereof against property abutting thereon, as provided in the Code of West Virginia, as amended, the said improvements on the streets thereof, have been completed and the City Engineer has completed the owners of the lots or parcels of land abutting on said street so improved, said lots or parcels of land; the proper amount to be assessed against said lots or parcels of land and the total costs as follows:

(All lot numbers or parcels hereinafter shown are as numbered or described in the deeds for said lots or parcels of record in the Office of Kanawha County, West Virginia, and reference is here made to the complete descriptions).

BANK STREET

From its intersection with 21st Street
with the northerly line of 21st Street

EAST SIDE

Name of Owner	Lot Number or Description	Front Footage Assessed
A. W. Cox Department Store Company, a corporation	Parcel	114.0
W. W. Alexander	Parcel	46.0
Leonard E. Higginbotham Gerald R. Higginbotham	Parcel	27.5
W. W. Alexander G. C. Alderson Luther H. Carson	Parcel	22.5
Four Horseman, Inc.	Parcel	22.5
James A. Marrs Jean Ann Marrs	Parcel	25.0
TOTALS, EAST SIDE OF BANK STREET		257.50

WEST SIDE

Name of Owner	Lot Number or Description	Front Footage Assessed
G. C. Alderson	Pt. Plot 24, Area R	235.00
TOTALS, WEST SIDE OF BANK STREET		235.00
TOTALS, BANK STREET		492.50

following a fall in which she received severe leg injuries. Mr. and Mrs. Thomas E. Fewell and children have returned from Orlanda, Fla., where they spent the winter. Bill Trainer, Jack Hill and Norman Snyder attended a ball game in Cincinnati last Sunday.

10 YEARS AGO

June 17, 1960

Local historians have started a move to have the bridge below Nitro which will carry 1-64 traffic named the Dudding Bridge. They feel it most fitting the structure below Monsanto across the Kanawha River be named for John Dudding, the first white settler in the area who homesteaded along the river at the exact spot of the bridge. The huge dual bridge is expected to be completed in 1961.

In the first event of its kind in the area, Monsanto Chemical Company has rented the Nitro Theatre for the nights of June 21 and 22 to present a safety program to Monsanto families by way of a safety movie and short talks by representatives of the Department of Highway Safety.

Nitro received approximately \$5,000 from the State as it's share of Public Utility Taxes for the year 1959.

Nitro city election returns remained unchanged after city council convened as a board of canvassers. The board did certify write-in votes for City Recorder: Hayes received nine votes: Snake Hogan and Farley Douglas one each for that post.

Dr. and Mrs. L. A. Moser of Eleanor spent several days recently in Durham, N.C., where Dr. Moser attended a medical meeting.

The Eleanor Lions Club sponsored an Ice Cream and Pie Social last week to raise funds for the Babe Ruth baseball team.

Newcomers to the Poca community are Mr. and Mrs. Harold Painter and son, Kim, recently of South Charleston.

Mrs. Anna Rhodes of Poca is visiting her brother, Mr. and Mrs. Howard Waugh of Parkersburg.

Mr. and Mrs. J. E. Casebolt of Red House spent a few days this week with their son-in-law and daughter, Mr. and Mrs. John Novakoski of California, Pa.

Mr. and Mrs. Clayton Adams and children of Buffalo attended commencement exercises at Rio Grande College, Rio Grande, Ohio. Mrs. Elizabeth Alkinson Evans, daughter of Mr. and Mrs. Karl Atkinson of Buffalo and sister of Mrs. Adams was a member of the graduating class there.

Saviour. They use these talents to portray themselves in this motion picture epic.

Tony Fontane at present is a religious recording artist for RCA Victor while appearing in Christian concerts across the world.

Everyone is welcome to attend this service, young and old alike.

Farm Funds July First

Some farm program payment drafts are already being received in the Putnam County ASCS Office for issuance to producers on July 1, according to C.H. Wyant, Chairman of the County Agricultural Stabilization and Conservation Committee.

"By the end of May, about 325,000 data sheets had been received in the ASCS computer center in New Orleans. By the end of August when farm programs payments are expected to be substantially completed we anticipate that about 2.25 million data sheets will have been received and processed," he said

He reminded participants in the feed grain, wheat and cotton programs that early certification of compliance means early payments. "As soon as a producer certifies, the County ASCS Office begins processing papers for the payment he has earned," Mr. Wyant said.

The county office sends the data sheets to New Orleans where the Data Processing Center computes the payments earned and prints out sight drafts and statements-of-payment computations. These are then returned to the County ASCS Office for issuance to producers. No payments may be issued until July 1, the beginning of the fiscal year, when sufficient funds become available.

While urging early certification by producers, the County ASCS Committee Chairman said that he recognizes it is easier for some to certify early than for others to do so. "Certification must be accurate. Program participants must know exactly their planted, diverted, and conserving base acreages. They must be sure they have complied with all program provisions before they certify," he said.

"Producers with small feed grain bases or wheat allotments which they diverted altogether were in earliest to certify. And participants who got measurement service from the county office have been able to make early certification," Mr. Wyant commented.

SECOND AVENUE
Beginning at its intersection with the so
21st Street to its intersection with the
of 19th Street

WEST SIDE		
Name of Owner	Lot Number or Description	Front Footage Assessed
Henry J. Witry Mary Virginia S. Witry	Part of Plot 19	140.31
City of Nitro	Part of Plot 19	102.19
Marshall Properties, Inc.	Part of Plot 19	40.00
Richard S. Veazey Mary Ann Veazey	Part of Plot 21	40.00
Trustees for Textile Workers Union of America, CIO Local No. 7, Nitro, West Virginia	Part of Plot 21	40.00
James P. Jefferies Dorothea Jefferies	Part of Plot 21	50.00
Mary L. Sampson	Part of Plot 21	57.50
John T. Westfall Loretta M. Westfall	Part of Plot 21	30.00
TOTAL, WEST SIDE		500.00

EAST SIDE		
The Board of Education of the County of Kanawha	Nitro High Sch- ool parcel	565.00
TOTAL EAST SIDE		565.00

SECOND AVENUE
Beginning at its intersection with
of 19th Street to its intersection
line of West Virginia Route No. 35

WEST SIDE		
Name of owner	Lot Number or Description	Front Footage Assessed
R. M. Harrison, Wendell Harrison, Mabel Edwards, Isabelle Hudnall, Ralph Harrison, Betty Ruth Hall	Lot No. 1918	65.00
Oval Smith-	Lot No. 1817	65.00
E. O. Kinder	Lot No. 1816	65.00
E. O. Kinder	Lot No. 1715	65.00
Elsie C. Alderson	Lot No. 1716	65.00
Elsie C. Alderson	Lot No. 1615	65.00

th line of
orth line

Cost per
Front Foot

Total
Assessment

4.34612 \$ 609.80

4.34612 444.13

4.34612 173.85

4.34612 173.85

4.34612 173.85

4.34612 217.30

4.34612 249.90

4.34612 \$ 130.38

\$2,173.06

22.405015- 12,658.83

\$12,658.83

he south line
ith the north
(First Avenue)

Cost per
Front Foot

Total
Assessment

4.1924 \$ 272.51

4.1924 272.51

4.1924 272.51

4.1924 272.51

4.1924 272.51

4.1924 272.51

Frank Beaumont Kenworthy
Hilda Kenworthy

Lot No. 1518 65.00 4.1924 272.51

Ada G. Post

Lot No. 1415 65.00 4.1924 272.51

Kanawha Banking and Trust Co.,
Trustee, under Agreement dated
February 14, 1968, made by
Rosehelen Hanes

Lot No. 1416 65.00 4.1924 272.51

Harry K. Miller, Jr.
Charlotte D. Miller

Lot No. 1317 65.00 4.1924 272.51

Kanawha Banking and Trust Co.,
Trustee, under Agreement dated
February 14, 1968, made by
Rosehelen Hanes

Lot No. 1316 65.00 4.1924 \$ 272.51

Lemmon Realty Co., Inc.

Lot No. 1215 65.00 4.1924 272.51

Corbett Ferrell
Wanda K. Ferrell

Lot No. 1214 65.00 4.1924 272.51

Nitro Properties, Ltd.

Lot No. 1111 65.00 4.1924 272.51

P. V. Rhodes
(Pharozina Rhodes), and heirs of
Gilbert Rhodes, deceased

Lot No. 1112 65.00 4.1924 272.51

Nitro Properties, Ltd.
(Carl Summers)

Lot No. 1009 65.00 4.1924 272.51

Thomas W. Kelley
Betty Jo Kelley

Lot No. 1010 65.00 4.1924 272.51

Pearl Fox

Lot No. 907 65.00 4.1924 272.51

Charles L. Hissom
Frances M. Hissom

Lot No. 906 65.00 4.1924 272.51

Ray Hammond
Beulah Hammond

Lot No. 805 65.00 4.1924 \$ 272.51

George A. Null
Truda P. Null

Lot No. 802 65.00 4.1924 272.51

Russell W. Casto, Jr.
Thomas F. Casto
(Althea M. Casto and Russell
W. Casto, life estate)

Lot No. 701 65.00 4.1924 272.51

Luvada Stone

Lot No. 702 30.54 4.1924 127.94

TOTALS EAST SIDE

1,590.54 \$6,668.18

TOTALS SECOND AVENUE

4,170.54 \$27,851.53

EIGHTEENTH STREET

From its intersection with Second Avenue to its
intersection with First Avenue

NORTH SIDE

Name of Owner	Lot Number or Description	Front Footage Assessed	Cost per Front Foot	Total Assessment
Oval Smith	Lot No. 1817	50.00	2.93059	\$ 146.53
Oval Smith	Eastern one- half of Lot No. 1815	25.00	2.93059	73.26

(LEGAL NOTICE CONTINUED)

Trustees of St. Paul's Methodist Church, Nitro, West Virginia	Western one-half of Lot No. 1815	25.00	2.93059	73.26
Trustees of St. Paul's Methodist Church, Nitro, West Virginia	Lot No. 1813	50.00	2.93059	146.53
Sonny Lewis Mary Lou Lewis	Lot No. 1811	50.00	2.93059	146.53
Lemma Realty Co., Inc.	Lot No. 1809	50.00	2.93059	146.53
Cecil Lemma	Lot No. 1807	50.00	2.93059	146.53
Orlena A. Keener	Lot No. 1805	50.00	2.93059	146.53
Dorothy Evelyn Davis	Lot No. 1803	50.00	2.93059	\$ 146.53
David E. Fariev	Lot No. 1801	27.98	2.93059	82.00
TOTALS, NORTH SIDE		427.98		\$1,254.23

SOUTH SIDE

E. G. Kinder	Lot No. 1816	50.00	2.93059	146.53
Paul W. Warner Charlotte W. Warner	Lot No. 1814	50.00	2.93059	146.53
Lowell Lanham Edith P. Lanham	Lot No. 1812	50.00	2.93059	146.53
Elizabeth B. Robins	Lot No. 1810	50.00	2.93059	146.53
Violet B. Demoss	Lot No. 1808	50.00	2.93059	146.53
Dennis L. Harris Norma Lea Harris	Lot No. 1806	50.00	2.93059	\$ 146.53
Harry Honaker Lucy K. Honaker James L. Raynes Annes D. Raynes	Lot No. 1804	50.00	2.93059	146.53
Paul V. Woods (Mae Woods, life estate)	Lot No. 1802	71.73	2.93059	210.21
TOTALS, SOUTH SIDE		421.73		\$1,235.92
		849.71		\$2,490.15

TWENTY-FIRST STREET

Extended from its intersection with Third Avenue to its intersection with First Avenue

NORTH SIDE

Name of Owner	Lot Number or Description	Front Footage Assessed	Cost per Front Foot	Total Assessment
East View Land Company	Lot	127.00	7.41275	\$ 941.42
Lemma Realty Co., Inc.	Lot	48.13	7.41275	356.78
Trustees of The First Presbyterian Church of Nitro	Lot	105.52	7.41275	782.19
Trustees of The First Presbyterian	Lot	2.33	7.41275	17.27

Pioneer Girls Awards At

The Pioneer Girls of the Cross Lanes Bible Church received their awards in the Sunday evening service.

The Explorer seniors were presented gifts by Mrs. Wanda Wilkinson, Chief Guide. They were: Diane Knight, Jennie Eads, Sarah Surrentt, Denise Summerfield and Carolyn Casto. The Guides for the Pilgrims are Mrs. Carol Cannon and Mrs. Sharon Boggess. The following Pilgrims received the following badges:

Teresa Boggess-Handicraft and Safety; Vicki Casto-Safety; Delpha Craig, Handicraft and Safety; Teresa Cunningham, Kitchencraft, Water and Handicraft; Kathy Ellison-Safety; Terri Karnes - Handicraft, Safety; Helen Paquette, Safety; Patty Perkins-Safety; Janice Tyler- Handicraft, Safety and Pet;

Mrs. Naomi Moore, Mrs. Jean Wolfe, Mrs. Mary Harmon, and Mrs. Carol Parker are Guides in the Advanced Pilgrims. Those receiving badges and ranks in that group were:

Karen Adams-Drawing, Colonist Observer and Handicraft.

Cynthia Boggess - Voyager Rank, Campcraft, Drawing, Handicraft, New Life, Outdoor, Pets and Colonist Observer. Sherry Boggess-Book, Charm Advanced Kitchencraft and Nature.

Judy Crites-New Life, Safety, Sewcraft and Colonist Observer.

Kitty Dailey-Handicraft, New Life, and Colonist Observer.

Pam Hall-Handicraft, Kitchencraft, New Life, Pets, Colonist Observer.

Debbie Harmon - Townsman Rank, Advanced Kitchencraft, Charm, Homecare, Colonist Observer, and Sightseeing.

Donna Hoover-Voyager Rank, Kitchencraft, Advanced Kitchencraft, and Naturecraft.

Ann Kelly-Campcraft, Handicraft, New Life, Outdoor, and Pets.

Cheryl Perkins - Voyager Rank, Colonist Observer, Campcraft, Drawing, Handicraft, Outdoor and sightseeing.

Cheryl Pickrill-Colonist Observer, Outdoor, and Campcraft.

Jeanine Rodes - Campcraft, Outdoor, New Life, and Kitchencraft.

Cloa Shamblin-Colonist Observer, and Safety.

Teresa Siers-Settler Rank, Charm, Bible, Handicraft, Nature, and Sewcraft.

Trustees of The First Presbyterian Church of Nitro	Lot	20.79	7.41275	154.11
Cinema South, Inc.	Lot	48.21	7.41275	357.37
L. M. Downing Mallie Downing	Lot	58.00	7.41275	429.94
Paul J. Cline	Lot	50.00	7.41275	370.64
Nitro Properties, Ltd.	Lot	230.00	7.41275	\$1,704.92
Richard M. Oliver Geraldine K. Oliver	Lot	82.00	7.41275	607.85
David W. Comstock	Lot	74.95	7.41275	555.59
TOTALS, NORTH SIDE		846.93		\$6,278.08

SOUTH SIDE

A. W. Cox Department Store Company	Lot	127.00	7.41275	941.42
J. E. Temple Inez R. Temple	Lot	63.82	7.41275	473.08
J. E. Temple Inez R. Temple	Lot	50.77	7.41275	376.35
David W. Comstock	Lot	53.00	7.41275	392.88
Clara S. Walker	Lot	35.00	7.41275	\$ 259.45
Henry J. Witry Mary Virginia S. Witry	Lot	80.39	7.41275	595.91
The Board of Education of the County of Kanawha	Lot	437.33	7.41275	3,241.81
TOTALS, SOUTH SIDE		847.31		\$ 6,280.90
TOTALS, TWENTY-FIRST STREET		1,694.24		\$12,558.98

Notice is hereby given to persons owning property abutting on the above named streets or portions thereof, and other interested persons, and any other persons who may be owners of property hereinabove described that at a regularly called meeting of the Council of the City of Nitro, West Virginia to be held in the Council Chambers at the City Hall of said City on the 23rd day of June, 1970, at 8:00 o'clock, p.m. the owner or owners whose property is to be assessed as hereinabove designated, or other interested parties, may appear to move the revision or correction of such proposed assessments, and that on or after the 23rd day of June, 1970, the Council may proceed to lay assessments in the amounts and against the property for the cost of the permanent improvements made as such assessments are above set out and described.

The principal amount of the above assessments may be paid by the owners of said property at any time up to, and including the 23rd day of June, 1970, without interest on the sums so named in this notice.

Done by order of the Council of the City of Nitro duly made and entered of record.

CITY OF NITRO, WEST VIRGINIA
BY: Grace Lewis, Recorder

Rank, Hiker, Homecare, Missions, Nature Exploration, Charm, and Colonist Observer.

Tamala Wolfe-Voyager Rank, Discover Rank, Charm, Campcraft, Colonist Observer, Citizenship, Handcraft, Homecare, and Outdoor.

Suzette Young-Charm, Colonist Observer, and Campcraft. Ann Santrock - Handcraft, Campcraft, and Outdoor.

Pam Lemon-Handcraft. Beverly Harkins - Drawing, Water, Book, and Sewcraft.

Lisa Dailey-Campcraft, Outdoor.

Tammie Mullins-Campcraft Outdoor.

The Colonist Guide is Mrs. Lilly Dudley. The Colonist girls and awards were:

Robin Byrd-Pilot, Trailblazer Rank, Campcraft, Personal Development, and Activity Planning.

Becky Mathews-Personal Development, Campcraft, Activity Planning, and Cake Decorating.

Linda Lovejoy-Activity Planning, and Campcraft.

Roma Neff-Campcraft.

Kim Siers-Pilot, Campcraft, Activity planning, and Cake Decorating.

Terri Taylor - Hobby, and Activity Planning.

Barbara Wright - Campcraft, and Cake Decorating.

Linda Wright - Campcraft, and Cake Decorating.

Mrs. Wanda Wilkinson and Mrs. Lanena Mathews are the Guides in the Explorers. The following girls receiving the following achievements:

Carolyn Casto-Bible Survey, Church Service, Programming, Personal, Hostess, Dramatic Arts, Nature Lore, Bronze Key.

Jennie Eads - Bible Survey, Personal, Hostess, Art Appreciation, Sketching, Dramatic Arts, and Bronze Key.

Denise Ferris-Bible Survey, Personal, Hostess, Dramatic Arts, and Bronze Key.

Diane Knight-Bible Survey, Clothing, Personal, Child Care, First Aid, Hostess, Dramatic Arts, and Bronze Key.

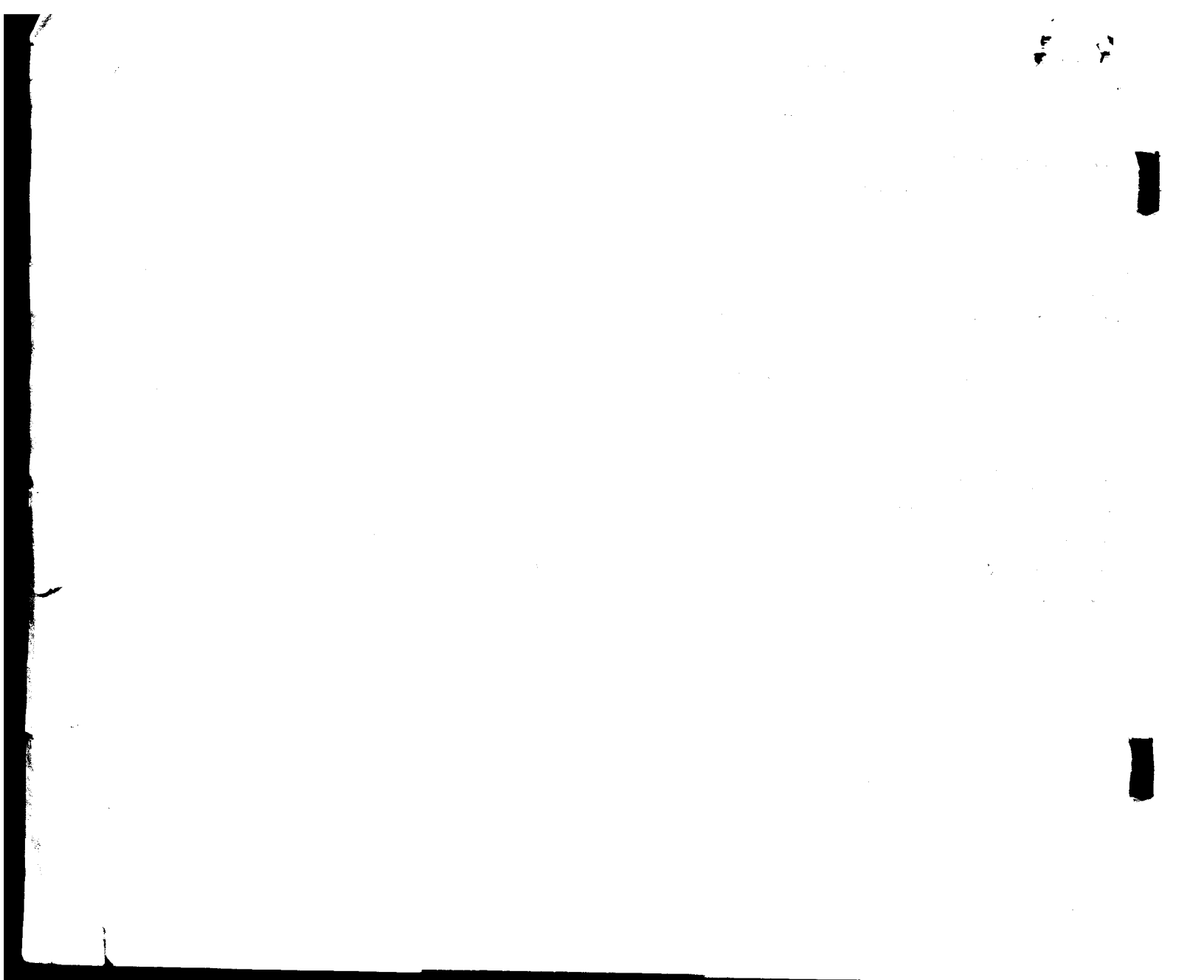
Carolyn Stranahan-Bible Survey, Personal, Hostess, Dramatic Arts, and Bronze Key.

Denise Summerfield - Bible Survey, Personal, and Hostess.

Mary Surret - Bible Survey, Personal, and Hostess. Sarah Surret-Bible Survey, Personal, and Hostess.

Mrs. Ben Copen, Committee Chairman and Mrs. Margaret Robinson Pal Chairman presented the following Guides with their awards.

Pilgrim Guide-Mrs. Sharon Boggess received Voyager Rank, Safety Badge, and New Life.



EIGHTEENTH STREET BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE TO ITS INTERSECTION WITH SECOND AVENUE: TWENTY FIRST STREET BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE TO ITS INTERSECTION WITH THIRD AVENUE.

By virtue of the ordinances adopted by the Council of the City of Nitro, West Virginia, on the 23rd day of September, 1969, providing for the permanent improving of the above named streets and portions thereof, by paving and otherwise permanently improving, and further providing for the assessments of the costs thereof against property abutting thereon, as provided by Chapter 8, Article 8, of the Code of West Virginia, as amended, the said improvements on the above named streets or portions thereof, have been completed and the City Engineer has completed and filed his report showing the owners of the lots or parcels of land abutting on said street so improved; the frontage of each of said lots or parcels of land; the proper amount to be assessed against the respective abutting lots and parcels of land and the total costs as follows:

(All lot numbers or parcels hereinafter shown are as numbered or designated on maps of the City of Nitro and in deeds for said lots parcels of record in the Office of the Clerk of the County Court of Kanawha County, West Virginia, and reference is here made to said maps and deeds for more complete descriptions).

BANK STREET

From its intersection with 21st Street to its intersection
with the northerly line of 20th Street

EAST SIDE

Name of Owner	Lot number or Description	Front Footage Assessed	Cost per Front Foot	Total Assessment
A. W. Cox Dept. Store Co. a corporation	Parcel	114.00	3.03952	\$ 346.50
W. W. Alexander	Parcel	46.00	3.03952	\$ 139.82
Lennard E. Higginbotham Gerald R. Higginbotham	Parcel	27.50	3.03952	\$ 83.59
W. W. Alexander G. C. Alderson Luther H. Carson	Parcel	22.50	3.02952	\$ 68.39
Four Horseman, Inc.	Parcel	22.50	3.03952	\$ 68.39
James A. Marrs Jean Ann Marrs	Parcel	25.00	3.03952	\$ 75.99
TOTALS, EAST SIDE OF BANK STREET		257.50		\$ 782.68

WEST SIDE

<u>NAME OF OWNER</u>	<u>LOT NUMBER OR DESCRIPTION</u>	<u>FRONT FOOTAGE ASSESSED</u>	<u>COST PER FRONT FOOT</u>	<u>TOTAL ASSESSMENT</u>
G. C. Alderson	Pt. Plot 24, area R	235.00	3.03952	\$714.28
TOTALS, WEST SIDE OF BANK STREET		235.00		\$714.28

TOTALS, BANK STREET	492.50	1,496.96
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SECOND AVENUE

Beginning at its intersection with the south line of
21st Street to its intersection with the north line
of 19th Street

WEST SIDE

<u>NAME OF OWNER</u>	<u>LOT NUMBER OR DESCRIPTION</u>	<u>FRONT FOOTAGE ASSESSED</u>	<u>COST PER FRONT FOOT</u>	<u>TOTAL ASSESSMENT</u>
Henry J. Witry Mary Virginia S. Witry	Part of Plot 19	140.31	4.34612	\$ 609.80
City of Nitro	Part of Plot 19	102.19	4.34612	444.13
Marshall Properties, Inc.	Part of Plot 19	40.00	4.34612	173.85
Richard S. Veazey Mary Ann Veazey	Part of Plot 21	40.00	4.34612	173.85
Trustees for Textile Workers Union of America CIO Local No. 7 Nitro, W.V.	Part of Plot 21	40.00	4.34612	173.85
James P. Jefferies Dorothea Jefferies	Part of Plot 21	50.00	4.34612	217.30
Mary L. Sampson	Part of Plot 21	57.50	4.34612	249.90
John T. Westfall Loretta M. Westfall	Part of Plot 21	30.00	4.34612	130.38
TOTAL, WEST SIDE		500.00		\$2,173.06

EAST SIDE

NAME OF OWNER	LOT NUMBER OR DESCRIPTION	FRONT FOOTAGE ASSESSED	COST PER FRONT FOOT	TOTAL ASSESSMENT
The Board of Education of the County of Kanawha	Nitro High school parcel	565.00 -----	22.405015	12,658.83 -----
TOTAL EAST SIDE		565.00		12,658.83

SECOND AVENUE

Beginning at its intersection with the south line
of 19th Street to its intersection with the North
line of West Virginia Route No. 35 (First Avenue)

WEST SIDE

NAME OF OWNER	LOT NUMBER OR DESCRIPTION	FRONT FOOTAGE ASSESSED	COST PER FRONT FOOT	TOTAL ASSESSMENT
R. M. Harrison, Wendell Harrison, Mabel Edwards, Isabelle Hudnall, Ralph Harrison, Betty Ruth Hall	Lot No. 1918	65.00	4.1924	272.51
Oval Smith	Lot No. 1817	65.00	4.1924	272.51
E. O. Kinder	Lot No. 1816	65.00	4.1924	272.51
E. O. Kinder	Lot No. 1715	65.00	4.1924	272.51
Elsie C. Alderson	Lot No. 1716	65.00	4.1924	272.51
Elsie C. Alderson	Lot No. 1615	65.00	4.1924	272.51
James E. Casebolt Pauline E. Casebolt	Lot no. 1614	65.00	4.1924	272.51
Ralph Fowler and Ruby Fowler	Lot No. 1513	65.00	4.1924	272.51
Rosa T. Wysong	Lot No. 1514	65.00	4.1924	272.51
Frank E. Grover Marguerite Grove	Lot No. 1411	65.00	4.1924	272.51
Nellie Irene Custer	Lot No. 1412	65.00	4.1924	272.51
James Conrad Stewart	Lot No. 1313	65.00	4.1924	272.51
Raymond O. Briscoe Bertha H. Briscoe	Lot No. 1312	65.00	4.1924	272.51

NAME OF OWNER	LOT NUMBER OR DESCRIPTION	FRONT FOOTAGE ASSESSED	COST PER FRONT FOOT	TOTAL ASSESSMENT
Elsie Marie Jones	Lot No. 1211	65.00	4.1924	272.51
Dessie R. Hawkins	Lot No. 1210	65.00	4.1924	272.51
James B. Coon Virginia F. Coon	Lot No. 1107	65.00	4.1924	272.51
Otmer Withrow Lucy Withrow	Lot No. 1108	65.00	4.1924	272.51
Norman S. Phelps Amy M. Phelps	Lot No. 1005	65.00	4.1924	272.51
Henry B. Chaney Emily F. Chaney	Lot NO. 1006	65.00	4.1924	272.51
Maple Lourine Wilson Lenis Gertrude Wilson (Maggie L. Wilson Life Estate)	Lot No. 903	65.00	4.1924	272.51
Charleston Land Company a W. Va. corporation	Lot no. 902	65.00	4.1924	272.51
Charleston Land Company A W. V. corporation	Lot No. 801	65.00	4.1924	272.51
Nitro Properties, Ltd.	Lot No. 800	<u>85.00</u>	4.1924	<u>356.24</u>
TOTALS WEST SIDE		1,515.00		6,351.46

EAST SIDE

NAME OF OWNER	LOT NUMBER OR DESCRIPTION	FRONT FOOTAGE ASSESSED	COST PER FRONT FOOT	TOTAL ASSESSMENT
Joyce Middleton	Lot No. 1922	65.00	4.1924	272.51
F. W. Surface Virginia Surface	Lot No. 1821	65.00	4.1924	272.51
Jeanette Oldham	Lot No. 1820	65.00	4.1924	272.51
Reda M. Simmons	Lot No. 1719	65.00	4.1924	272.51
Timothy Wayne George Joyce Anne George	Lot No. 1720	65.00	4.1924	272.51
York Ragle Viola Ragle	Lot No. 1619	65.00	4.1924	272.51

NAME OF OWNER	LOT NUMBER OR DESCRIPTION	FRONT FOOTAGE ASSESSED	COST PER FRONT FOOT	TOTAL ASSESSMENT
Trustees of the Church of God of Nitro, W. Va.	Lot No. 1618	65.00	4.1924	272.51
Trustees of the Church of God of Nitro, W. Va.	Lot No. 1517	65.00	4.1924	272.51
Frank Beaumont Kenworthy Hilda Kenworthy	Lot No. 1518	65.00	4.1924	272.51
Ada G. Post	Lot No. 1415	65.00	4.1924	272.51
Kanawha Banking & Trust Co. Trustee, under Agreement dated Feb. 14, 1968 made by Rosehelena Hanes	Lot No. 1416	65.00	4.1924	272.51
Harry K. Miller, Jr. Charlotte D. Miller	Lot No. 1317	65.00	4.1924	272.51
Kanawha Banking & Trust Co. Trustee, under agreement dated Feb. 14, 1968, made by Rosehelena Hanes	Lot No. 1316	65.00	4.1924	272.51
Lemma Realty Co., Inc.	Lot No. 1215	65.00	4.1924	272.51
Corbett Ferrell Wanda K. Ferrell	Lot No. 1214	65.00	4.1924	272.51
Nitro Properties, Ltd.	Lot No. 1111	65.00	4.1924	272.51
P. V. Rhodes (Pharozina Rhodes), and heirs of Gilbert Rhodes, deceased	Lot No. 1112	65.00	4.1924	272.51
Nitro Properties, Ltd. (Carl Summers)	Lot No. 1009	65.00	4.1924	272.51
Thomas W. Kelley Betty Jo Kelley	Lot No. 1010	65.00	4.1924	272.51
Pearl Fox	Lot No. 907	65.00	4.1924	272.51
Charles L. Hisson Frances M. Hisson	Lot No. 906	65.00	4.1924	272.51
Ray Hammond Beulah Hammond	Lot No. 805	65.00	4.1924	272.51
George Null Truda P. Null	Lot No. 802	65.00	4.1924	272.51

Russell W. casto, Jr. Thomas F. Casto (Althea M. Casto and Russell W. Casto, Life Estate	Lot No. 701	65.00	4.1924	272.51
Luvada Stone	Lot No. 702	<u>30.54</u>	4.1924	<u>127.94</u>
TOTALS EAST SIDE		1,590.54		6,668.18
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TOTALS SECOND AVENUE		4,170.54		27,851.53
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EIGHTEENTH STREET

From its intersection with Second Avenue to its
intersection with First Avenue

NORTH SIDE

NAME OF OWNER	LOT NUMBER OR DESCRIPTION	FRONT FOOTAGE ASSESSED	COST PER FRONT FOOT	TOTAL ASSESSMENT
Oval Smith	Lot No. 1817	50.00	2,93059	146.53
Oval Smith	Eastern one- half of Lot No. 1815	25.00	2,93059	73.26
Trustees of St. Paul's Methodist Church, Nitro W. Va.	Western one- half of Lot 1815	25.00	2.93059	73.26
Trustees of St. Paul's Methodist Church, Nitro W.V.	Lot No. 1813	50.00	2.93059	146.53
Sonny Lewis Mary Lou Lewis	Lot No. 1811	50.00	2.93059	146.53
Lemma Realty Co., Inc.	Lot No. 1809	50.00	2.93059	146.53
Cecil Lemma	Lot No. 1807	50.00	2.93059	146.53
Orlena A. Keener	Lot No. 1805	50.00	2.93059	146.53
Dorothy Evelyn Davis	Lot No. 1803	50.00	2.93059	146.53
David T. Fariey	Lot No. 1801	27.98	2.93059	82.00
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TOTALS NORTH SIDE		427.98		1,254.23
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SOUTH SIDE

NAME OF OWNER	LOT NUMBER OR DESCRIPTION	FRONT FOOTAGE ASSESSED	COST PER FRONT FOOT	TOTAL ASSESSMENT
E. G. Kinder	Lot No. 1816	50.00	2.93059	146.53
Paul W. Warner Charlette W. Warner	Lot No. 1814	50.00	2.93059	146.53
Lowell Lanham Edith P. Lanham	Lot No. 1812	50.00	2.93059	146.53
Elizabeth B. Robins	Lot No. 1810	50.00	2.93059	146.53
Violet B. Demoss	Lot No. 1808	50.00	2.93059	146.53
Dennis L. Harris Norma Lea Harris	Lot No. 1806	50.00	2.93059	146.53
Harry Honaker Lucy K. Honaker James L. Raynes Agnes D. Raynes	Lot No. 1804	50.00	2.93059	14.653
Paul V. Woods (Mae Woods, Life Estate)	Lot No. 1802	<u>71.73</u>	2.93059	<u>210.21</u>
TOTALS, SOUTH SIDE		421.73		\$1,235.92
		849.71		\$2,490.15

TWENTY-FIRST STREET

Extended from its intersection with Third Avenue to its
intersection with First Avenue

NORTH SIDE

NAME OF OWNER	LOT NUMBER OR DESCRIPTION	FRONT FOOTAGE ASSESSED	COST PER FRONT FOOT	TOTAL ASSESSMENT
East View Land Company	Lot	127.00	7.41275	941.42
Lemma Realty Co., Inc.	Lot	48.13	7.41275	356.78
Trustees of the First Presbyterian Church of Nitro	Lot	105.52	7.41275	782.19
Trustees of the First Presbyterian Church of Nitro	Lot	2.33	7.41275	17.27
Trustees of the First Presbyterian Church of Nitro	Lot	20.79	7.41275	154.11

NAME OF OWNER	LOT NUMBER OR DESCRIPTION	FRONT FOOTAGE ASSESSED	COST PER FRONT FOOT	TOTAL ASSESSMENT
Cinema South, Inc.	Lot	48.21	7.41275	357.37
L. M. Downing Mallie Downing	Lot	58.00	7.41275	429.94
Paul J. Cline	Lot	50.00	7.41275	370.64
Nitro Properties, Ltd.	Lot	230.00	7.41275	1,704.92
Richard M. Oliver Geraldine K. Oliver	Lot	82.00	7.41275	607.85
David W. Comstock	Lot	<u>74.95</u>	7.41275	<u>555.59</u>
TOTALS, NORTH SIDE		846.93		\$ 6,278.08

SOUTH SIDE

A. W. COX Dept. Store Co	Lot	127.00	7.41275	941.42
J. E. Temple Inez R. Temple	Lot	63.82	7.41275	473.08
J. E. Temple Inez R. Temple	Lot	50.77	7.41275	376.35
David W. Comstock	Lot	53.00	7.41275	392.88
Clara S. Walker	Lot	35.00	7.41275	259.45
Henry J. Witry Mary Virginia S. Witry	Lot	80.39	7.41275	595.91
The Board of Education of the County of Kanawha	Lot	<u>437.33</u>	7.41275	<u>3,241.81</u>
TOTALS SOUTH SIDE		847.31		6,280.90
TOTALS, TWENTY-FIRST STREET		1,694.24		12,558.98

NOTICE IS HEREBY GIVEN TO PERSONS OWNING PROPERTY ABUTTING ON THE ABOVE NAMED STREETS OR PORTIONS THEREOF, AND OTHER INTERESTED PERSONS, AND ANY OTHER PERSONS WHO MAY BE OWNERS OF PROPERTY HEREIN ABOVE DESCRIBED THAT AT A REGULARLY CALLED MEETING OF THE COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA TO BE HELD IN THE COUNCIL CHAMBERS AT THE CITY HALL OF SAID CITY ON THE 23rd DAY OF JUNE, 1970, AT 8:00 O'CLOCK P.M. THE OWNER OR OWNERS WHOSE PROPERTY IS TO BE ASSESSED AS HEREIN ABOVE DESIGNATED, OR OTHER INTERESTED PARTIES, MAY APPEAR TO MOVE THE REVISION OR CORRECTION OF SUCH PROPOSED ASSESSMENTS, AND THAT ON OR AFTER THE 23rd DAY OF JUNE 1970, THE COUNCIL MAY PROCEED TO LAY ASSESSMENTS IN THE AMOUNTS AND AGAINST THE

FOR THE COST OF THE PERMANENT IMPROVEMENTS MADE AS SUCH ASSESSMENTS ARE ABOVE SET OUT AND DESCRIBED.

The principal amount of the above assessments may be paid by the owners of said property at any time up to, and including the 23rd day of June, 1970, without interest on the sums so named in this notice.

Done by order of the Council of the City of Nitro duly made and entered of record.

CITY OF NITRO, WEST VIRGINIA
BY: Grace Lewis, Recorder

was duly published in said paper once a week for two successive weeks, commencing with the issue of the 11th day of June, 1970 and ending with the issue of the 18th day of June, 1970.

William E. Blake,
Manager
Kanawha Valley Leader.

Subscribed and sworn to before me this _____ day of _____, 1970.

James Jefferies,

Notary Public for Kanawha County,
West Virginia.

(My commission expires August 28, 1972.)

The Mayor asked if there were any revision or corrections to be made to the report of the Engineer. There being none the Council considered the following Ordinance.

AN ORDINANCE ASSESSING ABUTTING PROPERTY AND THE OWNERS THEROF WITH THE COST OF THE PERMANENT IMPROVEMENT OF BANK STREET BEGINNING WITH ITS INTERSECTION WITH TWENTIETH STREET TO ITS INTERSECTION WITH TWENTY FIRST STREET: SECOND AVENUE BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE (95 FEET SOUTH OF CENTER LINE OF SEVENTH STREET) TO ITS INTERSECTION WITH TWENTY FIRST STREET; EIGHTEENTH STREET BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE TO ITS INTERSEFTION WITH SECOND AVENUE; TWENTY FIRST STREET BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE TO ITS INTERSECTION WITH THIRD AVENUE.

Whereas, the Council of the City of Nitro on the 23rd day of September, 1969, adopted an ordinance for the permanment improvement of Bank Street beginning with its intersection with Twentieth Street to its intersection with Twenty First Street; Second Avenue beginning with its intersection with

First Avenue (95 feet south of center line of Seventh Street) to its intersection with Twenty First Street; Eighteenth Street beginning with its intersection with First Avenue to its intersection with Second Avenue; Twenty First Street beginning with its intersection with First Avenue to its intersection with Second Avenue; Twenty First Street beginning with its intersection with First Avenue to its intersection with Third Avenue, all in the City of Nitro, Kanawha County, West Virginia, by grading, paving, draining, and otherwise improving the same and further providing for the assessment of the abutting property and owners thereof for the total cost of such improvement; and,

WHEREAS, the report of the City Engineer to the Council reporting and certifying the cost of said improvement and showing their respective amounts apportioned, calculated and charged against each lot abutting, bounding and fronting on said streets and portions of streets and the respective owners thereof was read to the Council at its meeting on the 2nd day of June, 1970, and fully set out in its minutes; and,

WHEREAS, it appears to the Council, independently of said Engineer's Report, that the permanent improvement has been completed in accordance with the ordinances heretofore adopted and has specially benefitted each lot or parcel of land abutting thereon to an extent greater than the respective part of the cost apportioned, calculated and charged against said respective lot or parcel, and that said report and improvement should be accepted; and,

WHEREAS, Notice was caused to be published in the Kanawha Valley Leader once a week for two successive weeks, a weekly newspaper of general circulation in the City of Nitro, and Kanawha County, West Virginia, showing the names of the owners of each lot abutting on said improved streets and portions of streets and the amount assessed thereof, respectively, and giving notice to said owners or those who may be owners thereof and interested persons that they might appear before Council in session on the 23rd Day of June, 1970, at 8:00 o'clock P.M. to move the revision or correction of such proposed assessments, and on or after said date

Council might proceed finally tolay said assessments.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NITRO:

FIRST: That the said report of the City Engineer, heretofore filed and read, is hereby ordered set out in full in the minutes of the Council, and said Engineer's report is hereby accepted, approved and adopted by the Council after independent examination and investigation thereof, and is herby expressly made a part of this ordinance as fully as if set forth herein, and is hereby adopted adopted as the Assessment Rolls.

SECOND: That the permanent improvement as set forth and shown in said report is the same as herby declared to be completed and is hereby accepted.

THIRD: That the amounts set forth in the aforesaid report as the proportionate shares of the net cost assessable to each of the various properties and owners thereof as the same appear in said report are herby assessed against each of the said properties and the owners thereof as their proportionate share of the cost of the improvement; that the aforesaid amounts are hereby declared to be liens upon each of the several lots abutting upon the said streets and portions as shown in the said report; that paving assessments certificates shall forthwith be issued and signed by the Mayor and City Recorder in the respective amouns assessed against each lot and parcel of land and the owners thereof, and each said assessment certificate shall be issued and made payable in ten equal installment certificates, the first of which said installment certificate shall be due and payable in thirty days from the date of the assessment thereof, and the remaining nine of said installment certificates shall be due and payable on or before one year and thirty days, two years and thirty days, three years and thirty days, four years and thirty days, five years and thirty days, six years, and thirty days, seven years and thirty days, eight years and thirty days, and nine years and thirty days, from the date of the assessment, respectively, all of which said installment certificiates shall bear interest at the rate of six percent (6%) per annum from the date of the

assessment, with the provision that if default be made in the payment of any of the said installment certificates when due and payable, then the whole amount of the said assessment remaining unpaid shall become forthwith due and payable and the holder of the certificate may proceed to collect the whole amount unpaid; that the respective certificates covering the amount of the respective assessments shall be paid by the respective owners of the land, lots or fractional parts thereof so assessed for the cost, and the respective amounts specified in the certificates upon the land, lots or parts of lots so assessed and also debts against the respective owners of the said real estate, and shall be liens ahead in priority of other liens against the said property except for taxes due the state, county and city' and the said certificates may be issued, sold and delivered by the Mayor to the contractor doing the paving and other improvements on said streets or portions of streets in payment of the cost thereof.

FOURTH: The Mayor and the City Recorder are hereby authorized to issue, sign and deliver the assessment lien certificates against the several lots in accordance with the provisions of Paragraph "THIRD" hereinabove.

FIFTH: The City Recorder is hereby directed to cause to be prepared a certificate, report and notice showing and certifying a copy of the said Engineer's Report, so adopted by the Council, and when so certified to, by the City Recorder, the same shall be delivered to the Clerk of the County Court, Kanawha County, West Virginia, to be recorded in said Clerk's office in a Trust Deed Book, and shall be continuing tax liens upon the lots or lands against which the assessments are made until the certificates, as aforesaid, are paid and the said Clerk of the County Court shall index the same in the means of each lot or land owner mentioned therein.

AFFIDAVIT OF PUBLICATION

STATE OF WEST VIRGINIA,

County of Kanawha, to-wit:

I, William E. Blake, manager of KanawhaValley 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 LEVY OF PAVING ASSESSMENTS, GRADDDING ASSESSMENTS, CURBING ASSESSMENTS, DRAINING ASSESSMENTS AND CUTTERING ASSESSMENTS FOR THE PERMANENT IMPROVEMENT OF CERTAIN STREETS AND WAYS IN THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA, AGAINST PROPERTY ABUTTING ON BANK STREET BEGINNING WITH ITS INTERSECTION WITH TWENTIETH STREET TO ITS INTERSECTION WITH FIRST AVENUE (95 FEET SOUTH OF CENTER LINE OF SEVENTH STREET) TO ITS INTERSECTION WITH TWENTY FIRST STREET: EIGHTEENTH STREET BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE TO ITS INTERSECTION WITH SECOND AVENUE: TWENTY FIRST STREET BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE TO ITS INTERSECTION WITH THIRD AVENUE.

By virtue of the ordinances adopted by the Council of the City of Nitro, West Virginia, on the 23rd day of September, 1969, providing for the permanent improveing of the above named streets and portions thereof, by paving and otherwise permanent improving, and further providing for the assessments of the cost thereof against property abutting thereon, as provided bu Chapter 8, Article 8, of the Code of West Virginia, as amended, the said improvements on the above named streets or portions thereof, have been completed and the city Engineer has completed and filed his report showing the owners of the lots or parcels of land abutting on said street so improved; the frontage of each of said lots or parcels of land; the propert amount to be assessed against the respective abutting lots and parcels of land and the total costs as follows:

(All lot numbers or parcels herinafter shown are as numbered or designated on maps of the City of Nitro and in deeds for said lots parcels of record in the office of the Clerk of the County Court of Kanawha County, West Virginia, and reference is here made to said maps and deed for more complete description).

BANK STREET

From its intersection with 21st Street to its intersection
with the northerly line of 20th Street

EAST SIDE

NAME OF OWNER	LOT NUMBER OR DESCRIPTION	FRONT FOOTAGE ASSESSED	COST PER FRONT FOOT	TOTAL ASSESSMENT
A. W. Cox Dept. Store Co. an corporation	Parcel	114.00	3.03952	\$346.50
W. W. Alexander	Parcel	46.00	3.03952	139.82
Leonard E. Higginbotham Gerald R. Higginbotham	Parcel	27.50	3.03952	83.59
W. W. Alexander G. C. Alderson Luther H. Carson	Parcel	22.50	3.03952	68.39
Four Horseman, Inc.	Parcel	22.50	3.03952	68.39
James A. Marrs Jean Ann Marrs	Parcel	25.00	3.03952	75.99
Totals, EAST SIDE OF BANK STREET		257.50		782.68

WEST SIDE

NAME OF OWNER	LOT NUMBER OR DESCRIPTION	FRONT FOOTAGE ASSESSED	COST PER FRONT FOOT	TOTAL ASSESSMENT
G. C. Alderson	Plot 24 Area R	235.00	3.03952	\$ 714.28
TOTALS, WEST SIDE OF BANK STREET		235.00		\$ 714.28
TOTALS, BANK STREET		492.50		1,496.96

SECOND AVENUE

Beginning at intersection with the south line of
21st Street to its intersection with the north
line of 19th Street

WEST SIDE

NAME OF OWNER	LOT NUMBER OR DESCRIPTION	FRONT FOOTAGE ASSESSED	COST PER FRONT FOOT	TOTAL ASSESSED
Henry J. Witry Mary Virginia S. Witry	Part of Plot 19	140.31	4.34612	609.80
City of Nitro	Part of Plot 19	102.19	4.34612	444.13
Marshall Properties, Inc.	Part of Plot 19	40.00	4.34612	173.85
Richard S. Veazey Mary Ann Veazey	Part of Plot 21	40.00	4.34612	173.85
Trustees for Textile Workers Union of America CIO Local No. 7 Nitro W. Va.	Part of Plot 21	40.00	4.34612	173.85
James P. Jefferies Dorothea Jefferies	Part of Plot 21	50.00	4.34612	217.30
Mary L. Sampson	Part of Plot 21	57.50	4.34612	249.90
John T. Westfall Loretta M. Westfall	Part of Plot 21	<u>30.00</u>	4.34612	<u>130.38</u>
TOTAL, WEST SIDE		500.00		2,173.06

EAST SIDE

NAME OF OWNER	LOT NUMBER OR DESCRIPTION	FRONT FOOTAGE ASSESSED	COST PER FRONT FOOT	TOTAL ASSESSMENT
The Board of Education of the County of Kanawha	Nitro High school parcel	565.00	22.405015	12,658.83
TOTAL EAST SIDE		565.00		12,658.83

SECOND AVENUE

Beginning at its intersection with the south line
of 19th Street to its intersection with the North
line of West Virginia Route No. 35 (First Avenue)

WEST SIDE

NAME OF OWNER	LOT NUMBER OR DESCRIPTION	FRONT FOOTAGE ASSESSED	COST PER FRONT FOOT	TOTAL ASSESSMENT
R. M. Harrison, Wendell Harrison, Mabel Edwards, Isabelle Hudnall, Ralph Harrison, Betty Ruth Hall	Lot No. 1918	65.00	4.1924	272.51
Oval Smith	Lot No. 1817	65.00	4.1924	272.51
E.O. Kinder	Lot No. 1816	65.00	4.1924	272.51
E.O. Kinder	Lot No. 1715	65.00	4.1924	272.51
Elsie C. Alderson	Lot No. 1716	65.00	4.1924	272.51
Elsie C. Alderson	Lot No. 1615	65.00	4.1924	272.51
James E. Casebolt Pauline E. Casebolt	Lot No. 1614	65.00	4.1924	272.51
Ralph Fowler and Ruby Fowler	Lot No. 1513	65.00	4.1924	272.51
Rosa T. Wysong	Lot No. 1514	65.00	4.1924	272.51
Frank E. Grover Marguerite Grover	Lot No. 1411	65.00	4.1924	272.51
Nellie Irene Custer	Lot No. 1412	65.00	4.1924	272.51
James Conrad Stewart	Lot No. 1313	65.00	4.1924	272.51
Raymond O. Briscoe Bertha H. Briscoe	Lot no. 1312	65.00	4.1924	272.51
Elsie Marie Jone	Lot No. 1211	65.00	4.1924	272.51
Dessie R. Hawkins	Lot No. 1210	65.00	4.1924	272.51
James B. Coon Virginia F. Coon	Lot No. 1107	65.00	4.1924	272.51
Otmer Withrow Lucy Withrow	Lot No. 1108	65.00	4.1924	272.51
Norman S. Phelps Amy M. Phelps	Lot No. 1105	65.00	4.1924	272.51

NAME OF OWNER	LOT NUMBER OR DESCRIPTION	FRONT FOOTAGE ASSESSED	COST PER FRONT FOOT	TOTAL ²⁰⁹ ASSESSMENT
Henry B. Chaney Emily F. Chaney	Lot No. 1006	65.00	4.1924	272.51
Maple Lourine Wilson Lenis Gertrude Wilson (Maggie L. Wilson Life Estate	Lot No. 903	65.00	4.1924	272.51
Charleston Land Company a W. V. corporation	Lot No. 902	65.00	4.1924	272.51
Charleston Land Company a W. Va. corporation	Lot No. 801	65.00	4.1924	272.51
Nitro Properties, Ltd.	Lot No. 800	<u>85.00</u>	4.1924	<u>356.24</u>
TOTALS WEST SIDE		1,515.00		6,351.46

EAST SIDE

Joyce Middleton	Lot No. 1922	65.00	4.1924	272.51
F. W. Surface Virginia Surface	Lot No. 1821	65.00	4.1924	272.51
Jeanette Oldham	Lot No. 1820	65.00	4.1924	272.51
Reda M. Simmons	Lot No. 1719	65.00	4.1924	272.51
Timothy Wayne George Joyce Anne George	Lot No. 1720	65.00	4.1924	272.51
York Ragle Viola Ragle	Lot No. 1619	65.00	4.1924	272.51
Trustees of the Church of God of Nitro, W. Va.	Lot No. 1618	65.00	4.1924	272.51
Trustees of the Church of God of Nitro, W. Va.	Lot No. 1517	65.00	4.1924	272.51
Frank Beaumont Kenworthy Hilda Kenworthy	Lot No. 1518	65.00	4.1924	272.51
Ada G. Post	Lot No. 1415	65.00	4.1924	272.51
Kanawha Banking & Trust Co. Trustee, under Agreement dated Feb. 14, 1968 made by Rosehelena Hanes	Lot No. 1416	65.00	4.1924	272.51
Harry K. Miller, Jr. Charlotte D. Miller	Lot No. 1317	65.00	4.1924	272.51

NAME OF OWNER	LOT NUMBER OR DESCRIPTION	FRONT FOOTAGE ASSESSED	COST PER FRONT FOOT	TOTAL ASSESSMENT
Kanawha Bank & Trust Co. Trustee, under agreement dated Feb. 14, 1968, made by Rosehelena Hanes	Lot No. 1316	65.00	4.1924	272.51
Lemma Realty Co., Inc.	Lot No. 1215	65.00	4.1924	272.51
Corbett Ferrell Wanda K. Ferrell	Lot No. 1214	65.00	4.1924	272.51
Nitro Properties, Ltd.	Lot No. 1111	65.00	4.1924	272.51
P. V. Rhodes (Pharozina Rhodes), and heirs of Gilbert Rhodes, deceased	Lot No. 1112	65.00	4.1924	272.51
Nitro Properties, Ltd. (Carl Summers)	Lot No. 1009	65.00	4.1924	272.51
Thomas W. Kelley Betty Jo Kelley	Lot no. 1010	65.00	4.1924	272.51
Pearl Fox	Lot No. 907	65.00	4.1924	272.51
Charles L. Hissom Frances M. Hissom	Lot No. 906	65.00	4.1924	272.51
Ray Hammond Beulah Hammond	Lot No. 805	65.00	4.1924	272.51
George Null Truda P. Null	Lot No. 802	65.00	4.1924	272.51
Russell W. Casto, Jr. Thomas F. Casto (Althea M. Casto and Russell W. Casto, Life Estate	Lot No. 701	65.00	4.1924	272.51
Luvade Stone	Lot No. 702	<u>30.54</u>	4.1924	<u>127.94</u>
TOTALS EAST SIDE		1,590.54		6,668.18
TOTALS SECOND AVENUE		4,170.54		27,851.53

EIGHTEENTH STREET

From its intersection with Second Avenue to its
intersection with First Ave.

NORTH SIDE

NAME OF OWNER	LOT NUMBER OR DESCRIPTION	FRONT FOOTAGE ASSESSED	COST PER FRONT FOOT	TOTAL ASSESSMENT
Oval Smith	Lot No. 1817	50.00	2.93059	146.53
Oval Smith	Easter One- half of Lot No. 1815	25.00	2.93059	73.26
Trustees of St. Paul's Methodist Church, Nitro W. Va.	Western One- half of Lot 1815	25.00	2.93059	73.26
Trustees of St. Paul's Methodist Church, Nitro, W. Va.	Lot No. 1813	50.00	2.93059	146.53
Sonny Lewis Mary Lou Lewis	Lot No. 1811	50.00	2.93059	146.53
Lemma Realty Co., Inc.	Lot No. 1809	50.00	2.93059	146.53
Cecil Lemma	Lot No. 1807	50.00	2.93059	146.53
Orlena A. Keener	Lot No. 1805	50.00	2.93059	146.53
Dorothy Evelyn Davis	Lot No. 1803	50.00	2.93059	146.53
David T. Farley	Lot No. 1801	27.98	2.93059	82.00
TOTALS NORTH SIDE		427.98		1,254.23

SOUTH SIDE

E. G. Kinder	Lot No. 1816	50.00	2.93059	146.53
Paul W. Warner Charlette W. Warner	Lot No. 1814	50.00	2.93059	146.53
Lowell Lanham Edith P. Lanham	Lot No. 1812	50.00	2.93059	146.53
Elizabeth B. Robins	Lot No. 1810	50.00	2.93059	146.53
Violet B. Demoss	Lot No. 1808	50.00	2.93059	146.53

Dennis L. Harris Norma Lea Harris	Lot No. 1806	50.00	2.93059	146.53
Harry Honaker Lucy K. Honaker James L. Raynes Agnes D. Raynes	Lot No. 1804	50.00	2.93059	146.53
Paul V. Woods Mae Woods, Life Estate	Lot No. 1802	<u>71.73</u>	2.93059	<u>210.21</u>
TOTALS SOUTH SIDE		421.73		1,235.92
		849.71		2,490.15

TWENTY-FIRST STREET

Extended from its intersection with Third Avenue to its
intersection with First Avenue

NORTH SIDE

East View Land Company	Lot	127.00	7.41275	941.42
Lemma Realty Co., Inc.	Lot	48.13	7.41275	356.78
Trustees of the First Presbyterian Church of Nitro	Lot	105.52	7.41275	782.19
Trustees of the First Presbyterian Church of Nitro	Lot	2.33	7.41275	17.27
Trustees of the First Presbyterian Church of Nitro	Lot	20.79	7.41275	154.11
Cinema South, Inc.	Lot	48.21	7.41275	357.37
L. M. Downing Mallie Downing	Lot	58.00	7.41275	429.94
Paul J. Cline	Lot	50.00	7.41275	370.64
Nitro Properties, Ltd.	Lot	230.00	7.41275	1,704.92
Richard M. Oliver Geraldine K. Oliver	Lot	282.00	7.41275	607.85
David W. Comstock	Lot	<u>74.95</u>	7.41275	<u>555.59</u>
TOTALS NORTH SIDE		846.93		6,278.08

SOUTH SIDE

NAME OF OWNER . Store Co.	LOT NUMBER OR DESCRIPTION	FRONT FOOTAGE ASSESSED	COST PER FRONT FOOT	TOTAL ASSESSMENT
A. W. Cox Dept. Store Co.	Lot	127.00	7.41275	941.42
J. E. Temple Inez R. Temple	Lot	63.82	7.41275	473.08
J. E. Temple Inez R. Temple	Lot	50.77	7.41275	376.35
David W. Comstock	Lot	53.00	7.41275	392.88
Clara S. Walker	Lot	35.00	7.41275	259.45
Henry J. Witry Mary Virginia S. Witry	Lot	80.39	7.41275	595.91
The Board of Education of	Lot	<u>437.33</u>	7.41275	<u>3,241.81</u>
TOTALS SOUTH SIDE		847.31		6,280.90
TOTALS, TWENTY FIRST STREET		1,694.24		12,558.98

NOTICE IS HEREBY GIVEN TO PERSONS OWNING PROPERTY ABUTTING ON THE ABOVE NAMED STREETS OR PORTIONS THEREOF, AND OTHER INTERESTED PERSONS, AND ANY OTHER PERSONS WHO MAY BE OWNERS OF PROPERTY HEREIN ABOVE DESCRIBED THAT AT A REGULAR CALLED MEETING OF THE COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA TO BE HELD IN THE COUNCIL CHAMBER AT THE CITY HALL OF SAID CITY ON THE 23rd DAY OF JUNE, 1970, AT 8:00 O'CLOCK P.M. THE OWNER OR OWNERS WHOSE PROPERTY IS TO BE ASSESSED AS HEREINABOVE DESIGNATED, OR TOHER INTERESTED PARTIES, MAY APPEAR TO MOVE THE REVISION OR CORRECTIONOS SUCH PROPOSED ASSESSMENTS, AND THAT ON OR AFTER THE 23rd DAY OF JUNE, 1970, THE COUNCIL MAY PROCEED TO LAY ASSESSMENTS IN THE AMOUNTS AND AGAINST THE PROPERTY FOR THE COST OF THEPERMANENT IMPROVEMENTS MADE AS SUCH ASSESSMENTS ARE ABOVE SET OUT AND DESCRIBED.

The principal amount of the above assessments may be paid by the owners of said property at any time up to, and including the 23rd day of June, 1970, without interest on the sums so named in this notice.

Done by order of the Council of the City of Nitro duly made and entered of record.

CITY OF NITRO, WEST VIRGINIA
BY: Grace Lewis, Recorder

was duly published in said paper once a week for two successive weeks, commencing with the issue of the 11th day of June, 1970 and ending with the issue of the 18th day of June, 1970.

William E. Blake,
Manager
Kanawha Valley Leader.

Subscribed and sworn to before me this _____ day of _____, 1970.

James Jefferies,

Notary Public for Kanawha County,
West Virginia.

(My commission expires August 28, 1972.)

Thereupon Councilman Waldorf moved, seconded by Councilman Kniceley the afore-
going be accepted for the first reading. Upon a vote motion carried.

The Mayor said that each member of the Council has a statement presented
by Mr. Mitchell Childers concerning the drainage problem of East 39th Street and
40th Street.

Councilman Waldorf referred to the last paragraph of the statement concerning
the Committee appointed by the Mayor to find funds for the project and they
would like to know the status of the Committee's findings.

Councilman Allen reported that he had received numerous phone calls, mostly
from elderly people, concerning the matter of raising funds and he thought that
we have to give the elderly people some consideration. He had checked with some
of the towns regarding finances and that perhaps we should check into our B & O
Tax to see if we were receiving all that was due the City. Also he check
House Bill # 566, a new Tax. Dunbar does not have the Fire Tax. Councilman
Allen said that he did not have any idea where we could raise 42 to 50 thousand
dollars. He had no recommendation at this time.

The Attorney reported to Council in the matter of the Road Bumpers. Private
property have different rules and that on the State roads they do not have the
road bumpers. If the Council desired to put them in they did so on their own risk.

Councilman Allen reported that he had checked the traffic on 9th Street. He
said there are "Slow Children Playing" signs but one is hidden and it might help
if the sign was moved out.

In discussion of traffic on various streets it was noted that the "Slow
Children Playing" sign had been installed but some drivers do not pay any attention
to them.

GENTLEMEN:

Thank you for your time and interest in our problem. We would like to take this opportunity to clarify any misconception that might have arisen from the incident at the past council meeting. We emphatically deny any affiliation with any other individual or group. Our motives are not ulterior! We represent merely a citizen group from East 39th Street of Nitro. Our appearances here are not intended to harass or embarrass any person or persons. We are simply concerned, both individually and collectively, with a common problem.

THE PROBLEM:

The problem with which we have to contend is best described by refreshing your memory of the exact location of this section of East 39th Street. This section parallels 40th street road from Bailes Drive toward Easter Road. In two places, some 100 yards apart, the total surface water from 40th Street is dumped into our street by two open ditches. There is always water in one of the ditches, even in the driest weather, which would indicate seepage from some household sewage system.

At this point, we should state that the major problems resulting from this for the residents of this area is not the water in the street but the ditches and the debris left there by each rain storm. Following are listed problems resulting from this situation:

1. The ditches are $2\frac{1}{2}$ to 3 feet deep in places. Ours, being a young neighborhood, has many small children. Two toddlers have already fallen into these ditches. One required medical attention and was treated to prevent the possibility of Hepatitis.
2. The possibility of raw sewage seeping into one of these ditches presents an

unsanitary situation which, if it has not already, will become a health hazard.

3. The rush of water during a heavy storm has eroded the foundation from a utility building and undermined a retaining wall.
4. The debris left in the street often contains broken glass and other sharp objects. This presents an intolerable situation for our children - not to mention the flat tires that have become the rule rather than the exception.
5. Rocks left in the street often fly from beneath automobile tires with a great deal of force. The danger here is imminent.
6. Great billows of dust rise with each passing auto. Do we need to say more?
7. Mosquitos are always extremely bad in this area due to the ever present supply of stagnant water.
8. The odor of stagnation from these open ditches is intolerable.

We realize that you are to some degree already aware of this problem. However, we felt the need to be sure you had considered all the problems resulting from this situation.

We understand that a committee has been appointed by Mayor Alexander to find funds for this project. We appreciate your concern and your attempts to help. We would like to know the status of this committee's findings.

Mrs. Thacker of 37th Street suggested putting in the newspaper the discussion of this subject and maybe it will create some interest and cause drivers to be more cautious.

It was also pointed out that in order for an officer to make an arrest he either had to see the crime committed or have a warrant.

Mr. Means suggested having a private citizen under supervision of the Police Department patrol the streets with radar system.

Mr. Bess asked if the City had adequate number of Policemen.

The Mayor replied that we probably do not have enough Police Officers but that we do not have sufficient money to take care of any additional men.

It was reported that there were not sufficient signs designating Third Avenue as one way.

In answer to the question- Could a Policeman arrest a person if he was given their license number or could he talk to them. He could talk to them but he would have to have a warrant signed in order to make an arrest.

In answer to question on the cost of a warrant the Mayor replied that a warrant of this kind there would be no charge.

Olaf K. Walker, Chairman of the Planning Commission, said he was pleased for the opportunity to report the activities of the Planning Commission on their proposals to the existing Zoning Ordinance. Since 1938, when zoning was voted in in Nitro, we have had several Ordinances dealing with Zoning changes. Despite the care, amendments are necessary. Conditions have changed. The Planning Commission has compiled a draft revising and amending the Zoning Ordinance. This draft is an amendment to the Zoning Districts. All of this is just almost what it was in the beginning.

The Commission has added the Zoning to the Newly Annexed Areas and a mobile Zoning for Mobile Homes. The text of the Ordinance covers about 27 pages. The Commission has taken several different Ordinances from up and down the Valley.

We are the fifth largest town in the Valley and very close to the fourth. To insure a good residential town and to protect Commercial industry we must have a Zoning ordinance to be modern. We have had the need for Zoning Ordinance, such as this, so we can present it to a builder, or Attorney or anyone if they are interested in what the Zones are in Nitro. A scheduled hearing will be held the 27th day of July at the Nitro Junior High School. The purpose of this is to allow citizens to review and inspect the map and to see where their property is and where the area is. We encourage them to make any suggestions or ask any questions. After the hearing we give the revised or final draft to the Council for their consideration and they are required to hold another hearing. Councilman Allen asked if the Planning Commission in planning the Zoning if they took any consideration about health conditions such as sewage? Mr. Walker said they did not. We are just saying that this particular area should be designated for Mobile Homes. The Mayor explained to them that you would be allowed to build a home and also a mobile home.

- R-1 Single Home building
- R-2 Single or Multiple home
- R-3 Single-Apartment-or Mobile Homes
- B-1 Businesses - local or neighborhood

This map will become the Official Map of the Ordinance. Councilman Allen asked about parking if they were going to correct parking conditions. Mr. Walker said no. Councilman Waldorf asked when they expect to have this done. Mr. Walker said it will appear in the paper Thursday, the Public Hearing the 27th of July. It depends on the Public Hearing suggestions. We refer the final draft to Council then the Council holds another hearing. The Mayor said there has been a large number of hours put in the Zoning by the Commission.

The Mayor presente copies of literature pertaining to trash cans to be placed on the streets of the town. Informing Council that the dealer had approached him regarding permission to contact all the business places in Nitro for adds on the cans. In other words the business men of Nitro would be bearing the costs and the City would empty the trash periodically. He would like the Council's

opinion of this plan. In answer to a question on how many adds he said that they expected about 100. The cans will be replaced every two years. The cost of the advertisements are about 2.90 per month.

In answer to the question of other cities who have the cans. The Mayor said Parkersburg was the only one he really knew. As to who determines the location of the cans the Mayor said the person purchasing the adds. Councilman Allen moved this matter be tabled. Seconded by Councilman Kniceley. Motion carried.

The Mayor presented to the street numbering Committee a request from the Brookhaven area two streets for lot numbering.

Two sealed bids were presented to Council on Fleet Insurance. The bids were opened and read as follows: Ray Ellis Insurance Agency - 2,205.00 and John Marshall Insurance Agency - 2,220.50. Councilman Kniceley moved the Fleet Insurance be awarded the low bidder Ray Ellis Insurance Agency. Motion seconded by Councilman Williamson. Motion carried.

Councilman Allen asked what the man who operates the spray truck was using. That there were no fogging affects. The Mayor said that they used both methods.

Homer Dean Miller of Smith Street told Council that he had some complaints of the Sanitary Land Fill. He said that they had had very little problem until recently and now he had rats in his basement and at night you can not stand the smell and the mosquitos were terrible. The Land Fill is not drained properly. There is a deep stagnant water and unauthorized vehicles are dumping. He said he thought it was the State Law that any Sanitary Land Fill had to have 6" of compacted dirt over garbage. The Mayor said that we did have a shortage of dirt and that we will try and correct this matter. He has never had any report of rats and the Health Department check the dump periodically.

In answer to question if Plants had been given permission to dump the Mayor said yes, F.M.C. Ohio Apex.

Mr. Miller said he doubted if we had enough fire equipment to take care of

a fire at the dump and it is a fire hazard. The Mayor reported that the cost of the dirt was quite high around \$7.50 a load.

Mr. Ben Savilla asked to read some statements to the Council.

Charging an attempt of frame of him by high ranking City Official and another individual concerning himself and an acquaintance.

Charging the evidence of a small caliber bullet indentation in the side of his car. Questioning the investigation by the Mayor of the Police Department upon his resignation and that he will reveal some of the information he has that is in responsible hands along with photostatic city records. Questioning the Mayor's denial of ever being Chief of Police saying that the Mayor has stated to him that he was definitely Chief of Police and showed him his badge and gun. Stating that he had conclusive evidence that the WKAZ editorials were any thing but "Hogwash." Charging gross discrepancies in the records of the City of Nitro. Stating that he and a fellow Officer were told by Capt. Palmer to stay away from the Four Horsemen Club and not to arrest anyone in front of the Four Horsemen and not to park the cruiser across the road in front of the Four Horsemen. Was not to park on the adjacent Valley Bell lot, not to park on 20th, Bank Street, 21st Street or 22nd Streets. He was told that the City would lose revenue if the Four Horsemen were closed. Charging the Mayor to state publicly his connection with the Four Horsemen.

At conclusion of Mr. Savilla's statements to Council the Mayor informed that if he had any information that he could turn it over to the Prosecuting Attorney of Kanawha County. He had at no time owned any part of the Four Horsemen. He along with two other people did sell the property but he has no connection with it and has never been in the place since it opened.

In answer to Mr. Savilla's question if he received revenue from the Four Horsemen the Mayor said no and never had and that any piece of property he owned he could sell it at any time he wished.

Mayor, Members of City Council, Ladies and Gentlemen:

Many of you are probably wondering what I, Ben Savilla, former City Policeman of Nitro, is doing here tonight. I am appearing as a concerned citizen and also because some members of this administration have attempted to prevent me from taking an active part in City affairs. One instance is the attempted frame of me by a high ranking Nitro City official and another individual concerning me and an acquaintance of mine.

Secondly is evidence of a small caliber bullet indentation in the side of my car. Apparently someone thinks I know too much.

There is also a statement made by the Mayor that an investigation of the Police Department was underway, upon my resignation. Due to these actions, and others, I here and now will proceed to reveal some of the information I have. First, let me state, all the information I have obtained is in responsible hands, along with photostatic city records.

Let's begin with the office of Chief of Police, City of Nitro. At the last Council meeting, Mayor Alexander denied several times, ever being Chief of Police. This, I know, is untrue because he has stated to me, while I was on the force, that he was definitely Chief of Police. Mayor Alexander showed me his badge and gun, upon occasion. If he was not Chief, why the gun and badge?

I also learned that at the last Council meeting, the WKAZ editorials concerning the City of Nitro were labeled "Hogwash" and "Patty Politics". I have conclusive evidence that these editorials were anything but Hogwash.

It may interest you, the citizens of Nitro, that there are gross discrepancies in the records of the City of Nitro.

To proceed, it is quite evident, according to past City Council minutes, that the private club referred to as the Four Horsemen, has been a controversial matter with both the citizens and the Council men of the City of Nitro.

I will now state publicly and for the record, as a former member of the Nitro Police Department, that I and my fellow officers were told by Captain C. A. Palmer to stay away from the Four Horsemen. I specifically was told not to arrest anyone in front of the Four Horsemen and not to park a cruiser across the road in front of the Four Horsemen, do not park on the adjacent Valley Bell lot, do not park on Twentieth Street, Bank Street, Twenty-first or Twenty-second Streets. I was told that if the Four Horsemen were closed, along with another location, the City of Nitro would thereby lose \$1,500.00 in revenues which would therefore, have to warrant the cutting off of one police officer. This was later discussed in a meeting with all members of the Police Department and Mayor W. W. Alexander. At this meeting it was also stated, there would be a loss of revenue to the City of Nitro.

Bearing all of this in mind, I would like at this time, for you, Mayor, to state publicly your connection with the Four Horsemen. Did you along with two other business associates, one of which is under current indictment for misconduct in State purchasing practices, sell or lease this property to its present occupants? And are you still receiving income from this establishment?

I feel that I have stated enough at this time.



Gentlemen, as elected officials, the choice is now yours, to untable the WKAZ editorials and the items referred to you as hogwash, and investigate all segments of what has been stated publically concerning the City of Nitro.

The responsibility for an honest comprehensive investigation rests in your hands. If you do not chose to pursue an honorable course of action, then my evidence will be turned over to those who will investigate the situation.

Thank you.

In answer to Savilla's question if the Police Department was ordered to stay away from the Four Horsemen Club, the Mayor said absolutely not.

Mr. Savilla said that he had a bullet hole in his car and asked of the Mayor if he did not carry a gun.

The Mayor replied that he did not know any thing at all about the bullet hole in his car that he did own a gun adn that he did not say that he carried a gun.

Regarding the WKAZ editorials the Council had tabled this matter and until they decided to bring it up again it will not be discussed.


The Recorder asked Mr. Savilla if she might have a copy of his statements for the records.

Mr. Savilla complied by handing her a copy.


* The Council then considered the final balancing of Budget Items for the year 1969-70 as follows: After considerable consideration Councilman Goodwin moved, seconded by Councilman Waldorf that the state Commission be requested to approve these transfers. Upon a vote motiom carried.

There being no further business to come before Council, Councilman Hoke made a motion for adjournment.

* See page attached.



MAYOR



RECORDER

Audit
6-30-70
RC.

RECEIPTS:

Police Fines & Costs Estimated \$9,300.00 Increase \$2,465.00

Taxes: (Gross Sales (Business & Occupation) Estimated \$72,500.00 Increase \$7,500.00

Consumers' Sales (Liquor) Estimated \$12,308.00 Increase \$1,400.00

\$13,708.00

\$80,000.00

\$11,765.00

TOTAL

ITEM: DISBURSEMENTS

ESTIMATED INCREASE FROM ITEM NO.

8 Wages Assistants \$ 6,200.00 \$1,000.00 15 New Equipment Fire Department

9 Salaries - Police Dept. 52,500.00 965.00 42 Salaries, Engineering Department

49 Workmen's Compensation 1,200.00 49 Library

60B Dues to League 135.00 60B Swimming Pool

10 New Equipment P.D. 3,000.00 50.00 18 Salaries Health Commissioner and Employees

20 General Expenses Health Department

11 Expenses - P.D. 4,500.00 1,750.00 25 Repairs to Jail and City Building

26 Furniture, Fixtures and Office Machines 1,200.00 26 Stationery, Office Supplies and Equipment

30 Water-City Building and Other Purposes 150.00 30 Insurance on City Building and Other Property

13 Salaries Jailor 8,500.00 1,000.00 From increased Receipts

14 Salaries Fire Dept. 39,000.00 300.00 From increased Receipts

16 Expenses Fire Dept. 3,000.00 100.00 From increased Receipts

21 Wages Garbage Dept. 45,000.00 1,035.00 42 Salaries, Engineering Department

47 Maintenance of Sewers, Salaries and Supplies 500.00 47 Receipts

ITEMS	DISBURSEMENTS:	ESTIMATED	INCREASE	FROM ITEM NO.	
21	Wages Garbage Dept. Cont.		9,965.00		From increased Receipts
23	Expenses Garbage Dept.	10,000.00	1,375.00 25.00	40 33	Election Expenses Repairs, Street and Traffic Lights
44	Wages Street Department	20,020.00	1,500.00 4,000.00 1,000.00	43 45 57	General Expenses, Engineering Department New Equipment, Street Department Municipal Bldg. Program
48	Construction New Streets	1,000.00	170.00	35	Telephone and Telegraph (All Departments)
60	Social Security	9,700.00	400.00 80.00 200.00 200.00 275.00 150.00 100.00 75.00	24 35 39 50 54 55 56 60 B	Building Maintenance Salaries and Supplies Telephone and Telegraph Premiums on Policemens' and Official Bonds Audit by Tax Commissioner Planning Commission Traveling and Car Expenses of City Officials Civilian Defense Program Dues of League
60A	Public Employee's Retirement	7,700.00	200.00	34	Fuel - Heating City Building

July 7, 1970

The City Council met in regular session July 7, 1970.

There were present: W. W. Alexander; Mayor, Grace Lewis; Recorder, Dr. R. V. Allen, E. L. Goodwin, L. I. Hoke, Kenneth K. Kniceley, Hugo D. Tidquist, Tom M. Waldorf and Kenton L. Williamson members of the City Council.

Mayor Alexander called the meeting to order. The Reverend James Horton of the First Baptist Church of Nitro gave the invocation.

Councilman Hoke moved the minutes for the meeting of June 23, 1970 be approved. Motion was seconded by Councilman Goodwin. Motion carried.

Councilman Allen moved, seconded by Councilman Hoke, that the Ordinance Assessing Abutting Property and the owner thereof with the cost of permanent improvement be accepted as the second reading. Motion carried.

Councilman Kniceley moved, seconded by Councilman Waldorf, the Ordinance Assessing Abutting Property and the owner thereof with the cost of the permanent improvement be adopted. Motion carried. The Ordinance is as follows:

AN ORDINANCE ASSESSING ABUTTING PROPERTY AND THE OWNERS THEREOF WITH THE COST OF THE PERMANENT IMPROVEMENT OF BANK STREET BEGINNING WITH ITS INTERSECTION WITH TWENTIETH STREET TO ITS INTERSECTION WITH TWENTY FIRST STREET; SECOND AVENUE BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE (95 feet South of Center Line of Seventh Street) TO ITS INTERSECTION WITH TWENTY FIRST STREET; EIGHTEENTH STREET BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE TO ITS INTERSECTION WITH SECOND AVENUE; TWENTY FIRST STREET BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE TO ITS INTERSECTION WITH THIRD AVENUE

Whereas, the Council of the City of Nitro on the 23rd Day of September, 1969, adopted an ordinance for the permanent improvement of Bank Street beginning with its intersection with Twentieth Street to its intersection with Twenty First Street; Second Avenue beginning with its intersection with First Avenue (95 feet south of center line of Seventh Street) to its intersection with Twenty First Street; Eighteenth Street beginning with its intersection with First Avenue to

intersection with Second Avenue' Twenty First Street beginning with its intersection with First Avenue to its intersection with Third Avenue, all in the City of Nitro, Kanawha County, West Virginia, by grading, paving, draining, and otherwise improving the same and further providing for the assessment of the abutting property and owners thereof for the total cost of such improvement; and,

WHEREAS, the report of the City Engineer to the Council reporting and certifying the cost of said improvement and showing the respective amounts apportioned, calculated and charged against each lot abutting, bounding and fronting on said streets and portions of streets and the respective owners thereof was read to the Council at its meeting on the 2nd day of June, 1970, and fully set out in its minutes; and,

WHEREAS, it appears to the Council, independently of said Engineer's Report, that the permanent improvement has been completed in accordance with the ordinances heretofore adopted and has specially benefitted each lot or parcel of land abutting thereon to an extent greater than the respective part of the cost apportioned, calculated and charged against said respective lot or parcel, and that said report and improvement should be accepted; and,

WHEREAS, Notice was caused to be published in the Kanawha Valley Leader once a week for two successive weeks, a weekly newspaper of general circulation in the City of Nitro, and Kanawha County, West Virginia, showing the names of the owners of each lot abutting on said improved streets and portions of streets and the amount assessed thereof, respectively, and giving notice to said owners or those who may be owners thereof and interested persons that they might appear before Council in session on the 23rd day of June, 1970, at 8:00 o'clock P.M. to move the revision or correction of such proposed assessments, and on or after said date Council might proceed finally to lay said assessments.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NITRO:

FIRST: That the said report of the City Engineer, heretofore filed and

read, is hereby ordered set out in full in the minutes of the Council, and said Engineer's report is hereby accepted, approved and adopted by the Council after independent examination and investigation thereof, and is hereby expressly made a part of this ordinance as fully as if set forth herein, and is hereby adopted as the Assessment Rolls.

SECOND: That the permanent improvement as set forth and shown in said report is the same as hereby declared to be completed and is hereby accepted.

THIRD: That the amounts set forth in the aforesaid report as the proportionate shares of the net cost assessable to each of the various properties and owners thereof as the same appear in said report are hereby assessed against each of the said properties and the owners thereof as their proportionate share of the cost of the improvement; that the aforesaid amounts are hereby declared to be liens upon each of the several lots abutting upon the said streets and portions of streets as shown in the said report; that paving assessment certificates shall forthwith be issued and signed by the Mayor and City Recorder in the respective amounts assessed against each lot and parcel of land and the owners thereof, and each said assessment certificate shall be issued and made payable in ten equal installment certificates, the first of which said installment certificate shall be due and payable in thirty days from the date of the assessment thereof, and the remaining nine of said installment certificates shall be due and payable on or before one year and thirty days, two years and thirty days, ~~three~~ years and thirty days, four years and thirty days, five years and thirty days, six years and thirty days, seven years and thirty days, seven years and thirty days, eight years and thirty days, and nine years and thirty days, from the date of the assessment, respectively, all of which said installment certificates shall bear interest at the rate of six percent (6%) per annum from the date of the assessment, with the provision that if default be made in the payment of any of the said installment certificates when due and payable, then the whole amount of the said assessment remaining un-

paid shall become forthwith due and payable and the holder of the certificate may proceed to collect the whole amount unpaid; that the respective certificates covering the amount of the respective assessments shall be paid by the respective owners of the land, lots or parts of lots so assessed and also debts against the respective owners of the said real estate, and shall be liens ahead in priority of other liens against the said property except for taxes due the state, county and city; and the said certificates may be issued, sold and delivered by the Mayor to the contractor doing the paving and other improvements on said streets or portions of streets in payment of the cost thereof.

FOURTH: The Mayor and the City Recorder are hereby authorized to issue, sign and deliver the assessment lien certificates against the several lots in accordance with the provisions of Paragraph "THIRD" hereinabove.

FIFTH: The City Recorder is hereby directed to cause to be prepared a certificate, report and notice showing and certifying a copy of the said Engineer's Report, so adopted by the Council, and when so certified to, by the City Recorder, the same shall be delivered to the Clerk of the County Court, Kanawha County, West Virginia, to be recorded in said Clerk's Office in a Trust Deed Book, and shall be continuing tax liens upon the lots or lands aforesaid, are paid and the said Clerk of the County Court shall index the same in the names of each lot or land owner mentioned therein.

ASSESSMENT ROLLS

AFFIDAVIT OF PUBLICATION

STATE OF WEST VIRGINIA,

County of Kanawha, to-wit:

I, William E. Blake, 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

NOTICE OF LEVY OF PAVING ASSESSMENTS, GRADDDING ASSESSMENTS, CURBING ASSESSMENTS, DRAINING ASSESSMENTS AND CUTTERING ASSESSMENTS FOR THE PERMANENT IMPROVEMENT OF CERTAIN STREETS AND WAYS IN THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA, AGAINST PROPERTY ABUTTING ON BANK STREET BEGINNING WITH ITS INTERSECTION WITH TWENTIETH STREET TO ITS INTERSECTION WITH FIRST AVENUE ~~195 FEET SOUTH OF THE CENTER LINE OF SEVENTH STREET~~) TO ITS INTERSECTION WITH TWENTY FIRST STREET: EIGHTEENTH STREET BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE TO ITS INTERSECTION WITH SECOND AVENUE: TWENTY FIRST STREET BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE TO ITS INTERSECTION WITH THIRD AVENUE.

By virtue of the ordinances adopted by the Council of the City of Nitro, West Virginia, on the 23rd day of September, 1969, providing for the permanent improving of the above named streets and portions thereof, by paving and otherwise permanent improving, and further providing for the assessments of the cost the Code of West Virginia, as amended, the said improvements on the above named streets or portions thereof, have been completed and the City Engineer has completed and filed his report showing the owners of the lots or parcels of land abutting on said street so improved; the frontage of each of said lots or parcels of land; the proper amount to be assessed against the respective abutting lots and parcels of land and the total costs as follows:

(All lot numbers or parcels hereinafter shown are as numbered or designated on maps of the City of Nitro and in deeds for said lots parcels of record in the office of the Clerk of the County Court, West Virginia, Kanawha County, and reference is here made to said maps and deed for more complete description).

BANK STREET

From its intersection with 21st Street to its intersection
with the northerly line of 20th Street

EAST SIDE

NAME OF OWNER	LOT NUMBER OR DESCRIPTION	FRONT FOOTAGE ASSESSED	COST PER FRONT FOOT	TOTAL ASSESSMENT
A. W. Cox Dept. Store Co. and Corporation	Parcel	114.00	3.03952	\$346.50
W. W. Alexander	Parcel	46.00	3.03952	139.82
Leonard E. Higginbotham Gerald R. Higginbotham	Parcel	27.50	3.03952	83.59
W. W. Alexander G. C. Alderson Luther H. Carson	Parcel	22.50	3.03952	68.39
Four Horseman, Inc.	Parcel	22.50	3.03952	68.39
James A. Marrs Jean Ann Marrs	Parcel	25.00	3.03952	68.39
Totals, EAST SIDE OF BANK STREET		257.50		782.68

WEST SIDE

NAME OF OWNER	LOT NUMBER OR DESCRIPTION	FRONT FOOTAGE ASSESSED	COST PER FRONT FOOT	TOTAL ASSESSMENT
G. C. Alderson	Pt. Plot 24	235.00	3.03952	714.28
TOTALS, WEST SIDE OF BANK STREET		235.00		714.28

TOTALS, BANK STREET		492.50		1,496.96
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SECOND AVENUE

Beginning at intersection with the south line of
21st Street to its intersection with the north
line of 19th Street

WEST SIDE

NAME OF OWNER	LOT NUMBER OR DESCRIPTION	FRONT FOOTAGE ASSESSED	COST PER FRONT FOOT	TOTAL ASSESSED
Henry J. Witry Mary Virginia S. Witry	Part of Plot 19	140.31	4.34612	609.80
City of Nitro	Part of Plot 19	102.19	4.34612	444.13
Marshall Properties, Inc.	Part of Plot 19	40.00	4.34612	173.85
Richard S. Veazey Mary Ann Veazey	Part of Plot 21	40.00	4.34612	173.85
Trusteesfor Textile Workers Union of America CIO Local No. 7 Nitro W. Va.	Part of Plot 21	40.00	4.34612	173.85
James P. Jefferies Dorothea Jefferies	Part of Plot 21	50.00	4.34612	217.30
Mary L. Sampson	Part of Plot 21	57.50	4.34612	249.90
John T. Westfall	Part of Plot 21	<u>-30.00</u>	4.34612	<u>130.38</u>
TOTAL, WEST SIDE		500.00		2,173.06

EAST SIDE

NAME OF OWNER	LOT NUMBER OR DESCRIPTION	FRONT FOOTAGE ASSESSED	COST PER FRONT FOOT	TOTAL ASSESSMENT
The Board of Education of the Coutny of Kanawha	Nitro High School Parcel	565.00	22.405015	12,658.83
TOTAL EAST SIDE		565.00		12.658.83

SECOND AVENUE

Beginning at its intersection with the south line
of 19th Street to its intersection with the North
line of West Virginia Route No. 35 (First Avenue)

WEST SIDE

NAME OF OWNER	LOT NUMBER OR DESCRIPTION	FRONT FOOTAGE ASSESSED	COST PER FRONT FOOT	TOTAL ASSESSMENT
R. M. Harrison, Wendall Harrison, Mabel Edwards Isabelle Hudnall, Ralph Harrison, Betty Ruth Hall	Lot No. 1918	65.00	4.1924	272.51
Oval Smith	Lot No. 1817	65.00	4.1924	272.51
E. O. Kinder	Lot No. 1816	65.00	4.1924	272.51
E. O. Kinder	Lot No. 1715	65.00	4.1924	272.51
Elsie C. Alderson	Lot No. 1716	65.00	4.1924	272.51
Elsie C. Alderson	Lot No. 1615	65.00	4.1924	272.51
James E. Casebolt Pauline E. Casebolt	Lot No. 1614	65.00	4.1924	272.51
Ralph Fowler and Ruby Fowler	Lot No. 1513	65.00	4.1924	272.51
Rosa T. Wysong	Lot No. 1514	65.00	4.1924	272.51
Frank E. Grover Marguerite Grover	Lot No. 1411	65.00	4.1924	272.51
Nellie Irene Custer	Lot No. 1412	65.00	4.1924	272.51
James Conrad Stewart	Lot No. 1313	65.00	4.1924	272.51
Raymond O. Briscoe Bertha H. Briscoe	Lot No. 1312	65.00	4.1924	272.51
Elsie Marie Jones	Lot No. 1211	65.00	4.1924	272.51
Dessie R. Hawkins	Lot No. 1210	65.00	4.1924	272.51
James B. Coon Virginia F. Coon	Lot No. 1107	65.00	4.1924	272.51
Otmer Withrow Lucy Withrow	Lot No. 1108	65.00	4.1924	272.51
Norman S. Phelps Amy M. Phelps	Lot No. 1105	65.00	4.1924	272.51

NAME OF OWNER	LOT NUMBER OR DESCRIPTION	FRONT FOOTAGE ASSESSED	COST PER FRONT FOOT	TOTAL ASSESSMENT
Henry B. Chaney Emily F. Chaney	Lot No. 1006	65.00	4.1924	272.51
Maple Lourine Wilson Lenis Gertrude Wilson (Maggie L. Wilson Life Estate	Lot No. 903	65.00	4.1924	272.51
Charleston Land Company a W.V. corporation	Lot No. 902	65.00	4.1924	272.51
Charleston Land Company a W. Va. Corporation	Lot No. 801	65.00	4.1924	272.51
Nitro Properties, Ltd.	Lot No. 800	<u>85.00</u>	4.1924	<u>356.24</u>
TOTALS WEST SIDE		1,515.00		6,351.46

P

EAST SIDE

Joyce Middleton	Lot No. 1922	65.00	4.1924	272.51
F. W. Surface Virginia Surface	Lot No. 1821	65.00	4.1924	272.51
Jeanette Oldham	Lot No. 1820	65.00	4.1924	272.51
Reda M. Simmons	Lot No. 1719	65.00	4.1924	272.51
Timothy Wayne George Joyce Anne George	Lot No. 1720	65.00	4.1924	272.51
York Ragle Viola Ragle	Lot No. 1619	65.00	4.1924	272.51
Trustees of the Church of God of Nitro, W. Va.	Lot No. 1618	65.00	4.1924	272.51
Trustees of the Church of God of Nitro, W. Va.	Lot No. 1517	65.00	4.1924	272.51
Frank Beaumont Kenworthy Hilda Kenworthy	Lot No. 1518	65.00	4.1924	272.51
Ada G. post	Lot No. 1415	65.00	4.1924	272.51
Kanawha Banking & Trust Co. Trustee, under Agreement dated Feb. 14, 1968 made by Rosehelena Hanes	Lot No. 1416	65.00	4.1924	272.51
Harry K. Miller, Jr. Charlotte D. Miller	Lot No. 1317	65.00	4.1924	272.51

NAME OF OWNER	LOT NUMBER OR DESCRIPTION	FRONT FOOTAGE ASSESSED	COST PER FRONT FOOT	TOTAL ASSESSMENT
Kanawha Bank & Trust Co. Trustee, under agreement dated Feb. 14, 1968, made by Roshelena Hanes	Lot No. 1316	65.00	4.1924	272.51
Lemma Realty Co., Inc.	Lot No. 1215	65.00	4.1924	272.51
Corbett Ferrell Wanda K. Ferrell	Lot No. 1214	65.00	4.1924	272.51
Nitro Properties, Ltd.	Lot No. 1111	65.00	4.1924	272.51
P. V. Rhodes (Pharozina Rhodes), and heirs of Gilbert Rhodes, deceased	Lot No. 1112	65.00	4.1924	272.51
Nitro Properties, Ltd. (Carl Summers)	Lot No. 1009	65.00	4.1924	272.51
Thomas W. Kelley Betty Jo Kelley	Lot No. 1010	65.00	4.1924	272.51
Pearl Fox	Lot No. 907	65.00	4.1924	272.51
Charles L. Hissom Frances M. Hissom	Lot No. 906	65.00	4.1924	272.51
Ray Hammond Beulah Hammond	Lot No. 805	65.00	4.1924	272.51
George Null Truda P. Null	Lot No. 802	65.00	4.1924	272.51
Russell W. Casto, Jr. Thomas F. Casto (Althea M. Casto and Russell W. Casto, Life Estate)	Lot No. 701	65.00	4.1924	272.51
Luvada Stone	Lot No. 702	<u>30.54</u>	4.1924	<u>127.94</u>
TOTALS EAST SIDE		1,590.54		6,668.18
TOTALS SECOND AVENUE		4,170.54		27,851.53

EIGHTEENTH STREET

From its intersection with Second Avenue to its
intersection with First Ave.

NORTH SIDE

NAME OF OWNER	LOT NUMBER OR DESCRIPTION	FRONT FOOTAGE ASSESSED	COST PER FRONT FOOT	TOTAL ASSESSMENT
Oval Smith	Lot No. 1817	50.00	2.93059	146.53
Oval Smith	Eastern One- half of Lot No. 1815	25.00	2.93059	73.26
Trustees of St. Paul's Methodist Church, Nitro W. Va.	Western One- half of Lot 1815	25.00	2.93059	73.26
Trustees of St. Paul's Methodist Church, Nitro W. Va.	Lot No. 1813	50.00	2.93059	146.53
Sonny Lewis Mary Lou Lewis	Lot No. 1811	50.00	2.93059	146.53
Lemma Realty Co., Inc.	Lot No. 1809	50.00	2.93059	146.53
Cecil Lemma	Lot No. 1807	50.00	2.93059	146.53
Orlena A. Keener	Lot No. 1805	50.00	2.93059	146.53
Dorothy Evelyn Davis	Lot No. 1803	50.00	2.93059	146.53
David T. Farley	Lot No. 1801	27.98	2.93059	82.00
TOTALS NORTH SIDE		427.98		1,254.23

SOUTH SIDE

E. G. Kinder	Lot No. 1816	50.00	2.93059	146.53
Paul W. Warner Charlette W. Warner	Lot No. 1814	50.00	2.93059	146.53
Lowell Lanham Edith P. Lanham	Lot No. 1812	50.00	2.93059	146.53
Elizabeth B. Robins	Lot No. 1810	50.00	2.93059	146.53
Violet B. Demoss	Lot No. 1808	50.00	2.93059	146.53

Dennis L. Harris Norma Lea Harris	Lot No. 1806	50.00	2.93059	146.53
Harry Honaker Lucy K. Honaker James L. Raynes Agens D. Raynes	Lot No. 1804	50.00	2.93059	146.53
Paul V. Woods Mae Woods, Life Estate	Lot No. 1802	<u>71.73</u>	2.93059	<u>210.21</u>
TOTALS SOUTH SIDE		421.73		1,235.92
TOTALS		849.71		2,490.15

TWENTY-FIRST STREET

Extended from its intersection with Third Avenue to its
intersection with First Avenue

NORTH SIDE

East View Land Company	Lot	127.00	7.41275	941.42
Lemma Realty Co., Inc.	Lot	48.13	7.41275	356.78
Trustees of the First Presbyterian Church of Nitro	Lot	105.52	7.41275	782.19
Trustees of the First Presbyterian Church of Nitro	Lot	2.33	7.41275	17.27
Trustees of the First Pres- byterian Church of Nitro	Lot	20.79	7.41275	154.11
Cinema South, Inc.	Lot	48.21	7.41275	357.37
L. M. Downing	Lot	58.00	7.41275	429.94
Mallie Downing				
Paul J. Cline	Lot	50.00	7.41275	370.64
Nitro Properties, Ltd.	Lot	230.00	7.41275	1,704.92
Richard M. Oliver Geraldine K. Oliver	Lot	82.00	7.41275	607.85
David W. Comstock	Lot	<u>74.95</u>	7.41275	<u>555.59</u>
TOTALS NORTH SIDE		846.93		6,278.08

SOUTH SIDE

NAME OF OWNER	LOT NUMBER OR SECRPTION	FORNT FOOTAGE ASSESSED	COST PER FRONT FOOT	TOTAL ASSESSMENT
A. W. Cos Dept. Store	Lot	127.00	7.41275	941.42
J. E. Temple	Lot	63.82	7.41275	473.08
Inez R. Temple				
J. E. Temple		52.77		
David R. Temple	Lot	50.77	7.41275	376.35
David W. Comstock	Lot	53.00	7.41275	392.88
Clara S. Walker	Lot	535.00	7.41275	259.45
Henry J. Witry	Lot	80.39	7.41275	595.91
Mary Virginia S. Witry				
The Board of Education of Kanawha County	Lot	437.33	7.41275	3,241.81
		847.31		6,280.90
<u>TOTALS SOUTH SIDE</u>				
<u>TOTALS, TWENTY FIRST STREET</u>		1,694.24		12,558.98

NOTICE IS HEREBY GIVEN TO PERSONS OWNING PROPERTY ABUTTING ON THE ABOVE NAMED STREETS OR PORTIONS THEREOF, AND OTHER INTERESTED PERSONS, AND ANY OTHER PERSONS WHO MAY BE OWNERS OF PROPERTY HEREIN ABOVE DESCRIBED THAT AT A REGULAR CALLED MEETING OF THE COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA TO BE HELD IN THE COUNCIL CHAMBER AT THE CITY HALL OF SAID CITY ON THE 23rd DAY OF JUNE, 1970, AT 8:00 O'CLOCK P.M. THE OWNERS OR OWNERS WHOSE PROPERTY IS TO BE ASSESSED AS HEREINABOVE DESIGNATED, OR OTHER INTERESTED PARTIES, MAY APPEAR TO MOVE THE REVISION OR CORRECTIONS SUCH PROPOSED ASSESSMENTS, AND THAT ON OR AFTER THE 23rd DAY OF JUNE, 1970, THE COUNCIL MAY PROCEED TO LAY ASSESSMENTS IN THE AMOUNTS AND AGAINST THE PROPERTY FOR THE COST OF THERE PERMANENT IMPROVEMENTS MADE AS SUCH ASSESSMENTS ARE ABOVE SET OUT AND DESCRIBED.

The principal amount of the above assessments may be paid by the owners of said property at any time up to, and including the 23rd day of June, 1970, without interest on the sums so named in this notice.

Dene by order of the Council of the City of Nitro duly made and entered of record,

CITY OF NITRO, WEST VIRGINIA
BY: Grace Lewis, REcorder

was duly published in said paper once a week for two successive weeks, commencing with the issue of the 11th day of June, 1970 and ending with the issue of the 18th day of June, 1970.

William E. Blake,
Manager
Kanawha Valley Leader

Subscribed and sworn to before me this _____ day of _____, 1970.

James Jefferies,

Notary Public for Kanawha County,
West Virginia.

(My commission expires August 28, 1972.)

Councilman Allen in reporting for his Committee for raising additional funds said that he would like to have a meeting with the Mayor to discuss several things. He reported that Dunbar has a special levy and that St. Albans special levy is for fire expenses only.

Councilman Williamson reported for the Street Numbering Committee and presented a map of Norwood Road in the Brookhaven Area with the lots numbered. This request having been made by the local Post Office. Thereupon Councilman Williamson moved, seconded by Councilman Kniceley, the map showing lot numbers for Norwood Road be accepted. Upon a vote motion carried.

Councilman Tidquist reported Brookhaven area was having more water problems. Councilman Kniceley said this is a situation that develops when lots are being

cleared for building. The Mayor said that the developer should try to help this situation.

A petition was presented and read to the Council to stop business extension and drop the speed limit to 15 M.P.H. with posting in what is considered to be a residential section on Main Avenue and Fenton Circle. The petition stated that the Commercial Business in this area presents hazards to residents living in and around Fenton Circle by bringing more vehicles into the area than would otherwise be used by residents, frequently obstructs traffic and adds to the noise and air pollution of the neighborhood, a danger to the children living in and around this area, a threat to the privacy, children, safety, liability and general peace of the residential area. The petition was signed by some 29 residents of this area. In discussion the Mayor said that the City has been assured that this business is not going to extend beyond the present limits. There has not been and could not be an extension of the business unless it was approved by the Zoning Appeal Board. Last week the business received a large shipment and had used another lot that was not included in the design for the business area. The Mayor reported that the Council did have jurisdiction of the changing of the speed limit and that it would be something for the traffic Committee to make a study of. Mr. Harmon, owner of the Trailor Sales, the business in question, replied that a few of the people who had signed the petition do a lot of the speeding and that he only leased the additional lot for a few days and that he was very sorry to have upset his neighbors.

W. K. Meadows in addressing the Council said that his problem is not the speeding, but being able to get in and out of the Main Street. He had to stop on the Main Street because of large trailers or automobiles which are parked on either side of the street. He also has to ease out onto the Main Highway due to the large amount of traffic on both sides. Stating that they had a one way street.

he had to drive half way onto the street as there are people who are frequently at the business place. There is a lot of parking on Fenton Circle and it is a safety hazard in this area. It was his understanding that the City was going to install "No Parking Signs" or paint the curb along Main Avenue. The Mayor said that recently the Police have been in this area quite a lot and that they have reported to him that the situation is usually clear. Mrs. Meadows said we had talked to the City Police about this situation. It is illegal to park out to the curb on Main Avenue and that there is a fire plug. The Police say that they can not give tickets because of the absence of "No Parking Signs" and the curbs have not been painted. The Mayor said that the signs were on order.

Mr. Longworth said he understood that there is a City Ordinance prohibiting parking on Main Avenue in the 15th and 16th hundred blocks. In explaining this Ordinance it was brought out that it applied to trailers and tractors trailers.

Mrs. Harmon said that she needed the parking places in front of her home and she thinks that she should be able to park there.

In explaining the Ordinance of the No Parking in the above area the Mayor said that it had been enacted during the time that a Drive Inn was located on the ground where the Harmon Tractor Sales now stands and that tractor trailers had parked along Main Avenue and the people objected to the noise and were also afraid of the chemicals contained in the trucks. This matter was turned over to the Street Committee to make a study of and report back to Council.

Councilman Tidquist reported that the Power Company had failed to install one light according to the diagram as requested in February and that two street lights had been ordered installed on Lee Street and only one had been put in.

In answer to Councilman Hoke's question of a merchant having a business place in Nitro, but living out of town could he buy a pass to the pool and the answer was yes, we have several merchants who purchase pool passes every year.

Councilman Hoke said that he had been receiving complaints of children riding

bicycles on the sidewalks from 24th Street to 21st Street and the business people are getting a petition to ban riding of bicycle on the sidewalks on this area. The children could ride the sidewalks along Second Avenue. Councilman Kniceley said if we put the children out in the street they could be hit by cars. Councilman Hoke said that it was not to put the children out in the street that they could ride along Second Avenue sidewalks. It was suggested that the Attorney make a study of the present Ordinance on bicycles and make his recommendations.

Councilman Goodwin asked about the progress on the removal of the down spouts from the sanitary sewers. The Mayor said that the Sanitary Board men were checking the town.

Councilman Tidquist said that since the City has put in the new light system on Sattes Circle the people in Valentine Circle are requesting the same. The Mayor said it would be necessary for them to prepare a rough draft of suggested lights to present to Council.

Councilman Tidquist also reported the need of lights on Main Avenue to Lee Street and on Walker. The light Committee is to check this area.

Councilman Tidquist reported that at 1634 - 16th Street there is a sewer caved in. On the South side of the house.

Councilman Waldorf asked that the Light Committee check 30th Street and Third Avenue close to the bridge for a street light.

Councilman Kniceley reported that the Pool was doing real well. We have nearly reached \$10,000.00 in Pool passes. He said he would also like to clarify a rumor that the pool is paid for, the bond is for 15 years and we are in our 6th year now.

Councilman Waldorf reported a bad place in road on Third Avenue on 31st St. He also reported that the side ditch needs to be cleaned out. The Mayor said that he would like to see a cradel affect put in that it would keep the hill from

slipping. As it is right now every time the ditch is cleaned out thenmore dirt moves down from the hill. It would cost a lot of money but then it would eliminate the cost of cleaning the ditch four or five times a year.

Councilman Waldorf reported a hugh pile of trash in front of a house on 31st Street East. They had been there for some time.. The Mayor said that he was aware of this situation and that the people had refused to pay the garbage bill.

Councilman Tidquist reported a lot of brush growing at the Railroad Crossing making a hazard and that the State Road Commission does not do anything about it. The Mayor said that the City has some weed killer that we will spray this area. near the crossing. It is not harmful to humans or animals but kills the weeds.

Councilman Goodwin reported a 4" drop off to Cleveland Avenue entrance and that the State Road Commission has not done anything about it. He has tried to contact someone in the State Road Commission but have not been able to do so. This is a very dangerous situation. The Mayor said he would have our men fix this place the next time they were blacktopping in this area.

The Mayor asked the Council to set up an agenda system for Council meetings. This is something that he has been against for his 24 years. However, it is used in all other City Council meetings. He felt that any time anyone wanted to speak that he wanted them to be able to have their say and not let it be said that we have not given them the right to be heard. HE knows that a great number of times in the last couple of years things had been brought up to harass the City Council members and not for the wellfare of the people. In setting up the aganda form anyone who wished to be heard by the City Government will have in writing in his office no later than Thursday the matter he wished to discuss. Or any person who has something worthwhile can give it to a Councilman. We have become the laughing stock of the Valley. And we definitely have a group who have been harassing the Council.

Councilman Hoke said that he feels it an honor to be a member of the City Council but it is very embarrassing to be harassed and that he was not going to sit here and be harassed. Thereupon Councilman Hoke moved that the Council set up an agenda for Council meetings and that all matter to be discussed be in the Mayors Office by Thursday prior to Tuesday's Council meeting. Motion seconded by Councilman Kniceley.

In discussion Councilman Kniceley asked if the copy of the agenda would be given Councilman before the meeting. The answer was yes. Councilman Williamson asked who makes the decision if matters be placed on the agenda.

The Mayor said that he would make the decision of any matter that was for the good of the people. Anyone could give to the Councilmen his subject he wanted to be heard. It was brought out in the discussion that any problem that the Mayor might leave off the agenda it could be given to a Councilman to introduce the person who wanted to present his problem.

The Motion was put for a vote and all members present voted in the affirmative with the exception of Councilman Williamson who abstained. Motion carried.

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



W. W. Alexander, Mayor



Grace Lewis, Recorder

July 21, 1970

The City Council met in regular session Tuesday, July 21, 1970.

There were present: W. W. Alexander; Mayor, Grace Lewis; Recorder, Dr. R. V. Allen, E. L. Goodwin, Dr. L. I. Hoke, Kenneth K. Kniceley, Hugo D. Tidquist and Kenton L. Williamson members of the Council. Councilman Tom Waldorf being absent.

The Meeting was called to order by Mayor Alexander. Father Fred Swallow of the Holy Trinity Catholic Church gave the invocation.

Councilman Goodwin made a motion, seconded by Councilman Hoke, the minutes of July 7, 1970 be approved.

Councilman Tidquist said he did not understand the matter of the agenda. It was explained that should anything be omitted from agenda, that a Councilman could present said matter and it was the decision of the Council if they wanted to hear the matter. Councilman Hoke explained if something was to be reported on that it should be in the City Office by Thursday preceeding a Council Meeting, that he meant the motion to give the Council a program to follow. Upon a vote motion carried.

Councilman Hoke moved the Financial Statement for the month of June be approved. Motion seconded by Councilman Kniceley. Motion carried.

Councilman Allen told Council that he did not have a report from the Additional Revenue Committee. He will have a report for the next meeting.

Councilman Allen reported for the Traffic Committee. Stated that he had spent two hours making a survey of Main Avenue and Fenton Circle regarding their problems. He had talked to the people in this area and that they bore no animosity toward the Harmons of Harmons Trailer Sales. The problems were mostly that of the City's. The City does not have proper signs or markings in this area. He said that the Harmons did have an outside telephone and it was quite noisy and thought that perhaps they could have it turned down of the evenings and Sundays when they were

not opened for business. There is no markings on the streets for parking from Center Street to Fenton Circle and no marking for the fire hydrants. Private driveways have been blocked on numerous occasions. Fenton Circle was being used as a turn around. He also stated that repair work was being done on cars on the street and it made it very dangerous.

Councilman Allen asked the Council to hear Mr. W. E. Harris from 1540 Fenton Circle regarding the problems in this area. Mr. Harris presented Council with pictures taken within the last few weeks which illustrated some of the problems that they were having regarding the parking. Stated that driveways were being blocked and also a continuous fight to keep people from parking and blocking their driveways. There were two boys that worked on cars on the street and there were cars with no mufflers driving on the street causing a lot of noise.

The corner next to the vacant lot on Main Avenue had become very dangerous because of parking of cars and there was a steady stream of traffic at times.

Councilman Allen said his Committee recommended and he moved - coming off Center Street turning right on Main Avenue, going toward Fenton Circle - no parking be allowed adjacent to vacant lot on Main Avenue, the fire hydrant, located on Fenton Circle, be properly marked, curbs be marked properly at corners to restrict parking, 15 MPH Speed limit for Fenton Circle and proper signs erected and that no trailer, trucks with trailer and mobile homes be allowed on Fenton Circle. Motion seconded by Councilman Kniceley. Motion carried.

It was explained to the Council by the Recorder that in talking with Mr. Judy of the Appalachian Power Company, Mr. Judy had explained that a property owner of Sattes Circle had objected to having a pole, for requested light, placed in front of his property. Therefore this light will not be installed until such time the property owner gives his consent. The two lights ordered for Lee Avenue had been installed on Pole Numbers 12D-102 and 12D-316.

Councilman Tidquist reported that a light had been installed at 30th Street and Third Avenue.

Councilman Hoke presented a petition signed by merchants asking that the Council restrict children from riding bicycles on sidewalks in the business area - 1st Avenue from 25th Street to 20th Street.

Councilman Hoke suggested the Traffic Committee make a study and report back to the Council. The Traffic Committee is to make this study and make their report for the first meeting of August.

Councilman Tidquist reported that the people in Valentine Circle wish the same street lighting as was recommended for Sattes Circle and he asked that the Appalachian Power Company be requested to make a survey of the light for Valentine Circle.

Councilman Tidquist moved, seconded by Councilman Kniceley, that a street light be installed on Pole No. 153 $\frac{1}{2}$ at the north west corner of the Gravely Building, Walker Street and Benemattie Avenue. Upon a vote motion carried.

A. Lawrence Liguori was recognized by Mayor Alexander and stated that to make things more effective for the future that he made the following suggestions.

1. Copies of the official minutes of the City Council meetings of the City of Nitro be made available to its citizens at a cost of no more than 20 (twenty) cents per page; and that this be available no later than Monday, A.M. preceeding the meeting covered in said agenda.

He said he made these proposals after having experienced the yelling and screaming outside the City hall after the last Council meeting. If people were supplied with the minutes and the agenda he felt there would not be as many complaints.

The Council discussed these proposals asking of the Recorder if seven days would be sufficient time for the minutes. She informed the Council there would

be times when seven days would not be sufficient times. It was suggested the Recorder make copies of the proposals and send each member of the Council a copy for their study.

Homer Dean Miller of No. 2 Smith Street spoke to the Council regarding the City's Sanitary Landfill adjacent to his property.

Miss Lewis, Mayor Alexander, Councilmen and interested citizens of Nitro: I wish to express my appreciation to the Mayor for granting me the privilege to speak before the Council at this time. I spoke to this Council June 23, 1970, concerning the many problems relative to the Sanitary Landfill which is adjacent to my property at No. 2 Smith Street in the City of Nitro. At that time Mayor W. W. Alexander promised that the problems at the Sanitary Landfill would be corrected immediately.

In order that this problem can be discussed with the greatest amount of knowledge I would like to introduce the following state regulation into the minutes of this Council meeting. Miss Lewis, will you please accept this copy, and if you will please, make it a part of the minutes. I also would like to give each Councilman and the Mayor a copy for their information so each refer to it as I progress.

Let me state at this time this regulation has been issued under the Code of West Virginia, Chapter 16, Article 1, Section 9--Supervision over local sanitation. This Regulation is entitled "Solid Waste Regulation" and became effective July 1, 1967. This is the regulation now in effect according to the West Virginia State Department of Health, which furnished me with two copies of this regulation.

Mayor Alexander and members of this Council, will you please turn to page 4 of this regulation. Note that midway of the page you will see Section 6.03. Standards for Sanitary Landfills--Mr. Alexander, I would like to state to you as Mayor and to each of you Councilmen that this City is in violation of this regulation in the following instances:

1. Gentlemen, please refer to paragraph (e), "The face of the working fill is to be kept as small as consistent with good operation to keep the area of exposed material as small as possible." Gentlemen, at the present time the face of the working fill is in three different locations of which two of these faces are approximately 6 to 10 feet in height.

2. Please refer to paragraph (f), "All exposed solid waste is to be covered with at least 6 to 8 inches of compacted earth at the close of each day's operation." Gentlemen, at no time since my last visit to this Council has the City complied with this section of the regulation. I would like to introduce as evidence that the City has been and is at this very moment in violation of this paragraph as evidence by the following pictures. Mr. Miller presented to the Council a group of pictures of the Landfill which he said were taken some recently and some of them just prior to coming to Council meeting. Please note that this paragraph states "all exposed solid waste"--this includes trash, barrels and all garbage must be covered with not less than 6 inches of dirt at the close of each day's operation.

3. Please note paragraph (K), "Adequate controls to prevent scattering of paper, dust, etc. including a daily cleanup of scattered paper and other material, which is disposed of prior to closing the day's operation." At the present time there is paper scattered from Kanawha River to Main Street and from Minor Avenue to my property and I further state that I have never seen the area being cleaned up.

4. Please turn to paragraph (d), "Approved toilet facilities are to be provided for the use of operating personnel." Toilet facilities have never been provided at any time for operating personnel. Why?

Mr. Mayor and Councilmen, the West Virginia code provides for a fine for violation of this regulation and I quote from Chapter 16, Article 1, Section 9, Paragraph 4--"Any county, municipality, public or private institution, firm, corporation, company, person or persons who shall violate any provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than one hundred

dollars. (1949, C. 101)

Mayor Alexander, may I suggest to you and this Council that just as I must obey the laws of the City of Nitro or you will see that I am punished for each violation, i believe that you are obligated by your oath of office to both uphold and obey the laws.

Mayor, you stated in the June 23rd Council Meeting that there was a shortage of dirt to cover with. May I ask one question? Why have you not used the dirt that the City employees and City equipment put on the two lots that join the Luther Dixon property on Washington Street. This dirt remains in large piles just as it was dumped there approximately 18 months ago. Gentlemen, is it possible if the owner's name were known there would be at least a partial answer as to why Nitro's garbage remains uncovered and the dirt on this property remains untouched.

At this point Mayor Alexander asked Mr. Miller's permission to interrupt which Mr. Miller granted. The Mayor reported that the owner of the lot Mr. Miller had reference to was owned by one of his brothers and that permission had been given the City by this brother to store dirt and use the lots as access to landfill and that in the agreement it was understood that upon completion the lots would be leveled off. He then asked Mr. Miller if he had thrown paper into the landfill? Mr. Miller admitted that he had and stated that it was on his own property. The Mayor informed him that this was against the law and asked him if he had ever thrown trash onto the landfill, Mr. Miller gave him the same answer stating that it was also his own property. The Mayor then stated that a report from the State Health Department and also from the County Health Department had made an inspection after Mr. Miller had notified the Departments that the Landfill was unhealthy. Both men gave a good report and said that they were satisfied. The fill was being taken care of in the proper manner.

Mr. Miller continued - I once again ask you Mr. Alexander, as Mayor, and you

gentlemen, as Councilmen, to please by Council action investigate and correct all of these violations of the law so my home may be free of these terrible health hazards. Thank you so very much.

Councilman Hoke asked Mr. Miller to read G & H in the pamphlet that he had been reading from: Mr. Miller read: (G) Solid waste is to be compacted to the maximum possible with available equipment in layers or cells with each single layer having not greater than six to eight foot rise. (H) All solid waste received is to be buried in the landfill. In exceptional cases a place may be set aside to receive bulky material such as tree stumps, etc. and covered as needed.

The Mayor asked the Health Committee of the Council to make a survey of the Landfill and report back to the Council.

Councilman Hoke asked if he could accompanying the Committee.

A letter from residents of Fredrick Street requesting the City to install the 15 M.P.H. sign was presented to Council. The Mayor said that these signs had been ordered several months ago from the W. Va. State Industries but to date we have not received the signs.

The agenda having been completed the Mayor declared the meeting adjourned.



MAYOR



RECORDER

SOLID WASTE REGULATION



**A Regulation of the West Virginia
State Board of Health – effective July 1, 1967**

WEST VIRGINIA STATE DEPARTMENT OF HEALTH

Charleston 25305

**WEST VIRGINIA ADMINISTRATIVE REGULATIONS 16-1,
SERIES II, SECTION 6.**

A regulation of the West Virginia State Board of Health defining various types of waste materials with requirements for disposal in accordance with Chapter Sixteen, Article I, Section 9.—Supervision over local sanitation.

**Section 6. Regulations Defining Various Types of Waste Materials With
Requirements for Disposal**

6.01. Definitions:

- (a) **SOLID WASTE**—All putrescible and non-putrescible discarded material (except household sewage) including but not limited to garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, sewage plant sludge, and industrial wastes, except those industrial wastes which are controlled or subject to control by the Department of Natural Resources, or West Virginia Air Pollution Control Commission.
- (b) **GARBAGE**—Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food, including wastes from markets, storage facilities, handling, and the sale of produce and other food products.
- (c) **ASHES**—The solid residue from burning of wood, coal, coke, or other combustible material used for heating buildings or the solid residue from incineration of combustible solid wastes.
- (d) **RUBBISH**—Non-putrescible solid wastes (excluding ashes) consisting of both combustible and non-combustible wastes. Combustible rubbish includes paper, rags, cartons, wood, ex-

- (e) Incinerators shall be operated and maintained under the direct supervision of a person qualified by experience and/or special training in the field of incinerator management. Before any incinerator commences operation, the qualifications of such person shall be submitted to the Department of Health for approval.

- (f) Accumulation of solid wastes in and around any incinerator is forbidden.

6.05. Disposal of Hazardous Materials.—

- (a) Hazardous materials (i.e. Insecticides, empty insecticide containers, toxic or radioactive materials, used bandages, etc.,) are to be disposed of in a manner acceptable to the State Department of Health.

6.06. Enforcement.—This regulation is to be enforced in accordance with procedures outlined in Chapter 16, Article 1, of the Code of West Virginia.

6.07. Repeal and Date of Effect.—All regulations of the State Board of Health in conflict with this regulation are hereby repealed; and this regulation shall take effect on the **1st** day of **July, 1967**.

6.08. Severability.—Should any section, paragraph, phrase, sentence, or clause of this regulation be declared invalid or unconstitutional for any reason, the remainder of this regulation shall not be effected thereby.

- (l) Adequate fire fighting equipment or facilities is to be readily available to control fires.
- (m) Uncontrolled dumping at the site is not to be permitted.
- (n) Cracks, erosions, etc., appearing in the cover or side slopes of a sanitary landfill are to be promptly repaired. As soon as practicable, cover and side areas of the landfill are to be planted in grass or other vegetation to assist in controlling erosion..
- (o) Approved toilet facilities are to be provided for the use of operating personnel.
- (p) Materials salvaged at the site are to be removed daily.

6.04. Standards for Incinerators and Incineration.—

- (a) Plans and specifications for incinerators shall be prepared by a qualified registered engineer.
- (b) Incinerators shall be designed, operated, and maintained to meet emission standards of the West Virginia Air Pollution Control Commission or of the local control authority, whichever is applicable.
- (c) Incinerator residue is to be incorporated in a sanitary landfill, for final disposal, operated and maintained pursuant to the requirements of Section 6.03 of this regulation.
- (d) Plans and specifications, including disposal of residue, for incinerators are to be submitted to the Division of Sanitary Engineering and the West Virginia Air Pollution Control Commission for review and approval prior to the construction or operation thereof.

celsior, furniture, rubber, plastics, yard trimmings, leaves, and similar materials. Non-combustible rubbish includes glass, crockery, tin cans, aluminum cans, dust, metal furniture, and like materials which will not burn at ordinary incinerator temperatures (1600° F to 1800° F).

- (e) PREMISES shall mean any place, land, building, watercraft on the waters of this state, or any other place upon or in which solid waste is stored.
- (f) SANITARY LANDFILL shall mean a controlled area of land upon which solid waste is deposited, compacted, and covered daily with compacted earth.
- (g) INCINERATOR shall mean a multi-chambered furnace designed for the volume reduction of solid waste by burning in a fire box which has been lined with refractory material and the design approved by the Director of Health and the West Virginia Air Pollution Control Commission.
- (h) INCINERATION shall mean the destruction of solid waste by burning in a furnace designed for that purpose with proper controls at a temperature in the range of 1600° F to 2000° F with stack emissions not exceeding the limits set by the West Virginia Air Pollution Control Commission. Open burning is not considered incineration. Residue from incineration shall contain no more than 10% organic material.
- (i) INCINERATOR RESIDUE shall mean the solid material remaining after burning of solid waste in an incinerator as described above.

6.02. **Disposal.**—Disposal of garbage and rubbish by open dumping is hereby declared to be a nuisance and hazardous to the human health. On and after **July 1, 1967**, disposal of solid waste shall be made only through the use of:

- (a) Sanitary landfills—established, conducted, operated, and maintained in accordance with standards of this regulation.

OR

- (b) Incinerators constructed, operated, and maintained in accordance with the provisions of this article.

OR

- (c) Any other method approved in writing by the Director of the West Virginia State Department of Health and, if combustion is to be utilized, by the West Virginia Air Pollution Control Commission.

6.03. **Standards for Sanitary Landfills.**—

- (a) No solid waste shall be disposed of on the land except in approved sanitary landfills that have been prepared by excavation or otherwise for that purpose and approved by the proper authority. The site will be selected to protect waters of the state from pollution.
- (b) Suitable equipment to perform the necessary digging, compacting, and covering is to be available for use at all times. Standby equipment is to be available within 24 hours in the event of failure of regular equipment. Satisfactory evidence of availability of standby equipment is to be on file for inspection.
- (c) The sanitary landfill shall be pre-planned by a registered engineer and a copy of the plan shall be submitted to the Division

of Sanitary Engineering for approval, and approval shall be obtained prior to beginning use, including operating procedures.

- (d) Maintenance shall be by properly trained personnel responsible for conduct of the operation.

- (e) The face of the working fill is to be kept as small as consistent with good operation to keep the area of exposed material as small as possible.

- (f) All exposed solid waste is to be covered with at least 6 to 8 inches of compacted earth at the close of each day's operation.

- (g) Solid waste is to be compacted to the maximum possible with available equipment in layers or cells with each single layer having not greater than a six to eight foot rise.

- (h) All solid waste received is to be buried in the landfill. In exceptional cases a place may be set aside to receive bulky materials such as tree stumps, etc., and covered as needed.

- (i) Final cover for top and side slopes is to be compacted and maintained not less than two feet in thickness.

- (j) Final grade on cover is to be regular and sloped to direct surface water across the fill without pooling. Drainage diverting ditches are to be used whenever necessary. Final top cover shall be maintained at not greater than 2% angle of repose.

- (k) Adequate controls to prevent scattering of paper, dust, etc., including a daily cleanup of scattered paper and other material, which is disposed of prior to closing the day's operation.

August 4, 1970

The City Council met in regular session Tuesday, August 4, 1970.

There were present: W. W. Alexander; Mayor, Grace Lewis, Recorder, E. L. Goodwin, Kenneth K. Kniceley, Hugo D. Tidquist, Tom Waldorf, and Kenton L. Williamson members of the Council. Councilmen R. V. Allen and L. I. Hoke being absent.

The meeting was called to order by Mayor Alexander.

Councilman Goodwin moved, seconded by Councilman Waldorf, the minutes of July 21, 1970 be approved. Motion carried.

Mayor Alexander called for a report from the Special Revenue Fund. Councilman Allen being absent, there was no report made.

Councilman Goodwin reported for the Traffic Committee on recommendations concerning the riding of bicycles in the Business Areas. He said that they had made a complete study of this situation and for the safety of people walking and the riders of the bicycles they recommended that no bicycles be allowed on 1st Avenue sidewalks between 19th Street and 26th Street and also either side of 21st Street from 1st Avenue to Second Avenue.

Thereupon Councilman Goodwin moved that resolution be adopted prohibiting the riding of bicycles on sidewalks on 1st Avenue from 19th Street to 26th Street and either side of 21st Street from 1st Avenue to 2nd Avenue. Motion seconded by Councilman Tidquist. Upon a vote motion carried.

The Recorder informed Council that she had no report to make from the Appalachian Power Company regarding a request of survey of Valentino Circle for Street lights.

The Mayor asked Council for their decision on request of A. Lawrence Liquori for the sale of copies of minutes and agenda. In discussion it was asked if we had any such request to warrant this proposal? The answer was no. Councilman Tidquist asked if this would be an expense for the City. The answer was that it depends on the price set for the copies.

Councilman Goodwin said that the minutes are available to the public to read and that he did not see where it would serve any purpose to supply copies to the public and that there would be times when personnel would be unable to supply the minutes at a prescribed time and that he could not see any percentage to warrant this request. Councilman Tidquist said that it might be worthwhile to see if people are willing to buy them. Councilman Kniceley said that he had been out of town on Vacation and had not had the time to make a study of this request and that he felt there were a lot of things to be considered before granting this request. Councilman Waldorf said that if this was to be an additional expense that he did not feel that this would be necessary. Councilman Williamson said if a person pays the cost for the copies then the City would not be out any expense. In answer to Councilman Tidquist's question of the price 20¢ being sufficient the Mayor said personally he did not think it was enough. Councilman Kniceley said that that price may pay the cost of the material but not for a person's time. Councilman Williamson moved, seconded by Councilman Kniceley, this matter be tabled until the next meeting. Upon a vote motion carried.

Councilman Waldorf made a report for the Health Committee on its survey and recommendations of the Sanitary Landfill. He said that three members of the Health Committee visited the Landfill. He said they found some solid wastes such as garbage, bread wrappers, etc. and odor in one place, possibly chemicals. He understood that some of the problems had already been corrected such as a fence at the high places and no trespassing signs and that the City had been given some dirt that was being hauled in. He thought it would be wise for some of the Committee to visit with the man in charge of the Landfill and work up a program for landfilling the garbage. The condition of the Landfill is improved over last week. They did notice there were some items that appeared to be brought in to the landfill and they felt that it was being done by trespassers. Councilman Kniceley said that he was not in town last

week to go with the Committee but that he had spend two hours at the Landfill this week and had covered it throughly. There were a few areas that could be in better condition and there were three wet spots that he suggested filled, adding that it had rained the night before. He also thought there should be periodic checks made of the Landfill not looking for trouble but to prevent trouble. He said that he had been very well pleased and there had been no odors. There were boys riding bicycles and a horse at the lower end of the Landfill. This will have to be stopped. The Mayor reported that he had fined two people last week for dumping trash at the Landfill pointing out that one of the pictures that was shown of a chair and trash at the last Council meeting had been placed on the Landfill after our men had gone off duty by one of the violators. The violators had been told that the fine would double if they were caught the second time. There was one place in the Landfill that looked as if a hole had been dug and something placed in it. It was infested with maggots. He felt that someone was creating problems for us and that the Police had been given instruction to arrest anyone on the Landfill.

Mr. James Shamblin of 1516 Fenton Circle presented the following petition.

We, We, the residents of the City of Nitro, W. Va. and more specifically of the 1500 and 1600 blocks of Main Avenue and all of Fenton Circle, would like to call attention to Council the action taken July 21, 1970, with regard to the parking, fire hydrant, proper marking of fire hydrant and curbs, and the speed limit of 15 milesper hours as pertaining to the above mentioned portion of Main Avenue and Fenton Circle.

We, the residents of the said blocks of Main Avenue and Fenton Circle, feel that the working of the motion and Council action was made and directed specifically to the one particular business, but that the results and implementing of this motion takes adverse action against the residents of the specified areas in prohibiting the free movement of the personal travel trailers, campers, boat trailers, and motor trucks.

We, the undersigned residents, respectfully request the Council of the City of Nitro, W. Va.. to consider rescinding the action of July 21, 1970, and what is right and just to the safe flow of traffic and parking as is designated in the laws as now are in existence.

The foregoing petition was signed by 40 people living in the 1500 and 1600 blocks of Main Avenue and Fenton Circle. The Mayor asked the pleasure of Council regarding this matter. He stated that it may be best to take a little more time in studying this problem so whatever is done should be permanent. We have been given a petition with 40 people's names in an area where we have approximately 62 people living. Councilman Goodwin said he felt it proper for the Committee to make another study of this situation for the best of all concerned. Councilman Kniceley said that there seemed to be a lot of mixed feelings and that the Committee may want a meeting of all people concerned or visit them in their homes. The Mayor said he thought it right for the Committee to take another look at this situation. in an effort to eliminate this matter coming before the Council every meeting. Thereupon Councilman Goodwin moved, that this situation be tabled and the Traffic Committee make another survey. Motion seconded by Councilman Kniceley. Motion carried.

The Mayor reported to Council that he had received a letter regarding drainage problems on 39th Street East. He and the City Attorney had gone over this area. He requested the Attorney to check into the legality of the City's responsibility regarding this drainage problem and that he will try to have a report at the next meeting. However, regardless of the Attorney's findings any money spent on this problem, the Special Revenue Committee will have to come up with some means of raising additional funds.

The Mayor presented the Council copies of a letter he had sent to the State of W. Va. Department of Natural Resources, Division of Water Resources. Letter in answer to their order that the City of Nitro proceed without delay with the construc-

tion of a Secondary Sewage Treatment Plant. He would like for the Council to read the letter. This was not a problem that could be solved over night. The cost would be around a million dollars. The Federal Government offers 30 percent on Treatment Plants and should we borrow the money then the cost of our sewage per month would run from twelve to fifteen dollars. The Federal Government feels that the area of Kanawha Valley can pay the bill better than people in Fayetteville where they are getting 80 percent of the cost. It would be very unfair to proceed with the Secondary Sewage Plant and leave approximately 2,000 people without sewers. If we borrow the money we would be lucky to get it for less than 9 percent interest. In this letter he had outlined some of the things that take time and stated it would take 810 days, but that he doubted if we had the money that completion could be made within 810 days. He would like to see this job done but at the same time provide sewers to the homes that do not have them. The other two members of the Sanitary Board feel the same way as he.

Councilman Tidquit asked about the Council's decision of the bumpers for Park Avenue. The Mayor informed him that this matter had been settled about two months ago when the Attorney reported to the Council that there was no place in the State of W. Va. where the bumpers were used other than on private property and that we would be running a risk installing them on public streets.

There being no further business to come before Council Mayor Alexander declared the meeting adjourned.



MAYOR



RECORDER

August 18, 1970

The City Council met in regular session Tuesday, August 18, 1970.

There were present: W. W. Alexander; Mayor, Grace Lewis; Recorder, R. V. Allen, E. L. Goodwin, Kenneth K. Kniceley, Tom Waldorf, and Kenton L. Williamson members of the Council. Councilmen L. I. Hoke and Hugo D. Tidquist being absent.

The meeting was called to order by Mayor Alexander.

The Reverend William D. Inghram of the Presbyterian Church gave the invocation.

Councilman Kniceley moved, seconded by Councilman Williamson, the minutes of August 4, 1970 be approved. Motion carried.

Councilman Goodwin moved, seconded by Councilman Kniceley, the Financial Statement for the month of July, 1970 be approved. Motion carried.

Councilman Allen reported for the Special Committee on Additional Revenue stating that he had given this matter a tremendous amount of thought over the past month, regarding ways and means of obtaining a sum of 45 to 50 thousand dollars. He did not have any suggestion and did not know of any way that we could get this kind of money. He suggested working with the Financial Committee that they may have more information available to them then he has and he would be glad to listen to their suggestions. In making his survey with other cities he found that they have the same type of problems. St. Albans has just recently moved to tighten up their garbage fees. He would be glad to listen to any suggestions as he was at lost to find this amount of money. If any member of the Council has any suggestion he will be glad to listen to them. In making the survey he found that it cost money to do the things that have been suggested. Councilman Waldorf said that we do have about the same taxes as other cities have. Councilman Allen said that we can follow along and see what the other cities are going to do regarding their B & O taxes and also the House Bill 566. He understood that there was a court case on this bill now.

The Mayor said that there are very few ways that we could raise a substantial amount of money that doesn't cost money. Councilman Allen suggested that we may have someone make a study of our tax structure. Councilman Waldorf said that we are having many requests that will cost the City more money, such as the 39th St. East drainage problem, cutting of trees and so forth. He supposed that we would have to watch what we do as it cost money to do these things and the City does not have the money. The Mayor said that it may be necessary to alter the trash pickup stating further that no other City in the Valley gives monthly pickup and that the pickup in Nitro is becoming greater all the time with the tree cutting, roofing material and so forth and that he believes it will be necessary for us to alter our course in this matter. Suggesting a trash pickup every other month, eliminating pickup for construction jobs and that it may be necessary to put on a charge for these larger pickup such as construction jobs and tree trimming and cutting. He thought that a charge for trash pickup would cause people to try and dispose of the trash themselves. In answer to the question of how many trips were made in a month's time the Mayor replied three or four hundred trips per month. Councilman Allen brought up the question of contractors wanting us to pick up their trash, whether we receive enough of the B & O tax to warrant this. In answer to Councilman Waldorf's question on the cost for a trash pickup the Mayor said that the wages alone would amount to 25 hundred dollars per month. The Mayor noted the charge being made by St. Albans, who charge residents so much a load for trash pickup. The Mayor said that he would leave this Committee in force in case something would come up for the Committee to work on.

Regarding the proposal by A. Lawrence Liquori, which was tabled at the last Council meeting, Councilman Kniceley said that since the agenda is ready by the end of Friday or early Monday morning anyone who wanted to, can come in the office and read it. The minutes depend on how busy the personnel is, the minutes are

open to the public. He can not see the importance of selling the copies of the agenda or minutes. Council meetings have good attendance and also good coverage by the news media. Councilman Waldorf said that he felt that this was just another cost item to the City and that he did not see the importance of it. If anyone wants the minutes they can copy them from the minute book. Councilman Allen asked if there was any objections from the office staff to supply this request, if a person is willing to pay 20¢ a page. The Mayor said that 20¢ a page would not pay for them. He personally could not see the necessity of it. He went on to say that when the request was first made that he thought it might help, now he was of the opinion that it would not help and that he did not think it should be done. He had his reasons for thinking this. Councilman Kniceley said that he would like to dispell any feeling that the Council was trying to keep anything from the people. They could come in and see the minutes at any time. Councilman Allen asked if he, Councilman Kniceley, felt that the request was made in good faith? Councilman Kniceley said he had no reason to believe otherwise that he had talked to Mr. Liquori. Thereupon Councilman Waldorf moved, seconded by Councilman Goodwin to deny the proposal. Upon a vote motion carried unanimously.

Councilman Allen said that he had made the original resolution regarding the problem in the 1500 and 1600 blocks of Main Avenue and Fenton Circle as it was the desire of the residents, it was not his intents to prohibit milk trucks and delivery trucks and so forth from traveling these streets. We have areas where heavy trucks are not allowed. Heavy trucks traveling these streets will tear up the streets. He thinks that parking on Main Avenue should be eliminated close to the corner around fire plugs and driveways. He would be glad to change his resolutions and have trucks and tractor trailers and so forth be permitted to travel the streets if that is what the people want. Councilman Kniceley asked

for the petition and read the petition aloud to the Council and added that the people are asking that the whole resolution be rescinded. Councilman Allen said that the resolution implied that they can not park on the corners and that he did not think that the City should have to paint their driveways for parking. Councilman Goodwin said he thought Councilman Allen had summed up the matter. The resolution as it was passed did prohibit driving big trailers or camper trailers on these streets. If we go back to the normal flow of traffic that prevails in the rest of the City that we would be doing what we set out to do.

Councilman Allen said that he was not in favor of hurting anyone but that these things are to help prevent trouble. Thereupon Councilman Goodwin moved, seconded by Councilman Waldorf that the action of the Council of the 21st day of July, 1970 be rescinded and that the normal flow of traffic and parking rules that prevail in other sections of town be the same on Main Avenue and Fenton Circle. Upon a vote motion carried. Councilman Allen said that if the people have any complaints to let him know and he will come back in the area.

The Mayor in reporting on the drainage problem of East 39th Street told Council that he had been over the area with both the Engineer and the Attorney. The Attorney had suggested that if the City did ^{not} have the money and could not do the job as was previously outlined then the City should eliminate the water coming off Bailes Drive going into a private drain. The Engineer is working on a plan to eliminate the water from Bailes Drive going into a private drain and to take it out 40th Street on into the creek.

The cost would amount to about 15 percent of the cost of the first outlined job. The drain in question would remain a private line. Our men could do this work without many problems.

The Mayor reported that the report and proposed ordinance from the Planning Commission was not ready as there were a few minor changes to be made and that Olaf Walker, Chairman of the Planning Commission planned to present it to Council

next meeting.

Councilman Kniceley reported to the Council that it had been practiced to keep the City Pool opened from Memorial Day to Labor Day. This year Labor Day was September 7 and that the college students who are our lifeguards are leaving the last of August to go to school and the school children will be starting school earlier, therefore the pool will close Sunday, August 30, at 9:00 p.m. We can not operate the pool without proper lifeguards. Dave Sayre, the Manager of the pool, is missing two days of school to help close up the pool.

The Mayor said that we were not closing the pool earlier but the Labor Day fell at a later date in the month and school is starting earlier. Councilman Kniceley said that we have had an excellent year without many problems. We have a fine crew of people working. The Mayor said we usually get a lot of complaints but this year there have been very few. They have done an outstanding job and that the Special Committee had also done a very good job. Councilman Kniceley reported that Mrs. Katherine Mills is teaching Instructors Classes at the Pool and this will give us a good selection to pick the lifeguards for next year.

Councilman Kniceley reported that Brookhaven residents have recreational facilities which includes a basketball court at the end of Brookhaven Drive. He would like to move that a street light be installed on the last pole on Brookhaven Drive in order that the basketball court be lighted. The Motion was seconded by Councilman Goodwin. Upon a vote motion carried.

There being no further business and the agenda being completed the Mayor declared the meeting adjourned.



MAYOR



RECORDER

September 1, 1970

The City Council met in regular session Tuesday, September 1, 1970.

There were present: W. W. Alexander; Mayor, Grace Lewis; Recorder, R. V. Allen, E. L. Goodwin, L. I. Hoke, Kenneth K. Kniceley, Hugo D. Tidquist, Kenton L. Williamson members of the Council. Councilman Tom Waldorf being absent.

The meeting was called to order by Mayor Alexander.

The Reverend Harold M. Goodpaster of the Nitro Church of God gave the invocation.

Councilman Allen moved, seconded by Councilman Goodwin, the minutes of August 18, 1970 be approved. Motion carried.

Mayor Alexander reported to Council regarding the Engineer's Plan for the drainage problem on East 39th Street stating that a few days before he and the Engineer had gone over the area and that the Engineer was making a sketch of the plan he proposed. The drainage would be taken from 40th Street road over to Armors Creek. The two lines on private property would be plugged off from the City lines. Thereby eliminating the drainage water from Bailes Drive and 40th Street Road going on to private property. The Engineer will get the plan to the Mayor as soon as possible. This job can be done at about a third of the cost of the original plan. The distance is not as great and most of the work can be done by machine.

The Mayor informed Council that Olaf Walker, Chairman of the Planning Commission, did not have the Zoning Ordinance completed to present it to Council at this meeting. There are a number of changes to be made.

The Mayor in reporting on the trash pickup reminded Council that he had told them some time ago that the City needed another truck and crew to continue our trash pickup on a monthly basis or we would have to change our system. He had discussed this service with the man in charge of the landfill. It has been decided to have the trash pickup every other month beginning with the month of

January. The Business Houses have a lot of trash and sometime it is necessary to have extra pickups. However, some business owners have agreed to take the trash into the landfill themselves if arrangements can be made. A system has been set up that people who wish to haul trash, not garbage, into the landfill may secure a permit from the garbage Department. This permit will be dated, the persons' name securing the permit and the number of loads they wish to dump. This dumping can be done from 9:00 a.m. to 12:00 noon. The reason for these hours is that we have a man working at the landfill during the morning hours. The garbage trucks do not start coming in until around noon. Therefore the trash can be dumped and the garbage dumped on top of the trash ready for covering. The permit secured from City Hall must be presented to the man in charge of the landfill. All persons securing a permit must be on the City's Garbage list and the account be paid up.

Councilman Hoke asked if the business houses have been paying a little more for excess trash. The Mayor said that the Business Houses garbage bill runs from \$5 to \$5.00 a month, depending on the type of business and the amount of garbage. Within the last week a study had been made of the Business Houses and some have been increased.

The Mayor informed Council also that the Health Department has been after a certain business house regarding the trash problem. The City had been trying for about a year to get him to build a bin. In answer to Councilman Hoke's question regarding how many places of business have trucks that they can haul their trash away. The Mayor replied that there were quite a few of them, explaining this is only excess trash and it will not reduce their bill. The Mayor went on to say that another thing that we are going to have to quit hauling are trash from construction and roofing jobs explaining that some places it takes the men hours to clean up after a construction job as the debris is not placed in boxes. This service cost the City too much money to do this sort of job. Councilman Hoke

said that these people should be charged for this service. If a person hired someone to cut trees he should haul them away but if he does it himself it would be okey to have the City haul it. The Mayor reported that our men had been hauling some refrigerators and that this must stop. We do not have enough men to carry a refrigerator safely. Persons having appliances to dispose of will have to make arrangements to dispose of them.

In answer to Councilman Tidquist's question on hauling of the trash it was pointed out that the provision of a permit to haul meant that individuals can secure permits also. The Mayor said that the covering of the garbage and trash was an expensive job, the men had hauled dirt last night and the loader broke down and that we had one hired at eight dollars an hour.

The Mayor informed Council that the City of Charleston was pursuing the idea of taking over the Charleston Transit Bus Company. The Bus Company have been having problems financially and that if the City of Charleston does not take over the Company we probably would not have a bus service to and from Charleston and that personally he is in favor of Charleston taking over.

Councilman Kniceley moved, seconded by Councilman Goodwin, that the City Council go on record favoring the City of Charleston taking over the Charleston Transit Company. Upon a vote motion carried.

The Mayor told Council that Olaf Walker will represent him at the meetings regarding the Public Transportation.

Councilman Kniceley, Chairman of the Nitro Pool Committee, read his statement to the Mayor and Council.

Mayor, Members of Council, Ladies and Gentlemen:

As most of you know I am chairman of the Pool Committee with Grace Lewis and Mayor Alexander as the other members of this committee.

Last Friday night August 28 after the pool closed, I along with my wife and other members of the Pool Advisory Committee attended a meeting at the pool.

This meeting or get together was asked for by Dave Sayre and all the life guards and was OK'D by the Pool Committee.

The life guards bought with money from their own pockets, hot dogs, potato chips and soft drinks to show their appreciation to the committee for all their help and cooperation this pool season, which by any standard you wish to choose was the best ever for Nitro City Pool.

The life guards and dates of two of the girls swam for a short time in the pool. No member of the Pool Committee or Advisory Committee was in the water at any time.

Approximately 11:00 P.M. most of us left. Dave Sayre and some of the guards stayed to clean the pool. When two male life guards left they were accosted by two men whom they believe to be Tom Reagan and Ben Savilla with the comment "you have made the news tonight." The boys when questioned further by one of the men asked who wanted to know and the answer was "The opposition" not knowing what the man was talking about the lifeguard asked, "the opposition to what?" The answer, "The opposition to City Government. The two guards got into their car and sent home. A picture was taken by the slender man, Dave Sayre and the other guards left a few minutes later and as they were approached Dave, said, "I thought I was going to be robbed since I had about \$120 of the pool money with me."

The first words of the man approaching Dave were "you have made the news tonight". Dave asked for what reason and the man said, "for having a private party on a public facility". Dave and the guards were questioned as to who was at the meeting and the reason for this again was informed that they would "make the news". Dave went to the Bank of Nitro and again was followed and questioned.

As I stated before, this meeting was called or asked for by all life guards and all members of the Pool Committee and Advisory Committee were invited. This was in no way a lush=private party but a get together of people with mutual appreciation. There was discussion concerning this years operation and of ways to im-

prove the pool next year and I strongly resent an indication that it was anything else. My wife and I were followed from the pool area home by someone in a yellow Mustang. I can only say that anyone who wants to spend their time watching me will have a busy life.

My life is an open book, there isn't one thing that I do that I do not feel is right. God almighty is my overseer and to him alone am I accountable.

In discussion the Mayor said he did not know what had brought this about but that anyone who had anything to do with it was far out of line. Councilman Kniceley told Council that he had heard the rumor that the pictures taken and a story was to appear in this weeks Shopping Guide. He thought this to be a direct slam to our life guards and the youth of our City. The Mayor said that we have had a couple of hours late swim of all the life guards during the season. The people who have worked as a Committee to help the Pool this summer have spent a lot of time and put forth a great effort and that they do not deserve to be treated like this. He knows this group has been harassing the City Government since the last election.

Councilman Kniceley asked Mrs. Peggy Snyder, a member of the Pool Advisory Committee, to speak to the Council. Mrs. Snyder said she would like to put a challenge to the Council members and members of the opposition. That she would like to have some of our children attend Council meeting. She is on the young peoples side when you go exploiting them. She said that she was proud of the young people of Nitro and that we should not let them down. She is against exploiting the young people because of political difference. There are drugs and pot being used right in our own town. These young people need help. It may be difficult to get life guards next year. Mrs. Snyder went on to say that she had written Reagan a letter telling him of Nitro's good points. She thought that some of the good points should be brought out and not dig up all the dirt and that she felt that we need an apology from this group. The Mayor said that there were

good people on the Pool Advisory Committee and that any person having any part of this episode was stooping pretty low. He pointed out that George Hogshead's daughter, a life guard, was stopped by members of this group as she left the Pool Friday night. Councilman Tidquist said he had heard a lot of good comments about the Pool this season. He had heard no comment degrading it.

The Mayor explained that there have been a few instances where some children had been put out of the pool for a period of time for misbehaving. Councilman Kniceley reported that the life guards had kept a record this summer that states the name and reason why any particular person was put out of the Pool and that this record is open.

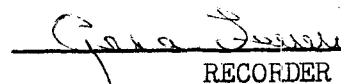
Councilman Hoke said that there is an organization behind all this and we know about what is going on. The Reverend Goodpaster asked permission of the Mayor to speak. He said he was concerned about this incident and that he knew one of the young men who is a life guard and that he is a very fine person, he and members of the family belong to his congregation. He wanted to become involved and was willing to become involved. He would like to know what kind of rebuttal we could have.

Councilman Hoke asked the Mayor if it was possible to get someone to cut weeds and to sweep the streets. The Mayor said he had been considering this. He has an old gentleman in mind who needs the work and that he planned to hire him two or three days a week to take care of such jobs.

There being no further business and the agenda being completed the Mayor declared the meeting adjourned.



MAYOR



RECORDER

September 15, 1970

The City Council met in regular session Tuesday, September 15, 1970.

There were present: W. W. Alexander, Mayor, R. V. Allen, E. L. Goodwin, L. I. Hoke, Hugo D. Tidquist, Tom Waldorf, and Kenton L. Williamson members of the Council. Grace Lewis, Recorder and Councilman Kenneth K. Kniceley being absent.

The meeting was called to order by Mayor Alexander.

Councilman Waldorf moved, seconded by Councilman Goodwin, the minutes of September 1, 1970 be approved. Motion carried.

Councilman Hoke moved, seconded by Councilman Goodwin, the Financial Statement for August be approved. Motion carried.

The Mayor reported to Council that the Engineer did not have his Plan ready concerning the 39th Street Drainage Problem and it will be carried over until the next Council meeting.

The Mayor before calling on Mr. Olaf Walker, Chairman of the Planning Commission, said the men on the Planning Commission have been working now for many months and they have done a job that had we paid for this work it would have cost us 25 hundred dollars. They have had dozens of meetings and have spent many long hours. I think they are to be commended for the fine job they have done. This has not cost the City any money. Olaf Walker headed this Planning Commission and his wife did the typing. Olaf Walker, Chairman of the Planning Commission, thanked Mayor stating he appreciated his remarks. He said they were proud to make a final report on the Zoning Ordinance. As we all know the City of Nitro had Zoning Ordinances in 1938 and in 1959 some changes were made. The Planning Commission recognized that despite all the care, amendments are necessary from time to time. We have new developments, conditions change and also annexations. In addition the Commission had been objective to consolidate this into a booklet. The document is a result of many hours of work by the Commission. On the 22nd day of June the preliminary report was made, 30 days later on the 27th day of July in compliance with the state statute a Public Hearing was held. Changes and suggestions that were made at this Public Hearing were to pro-

tect the health and to aid with coping with the problems and needs of the growing population. He went on to say the Commission stands ready to assist the Council in any way they can in helping to consider the Zoning Ordinance. The changes are: The area north of W. Va. Rt. 25 beginning at Blackwood Avenue extending to Gabbert Hollow was changed from R2 to R3. The property at the intersection of 40th Street Road and W. Va. 62 was changed from R3 to R2. Brookhaven Addition was given a R1 Classification. Mr. Walker also pointed out that the existing businesses in any of the areas that are not in accordance with the zoning there, will be permitted to continue the operation without restriction. He said he would certainly want to recognize William Henson and Tom Reeves, members of the Commission. We do have other devoted members of the Commission who have given equal time, one of the members who worked hard was Tom Townsend before becoming ill. I am grateful to the Mayor and Council for giving us the opportunity and time to present this Zoning Ordinance. The book will be $8\frac{1}{2} \times 5$ " and it cost 60¢ to 70¢ a copy. This is not a quotation but just a figure to use. I recommend to the Council if it sees fit to approve this and authorize the printing. If someone wanted a copy we can show it to them. The Mayor thanked Mr. Walker and added that one of the men on the Commission was Councilman Goodwin. A tremendous amount of work went into the effort. Olaf Walker said that the Zoning Ordinance and the map made up the Code. The people at Sattes along the hill signed a petition that this area above the Road be R3. Olaf Walker presented a paper titled, "Table of Area, Yard Requirements, and Building Height", explaining that this table will help see by a glance what the lot area is in this district instead of going to the text. This can be added as an appendix in the report. Councilman Waldorf asked Mr. Walker to point out the area R3. Mr. Walker pointed out 40th Street and it goes to the creek and comes back to old City limit line. He said there are three areas with Zone R3. The Mayor stated that R3 does permit trailers and after studying it, what it is now, it might upgrade it. Mr. Walker said we are going to have to have our Engineer to remake the map and it

will become a part of the Ordinance when reprinted.

Councilman Allen asked if R2 was for Business places and if someone went out of business can he go back into business. Mr. Walker said no, if he rebuilds he will have to conform with that district. Councilman Allen asked what if they went out of business. Mr. Walker said if they go out they stay out. He also stated that in the back of the book it will tell what constitutes going out of business. It is all set out in the back of the book.

The Mayor said it would be necessary for the Council to take steps to accept this document and to approve what has been done here. First thing that they would have to do is set up another hearing.

Councilman Goodwin moved, seconded by Councilman Waldorf, that the ordinance be accepted for the First Reading. Upon a vote motion carried.

In the law it says the Planning Commission has to hold a hearing and the Council has to set up another hearing. That hearing date would have to be publicized and fourteen days after publication the hearing will be held. Councilman Hoke said he would want to study it. I think Council should have until the next meeting to study it. We don't want to pass something we don't understand. The Mayor said he agreed that it will take a while. Mr. Walker said that he gave a copy of the report at the first meeting and other than the changes and typical errors it is the same. If Council wished they could order publication and in case other changes were made at the hearing they would also have time to hear them. It does not become a law until after the hearing anyway.

Councilman Goodwin moved, seconded by Councilman Waldorf, to have two advertisements on the 17th and the 24th of September and the Public Hearing on the fifth of October. Upon a vote motion carried.

Mr. Walker said this will give the citizens an extra day to study this Ordinance. He would not want to deprive any citizen not to be able to make any changes in the Ordinance. The Mayor also stated that the only thing we have to publish

is the title.

The Mayor said he would like to give a vote of thanks to the Community Improvement Department of the Nitro Women's Club. This department of the Womens club has been doing a lot of work and also spent a lot of time on the Nitro Public Library.

The Mayor reported that the Police Reserve request money for the Clothing Fund. We have done this in the past and they are taking in three new members and need the additional money. I am sure that you can see that this organization is very much needed. The Reserve helps at Football and Basketball games, anitque car shows, etc. They have asked for \$200 be given to them for this fund. Councilman Waldorf said he thought they deserve it and the Reserve do good work. The Mayor said the director of the Police Reserve is a member of the Police Department. He also added that last year they logged over 700 hours of time which they helped in various ways. Councilman Waldorf moved, seconded by Councilman Hoke, to award them \$200 for the Clothing Fund. Upon a vote motion carried.

Councilman Allen asked if this money would come out of the Police Department Fund. The Mayor replied it would come from the General Fund.

Councilman Allen said he would like to suggest that on the backside of the landfill be properly covered. He had said he would investigate it in a month and they are improving it.

Councilman Allen also reported that our children are sniffing glue on a stripe of land owned by the Water Company near the back of the landfill. The Mayor said we have tried to get the Water Company to bear down on the kids using this old building. Up to now they have done nothing about it.

Councilman Allen said he thinks we are going to loose a child from this glue sniffing. Councilman Hoke asked if this can be published and brought out to the parents that the City is not going to be able to control it if the parents are not able to handle their own child. He thinks it should be brought out very plain that it is the parent's responsibilities and not the City's. Even if the parents patrol

the area themselves. Councilman Waldorf suggested installing a light. The Mayor informed Council that this was done during the day. The Mayor said other places have been having this problem, also. It is not only glue sniffing but chemicals. He thinks this is much worse than being drunk. The Mayor said our Police Department along with other Police Organizations have spent a lot of time and are very much concerned. Councilman Allen suggested letting them know that we know about it and that we are limited to what we can do.

The Mayor said the parents are not exercising their obligation towards their children. It was asked what the age group was and the Mayor said anywhere from age 12 to 18. Councilman Waldorf asked if you could publicize their names. The Mayor said no. The Mayor said this thing has gotten so bad that a parent turned to him for assistance because his daughter was taking pills. Parents don't want to admit it. This man told him if he doesn't get her stopped she will get worse and gave him his permission to question his daughter. The Mayor said it is being worked on and the Police Department is very much concerned. Several children have been sent to Juvenile Court. We have had as many as nine children at a time. We are going to have to have the cooperation of a lot of people.

Councilman Hoke asked what the pavement outlook was on the Dam. The Mayor said he was not sure of the time of completion. We asked the State Road Commission to let the contractor do the work because he felt it would be cheaper. The Road Commission said they would have to let their own contract for the job. We sent them a letter three weeks ago explaining the Soil Conservation Commission would be willing to help them. Councilman Allen asked if there was any way they could keep the dust down. The Mayor said we oiled it about 10 days ago, and the next day it rained which made it slippery. Councilman Hoke asked about the grass seeding. The Mayor said he had four bids on all the seeding. These are to be opened September 17. Ted Burns will be here also with me and we will send the bids to Morgantown. Council-

man Waldorf asked if this included shrub and plants. The Mayor replied no. There are 26 acres to be seeded. Councilman Allen asked if all this had to be done before turned over to the City. The Mayor informed the Council that it did.

There being no further business and the agenda being completed the Mayor declared the meeting adjourned.



MAYOR



RECORDER

October 6, 1970

The City Council met in regular session Tuesday, October 6, 1970.

There were present: W. W. Alexander; Mayor, Grace Lewis; Recorder, R. V. Allen, E. L. Goodwin, L. I. Hoke, Kenneth K. Kniceley, Hugo D. Tidquist, Tom Waldorf and Kenton L. Williamson members of the Council.

The meeting was called to order by Mayor Alexander.

The Reverend James Horton of the First Baptist Church gave the invocation.

Councilman Hoke moved, seconded by Councilman Allen, the minutes of September 15, 1970 be approved. Motion carried.

The Mayor announced Olaf Walker, Chairman of the Planning Commission, was unable to attend this meeting, however, Councilman Goodwin, also a member of the Planning Commission, would answer any questions regarding the Zoning Ordinance.

The Mayor reported on the Public Hearing held on October 5, 1970 that there were nine persons other than members of Council attending the meeting. In answer to Councilman Kniceley's question if there were any objections to the Zoning Ordinance, the Mayor said that there were no objections and that there were many comments favoring the Ordinance. A lot of questions were answered and the people present knew a lot more about the Ordinance when they left the meeting. Councilman Goodwin said that the questions and the talk were more about existing problems rather than the Zoning Ordinance. Councilman Allen said he thought everyone had approved the Planning and Zoning Ordinance but that the Ordinance is not good unless it is enforced and if we were not intending to enforce it, then he was not in favor of the Ordinance. He thinks it will place tremendous responsibility on the Building Inspector. The Mayor said this could be possible and that it might be necessary to give the Inspector help. It was brought out that the trailer portion of the Ordinance will need to be watched very close. However, they have certain areas designated for trailers and it will make it easier. Councilman Allen stated that just because a person has a plot map of a trailer court does not mean he will

comply with all rules and regulations. It will need to be checked.

The Mayor said in an area of multiple units all areas will be included in the complex and in counting footage this would have to be used. This is requested by F.H.A. and that there should not be any questions. The footage is a part of the overall. Councilman Allen said he did not agree with this. The Playground area and fire wall breezeway could not be counted.

In answer to Councilman Allen's question regarding the Inspector issuing permits, the application for building permits and the permit itself is issued in the Recorder's Office. However, the inspector goes over the plans presented, the application and the building permit before signing the permit.

It was explained that the Building Inspector works on a fee bases and does not have a public office to take care of the issuing of permits. Councilman Tidquist said it seemed to him that we need a full time Inspector. The Mayor replied that the City could not afford a full time Inspector.

Councilman Tidquist said that the building of the Apartment Complex type should have close inspection. The Mayor informed that the Inspector inspects a footer before and after it is poured then he checks the building as it is built. There are also inspections made by a plumber and electric inspectors.

In answer to Councilman Kniceley's question as to how many permits are issued for new homes the Recorder replied three to four permits for new dwellings are a good estimate for three months.

The Mayor asked for the wishes of Council regarding the Zoning Ordinance which had its first Reading on September 15, 1970. Thereupon Councilman Waldorf moved, seconded by Councilman Goodwin, to accept the Zoning Ordinance for the Second Reading and the adoption of the Zoning Ordinance in its entirety effective as of this date. Upon a vote motion carried unanimously.

ZONING ORDINANCE
FOR THE
CITY OF NITRO, WEST VIRGINIA
AS RECOMMENDED BY
THE NITRO PLANNING COMMISSION

MAYOR

W. W. ALEXANDER

RECORDER

GRACE LEWIS

CITY ATTORNEY

LUKE MICHAEL

COUNCILMAN

Dr. Roy V. Allen
E. L. Goodwin
Dr. L. I. Hoke

Kenton Williamson

Kenneth Kniceley
Hugo D. Tidquist
Tom Waldorf

PLANNING COMMISSION

Borden E. Gewin
William D. Henson
Robert L. Pruett
E. L. Goodwin, Councilman

Olaf K. Walker, Chairman

Philip Morrison
Thomas Reeves
Curtis Wood
Thomas Townsend

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TABLE OF AREA, YARD REQUIREMENTS, AND BUILDING HEIGHT

ZONE CATEGORY	PERMITTED USES	MINIMUM LOT SIZE AREA				MINIMUM YARD REQUIREMENTS*				STORIES	FEET
		FRONT FT.	REAR FT.	FT.	FT.	FRONT	REAR	SIDE	FT.		
R-1	Single Family Dwelling, Public Quasi-Public	2400	40	20	5	5	5	5	2-1/2	30	
R-2	Same as R-1 and Multi-Family	4800	60	40	20	5	5	5	2-1/2	30	
R-3	SAME AS R-1E R-2 Plus Mobile Home	2400	40	40	20	5	5	5	2-1/2	30	
B-1	Retail & Service Establishments, Office, Shopping Center	7200	50	20	None	20	None	None	3	40	
B-2	Same as B-1 Commercial Oriented Activity	7200	50	20	None	20	None	None	3	40	
C-1	Same as B-2 and Heavy Commercial Wholesale, Warehouses, Distribution Centers	7200	50	20	None	20	None	None			

See Text of this Ordinance for additional requirements.

ARTICLE I

Purpose

100

For the purpose of providing that adequate light, air, convenience of access, and safety from fire, flood and other danger may be secured; that congestion in the public streets may be lessened or avoided; that the public health, safety, morals, convenience and general public welfare may be promoted; and the prevention or overcrowding the land, the avoidance of undue concentrations of population and to assure adequate provision for transportation, utilities, schools, parks, and other public requirements.

ARTICLE II

Title

200

This Ordinance shall be known and may be cited and referred to as the "City of Nitro Zoning Ordinance."

Definitions

201 - INTERPRETATIONS

For the purpose of this ordinance, certain terms or words used herein shall be defined or interpreted as follows:

- A. Words used in the present tense shall include the future tense.
- B. The singular includes the plural.
- C. The word persons includes a corporation.
- D. The word Lot includes the words parcel or plot.
- E. The terms shall and will are mandatory while may is permissive.
- F. The word used or occupied as applied to any land or building shall be construed to include the words intended, arranged or designated to be used or occupied.
- G. The word building includes the word structure.

202 - MEANING OF WORDS

Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated:

203 - ACCESSORY BUILDING

A building subordinate to the main-building and used for purposes customarily incidental to those of the main building.

204 - AREA, NET FLOOR (As applied to off-street parking)

The area used or intended for services to the public as customers, patrons, clients or tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise. Floor areas may be excluded which are used exclusively for storage, housing of mechanical equipment integral with the building, for maintenance facilities, or for those areas so restricted that customers, patients, clients, salesmen and the general public are denied access.

205 - AUTOMOBILE REPAIR-MAJOR

General repair, rebuilding or reconditioning of engines, motor vehicles or trailer; collision service, including body, frame or fender straightening or repair; over-all painting of paint shop, vehicle steam cleaning.

206 - AUTOMOBILE REPAIR-MINOR

Minor repairs, incidental body and fender work, painting and upholstering, replacement of parts and motor service to passenger automobiles and trucks not exceeding one and one half (1-1/2) tons, capacity, but not including any operation specified under "Automobile repair-major."

207 - BUILDING OR STRUCTURE

Any structure having a roof supported by columns or by walls designed for the shelter or housing of any person, animal or chattel. Also includes free standing signs.

208 - BUILDING LINE

The line of that face of the building nearest the front line of the lot. This face includes porches but does not include steps.

209 - COMMERCIAL

Engaging in a business, commerce, enterprise, activity, or other undertaking for a profit.

210 - DWELLING

Any building designed for human occupancy.

211 - DWELLING GROUP

Two (2) or more detached dwellings located on the same lot and conforming to the special conditions and requirements hereinafter set forth.

212 - ERECTED

Includes built, constructed, reconstructed, moved upon, or any physical operations on the land required for the building. Excavation, fill, drainage and the like shall be considered part of the erection.

213 - ESSENTIAL SERVICES

The reection, construction, alteration or maintenance by public utilities or municipal department or commissions of underground or overhead gas, electrical, telephone transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, traffic signals, hydrants, and similar equipment and accessories in connection therewith, but not including building, reasonably necessary for the furnishing of adequate service by such building utilities or municipal departments or commissions or for the public health or safety or general welfare.

214 - EXCEPTION

An exception shall mean the permission or approval granted by the Board of Zoning Appeals in situations where the provision therefore is by the terms of this Ordinance.

215 - FAMILY

Any number of individuals living and cooking together as a single housekeeping unit, as distinguished from a group occupying a boarding house.

216 - FRONT YARD

The open space extending across the whole width of the lot, between the front line of the building and the street-of-way line.

217 - HEIGHT

The height of a building shall be measured from the mean level of the ground surrounding the building to a point midway between the highest and lowest points of the roof, provided that chimneys, spires, towers, tanks and similar projections shall not be included in calculating the height.

218 - HOME OCCUPATION

Shall mean a gainful occupation conducted by members of the family only, within their place of residence, provided that the space used for the conduct of such home occupation is incidental to residential use and that no article is sold or offered for sale on the premises except such as is produced by such home occupation.

219 - LAND USE PLAN

The comprehensive, long-range plan for the desirable use of land in Nitro, as officially adopted and as amended from time to time by the Planning and Zoning Commission; the purpose of such Plan being, among other things, to serve as a guide for the zoning and progressive rezoning of land to meet changing community needs, in the subdividing and use of undeveloped land and in the acquisition of land for such public purposes as streets, parks, schools, and other public buildings.

220 - LOT

The parcel of land on which any main building and any accessory buildings are placed, together with the required open spaces.

221 - LOT AREA

The horizontal area within the lot lines of a lot.

222 - LOT DEPTH

The mean horizontal distance between the front and rear lot lines.

223 - LOT WIDTH

The mean horizontal distance across the lot between the side lot lines measured at right angles to the depth.

224 - MAIN BUILDING

A structure in which is conducted the principal use of the lot of which it is situated.

225 - MOTEL

A building made up of two (2) or more living or sleeping quarters used independently of each other and used principally for overnight accommodations.

226 - NON-CONFORMING USE

A building, structure or premises lawfully occupied at the time of the enactment of this Ordinance by a use that does not conform with the provisions of this Ordinance for the district in which it is located; also such use resulting from changes in zoning districts or in textual provisions made hereafter.

227 - MULTI-FAMILY DWELLING

A building designed for and occupied exclusively as a residence for two (2) or more families living independently of one another.

228 - NURSING, CONVALESCENT HOME OR HOME FOR THE AGED

Any dwelling with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire, or a home operated by a non-profit group and operated as institution.

229 - OPEN SPACE

An unoccupied space open to the sky on the same lot with a dwelling.

230 - PARKING SPACE

An accessible or usable space on the building site, at grade, above grade, below graded level or within or on the building, at least ten (10) feet by twenty (20) feet located off the street with access for the parking of automobiles. (Parking space and access area amounts to about three hundred (300) square feet per vehicle).

231 - PRIVATE GARAGE

An accessory building for the storage of motor vehicles or boats owned and used by the owner or tenant of the lot for a purpose accessory to the use of the lot, and for not more than one (1) additional motor vehicle owned and used by others.

232 - PROFESSIONAL OFFICE

Any office or business conducted by an individual or association who or that must be licensed under the Laws of the State of West Virginia.

233 - PUBLIC GARAGE

A building, not a private garage, used for storage or repair of motorized permanently or temporarily mounted equipment.

234 - REAR YARD

The open space extending from the rear of the main building and along the rear lot line (not necessarily a street line) and extending across the whole width of the lot.

235 - ROOMING HOUSE

A building or premises other than a hotel where lodging is offered by pre-arrangement for a definite period for compensation of three or more persons, not open to transient guests, in contradiction to hotels, motels, or tourist homes open to transients.

The open space extending between the building and the adjacent side line of the lot extending from the front yard to the rear yard. Corner lots shall have a side yard of the same dimension as the front yard.

237 - SIGHT LINE

A three and one-half ($3\frac{1}{2}$) foot vertical zone, eye level of the driver of a vehicle, above the finished grade level of the cartway at the center-line of the right-of-way.

238 - SIGHT TRIANGLE AREA

A triangle, two (2) sides of which are formed by the intersection of street centerlines and the third side by the sight line.

239 - SIGN, BILLBOARD OR PENNANT

Is any writing (including letter, word, or numeral); pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); flag (including banner or pennant); or any other figure of similar character, which is a structure or any part or is attached to, painted on, or any other manner represented on a building or other structure. An illuminated sign located in a window is a sign. The area of the sign shall include the support material from the bottom of the sign to and beyond the top of the sign.

240 - SINGLE-FAMILY DWELLING

A building designed for and occupied exclusively as a residence for only one (1) family.

241 - STREET LINE

The line defining the edge of the legal width of a dedicated street right-of-way.

242 - TRAILER

A licensed or unlicensed piece of mobile equipment designed or constructed to be towed by a motor vehicle, on or off the public highways.

243 - TRAILER (HOUSE OR MOBILE HOME)

Any licensed or unlicensed trailer or other vehicle designed or used for living or sleeping purposes regardless of whether the wheels are attached or unattached, or a permanent or semi-permanent foundation is constructed underneath or any structures of a permanent nature are attached thereto.

244 - TRAILER PARK

A lot or premises occupied or designed for occupancy by two (2) or more mobile homes.

245 - VARIANCE

Authorization by the Board of Zoning Appeals to an owner in the use of land or a structure when a literal enforcement of the Ordinance would result in unnecessary hardship. All variances must be forwarded to City Council and entered in their Official Minutes as a matter of public record.

246 - ZONING

Is a legal and administrative device whereby a municipality divides its territory into districts and applies to each district a number of regulations to control the use of land, the height and bulk of buildings, and the are of ground built upon.

247 - ZONING BOARD OF APPEALS

TheBoard of Zoning Appeals of the City of Nitro, West Virginia.

248 - ZONING OFFICER

Individual authorized by City to be the administrator of the day to day application of the provisions contained in this Ordinance.

ARTICLE III

Districts for the Purpose of Zoning

301 - ESTABLISHMENT OF DISTRICTS

In order to apply the provisions of this Ordinance, the City of Nitro, West Virginia, is hereby divided into the following classes of Districts for the purpose of zoning.

- "R-1" Single-Family Residential
- "R-2" General Residential
- "R-3" Mobile Homes and Mobile Home Park
- "B-1" Local or Neighborhood Business
- "B-2" Central Business
- "C-1" Heavy commercial
- "I" Light Industrial

302 - MAPS AND BOUNDARIES

- A. The boundaries of these Districts are hereby established as shown on the map entitled "Official Zoning Ordinance Map" on file in the office of the Zoning Officer, which map with all explanatory matter thereon shall be deemed to accompany, be, or is hereby made a part of this Ordinance. The Official Zoning Ordinance Map shall carry the signatures of the Mayor and the City Clerk certifying that it is the true map as adopted by Council. All boundary and district amendments shall be identified on the map and similarly certified.
- B. The boundaries between Districts are, unless otherwise indicated, either the centerlines of streets or such lines extended, or parallel lines thereto, or property lines, or other physical boundaries and delineations. Where streets, property lines, or other physical boundaries and delineations are not applicable, boundaries shall be determined by the use of the scale shown on the Official Zoning Map.

ARTICLE IV

Application of Regulations

401 - USE OF PROPERTY

No building orland shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the District in which it is located.

- A. No building or unit shall be hereafter permitted to be erected or altered or lot size modified:
- (1) To exceed the height;
 - (2) To accommodate a greater number of families;
 - (3) To occupy a greater percentage of lot area;
 - (4) To have narrower or smaller rear yards, front yards or side yards than is specified herein for the District in which such building is located.
 - (5) To be on a site that has experienced periodic flooding.
 - (6) To permit a well to be drilled that may yield combustible gases or liquids closer than two hundred (200) feet from the nearest structure.
- B. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another building.

ARTICLE V

"R-1" Single-Family Residence District

501 - PERMISSIVE USES

IN Single-family Residential Districts (R-1) only the following buildings and uses are permitted:

- A.. Single-family detached dwellings.
- B. Educational, religious and philanthropic uses when not conducted as a gainful business.
- C. Public parks, playgrounds, playlots, and community centers not conducted as a gainful business.
- D. City administrative buildings or public service buildings, except storage yards or sidings.
- E. Existing railroad rights-of-way, not including switching yards, storage yards or sidings.
- F. Home gardening without sale of products, providing no odor, chemical dust producing substances or use shall be permitted.

502 - WHEN AUTHORIZED BY THE BOARD OF APPEALS

In Single-Family Residential Districts ("R-1"), the following uses of buildings may be permitted when authorized by the Board of Zoning Appeals as a special exception:

- A.. Group housing project is adjacent to "R-2" District or if part of such project is in "R-1" and "R-2" Districts.
- B. Home occupation.
- C. Cemeteries.
- D. Kindergartens or nursery schools provided the playlots are suitably fenced or screened in accordance with requirements of the board.
- E. Essential services.
- F. Private non-profit recreational facilities in the nature of swimming clubs, tennis clubs and other similar activities, when not located less than fifty (50) feet from any other lot in an "R" District and when the facility meets with the parking and fencing requirements of the Board of Zoning Appeals.

503 - PERMITTED ACCESSORY USES

Single-Family Residential District, (R-1") the following accessory buildings and uses shall be permitted:

Other accessory uses customarily incidental to a permitted principal use, including signs subject, however, to the following restrictions:

- (1) Street or road signs at a height of not less than seven (7) feet above the top level of the curb; they may have a reflective surface.
- (2) Permanently illuminated, from the rear, signs designating the name of the occupant and street number (numeral) may be attached to the surface of the structure if the letters and numbers are not in excess of three (3) inches in height. No symbols or designs are permitted.
- (3) Permanent signs shall be located at a minimum distance of four (4) feet from the street or road right-of-way if no sidewalk exists and four (4) feet from the other edge of the inside walk, if such a walk exists. These signs may have a reflective surface, but may not be illuminated from the front of the rear.
- (4) Temporary signs advertising the sale, rental, or development of property; signs indicating the location and direction of premises. Permanent signs erected by churches, schools and other institutions provided that the area of the sign does not exceed twelve (12) square feet; the light sources must be within the sign--back or sides--but entirely within the cover glass. The area of the sign shall include the support material from the bottom of the sign to or beyond the top of the sign.
- (5) The bottom-most part of the sign shall not exceed the height of two (2) feet above ground grade if not attached to a structure. No sign, permanent or temporary, shall be installed in the sight triangle if it is in conflict with sight line and sight triangle requirements.

504 - LOT AREAS

In any Single-Family Residential ("R-1") District, the area of lots of record at the time of enactment of this Ordinance shall be considered adequate for the erection of permissive buildings and uses, provided that they are not less than 2400 square feet.

505 - LOT WIDTHS

In any Single-Family Residential ("R-1") District, the width of lots of record at the time of enactment of this Ordinance shall be considered adequate, provided that they are not less than forty (40) feet in width.

506 - FRONT YARDS

In any Single-Family ("R-1") Residential District, the front yards of any lot of record at the time of enactment of this Ordinance shall be equal to the average front yards of existing developed lots on the street on which it is located. In the absence of developed lots along any such streets, the minimum front yard shall be twenty (20) feet.

507 - SIDE YARDS

In any Single-Family Residential ("R-1") District, the Side Yards of lots of record at the time of enactment of this Ordinance shall be equal to the average side yards of developed lots on the street on which they are located, but in no case less than (5) five feet.

508 - REAR YARDS

In Single-Family Residential District, ("R-2") rear yards shall not be less than forty (40) feet in width.

509 - BUILDING HEIGHT

In Single-Family Residential Districts, ("R-1") single-family detached dwellings shall not exceed two and one-half (2½) stories or thirty (30) feet in height. Structures associated with other permissive or excepted uses shall not exceed three (3) stories or fifty (50) feet in height.

510 - OFF-STREET PARKING AND LOADING REQUIREMENTS

In Single-Family Residential Districts, ("R-1") off-street parking and loading requirements shall be scheduled according to the provisions of ARTICLE XIII of this Ordinance.

ARTUCKE VI

"R-2" General Residential Districts

601 - PERMISSIVE USES

In General Residential Districts, the following buildings and uses are permitted:

- A. All uses permitted in "R-1" Single-Family Residential District.
- B. Double-Family and multi-family dwellings.
- C. Rooming house.
- D. Tourist home, if located on a highway or major thoroughfare.
- E. General hospital, sanitarium or nursing home not for contagious disease or for epileptics, drug or alcoholic addicts, and institutions not for penal or corrective purposes or the insane or feeble minded; provided that such buildings shall be not less than fifty (50) feet from any other lot in any "R" District.
- F. Public library.
- G. Professional office in conjunction with a residence, when no more than (2) individuals are employed.

602 - WHEN AUTHORIZED BY THE BOARD OF APPEALS

In General Residential Districts, the following uses and buildings may be permitted when authorized by the Board of Zoning Appeals as a special exception:

- A.. Group housing project.
- B. Private clubs, lodges, social or recreational buildings or properties when not conducted as a gainful business.

603 - PERMITTED ACCESSORY USES

In General Residential Districts, the following accessory buildings and uses shall be permitted:

A. All "R-1" Single Family Residential District accessory uses shall be Other accessory uses customarily incidental to a permitted principal use, including signs, subject however, to the provisions of Article V, Section 503.

604 - LOT AREAS

- A. In General Residential Districts no lot shall be less than 4800 square feet in area, subject however, to ~~the provision that this minimum area shall~~ be increased by 1200 additional square feet for each dwelling unit more than one contained in the structure.
- B. In areas in excess of twenty five (25) per cent slope, the above stated minimum lot areas shall be increased by fifteen (15) per cent.
- C. Areas previously platted into lots and recorded as a ~~matter of public re-~~cord at the time of enactment of this Ordinance shall not be subject to the above minimum area requirements. (See supplementary regulations).

605 - LOT WIDTHS

In General Residential Districts, lot widths shall not be less than sixty (60) feet.

606 - FRONT YARDS

In General Residential Districts, front yards shall be subject to the same provisions as specified for "R-1" Single Family Residential Districts.

607-SIDE YARDS

In General Residential Districts, side yards shall be subject to the same provisions as specified for "R-1" Single Family Residential Districts.

608 - REAR YARDS

In General Residential Districts, rear yards shall not be less than forty (40) feet in width, provided however, that for any structure in excess of three (3) stories in height, the rear yard shall be increased by five (5) additional feet for each story.

609 - BUILDING HEIGHT

In General Residential Districts, residential structures shall not exceed two and one-half (2½) stories or thirty (30) feet in height. Structures associated with other permissive or excepted uses shall not exceed six (6) storeis.

610 - OFF-STREET PARKING AND LOADING REQUIREMENTS

In General Residential Districts, off-street parking and loading requirements shall be scheduled according to the provisions of ARTICLE XIII of this Ordinance.

ARTICLE VII

"R-3" Mobile Home Residential

701 - PERMISSIVE USES

In Mobile Home Residential Districts, the following buildings and uses are permitted:

- A. All uses permitted in "R-1" Single-Family Residential Districts and "R-2" General Residential Districts.
- B. Mobile Home Parks when established and operated in accordance with published standards of Kanawha County and the State of West Virginia in addition to the following:
 - A. Site of two (2) acres; twenty four hundred (2400) square feet of net area per trailer unit;
 - B. ~~Off-street parking for one (1) auto per trailer unit;~~ accordance with pub-
 - C. ~~Setbacks for residential areas shall prevail, but not part of this open space shall be used for any of the trailer site functions.~~
 - D. Trailer parks will be enclosed on side yards and rear lots lines, unless extending from one street to another. A six (6) foot wall or barrier of fire resistant material or a strip of trees or shrubs at least two (2) feet wide and three (3) feet high at the time of planting which will form a year round dense screen at least six (6) feet high within three (3) years must be provided;
 - E. No sport or flood lights shall be used for lighting or advertising purposes. No lighting shall shine on adjacent properties;
 - F. All points of entrance or exit for motor vehicles shall be located no less than one hundred-twenty-five (125) feet from the intersection of two streets.

ARTICLE VIII

"B-1" Local or Neighborhood Business District

801 - PERMISSIVE USE

In an local or Neighborhood Business District, the use of land and buildings shall be limited to any neighborhood retail business or service establishment, supplying commodities or performing services intended primarily for residents of the surrounding neighborhood, such as barber or beauty shop, business or professional office, clothes cleaning or laundry pick up station, selfservice laundry, delicatessen, drug store, grocery store, meat market and the like.

802 - ALONG STATE AND FEDERAL HIGHWAYS

- A. Along State or Federal Highways, the above uses may be permitted but shall not be limited to supplying commodities or performing services for residents of the neighborhood.
- B. Highway service use, such as antique or gift shop, gasoline service stations, automobile sales or service garages doing minor repairs only, automobiles or trailer sales lot, commercial parking lot, drive-in eating or drinking establishment, motel, tourist home and the like.

803 - PERMITTED ACCESSORY USES

In local or neighborhood business districts, including those along State and Federal Highways, the following accessory buildings and uses shall be permitted.

- A. Accessory parking areas.
- B. Other accessory uses customarily incidental to a principal permitted use, including signs attached flat against a building; and elevated signs not exceeding fifty (50) square feet in area per face, provided that these are at least fifteen (15) feet from any street right-of-way.

804 - PROHIBITED USES

Any residential, commercial, or industrial use except that which is clearly necessary for and incidental to the conduct of a permitted retail business or service of the premises.

805 - LOT AREAS

In any Local or Neighborhood Business District, no lot shall be less than 7200 square feet.

806 - LOT WIDTHS

In any Local or Neighborhood Business District, no lot shall be less than fifty (50) feet in width.

807 - FRONT YARDS

In any Local or Neighborhood Business District, no lot shall have a front yard of less than twenty (20) feet.

808 - SIDE YARDS

In any Local or Neighborhood Business District, common walls shall be permitted and no side yards shall be required, provided, however, that where a non-residential use abuts a residential district, the requirements of the residential district must be observed.

809 - REAR YARDS

In Local or Neighborhood Business Districts, rear yards shall not be less than twenty (20) feet in width.

810 - BUILDING HEIGHT

In any Local or Neighborhood Business District, no building or structure shall exceed three (3) stories.

811 - OFF-STREET PARKING AND LOADING REQUIREMENTS

In any Local or Neighborhood Business District, off-street parking and loading requirements shall be scheduled according to the provisions of Article XIV.

ARTICLE IX

"B-2" Central Business District

901 - PERMISSIVE USES

IN ANY Central Business District, the following buildings and uses only are permitted:

- A. All uses permitted in "B-1" Local or Neighborhood Business Districts.
- B. Stores and shops for the conducting of any retail business.
- C. Personal service shops, hand laundries.
- D. Banks, offices, and studios.
- E. Shops for custom work. Shops for making articles or products to be sold at retail on the premises.
- F. Restaurants, cafes, tea rooms, and similar establishments.

- G. Theaters, assembly halls, billiard or pool parlors, bowling alleys, and other public recreational uses.
- H. Other service establishments or retail or wholesale businesses similar in nature to those listed above.

902 - PERMITTED ACCESSORY USES

In any Central Business District, the following accessory uses shall be permitted:

- A. "B-1" Local or Neighborhood Business District accessory uses.
- B. Other accessory uses customarily incidental to a permitted principal use.
 - (1) All signs overhanging public ways shall conform to general ordinances of the City now or hereinafter adopted.
 - (2) Signs, parking areas, and buildings may be illuminated providing the use of such illumination does not confuse, blind, or distract vehicle operators on the highways or streets.

903 - PROHIBITED USES

In any Central Business District, the following uses and buildings are prohibited.

- A. "B-1" Local or Neighborhood Business District prohibited uses.
Any residential commercial or industrial use, which in the opinion of the Board of Appeals may become noxious or offensive in a "B-2" Central Business District.

904 - FRONT YARDS

In any Central Business District, no front yard shall be required.

905 - SIDE YARDS

Common wall shall be permitted and no side yards are required.

ARTICLE X

"C-1" Heavy Commercial District

1001 - PERMISSIVE USES

In any Heavy Commercial District, the following buildings and uses are permitted:

- A. Wholesale business, warehouse, and storage areas.
- B. Building material sales, not including stone crushing and concrete mixing.
- C. Distribution plants, parcel delivery, ice and cold storage plants and locker service, and beverage distributors and bottling plants.
- D. Cleaning and Dyeing works.
- E. Retail lumber sales, providing that the lumber be stored within a fire resistant building.
- F. Major garage, including gasoline service station and automobile body repair.
- G. Contractors equipment storage.

1002 - PERMITTED ACCESSORY USES

In any Heavy Commercial District, the following accessory buildings and uses shall be permitted:

- A. Accessory parking areas.
- B. Other accessory uses customarily incidental to a permitted principal use including signs, subject, however, to the following stipulations:

- (1) The provisions for the erection of signs in "B-1" and "B-2" Districts shall apply in a "C-1" Heavy Commercial District.
- (2) The erection of signs and bill boards for any lawful use, provided that the area of any such billboard does not exceed eighty (80) square feet and the total height of the structure is not greater than ten (10) feet above the ground surface of the lot on which it stands. Said billboards shall be placed a minimum of fifteen from the right-of-way.

1003 - PROHIBITED USES

Any residential, commercial or industrial use which, in the opinion of the Board of Appeals, may become offensive or noxious in a "C-1" Heavy Commercial District.

1005 - LOT WIDTHS

In any Heavy Commercial District no lot shall be less than fifty (50) feet in width.

1006 - FRONT YARDS

In any Heavy Commercial District, no front yard shall be less than fifteen (15) feet on major streets. A ten (10) foot front yard shall be required on minor streets. Mayor and minor streets shall be identified as shown on the Major Thoroughfare Plan.

1007 - SIDE YARDS

In any Heavy Commercial District, side yards shall be subject to the same provision as specified for "B-1" Local or Neighborhood Business Districts.

1008 - REAR YARDS

In any Heavy Commercial District rear yards shall be subject to the same provisions as specified for "B-2" Central Business Districts.

1009 - BUILDING HEIGHT

In any Heavy Commercial District, building heights shall be subject to the same provisions as specified for "B-2" Central Business Districts.

1010 - OFF-STREET PARKING AND LOADING REQUIREMENTS

In any Heavy Commercial District, off-street parking and loading requirements shall be scheduled according to the provisions of Article XIII of this Ordinance.

ARTICLE XI

"1" Light Industrial District

1101 - PERMISSIVE USES

In any Light Industrial District, the following buildings and uses only are permitted.

- A.. All uses permitted in "C-1" Heavy Commercial District.
- B. Activities of an industrial nature are permitted except uses or industrial processes that may be noxious or injurious by reason of the production of emission of dust, smoke, refuse matter, odor, gas fumes, noise, vibration or similar substance conditions. Any use may be permitted if approved by The Board of Appeals and subject to such conditions, restrictions and safeguards as may be deemed necessary by such Board.

- C. Junk yards or automobile wrecking yards, scrap iron, scrap paper or rag storage, sorting or bailing, provided that such enterprises are conducted within a building or entirely within an enclosure or fence of a type which will conceal from public view.
- D. Sewage disposal plant, when operated by the municipality, all operations and storage.

1102 - PERMITTED ACCESSORY USES

In any Light Industrial District, the following accessory buildings and uses shall be permitted:

- A. "C-1" Heavy Commercial District accessory uses.
- B. Other accessory uses customarily incidental to a permitted principal use including signs, subject however, to the restrictions of Article X, Sections 1002.

1103 - PROHIBITED USES

Any residential, commercial, or industrial use, which in the opinion of the Board of Appeals may become offensive or noxious in an "I" Light Industrial District.

1104 - LOT AREAS

In any Light Industrial District, no lot shall be less than 10,000 square feet in area.

1105 - LOT WIDTHS

In any Light Industrial District, no lot shall be less than one-hundred (100) feet in width.

1106 - FRONT YARDS

In any Light Industrial District, no front yard shall be less than twenty-five (25) feet.

1107 - SIDE YARDS

In any Light Industrial District side yards shall be subject to the same provisions as specified for "C-1" Heavy Commercial Districts.

1108 - REAR YARDS

In any Light Industrial District, rear yards shall be subject to the same provisions as specified for "C-1" Heavy Commercial Districts.

1109 - OFF-STREET PARKING

In any Light Industrial District, off-street parking and loading requirements shall be scheduled according to the provisions of Article XIII of this Ordinance.

ARTICLE XII

SUPPLEMENTARY Regulations

The provisions of this Ordinance shall be subject to such exceptions, additions or modifications as herein provided by the following supplementary regulations:

1201-ESSENTIAL SERVICES

Essential services as defined in the Ordinance, shall be permitted in all districts, subject to restrictions approved by the Planning Commission with respect to use, design, yard area, set back and height.

1202-STRUCTURES ON SMALL LOTS

Notwithstanding the limitations imposed by other provisions of the Ordinance the Board of Zoning Appeals shall permit erection of a dwelling or structure on any lot shown upon a platted record (in a District where permitted by this Ordinance) separately owned or under contract of sale and containing, at the time of passage of this Ordinance, an area or width smaller than that required by this Ordinance; providing, however, that the Board of Zoning Appeals shall require yard areas and other restrictions governed by this Ordinance equal to the average of those contained on existing built-upon lots along the street on which is located the lot in question.

1203 - YARD REQUIREMENTS OF ACCESSORY USES

Notwithstanding the limitations imposed by other provisions of this Ordinance, the Board of Zoning Appeals may permit the erection of accessory buildings and structures within the interior one-half (1/2) of the specified sideyard and rear yard areas; providing however that no accessory building and structure shall be closer than three (3) feet from the side yard line or five (5) feet from the rear lot line. This accessory building or structure side yard exception shall not apply to corner lots.

1204 - CONDITION AND MAINTENANCE OF SIGNS

In addition to the other requirements of this Ordinance, every sign referred to herein, must be constructed of durable materials, kept in good condition and repair, and not allowed to become delapidated. Each sign shall be removed at the expense of the owner when the circumstances leading to its erection no longer apply.

1205 - PURPOSE OF SIGN USED

In addition to the other requirements of this Ordinance, no signs, billboards, or other advertising displays shall be permitted except those specifically pertaining to the use of the property on which they are located. Further, all lighting and illumination of signs shall conform to regulations.

1206 - STORAGE

No lot or premises shall be used as a garbage or storage dump, or a dead animal rendering plant. No manure, rubbish, or miscellaneous refuse may be stored in the open within any district where the same may be construed as a menace to public health or safety. No exception or variance shall be made except by amendment of this Ordinance.

1207 - SIGHT LINE (visibility at intersections)

No fence, wall, hedge, screen, sign or other structure or planting shall be higher than three and one-half ($3\frac{1}{2}$) feet in any district within the triangle area (sight triangle) formed by the intersection of the center line of each street; the line measured along each center line will be one hundred (100) feet on major streets and eighty (80) feet on minor streets. When a major and a minor street intersect, each shall retain their respective footage requirements along the center line to form the sight triangle. Trees may be planted in this triangle area provided the lowest foliage is eight (8) feet or higher from the ground.

Notwithstanding any other provisions of this Ordinance, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over three and one-half (3½) feet in height.

ARTICLE III

Off-Street Loading and Parking Requirements

1301 - OFF-STREET LOADING REQUIREMENTS

In all zoning districts covered by this Ordinance, the loading and unloading of trucks and all other vehicles shall be conducted in such a manner that no part of said truck or vehicle, or the operations of the loading and unloading shall extend onto the adjacent sidewalk or roadway or in any other manner hinder or impede the use thereof.

1302 - OFF-STREET PARKING REQUIREMENTS

In all zoning districts, off-street parking facilities shall be provided and satisfactorily maintained, by the owner of the property, for each building or land use which is erected, enlarged or altered according to the following minimum standards:

- A. Auditorium, church theater, library, or other places of public assembly, at least one (1) parking space for each four (4) seats provided for its patrons, based on a maximum seating capacity, plus one (1) space for every two (2) employees.
- B. Hotel, motel, rooming house, tourist home, at least one (1) space for each two (2) sleeping rooms, plus one (1) for each two (2) employees.
- C. Restaurant or other eating place, at least one (1) parking space for each four (4) seats.
- D. Hospital, sanitarium, or nursing home, at least one (1) parking space for each four (4) beds plus one (1) space for each doctor, plus one (1) space for each two (2) employees including nurses.
- E. Stores, at least one (1) parking space for each one Hundred (100) square feet of net floor area plus one (1) parking space for each two (2) employees.
- F. Office buildings, at least one (1) parking space for each three hundred (300) square feet of gross floor area devoted to office use (multi-storied units must have each floor added for total.)
- G. Industrial or manufacturing establishments, at least one (1) parking space for each four each four hundred (400) square feet of gross floor area or for every two (2) workers; the calculations which provide the greatest accommodation shall be used.
- H. Schools, one (1) space for each employee, including administrators and teachers, one (1) space for each school bus assigned to transport students; one space (1) for each two (2) rooms for visitors (Parents, salesmen, doctors, and others) at high schools, one (1) parking space for each five (5) student. New high schools or juniro colleges shall use the rated capacity of the new structure (and projected additions) and existing percentage of student permits at existing schools, per grade classification, to determine the number of parking spaces needed.
- I. Dwellings, one (1) space for each dwelling unit or family in each building. Employee adults in rooming and boarding houses shall be considered as a family when determining parking requirements.

All parking spaces provided pursuant to the above requirements shall be on the same lot with the building, except that the Board of Appeals may permit parking spaces to be on any lot within five hundred (500) feet of the building if it determines that it is impractical to provide parking on the same lot with the building.

ARTICLE XIV Nonconforming Uses

1401 - WHEN PERMITTED

Subject to the provisions of this article a use of a building or land existing at the time of the enactment of this Ordinance, may be continued even though such use does not conform with the provisions of these regulations for the district in which it is located.

1402 - UNSAFE STRUCTURE

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition, any portion of a building or structure declared unsafe by a proper authority.

1403 - ALTERATIONS

A nonconforming building or structure may be altered, improved or reconstructed provided such work is not to an extent exceeding in aggregate cost fifty (50) percent of the fair market value of the building or structure unless the building or structure is changed to a conforming use. Labor and material furnished by the owner or leasee must be included in the cost estimate.

1404 - RESTORATIONS

Nothing in this Ordinance shall prevent the reconstruction, repairing, rebuilding and continued used of any nonconforming building or structure damaged by fire, collapse, explosion, or Act of God subsequent to the date of this Ordinance wherein the expense of such work does not exceed fifty (50) percent of fair market value of the building or structure at the time the damage occurred. Labor and material furnished by the owner or leasee must be included in the cost estimate.

1405 - EXTENSIONS

A nonconforming use shall not be extended, but the extension of a lawful use to any portion of a nonconforming building or structure which existed prior to the enactment of this ordinance shall not be deemed the extension of such nonconforming use.

1406 - CHANGES

No nonconforming building, structure or use shall be changed to another nonconforming use.

1407 - CONSTRUCTION APPROVED PRIOR TO ORDINANCE

Nothing herein contained shall require any change in plans, construction or designated use of a building or structure for which a building permit has been issued and the construction of which shall have been diligently pursued within two (2) months of the date of such permit, and the ground story framework of which, shall have been completed within four (4) months from the date of the permit, and which entire building shall be completed according to such plans as filed, within one (1) year from the date of this Ordinance.

A nonconforming use of a building or land which has been abandoned shall not thereafter be returned to such nonconforming use. A nonconforming use shall be considered abandoned as follows:

- A. When the intent of the owner to discontinue the use is apparent.
- B. When the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within ninety (90) days, unless other facts show intention to resume the nonconforming use.
- C. When a nonconforming use has been discontinued for a period of six (6) months.
- D. When it has been replaced by a conforming use.
- E. When it has been changed to another use under permit from the Appeal Board.

1409 - UNLAWFUL USE NOT AUTHORIZED

Nothing in this Ordinance shall be interpreted as authorization for approval of the continuance of the use of a structure or premises in violation of zoning regulations in effect at the time of the effective date of this Ordinance.

1410 - DISTRICT CHANGES

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall apply to any nonconforming uses existing therein.

1411 - EXEMPTION OF AGRICULTURAL, INDUSTRIAL OR MANUFACTURING USES

Nothing contained herein shall be interpreted as a prohibition apply to alterations, additions to, replacement of structure, or to the acquisition or use of land presently owned by any firm or industry but not used for agricultural or industrial purposes or to the use of acquisition of additional land which may be required for the protection, continuing development or expansion of any agricultural, industrial or manufacturing operation or any present or future satellite agricultural, industrial or manufacturing use; or manufacturing process shall not be construed as abandonment of agricultural or manufacturing use.

ARTICLE XV

Administration and Enforcement

1501 - ADMINISTRATIVE OFFICIAL

The Building Inspector shall administer and enforce the Ordinance, including the receiving of applications, the inspection of premises and the issuing of building permits. No building permit or certificate of occupancy shall be issued by said officer except where the provisions of this Ordinance have been complied with. The Building Inspector shall be appointed by the Mayor.

1502 - BUILDING PERMIT REQUIRED

- A. No building or structure shall be erected, added to, or structurally altered until a permit therefore has been issued by the Building Inspector. All applications for such permits shall be in accordance with the requirements of this Ordinance, and, unless upon written order of the Appeal Board, no such building permit or certificate of occupancy shall be issued for any building where said construction, addition, alteration for use thereof would be in violation of any of the provisions of this Ordinance.

B. MATTER ACCOMPANYING APPLICATIONS

There shall be submitted with all applications for building permits, a copy of plans and specifications, in addition to plot plan, the exact size and location of the building on the lot and accessory buildings to be erected and other such information as may be necessary to determine and provide for the enforcement of this Ordinance.

1503 - CERTIFICATES OF OCCUPANCY

A. No land shall be occupied or used and no building hereafter erected altered or extended shall be used or changed in use until a certificate of occupancy shall have been issued by the Building Inspector, stating that the premises or proposed use thereof complies with the premises or proposed use thereof complies with the provisions of this Ordinance.

B. No nonconforming use shall be maintained, renewed, changed, or extended without a certificate of occupancy having first been issued by the Building Inspector therefor.

c. The Building Inspector shall maintain a record of all certificates and copies shall be furnished, upon explicit request, to any person having a proprietary interest or tenancy interest in the building affected.

D. No permit for excavation, or erection, or alteration of, or repair to any building shall be issued until an application has been made for a certificate of occupancy.

ARTICLE XVI

BOARD OF APPEALS

1601 - CREATION, APPOINTMENT AND ORGANIZATION

A board of Appeals is hereby created pursuant to the provisions of Article Five, Chapter Eight of the West Virginia State Code as enacted. The Board of Appeals shall consist of five (5) members appointed by the City Council. Upon creation of the Board, the members shall be appointed for the following terms; one for a term of one year, two for a term of two years, and two for a term of three years. Thereafter as their terms expire each new appointment shall be for a term of three years. Any vacancy shall be filled for the unexpired term only. A Board member may be removed only for official misconduct or neglect of duty by action of City Council upon presentation of written charges. The Board shall organize and elect a chairman and vice-chairman from its membership, and shall prescribe rules for the conduct of its affairs in accordance with applicable law.

1602 - POWERS AND DUTIES

The Zoning Board of Appeals shall:

- A. Hear and determine appeals from and review any order, requirement, decision or or determination made by an administrative official or board charged with the enforcement of any ordinance or regulation adopted pursuant to sections thirty-nine through forty-nine, Article Five, Chapter Eight of the State Code.
- B. Permit and authorize exceptions to the district regulations only in the classes of case or in particular situations as specified in the Ordinance.
- C. Hear and decide special exceptions to the terms of the Ordinance upon which the Board is required to act under the Ordinance.

D. Authorize upon appeal in specific cases such variance from the terms of the Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship, or be confiscatory and so that the spirit of the Ordinance shall be observed and substantial justice done.

In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from as in its opinion ought to be done in the premises, and so that the end shall have all the powers of the officer or Board from whom the appeal is taken.

1603 - PROCEDURE

The procedure of the Board shall be governed by the provisions of applicable laws of the State of West Virginia, and such rules not inconsistent therewith, as the Board may adopt. In general, the procedure for appeal from action of the zoning officer shall be as follows:

- A. Any appeal from the requirements of this Ordinance shall be taken by filing with the officer from whom the appeal is taken and with the Board, a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken forthwith transmit to the Zoning Board all of the documents constituting the recording upon which the action appealed was taken.
- B. The appellant shall, at the time of filing his appeal, pay the enforcing officer a fee of ten dollars (\$10) to defray or help defray, the cost of required advertising.
- C. Each appeal shall be tried on its merits at a public hearing. Notice of such appeal shall be given by publishing in a newspaper of general circulation in the City of Nitro and in accordance with applicable law. The Zoning Board shall give additional required by law to all parties in interest, and they may adjourn any hearing for the purpose of giving such further notice.
- D. The City Planning Commission shall furnish all pertinent narrative material, maps, charts, and other data relative to the problem involved for reference by all concerned. The Zoning Board may adjourn any hearing for the purpose of reviewing such data as may be pertinent to the problem involved and to request interpretations of said data by a representative of the city planning commission.
- E. The Zoning Board shall sit and decide each appeal within a reasonable time, and notice thereof shall be given to all parties interested. The decision of the Zoning Board shall be immediately filed in its office; and if a variance is granted, it must be entered in the minutes of the city council so as to be of public record. In the exercise of its functions upon such appeals or upon exceptions, the zoning Board may in conformity with law, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or discrimination as in its opinion ought to be made.
- F. Any person aggrieved by any decision of the Zoning Board or any City officer affected thereby may appeal therefrom, within thirty (30) days to the Circuit Court of Kanawha County as provided by the laws of West Virginia.

ARTICLE XVII

Amendments

1701 - SUPPLEMENTAL AND AMENDING ORDINANCES

The City Council may, from time to time, amend, supplement or change the regulations and districts, as the same are established by this Ordinance or may hereafter be made a part thereof.

1702 - PETITIONS FOR CHANGE

Petitions, duly signed, may be presented to the Office of the City Recorder requesting an amendment, supplement or change of the regulations of this Ordinance by the planning commission or the owners of fifty (50) percentum or more of the area involved in the petition.

1703 - ACTION BY COUNCIL

Any proposed ordinance for the amendment, supplement or change or repeal of the zoning ordinance not originating from the petition of the planning commission shall be referred to the planning commission for consideration and report before any final action is taken by City Council. Prior to the submission to City Council of a planning commission petition or a report on a proposed ordinance referred to it for an amendment, supplement, change or repeal of the ordinance shall give notice and hold a public hearing in the manner prescribed by the laws of West Virginia. Upon receipt of the report of the planning commission, the City Council shall give notice of public hearing to be held on the report of the planning commission including the proposed ordinance at least twice during the ten (10) days prior to the time set for the hearing. More than one public hearing may be held. Upon completion of the public hearings the City Council shall proceed to the consideration of the Ordinance.

ARTICLE XVIII

Validity

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof, and the parts or sections remaining shall remain in effect as though the part or section declared unconstitutional had never been a part thereof.

ARTICLE XIX

Interpretation, Purpose and Conflict

In interpreting and applying the provisions of this Ordinance they shall be held to be the minimum requirements for the promotion of health, safety and general welfare of the City of Nitro. The Ordinance is not intended to interfere with or abrogate or annul other rules, regulations or ordinances of the City of Nitro provided that where this Ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of a building, or requires larger open spaces than are imposed by other such rules, regulations, or ordinances, the provisions of this Ordinance shall prevail.

ARTICLE XX

Remedies

In case any building, structure or sign is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building structure or land is used in violation of this Ordinance or any regulations made pursuant thereto, in addition to other remedies provided by law, any appropriate action or proceeding, whether by legal process or otherwise, may be instituted or taken by the City to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct or abate such violation, to prevent the occupancy

of said building, structure or land, or to prevent any legal act, conduct business, or use in or about such premises.

ARTICLE XXI

Penalties

Any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved thereunder, shall for each and every violations or noncompliance be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars (\$10.00) and not more than three hundred dollars (\$300.00).

ARTICLE XXII

Effective Date

This ordinance shall take effect and be in force from and after the earliest date allowed by applicable law.

Adopted by the City Council of the
City of Nitro, West Virginia

Effective October 6, 1970

MAYOR

RECORDER

The Mayor informed Council one member of the Police Civil Service Commission's term has expired. That member being Paul B. Hill and that Mr. Hill wished to serve another term and the Mayor desired to reappoint Mr. Hill as a member of the Police Civil Service Commission.

In answer to Councilman Hoke's question on his work being satisfactory the Mayor replied that it had been. Thereupon Councilman Allen moved, seconded by Councilman Williamson, to confirm the appointment of Paul Hill as member of the Police Civil Service Commission. Upon a vote motion carried unanimously.

In reporting on trash dumping the Mayor told Council that about 40 to 50 permits had been issued to persons desiring to take their trash into the landfill. He asked the Council if they had any comments. All comments seemed to be favorable.

The Mayor and Council discussed the printing of the new Zoning Ordinance. It was brought out that we may have calls for copies and it might be wise to have enough printed in order to furnish the demands for Building Contractors, etc.

The cost of the printing of the Ordinance may vary due to including of the map. It is intent to have the map reproduced in order to fold it into the booklet.

The Mayor said that he would try to get the engineer to get the copy of the map ready and get some figures of the printing cost by the next meeting. Councilman Goodwin said that we probably should have 200 copies printed.

The Mayor presented a copy of the plans of the new Apartment Complex to be built on the old Gas Company's property on Broadway Avenue and Boundry Street.

There are 64 units to be built. The owner has secured a permit for the first four units. The Mayor and Council entered into a discussion of the Complex complying with the Zoning Ordinance just passed. It was pointed out that Mr. Rhodes, Building Inspector, would have to check this building very close. In questions of the width of the street the Mayor said that we could request them to go to a 30ft. Street.

Councilman Allen commented on the area containing the required sq. ft. for multiple family use. It is 48 hundred feet.

Councilman Allen said the Builder should comply with the Ordinance.

It was pointed out that in 1968 the Planning Commission and Council had passed a resolution permitting this complex to be built on this property. The Recorder was requested to secure the necessary information regarding the resolution as past by the Council for the next Council meeting and that the Building Inspector be asked to attend the next Council meeting.

Councilman Tidquist said the people in Valentine Circle has asked about the survey requested some months ago for street lights in their area. The Recorder informed that the Appalachian Power Company has been requested to make this survey, however, they have not reported to us.

Councilman Tidquist informed that he had a number of complaints regarding the noisy motorbikes. In answer to Councilman Hoke's questions regarding the law on motorbikes, the Mayor said that if the owner does something to the bike to make unnecessary noise and it can be proven then something can be done about it but as a rule motorbikes are just noisy. The Police spend a lot of their time checking the motorbikes.

Councilman Allen said that sometime ago he had asked for a fire hydrant to be located on 40th Street road. They have put several trailers in. The Mayor informed that to get a fire hydrant in this area it will necessitate new lines to get enough pressure for a hydrant.

Councilman Allen suggested putting a school crossing sign on 40th Street near Summers Grovery. We need either a sign or a painted cross walk. The Mayor said that the street road commission would have to put up a sign however we could paint a cross walk and that he would see that this was taken care of.

Councilman Allen reported on a ditch located on Frederick Street where the water is not draining. The Mayor said that this ditch had been cleaned and dug out a number of times but that some people in that area continued to put trash and debris in the ditch. He would have our man dig the ditch out again.

In answer to Councilman Hoke's question regarding water and sewer problems in

a trailer court the Mayor said that they would have to be approved by the State Health Department.

Councilman Goodwin reported that he had read in the newspaper that the Federal Government had released money for cities for installation of sewer lines.

The Mayor said that our engineer had checked into this and so far there has been no money for sewer lines.

Councilman Allen asked the question of the City's intention as to going out side the City limits in an effort to control building.

The Mayor said that that would be our next step to go to work on and that we have our zoning worked out that the Commission would start to work on the Comprehensive Planning.

There being no further business and the agenda being completed the Mayor declared the meeting adjourned.



MAYOR



RECORDER

October 20, 1970

The City Council met in regular session Tuesday, October 20, 1970.

There were present: W. W. Alexander; Mayor, Grace Lewis; Recorder, R. V. Allen, E. L. Goodwin, L. I. Hoke, Kenneth K. Kniceley, Hugo D. Tidquist, Tom Waldorf and Kenton L. Williamson members of the Council.

The meeting was called to order by Mayor Alexander.

Father Swallow of the Holy Trinity Church gave the invocation.

Councilman Hoke moved, seconded by Councilman Tidquist, the minutes of October 6, 1970 be approved. Motion carried.

Councilman Hoke moved, seconded by Councilman Kniceley, the Financial Statement for the month of September be approved. Motion carried.

Bids for the cost of printing the Zoning Ordinance was presented to the Council as follows:

	200	Plastic	500	200	Paper	500
Kenawha Valley Leader	\$335.00		\$745.00	\$320.00		\$551.85
St. Albans Advertiser	\$298.00		\$415.00	\$260.00		\$320.00
Charleston Printing	\$395.00		\$535.00			

The Mayor told Council that we had secured a bid for paper backing since plastic seemed to run so high. Councilman Allen said that for the purpose that he thinks the paper covering would be all right. It was the opinion of Council that paper back covering would be just as serviceable. In answer to Councilman Kniceley's question regarding the map to be included in the booklet the Mayor said that it was to be folded in. He also told the Council that there were about twenty (20) copies to be given away to members of the Council, members of the Planning Commission and members of the Appeal Board. It was decided that we should have printed 500 copies and that they would be made with punch holes to make it convenient to include any changes made

to the Ordinance. Councilman Hoke moved, seconded by Councilman Tidquist, to have 500 copies of the Zoning Ordinance printed by the lowest bidder, St. Albans Advertiser. Upon a vote motion carried.

A portion of the minutes of June 18, 1969 meeting were presented to Council. At this meeting Council acted upon recommendation of the Planning Commission by in-acting an Ordinance amending and supplementing existing zoning and fire zone ordinances of the City by allowing and permitting Apartment Buildings to be constructed and erected on property bounded on the South by Boundry Street and on the west by New York Central Railroad right-of-way and the east by Broadway Avenue and on the north by the 10 foot easement conveyed to the United Fuel Gas Company. Said easement extending to the New York Central Railroad right-of-way. The Ordinance also stated that any existing Ordinance or Ordinances limiting or restricting the property herein described contrary to the use specified in this Ordinance will hereby be ammended to conform heretoo.

The Mayor stated that this Ordinance gives the owner of this property the right to proceed with the Apartment Complex.

Mayor Alexander reported that our men had installed the cross walk on 40th Street for the school children. Bob Titus of the Department of Highways told him that proper signs would be put up as soon as possible. The Mayor also reported that our men were opening the ditch on Frederick Street. Councilman Allen said they had done a good job. The Mayor said that he did not think that they had completed dressing up the job.

A letter, from the Muscular Destrophy Association of America, Inc., Charleston Chapter was presented to the Council, requesting permission to hold their annual fund raising campaign during the period of November 15, to December 15, 1970 and house to house march on December 6, 1970. Councilman Hoke moved, seconded by Councilman Kniceley that the Muscular Destrophy Association be granted the requested permission. Upon a vote motion carried.

The Mayor told Council that Halloween had been set for the towns in the Valley for October 31, 1970.

In reporting on the Bomb Scare at the Nitro High School the Mayor told Council that he was of the opinion that we should have an Ordinance providing for some penalty on offense of the false reporting of bombs. It had to be stopped. We can not keep taking the children out of school and keeping them out for hours while the building is being checked. It disrupts the school completely. He has two people appearing before him in Friday night court on a charge of falsely reporting a bomb.

He told the Council that he had secured a copy of the State Law concerning falsely reporting bombs and asked the Recorder to read the Law to the Council.

Repealed by Acts 1969, c. 140, effective July 1, 1969.

61-6-17. False reports concerning bombs or other explosive devices; penalties.

Any person who shall impart or convey or cause to be imparted or conveyed any false information, knowing or having reasonable cause to believe such information to be false, concerning the presence of any bomb or other explosive device in, at, on, near, under or against any dwelling house, structure, improvement, building, bridge, motor vehicle, vessel, boat, railroad car, airplane or other place, or concerning an attempt or alleged attempt being made or to be made to so place or explode any such bomb or other explosive device, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for not more than one year, or, in the descretion of the court, by both such fine and imprisonment.

Justices of the peace shall have concurrent jurisdiction with circuit courts of the offense set out herein. (1969, c. 38.)

EFFECTIVE DATE - The act adding this section was passed on Jan. 28, 1969, and made effective from passage.

In discussion of the Law it was pointed out that if we have this Law on our books and the youngsters know it that it may stop some of the false reports. In answer to

Councilman Kniceley's question on the use of the Law, as it is now, the Mayor said now that since we do not have an Ordinance that the only thing he can do is to send a person to Circuit Court for the offense. However, should the person be a juvenile then they are sent to the Juvenile Court and tried. The Juvenile Court has the right to remand a person back to the City to pay a fine.

In discussion the Mayor and Council talked about the evacuation of the school and the necessity of having the school evacuated whether or not the school officials felt it necessary. The school in reporting these calls called the Police Department and the Fire Department and these scares can not be ignored. The responsibility lies with the City. It is up to the Police Department and the Mayor to take the responsibility of evacuating the schools. Councilman Kniceley moved, seconded by Councilman Tidquist, that the Attorney be asked to prepare an Ordinance on false reports concerning bombs or other explosive devices. Upon a vote motion carried.

Councilman Tidquist reported that in his neighborhood someone is doing some shooting of guns during the daytime. A window had been broken by a gun shot and also a dog had been hit. The gun being used is a 22 pistol. The people living in this area are getting upset about this. He says the shooting is coming from the river direction and that it was necessary to find out who is doing the shooting.

Councilman Tidquist said that the Street light on Third Avenue near the 31st St. area had been installed. This matter will be checked.

The Recorder informed that Mr. Judy of the Appalachian Power Company had called saying that he did not have the map assembled for the recommended installations for Valentine Circle. However, he did give the following information. At the present time our lighting consist of 3-1000 lumen, 2-6000 lumen and 1-3500 mercury vapor in service. The Power Company proposes the 3-100 lumen and 2-6000 lumen be replace with 3500 mercury vapor. The installation on present poles of an additional 5-3500 mercury

vapor, setting three new poles with 3500 mercury vapor. This will make a total of 14-3500 mercury vapor at a cost of \$2.05 per month increasing the monthly bill \$19.80. Mr. Judy said he will have the map and full recommendation ready for the first Council meeting in November.

Mayor Alexander reported about a lady that had fallen and hurt herself on Second Avenue at 19th Street. She had brought her hospital bill amounting to approximately \$82.00 into the office and wished the City to pay the bill. She says there is a raised place in the sidewalk that she stumbled over causing her fall.

The Mayor asked the Council that before making any decision he would like to have the Council members check this street.

Councilman Hoke proposed that the lady make a complete written report on what happened, how it happened, time of day, day of week, weather condition and witnesses.

The Mayor told Council that an Insurance Company is making a complete survey of the City's property in an effort to give us complete coverage on all types of Insurance. Their survey will determine the kind of Policy. They will determine everything in the survey, they requested the amount of sidewalks, sewers, and streets in miles. Such a policy would include the Pool and Park Insurance, both insurances premiums are exceedingly high.


Councilman Allen said he would like for Council to send a letter to V. K. Knapp asking him to either replace or repair the sidewalk on his two lots on 23rd Street. The sidewalk is very dangerous.

The Mayor said that the Attorney should be requested to write an Ordinance regarding sidewalk repairs and placing the responsibility and that we should have an Ordinance regarding the removal of snow and ice from the sidewalks.

There being no further business and the agenda having been completed the Mayor declared the meeting adjourned.



MAYOR



RECORDER

November 3, 1970

The City Council met in regular session Tuesday, November 3, 1970.

There were present: W. W. Alexander; Mayor, Grace Lewis, Recorder, R. V. Allen, E. L. Goodwin, L. I. Hoke, Kenneth K. Kniceley, Kenton L. Williamson, members of the Council. Councilman Hugo D. Tidquist and Tom Waldorf being absent.

The meeting was called to order by Mayor Alexander.

The Reverend Kenneth Ball of St. Paul's Methodist Church gave the invocation.

Councilman Kniceley moved, seconded by Councilman Hoke, the minutes of October 20, 1970.

Luke Michael, Attorney, presented copies of three Ordinances to members of the Council. The first Ordinance relating to any person who shall knowingly impart or convey false information concerning bombs or other explosives and providing penalties for violation of this Ordinance. The second Ordinance placing the responsibility on property owners and occupants to remove snow, ice, water and mud from sidewalks and providing penalties for violation. The third Ordinance requiring the abutting property owners to lay, maintain, and keep in safe repair sidewalks and providing penalties for violation thereof, and reimbursement to City.

The members of the Council and Mr. Michael discussed these ordinance. Mr. Michael pointed out the bomb Ordinance coincides with the State Law in its entirety.

In discussing the Ordinance pertaining to sidewalks, Mr. Michael pointed out that this gets complicated and he advised the Council to study this Ordinance. He pointed out that the Ordinance on cleaning sidewalks of snow and ice is pretty clear. The Mayor told Mr. Michael that the Council is more concerned with property owners making repairs of bad places and breaks in the sidewalk instead of having sidewalks built where there are no existing sidewalks. He added what they had in mind was to take care of existing sidewalks that had deteriorated. In answer to Councilman Hoke's question on a person falling and hurting themselves on a sidewalk built by the property owner, is the property owner or City that gets sued. Mr. Michael referred

to the second page, second paragraph of the Ordinances. Both the property owner and the City could be sued.

Mr. Michael asked that the Council give him more complete information of the outline on what they want in the Ordinances.

Councilman Hoke moved, seconded by Councilman Allen, the Council study the two sidewalk Ordinances before making any decision. Upon a vote motion carried.

Councilman Allen moved, seconded by Councilman Goodwin, to accept for first reading the following Ordinance on bomb scares. Upon a vote motion carried.

Mr. Michael pointed out that where there are several tenants you have the question whether to require all the tenants or one tenant to clear the walks of snow and ice. The Mayor said he felt the responsibility should be the property owners.

The Recorder read the recommendation from Appalachian Power Company concerning lights in Valentine Circle. Recommendation is as follows:

Present lighting for this location consists of 3-1000 lumen; 2-6000 lumen incandescent units and 1-3500 lumen mercury vapor units as well as leaving the 1-3400 lumen existing unit in place. In addition to these 6-3500 lumen units, 5-3500 lumen units installed on new wood poles along the northeast side of the Circle for a total of 11-3500 lumen mercury vapor units. The installation of the new poles would, however, depend upon the cooperation of the property owners in this particular area.

Cost of this proposal to the City would be reflected as follows:

Proposed Lighting - Valentine Circle:

11 - 3500 lumen M.V. St. Lts. at \$2.05 ea. per mo. =	\$28.70	
		\$28.70

Present Lighting - Valentine Circle

3-1000 lumen Incand. St. Lt. @ \$1.30 ea. per mo.	3.90	
2-6000 Lumen Incand. St. Lt. @ \$2.50 ea. per mo.	5.00	
1-3500 Lumen M.V. St. Lt. @ \$.205 ea. per mo.	2.05	
	<u>\$10.95</u>	
		<u>\$10.95</u>

Net Increase in Monthly Billing	\$17.75
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Councilman Goodwin moved, seconded by Councilman Allen, to accept the proposed plan for lights on Valentine Circle. Upon a vote motion carried.

Regarding the light on Third Avenue close to 31st Street Bridge it was reported that there is a light across from the old Shamblin House and the Mayor said you have four lights in an area of 300 feet. Two on Third Avenue and the other two are located at the ends of 29th Street and 30th Street.

The Mayor said his recommendation would be to upgrade the present lights. The Mayor suggested the Council check this area at night and decide whether they should be upgraded. He felt that this would be the solution to this problem.

The Recorder read a letter from Mrs. Layton as follows:

October 27, 1970

To whom it may concern:

This is the report on my accident that you asked for. It happened on September 30, at 9:00 A.M. Wednesday morning near the corner of 19th Street on Second Avenue. This was between 18th & 19th.

There is a wide crevice between the cement blocks and one block is quite a bit higher than the other. I was wearing my work shoes that have a thick sole, and the high place in the one block is what caused my fall.

I was stunned for a few minutes I guess because the next thing I knew a Mr. Kermit Null was helping me to my feet.

He took me to Dr. Hogshead's office but I was bleeding so bad Connie sent me on to the hospital. Mr. Null took me to my home and my husband went with me to the hospital. You have the statement from there for my treatment.

A Mrs. Wyatt one of the teacher's from Nitro Elem. School also seen Mr. Null when he helped me up. He went to the school and told them about my accident as that is where I am employeed. I was not able to work that day.

I went on the following Monday and Dr. Hogshead removed the stitches from my eye. You can get a statement from him I'm sure.

The weather condition had nothing to do with my fall. There is piece out of the sole of my shoe on the toe caused from the high block of sidewalk. I will be glad to show you the place in the sidewalk where I fell. 1.

Mrs. A. L. Layton

The Attorney asked when the file for damages had been presented to the office. The Mayor told him the day after the accident occurred, they brought their bill in for the doctor and the hospital.

The Mayor informed Mr. Michael further that the Council had asked that Mrs. Layton make a statement relating to her fall on the sidewalk and that this letter was answer to their request.

The Council members had not looked at the sidewalk in question. Mr. Michael said the first thing to do is to check the defects. If we should pay this we would be setting some kind of precedence.

Councilman Hoke moved, seconded by Councilman Kniceley, this matter be tabled until the next meeting to give the Attorney an opportunity to check further. Upon a vote motion carried.

The Mayor informed Council that the Fire Department kitchen needs some repairs. Their plans are to install cabinets, a corner booth for a corner table, install new kitchen sink and paneling. The cost of repairs amounting to \$630.00 for materials and the Firemen will do the work. The Mayor said that personally he thinks the repairs are needed if we can find the money to take care of this remodeling.

Councilman Hoke moved, seconded by Councilman Williamson, to permit the remodeling if the money is available. Upon a vote motion carried.

The Recorder read the recommendations as follows from the members of the Police Department. Copy recommendation.

The Members of the Nitro Police Department wish to present the following recommendations to the Nitro City Council.

1. Each member receive an additional week vacation to compensate for the holidays each member works through the fiscal year. This will be no additional cost to the City, nine (9) days pay will be saved a year.

2. Sick leave at present is fifteen (15) days per year, but doesn't take effect until the 4th day of sickness. Which means if a man was off three (3) days sick he would lose three (3) days pay. We feel that our Department should have sick leave from the 1st day, because past records will show that this Department has never abused this benefit.
3. Our clothing allowance which is now set for six (6) men, should be raised to take care of nine (9) men. It was set up for \$100.00 per man, when we had six (6) men, we now have nine (9) men, therefore it should be raised \$300.00, to make a total of \$900.00.
4. A wage increase of \$25.00 per month, or an equal amount paid on group insurance for each man. If the budget cannot afford this expense, we suggest that the garbage fees be raised \$1.00 per month, or by some other additional means.

Signed,
 C. A. Palmer
 D. F. Johnston
 J. W. Hall
 P. R. McCoy
 T. Blasingim
 K. R. Webb
 W. P. Jones
 R. E. Arbaugh
 Dave Walter

The Mayor said that the employees should have additional increase in salary. In order to take care of these needs we will need additional money. Regarding the recommendation on sick leave the Mayor pointed out that this Department was not bad about being absent. He felt that if additional money could be raised the employees should have an increase.

Councilman Allen asked how our Department compares with other Police Departments. Sgt. McCoy informed that Nitro was the lowest in the Valley. Patrolman Webb said St. Albans gets \$25.00 per month plus a week and half of hospitalization paid. St. Albans also has two weeks vacation after the first years service and three weeks vacation after three years service.

The Mayor said that our men are working the holidays and one week additional vacation will compensate holidays worked.

Councilman Kniceley said that some of the recommendations of the Department can be taken care of without funds. It is a matter of change of policy.

The Mayor pointed out that everything we buy has increased in price. The income

from the Garbage Department is not keeping pace with the operations of the Garbage Department and that we may need to find some other ways to bring in revenue.

The Mayor explained to Council that the Garbage was being dumped at the present time on a track of land owned by the City on Poca River. The weather had been so bad that our trucks could not get in and out of the landfill. Before going to the new landfill we had check the matter out with the County and State Health Departments.

In discussion of the request of the Police Department, Councilman Hoke said he understood if they were off three days or more the man gets paid for the first three days. It was pointed out that that is not how the Ordinance reads.

Ken Webb said he does not feel that the Police Officers should be classfied with men in the Garbage Department. The Police Department is made up of healthy men.

The Mayor said again that the Policemen do not take time off for sick leave, the other departments do. Councilman Kniceley asked if all City attack these situations in the same manner. Are all employees treated the same. Sgt. McCoy said he did not think so. The Mayor said he would get the information from other towns to compare with ours by the next meeting.

Councilman Allen suggested that a copy of the recommenddations and information from other towns be sent to the Councilman to study before the next meeting.

Councilman Kniceley said that it was the Police Committee's responsibility to work out these problems and it was going to require a lot of work.

There being no further business and the agenda having been completed the Mayor declared the meeting adjourned.



MAYOR



RECORDER

November 17, 1970

The City Council met in regular session Tuesday, November 17, 1970.

There were present: W. W. Alexander; Mayor, Grace Lewis; Recorder, R. V. Allen, E. L. Goodwin, L. I. Hoke, Kenneth K. Kniceley, and Kenton L. Williamson, members of the Council. Councilmen Hugo D. Tidquist and Tom Waldorf being absent.

The meeting was called to order by Mayor Alexander.

The Reverend James Horton of the First Baptist Church gave the invocation.

Councilman Kniceley moved, seconded by Councilman Goodwin, the minutes of November 3, 1970 be approved. Motion carried.

Councilman Hoke moved, seconded by Councilman Kniceley, the approval of the Financial Statement for the month of October be approved. Motion carried.

Councilman Hoke moved, seconded by Councilman Goodwin, the Ordinance relating to any person who shall knowingly impart or convey false information concerning bombs or other explosives and providing penalties for violation of this Ordinance be accepted as the second reading. Upon a vote motion carried.

Councilman Kniceley moved, seconded by Councilman Goodwin, to adopt the Ordinance concerning bomb scares. Upon a vote motion carried.

AN ORDINANCE RELATING TO ANY PERSON
WHO SHALL KNOWINGLY IMPART OR CONVEY
FALSE INFORMATION CONCERNING BOMBS OR
OTHER EXPLOSIVES AND PROVIDING PENAL-
TIES FOR VIOLATION OF THIS ORDINANCE

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

It shall be unlawful for any person to impart or convey or cause to be conveyed any false information, knowing or having reasonable cause to believe such information, to be false, concerning the presence of any bomb or other explosive device in, at, on, near, under or against any dwelling house, structure, improvement, building, bridge, motor vehicle or other place, or concerning an attempt or alleged attempt being made or to be made to so place or explode any such bomb or other explosive device.

Any person who shall violate this ordinance shall be guilty of a misdemeanor,

and upon conviction thereof, shall be punished by a fine of not less than Fifty Dollars, (\$50.00) nor more than Five Hundred Dollars, (\$500.00) or by imprisonment for not more than one year, or by both such fine and imprisonment.

This ordinance shall become effective as of the date of passage.

Passage date November 17, 1970.

In discussing the Ordinance placing responsibility on property owner and occupants to remove snow, ice, water and mud from sidewalks and providing for penalties for violation, it was brought out that property owners were concerned with this Ordinance as they have been asking the Mayor and members of the Council about it after reading of the introduction of the Ordinance at the last Council meeting.

Councilman Allen said he had been asked by some people of the Church as to who was liable for the church, was it the trustee? Mr. Michael, Attorney, said who ever is in charge of the church, if it is the duty of the trustee, then it would be the trustee's responsibility. It is also necessary to include churches in this Ordinance.

Councilman Allen also questioned the word pavement in the second paragraph. Mr. Michael said that this could be stricken out, that probably should have read driveways, as that was what it was intended for. Mr. Michael recommended striking out the word pavement. Councilman Goodwin asked if this was an Ordinance that can be enforced. The Mayor replied that some people may not have any one to clean the sidewalks and a lot of people are not physically able to clean them!

Councilman Hoke said he felt the time should be changed to twelve hours instead of three hours for removal of the snow.

Councilman Goodwin asked if this snow and ice Ordinance could be incorporated in section three of the second Ordinance. Mr. Michael said any one occupant could be in charge of a building. Some people own several houses and the owners can not always take care of these matters and that one of the tenants could be in charge. He pointed out that if a building has two tenants the law is that the owner must take care of the cleaning of snow and ice because of a difference of opinion, better

to have one occupant responsible for the cleaning of snow and ice. In answer to Councilman Allen's question as to what kind of a law we have on the books at the present time the Mayor replied we did not have any law.

It was also pointed out that people working shift work might not have time to clean the sidewalks in the time specified in the Ordinance. Widow women would have difficulties in getting the sidewalks cleared and that all men are not physically able to shovel snow and ice.

Mr. Michael pointed out to the Council that if someone falls even though it may be a widow woman's property that this Ordinance at least places the responsibilities on the property owner instead of the City of Nitro.

If the responsibility is on the property owner it releases the burden from the City. He also pointed out the Home Owner Insurance Policy would be a benefit to the Property Owners. He told Council that in any such law suit pertaining to things of this nature that the Defense Attorney always asked what is the City Ordinance.

The Mayor said there will be a lot of times when it will be wrong to fine a person who is unable to do the work. Mr. Michael said that that was the problem. You have to look at all situations. He said most any Ordinance or law hurts some people.

Councilman Hoke said he thought the time was too short and that twelve hours would be ample time.

Councilman Kniceley moved, seconded by Councilman Goodwin to accept the following Ordinance with changes made for the first reading. Upon a vote motion carried.

AN ORDINANCE PLACING THE RESPONSIBILITY
ON PROPERTY OWNERS AND OCCUPANTS TO
REMOVE SNOW, ICE, WATER AND MUD FROM
SIDEWALKS AND PROVIDING PENALTIES FOR
VIOLATION

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

It shall be the duty of all persons owning, using or occupying in any manner or for any purpose whatsoever, any house, store, shop, garage, building or tenement of

any king, and of all persons having charge of churches and public buildings of every description, and of the owners of unoccupied houses, stores, shops, garages, buildings or tenements of any kind and of the owners of vacant or unimproved lots, situated along on any paved street of the City of Nitro, and of their agents, within twelve hours, after the fall of any snow, to remove and clear away such snow or cause the same to be removed or cleared away from the pavements or sidewalks fronting such houses, stores, shops, garages, building, churches, public buildings, tenements or lots, in such a manner as to leave the sidewalk clean and free from snow and in such manner as to not obstruct the passage of water in the gutters. If such snow shall fall between the hours of six o'clock in the evening and six o'clock in the morning, then such snow shall be removed or cleared away before six o'clock in the evening.

Likewise, it shall be the duty of the persons as classified and described in the forementioned paragraph, to keep the pavements and sidewalks in front of their respective described property free of mud, ice and other such forms of nuisance, so that the persons using same may proceed over the same unobstructed and safely.

Any person failing to remove or cause the removal of snow, ice, mud, water, etc. in accordance with the provisions of this Ordinance, shall upon conviction be fined not less than one dollar, (\$1.00) nor more than Twenty Five Dollars, (\$25.00). Upon failure to remove or cause to be removed said snow, mud, ice, water, etc. in accordance with the provisions hereof, the Mayor, shall without notice, remove the same and report to the Council the cost and expense thereof. Such cost and expense may be assessed against the person and property delinquent, which shall be in addition to the penalty provided for herein.

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

This Ordinance shall become effective as of the date of passage.

Date of Passage _____.

The Council proceeded to discuss the Ordinance requiring the abutting property owner to lay, maintain, and keep in safe repair sidewalks and provide penalties for violation thereof and reimbursement to City.

Councilman Allen questioned section one of this Ordinance. Mr. Michael recommended striking the complete section one out. Also strike the word such out of the second section.

Councilman Goodwin suggested renumbering the Ordinance. Councilman Goodwin moved, seconded by Councilman Kniceley to accept the Ordinance with necessary changes for the first reading. Upon a vote motion carried.

AN ORDINANCE REQUIRING THE ABUTTING
PROPERTY OWNERS TO LAY, MAINTAIN, AND
KEEP IN SAFE REPAIR SIDEWALKS AND
PROVIDING PENALTIES FOR VIOLATION THERE-
OF, AND REIMBURSEMENT TO CITY.

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

SECTION 1. Responsibility of Property Owner to Repair Sidewalk.

It shall be the duty of all property owners and agents to repair any sidewalks, abutting upon the property owned by him, or in his charge, or relay the same whenever it becomes in bad repair, or whenever the same for any reason is not in conformity with the rules and regulations and specifications adopted or prescribed by Council. In any event he shall do so within thirty (30) days after receiving notice from the Council, or Mayor, requiring him to repair or relay such sidewalk.

SECTION 2. Care and maintenance of sidewalks:

It shall be unlawful for the owners and occupants of lots and land in the business and residential sections of the City to allow rubbish, trash or unsightly matter of any kind to accumulate and remain upon any sidewalk abutting their property, or permit grass and weeds to grow or remain upon the sidewalks abutting their property. If any person owning said property, or occupant, fail to comply with this section after three (3) days notice, the Mayor may have the grass and weeds cut, and such rubbish and trash removed, and shall charge the expense thereof to such owner or

occupant, and such charge shall be alien upon the property of such owner and may be collected in the same manner as taxes are collected under the general laws of this state.

SECTION 3. Property Owner to Indemnify City Against Liability.

In the event that the City shall be sued and forced to defend against a person injured by reason of a public sidewalk being out of repair, or by an obstruction cause by the accumulation of ice and snow or other obstruction, the property owner owning the property abutting the sidewalk area where the injury occurred shall in addition to the penalties hereinafter prescribed, fully indemnify and save the City harmless from all causes of action caused by the wrongful failure to comply with the foregoing sections.

SECTION 4. Penalties:

If any person, firm or corporation, shall violate any of the foregoing Sections 1 and 2, and found guilty, he or they shall be fined not less than ten dollars, (\$10.00) nor more than One Hundred Dollars, (\$100.00) which shall be in addition to any charge or expense assessed against such owner, as provided in this Ordinance.

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

This ordinance shall become effective as of the date of passage.

Date of Passage _____.

The Mayor asked if the members of the Council had looked at the sidewalk area where Mrs. Layton fell. Councilman Allen said that he had looked at the sidewalk but did not know where she fell. Councilman Kniceley said that the crevis is not much of a crevis. Mr. Michael said he had been unable to find the place where Mrs. Layton had fallen. He suggested that the Police Officers make an investigation and also ask Mrs. Layton to point out the spot where she fell and that a mold be made of this section. Also that they take pictures of this section and that they should have witnesses. The Council decided to have this investigation made and

bring the information to the next Council Meeting.

The Mayor told Council that he had secured the information from other towns regarding salaries, vacations, sick leave and so forth for the employees. They had mailed copies of same to all members of the Council. He also had secured from one town a copy of their financial statement for the last fiscal year and shall try to get financial statement from another town that would be comparable to Nitro.

He suggested and thought it necessary to have a meeting of the members of the Financial Committee and Police Committee and ask that the Council meet in executive session on the 30th of November at 7:30 P.M. At that time the Council can discuss this matter freely.

The Mayor informed Council he had one other matter that was not on the agenda which had been called to his attention by some of the neighboring towns and that was giving the office workers Friday the day following Thanksgiving off. He felt that it was the time of the month when we could do this. He also informed that our office employees come in frequently at night and work. In answer to questions on how this would affect the other employees, the Mayor said that it would not affect them.

In answer to Councilman Hoke's question if the Garbage men would work that day the Mayor replied yes.

Councilman Hoke moved, seconded by Councilman Goodwin to approve closing the offices in the City Hall, Friday, November 27, 1970. Motion carried.

Ken Webb asked how was the vacation matter in their recommendation going to affect their pay. Councilman Hoke said that these matters would be worked out.

There being no further business and the agenda having been completed the Mayor declared the meeting adjourned.



MAYOR



RECORDER

December 1, 1970

The City Council met in regular session Tuesday, December 1, 1970.

There were present: W. W. Alexander; Mayor, Grace Lewis; Recorder, Dr. R. V. Allen, E. L. Goodwin, Dr. L. I. Hoke, Kenneth K. Kniceley, Hugo D. Tidquist and Kenton L. Williamson, members of the Council. Councilman Tom Walcott being absent.

The meeting was called to order by Mayor Alexander.

Councilman Kniceley moved, seconded by Councilman Hoke, the minutes of November 17, 1970 be approved. Motion carried.

The Council discussed the Ordinance placing responsibility on property owners and occupants to remove snow, ice, water, and mud from sidewalks.

Councilman Allen asked what happens if property owners clean the sidewalks and someone still falls, who's responsibility is this.

Councilman Goodwin said anybody can be sued for most anything. The problem is the proof.

Mr. Michael, Attorney, says that this Ordinance puts the duty on the property owners and relieves the City of the duty. The only thing that could be done would be to show negligence on the property owners.

It is necessary to show who's responsibility the duty is.

Councilman Tidquist asked if property owners have to keep sidewalks clean does the City have to keep streets clean. The Attorney replied no, that people do not walk in the streets.

Councilman Allen asked how far are we going to enforce this Ordinance.

Councilman Hoke said he did not see how we could know the answer to this question.

The Mayor said we will have to have some experience on this subject to know.

Councilman Allen said that there were a lot of widow women that can not clean the sidewalks. One woman had called him and said that she could not clean her sidewalk. Councilman Hoke suggested letting people who are unable to clean side-

will bring in a certificate stating that they are unable.

Councilman Hoke moved, seconded by Councilman Kucielef, to accept this as the second reading for the ordinance. Upon a vote motion carried.

Councilman Hoke moved, seconded by Councilman Tidquist to adopt the Ordinance. Upon a vote motion carried.

AN ORDINANCE PLACING THE RESPONSIBILITY
OF PROPERTY OWNERS AND OCCUPANTS TO
REMOVE SNOW, ICE, WATER AND MUD FROM
SIDEWALKS AND PROVIDING PENALTIES FOR
VIOLATION

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

It shall be the duty of all person owning, using or occupying in any manner or for any purpose whatsoever, any house, store, shop, garage, building or tenement of any kind, and of all persons having charge of churches and public buildings of every description, and of the owners of unoccupied houses, stores, shops, garages, buildings or tenements of any kind and of the owners of vacant or unimproved lots, situated along on any paved street of the City of Minne, and of their agents, within twelve hours after the fall of any snow, to remove and clear away such snow or cause the same to be removed or cleared away from sidewalks fronting such houses, stores, shops, garages, buildings, churches, public buildings, tenements or lots, in such a manner as to leave the sidewalk clean and free from snow and in such manner as to not obstruct the passage of water in the gutters. If such snow shall fall between the hours of six o'clock in the evening and six o'clock in the morning, then such snow shall be removed or cleared away before six o'clock in the evening.

Likewise, it shall be the duty of the persons as classified and described in the aforementioned paragraph, to keep the sidewalks in front of their respective described property free of mud, ice and other such forms of nuisance, so that the persons using same may proceed over the same unobstructed and safely.

Any person failing to remove or cause the removal of snow, ice, mud, water, etc. in accordance with the provisions of this ordinance, shall upon conviction be

fined not less than One Dollar (\$1.00), nor more than Twenty Five Dollars (\$25.00). Upon a failure to remove or cause to be removed said snow, mud, ice, water, etc. in accordance with the provisions hereof, the Mayor may, without notice, remove the same and report to the Council the cost and expense thereof. Such cost and expense may be assessed against the person and property, delinquent, which shall be in addition to the penalty provided for herein.

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

This ordinance shall become effective as of the date of passage.

Date of Passage December 1, 1970.

In the discussions of the ordinance concerning safe repair of sidewalks the Attorney said they need to accept the change for omitting the word lay.

Councilman Allen said all sidewalks are not in too good of shape, especially the older sidewalks. He also asked who was to have the job having the repairs to be made. The Mayor said a lot of people will be told and be given a time limit. The Mayor reported that sidewalks on Bank Street are in bad shape, also the sidewalk on 2nd Street.

Councilman Allen asked if we should leave out the original section One because of the statement in the section recommending the Engineers part in building of sidewalks. The Mayor said that the Building Code takes care of specifications for sidewalks and therefore we could leave out Section One.

Councilman Allen asked if it would be necessary to select somebody to do the inspecting on the sidewalks. The Mayor said we could require the owner to bring in a sketch showing the specifications for sidewalks.

Councilman Hoke moved, seconded by Councilman Goodwin, to accept this for the second reading of the Ordinance. Upon a vote motion carried.

Councilman Kniceley moved, seconded by Councilman Hoke, to adopt the Ordinance. Upon a vote motion carried.

AN ORDINANCE REQUIRING THE ABUTTING
PROPERTY OWNERS TO MAINTAIN AND KEEP
IN SAFE REPAIR SIDEWALKS AND PROVIDING
PENALTIES FOR VIOLATION THEREOF, AND
REIMBURSEMENT TO CITY.

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

SECTION 1. Responsibility of Property Owner to Repair Sidewalk:

It shall be the duty of all property owners and agents to repair any side-
walks abutting upon the property owned by him or in his charge, or relay the
same whenever it becomes in bad repair, or whenever the same for any reason is not
in conformity with the rules and regulations and specifications adopted or pre-
scribed by Council. In any event he shall do so within thirty (30) days after re-
ceiving notice from the Council, or Mayor, requiring him to repair or relay such
sidewalk.

SECTION 2. Care and maintenance of sidewalks:

It shall be unlawful for the owners and occupants of lots and land in the
business and residential sections of the City to allow rubbish, trash or unsightly
matter of any kind to accumulate and remain upon any sidewalk abutting their property.
If any person owning said property, or occupant, fails to comply with this
section after three(3) days notice, the Mayor may have the grass and weeds cut, and
such rubbish and trash removed, and may charge the expense thereof to such owner or
occupant, and such charge shall be a lien upon the property of such owner and may
be collected in the same manner as taxes are collected under the general laws of
this state.

SECTION 3. Property Owner to Indemnify City Against Liability.

In the event that the City shall be sued and forced to defend against a person
injured by reason of a public sidewalk being out of repair, or by an obstruction
caused by the accumulation of ice and snow or other obstruction, the property owner

owning the property abutting the sidewalk area where the injury occurred shall in addition to the penalties hereinafter prescribed, fully indemnify and save the City harmless from all cause of action caused by the wrongful failure to comply with the foregoing sections.

If any person, firm or corporation shall violate any of the foregoing Sections 1 and 2, and found guilty, he or they shall be fined not less than Ten Dollars (\$10.00), nor more than One Hundred Dollars (\$100.00) which shall be in addition to any charge or expense assessed against such owner, as provided in this ordinance.

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

This ordinance shall become effective as of the date of passage.

Date of Passage December 1, 1970.

The Council and Attorney discussed the case of Mrs. Layton. A report was made that the Police Department had complied with the Attorney's direction of making an investigation in the case. Mr. Michael said that we have the investigation made and that as far as the sidewalk is concerned there is not much wrong with the sidewalk and he did not think we had anything to worry about. This accident happened in day light and that it was going to be hard to show any defects. It was pointed out that Mrs. Layton travels this sidewalks daily.

In answer to Councilman Allen's question on the cost for the City to go to Court, Mr. Michael said there would be no cost.

It was reported that Mrs. Layton's bills amounted to \$82.00 and that she was not covered by any type of insurance.

Councilman Hoke moved, seconded by Councilman Goodwin, that in view of information presented that this matter be tabled. Upon a vote motion carried.

The Mayor reported that Council had met the night before to discuss the re-

commendations of the Police Department and that it would be necessary to wait until after the first of the year to look into new sources of revenue.

The Mayor presented a form ordinance authorizing the City's participation and membership of the Kanawha Valley Regional Transportation Authority and its environs.

In discussing this Ordinance the Mayor said that all City's are being asked to participate in this Authority. They are asking each City to send a person's name into the Authority to represent the City. Councilman Hoke asked what the advantage was.

The Mayor said that the organization is also trying to secure Federal money and that it would be a regional thing in this area. It has been set up for fifteen members, five have already been named and the Authority is asking Nitro to recommend a name and the Mayor asked Councilman Goodwin to serve as the member from Nitro.

Councilman Hoke asked if a loan of Federal funds falls through can the Authority say that it is up to the group to raise the necessary money. Where does the City stand and is the City responsible for debts.

If the Authority fails to secure funds to buy the Transit Company Bus Service then can the responsibility be placed upon the City who are members of this Authority. Mr. Michael said he did not see any liability.

The Mayor pointed out that the Regional Authority is operated by the County Court. Councilman Allen said he thought this a good idea but he did not think they could make any money. The Mayor said he felt the same.

Mr. Michael said in order to answer the questions on the City's liability that he would have to see the Ordinance of the Regional Authority first.

It was suggested to accept this Ordinance for the first reading and to get a copy of Court Ordinance. The Mayor insisted that the City is not obligated for any money in any way.

Councilman Hoke pointed out that it did not say this in the Ordinance.

Councilman Allen moved, seconded by Councilman Kniceley, to accept the Ordinance for the first reading. Upon a vote motion carried.

Councilman Hoke moved, seconded by Councilman Allen, to confirm Councilman Goodwin as member of the Regional Authority. Upon a vote motion carried.

The Mayor told Council that usually they dispensed with holding the second meeting in December. The Council was in favor of dispensing second meeting, December 15, 1973.

Councilman Goodwin reported that along First Avenue South in the area of Kamas Service Station, the used car lot, and trailer sales that people are parking just off the highway. A person driving from a sidestreet has to get out into the highway in order to see and there is a danger of accidents as the speed limit in this area is 55 MPH. He also pointed out that this is state highway. The Mayor said that he would talk to Bob Titus in the Department of Highways concerning this matter.

Councilman Williamson said he had been contacted regarding a sewer problem close to George Hilton's property. The tenant has been paying a service charge and does not have a sewer. Councilman Allen said he had also been contacted about the same thing and that there is a sewer problem at 202 Main Avenue. The Mayor said that there is a sewer line in this area put in years ago before this area was a part of Nitro. Our men have had some problems while working in one property owners yard. The property owner has concreted the sewer and blocked the sewer off. These people had been directed to remove the concrete.

The Mayor told Council that on the corner of 4th Street there is a street light in front of the second house from the end of Third Avenue. The owner of the end house is having problems with people parking on Third Avenue causing a lot of noise and also doing damage to his property. He would like to have the street light moved to the corner of Third Avenue or 4th Street. The Street Light Committee is

to check this.

The Mayor reported that Mr. Harvey, former owner of the Sallis Area has requested the elimination of a 20' alley. From Wilson Street to Weather Tito and had sent in a form Ordinance to eliminate the alley. The Mayor said he felt that the people in this area had a say about the adoption of this Ordinance so therefore the Ordinance was not being presented to Council at this meeting.

There being no further business and the agenda having been completed the Mayor declared the meeting adjourned.

W. McAlpin

CITY OF ALEX, WEST VIRGINIA
HARRIS, W. W. ALEXANDER

James Davis
CITY OF ALEX, WEST VIRGINIA

January 5, 1971

The City Council met in regular session Tuesday, January 5, 1971.

Those were present: M. W. Alexander, Mayor, Grace Lewis, Recorder, Dr. R. V. Allen, E. L. Godwin, Dr. L. H. Nore, Kenneth L. Hixoley, Hugo B. Hixprint, Sam H. Waldorf and Houston L. Williamson, members of the Council.

The meeting was called to order by Mayor Alexander.

The invocation was given by the Reverend William Ingram of the Wesleyan Church of Union.

Councilman Hixoley moved, seconded by Councilman Godwin, the minutes of December 1, 1970 be approved. Motion carried.

Councilman Hixoley moved, seconded by Councilman Nore, the Municipal Statement for the month of December 1970 be approved. Motion carried.

Mr. Michael, the attorney, presented to the Council copy of order of the Kentucky Court, Court members establishing the Kentucky County Transportation Authority on the 23rd of September 1970. Also copy of the Court, Court order on the resolution relating to establishment of the City of Charleston and Kanawha County, Regional Transportation Authority on October 5, 1970.

Whereupon Councilman Allen moved, seconded by Councilman Williamson, the ordinance authorizing the participation and membership in the Kanawha Valley Regional Transportation Authority by the City of Mingo, West Virginia and the ordinance be accepted on the Second Reading and adoption thereof. Upon a vote motion carried.

AN ORDINANCE AUTHORIZING THE PARTICIPATION AND MEMBERSHIP IN THE KANAWHA VALLEY REGIONAL TRANSPORTATION AUTHORITY BY THE CITY (COUNTY) OF MINGO, WEST VIRGINIA, AND ITS ENVIRONS.

WHEREAS, by order of the County Court of Kanawha County, West Virginia, entered on September 30, 1970, and October 5, 1970, respectively, and by ordinance adopted by the Council of the City of Charleston on October 5, 1970, there was created and established pursuant to the provisions of Article 21, Chapter 8, of the Code of West Virginia of 1923, as amended, an urban area transportation

WINTERBOS, the established and well-known independent contractor in the Southern Valley Regional Transportation Authority, and in connection with the above transportation contract, setting the Mountain View area, and particularly the City (1991) as follows; it is essential for purposes of the contract as set forth in the Valley City contract to the granting of benefits, also, whereby the economic development of each area, including the City (1991) as above; and

WIRELESS, Inc., 600 Madison Ave., New York City (8) at Radio Station WJZ.

The following details of stock are not being furnished to you:

and, in fact, in the case of the (1) of the

[illegible]

(c) "The undersigned of said City (Town) of _____, as the governing body of said City (Town), does hereby appoint T. I. GUTHRIE, a resident of said City (Town), to serve as a member of the Board of said said _____ Village Region or Transportation Authority, or representative of the Council, for a term beginning June 5, 1971 and ending 1-5-73 or(s) (not to exceed 3) years thereafter.

(c) From the CIA, (FOIA), it was determined that there is no record of the service of the following organizations and whether they provide the (FOIA) services requested by you:

(1) that the action of representation from a participating government to the Board of Directors of the National Wildlife Refuge Administration, shall, subsequent to this initial appointment, be suspended upon such time as time be the relevant policy of the participating governments.

(5) That this ordinance is severable and should any portion thereof be held invalid for any reason, the validity of the remaining portions shall not be affected.

T. Johnston regarding the relocation of street light on 14th Street, Councilman Thibault reported that he had checked the lights on 15th Street and Third Avenue and 14th Street. At 14th Street and Third Avenue there is not a light but two poles located in this area. The Mayor informed that the request was made to move the light from the pole in front of Andy Teel's house to the corner of 14th Street and Third Avenue. Councilman Allen reported that during summer months when the trees are in bloom with the lights on 15th Street and Third Avenue they not give as good as light. The Mayor said that the Power Company usually asks the license around the street lights.

Councilman Thibault moved, seconded by Councilman MacFarley, to move the light from pole in front of Teel's house on 14th Street to the corner of 14th Street and Third Avenue and upgrade the light to 3500 mercury vapor.

Councilman Thibault also informed that a street light had not been installed on 30th Street and Third Avenue.

The Mayor and Council proceeded to discuss Ordinance to particularly vacate and close on May 201 in width shown upon the revised map of Section 6 of Sites of record in the office of the Clerk of the County Court of Lincoln County, West Virginia, map book 1, at pages 132 and 133, extending from the Western line of said Sites, to, thence, Union District, Lincoln County, West Virginia.

The Mayor also presented a petition which was signed by 100 of the property owners in this portion of area protesting the closing of the alley. Our time following recessed.

1. How Business could locate and pull up back on Hillside Drive.

2. no street, inside Drive would not stand up before the additional burden of heavy equipment, trucks and vehicular traffic.

3. Valuation of property on the north side of Mill Lane Drive would suffer from devaluation.

4. There are enough problems with existing laws with regard to an over-flow of refuse.

The Mayor explained that in talking with Mr. Harvey and his Attorney that they told him that in each hood or each piece of property in the area there is a signal that who the people who own the property in the area there a right to do away with the right of way that is now existing. The Mayor went on to say that in his opinion it is a subdivision and that in a subdivision there is a chance law which supersedes any stipulation of this nature in deeds. The Mayor went on to explain that the people living in this subdivision are not in favor of this change and have a petition stating that they do not wish the alley eliminated.

The Mayor explained that Mr. M. Harris, the Attorney had witness this ordinance and sent it in for the Council to pass and since he had felt that the people in this area should be recognized by the Council as to their feelings. Thereupon Councilman Goodwin moved, seconded by Councilman Tidquist, to reject this Ordinance which would vacate and close the alley 20' in width. Motion was action carried.

Councilman Pike asked if the citizens still wished to close this alley would they take it to Court and would it be the Council's on the property owners responsibility.

The Mayor replied that since the Council has taken this action that it would be up to the City to prevent this alley being closed and in all probability that it would be handled in the Circuit Court.

Councilman Kniceley said that we are going to have to keep an eye on this property, to see that nothing was built on it. Councilman Tidquist mentioned that his trucks were coming in on the road in front of the houses and asked if there was any way to keep the trucks off the street. The Mayor said that he doesn't be-

leave that there is, and asked if the street was built by the subdivision contractor or the City. It was pointed out that Mr. Harvey built the street and says that it is extra heavy and that it would not break up. It was also pointed out that dump trucks are coming in on the street and are heavily loaded with fly ash. The Mayor asked Mr. Michael if the Council would be in their rights to set up a weight limit in an effort to keep trucks off the street. He pointed out it would be the same as any other street in the City. He asked if there was an Ordinance affecting this street. There is no ordinance designating weight limit for any street with the exception of Second Avenue.

Councilman Hoyle suggested the Engineer check into this matter as to the proper weight limit and his recommendation to the Council.

When it was pointed out that it would take two readings to pass an ordinance the Mayor said that he would try to work out something with the Collector who is working in the Fly Ash.

Councilman Kinnoley said he understood that they are installing an 8" sewer which is inadequate. The Mayor said he had been told that the sewer is 24" in diameter and is 30" high. It would be heavy enough but not low enough.

Councilman Allen asked if we had anything in the records that requires the Ash to be covered. The Mayor said that Mr. Ash is supposed to be covered and that is in the City.

The Recorder read a letter from the Southwestern Airport Authority of West Virginia extending to the City of Nitro an invitation to join with the Authority and its effort to promote and construct a Regional Airport to serve the City of Nitro and the Metropolitan Area. The Mayor pointed out that the City may choose to appoint a working member of the Authority, with him as the City's financing partner full or part time.

The Mayor informed Council that he had accepted a meeting of the Airport

According to the report. The Authority had also extended an invitation to the City of Dallas. We also pointed out that our decision would be able to attend all meetings however, not have a vote.

The Mayor pointed out that this issue is going to be much stronger than it has been in the past. We said that option of not looking for the representative of the Governmental Agency, that the money for this program will be forth coming. If Howard County does not come in then Shelby County is going to pick up the slack. The Airport is going to become a reality and since we have this opportunity to become a part of this program, personally he thinks we should.

Councilman Whitford moved, seconded by Councilman Wildorf, to approve the invitation to join the Southwestern Airport Authority of West Virginia as a non-voting member. Upon a vote, motion carried.

We then asked if they wanted to select a member now. Councilman Voth suggested that they give it a little more time and then sit and give their recommendation at the next Council meeting.

The Recorder read a letter from the Mountain View Division of the West Virginia Forest Association requesting permission to conduct its annual Forest Fund Drive in vitro during the month of February.

Councilman Voth moved, seconded by Councilman Allen, to grant permission to the Forest Association. Upon a vote motion carried.

Councilman Wildorf said that we had not done anything about the street light for 30th Street and Third Avenue. Thereupon Councilman Wildorf moved, seconded by Councilman Whitford to check with the Appalachian Power Company to see if they can install a light in this area without cost to the City for the installation of the pole. Upon a vote motion carried.

Councilman Whitford reported that he had attended a meeting of the Finance Committee and that Eddie Goodrich, the Finance Officer, has accepted another job. However, he is going to try and work the Finance Officer's job at the usual hours.

The Committee wished to know if the City of Nitro would pay \$8.00 on Insurance for the House Officer in lieu of a raise. The Mayor said that it was his opinion that we could not give him insurance without giving insurance to our regular employees. He did not think it was fair.

Councilman Tidgrist informed Council that the Lions Club wanted the City to pay the Electric Bill for the Christmas lights. The Mayor said this is around \$200.00 but that it would have to see if we could work it in our next Budget.

The Mayor also said that he intended to call on executive session concerning our Budget. It was necessary to do something as money is quite a problem now.

Councilman Allen said that he was not against the City paying the light bill, the merchants and other people had helped to purchase the lights and had done a tremendous job. The Mayor said that he thought that before next year we would have more and that this is a very good program and that we have time to see what we can do.

Councilman Hale asked if the City derived any revenue from the big signs on the highway.

The Mayor said nothing other than the cost of the Building Permit.

There being no further business and agenda having been completed the Mayor declared the meeting adjourned.

W.W. Alexander

MAYOR

Grace Lewis

RECORDER

Session, 13, 1971

The City Council met in Executive Session, Wednesday, Session, 13, 1971.

Those were present: H. W. Allen, Mayor; Mayor, George Lewis; Recorder, Dr. R. V. Allen; E. L. Goodwin, Dr. L. F. White, Joseph H. Anderson, Page D. Sidgwick, and William Wilder, members of the Council. Councilman Herbert L. Williamson being absent.

The Mayor called the meeting to order and explained to the Councilmen that this meeting was called for the purpose of discussing the City Minutes.

The Recorder presented copies of the Reconciliation sheet of the City's Budget for this year showing amount allocated and disbursed in every budget item.

The Council proceeded to review and study these sheets. The reconciliation sheet shows the Police Department and Garage Department have expended more than their dollar amount of their budget is allowing them.

The Council proceeded to discuss ways of bringing down expenditures in all of these departments. Councilman Wilder suggested eliminating the salaries of some people and suggested people working in the Police Department should be changed accordingly.

The Mayor said if we should do this it would be a very big step all over town. The only way to control the budget is to control spending everywhere.

The Mayor discussed the City Council's role and the Industries regarding our problem and that they should have something to do with it. The Mayor said he would be talking to them when the Council.

Councilman Goodwin asked what other ways of bringing down the Police Department Service Fees. The Mayor said that is really the only thing that would help in the long run. He said the Garages and Police Departments are where we are the most. He also explained that we could decrease the Municipal Service Fee.

Councilman Goodwin asked what the Municipal Service Fee would be. The

they said that protesting at his house on George Street had the same, the good
 purpose Department also.

The answer to Question 11, which question regarding the British School was
 that that the Government was not prepared to pay the cost of the school
 because it was not a school for the poor.

The answer to Question 12, which question regarding the British School was
 that that the Government was not prepared to pay the cost of the school
 because it was not a school for the poor.

The answer to Question 13, which question regarding the British School was
 that that the Government was not prepared to pay the cost of the school
 because it was not a school for the poor.

The answer to Question 14, which question regarding the British School was
 that that the Government was not prepared to pay the cost of the school
 because it was not a school for the poor.

The answer to Question 15, which question regarding the British School was
 that that the Government was not prepared to pay the cost of the school
 because it was not a school for the poor.

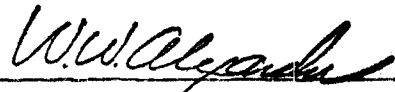
The answer to Question 16, which question regarding the British School was
 that that the Government was not prepared to pay the cost of the school
 because it was not a school for the poor.

The answer to Question 17, which question regarding the British School was
 that that the Government was not prepared to pay the cost of the school
 because it was not a school for the poor.

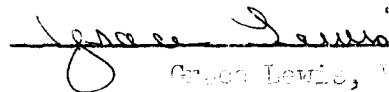
The answer to Question 18, which question regarding the British School was
 that that the Government was not prepared to pay the cost of the school
 because it was not a school for the poor.

In discussion of the amount of the increase in the Municipal Service Fee it was pointed out that one dollar would just about break even. In order to give a surplus in the forthcoming budget, the amount of an increase should be two dollars.

There being no further business to come before Council, The Mayor declared the meeting adjourned.



W. W. Alexander, Mayor



Grace Lewis, Recorder

January 19, 1971

The City Council met in regular session January 19, 1971.

There were present: W. W. Alexander; Mayor, Grace Lewis; Recorder, Dr. R. V. Allen, E. L. Goodwin, Kenneth K. Kniceley, Hugo D. Tidquist, Tom M. Waldorf, and Kenton L. Williamson, members of the Council. Councilman L. I. Hoke being absent.

The Mayor called the meeting to order.

The Reverend Harold Goodpastor of the Nitro Church of God gave the invocation.

Councilman Kniceley moved, seconded by Councilman Goodwin, to approve the minutes for the Regular Session, January 5, 1971 and Executive Session, January 13, 1971. Motion carried.

Councilman Goodwin moved, seconded by Councilman Waldorf, to approve the Financial Statement for the month of December 1970. Motion carried.

The Mayor welcomed Cadet Troop 466 and their leader, Mrs. Wanda Smith, explaining that the girls were here to learn a little about the Municipal Government.

He told them he wanted them to feel free to come to Council meetings any time they wished.

The Mayor appointed Tom Waldorf as the non-voting members of the Southwestern Airport Authority of West Virginia asking for the approval of the Council.

Councilman Williamson moved, seconded by Councilman Goodwin, the appointment of Tom M. Waldorf as a non-voting member of the Southwestern Airport Authority of West Virginia be approved. Upon a vote motioncarried.

The Mayor explained to Council that his reason for appointing a member from Industry to the Authority was because he understood that Industires are very much interested in this program.

The Mayor in explaining the Municipal Service Ordinance stated that this came out of the Executive session of Council, January 13, 1971. He explained that the Council has had two meetings recently regarding the City Finances. The Mayor went on to say that every one is well aware of the rising cost of everything today and that even if our finances are low, the people still expect services. and The Revenue has not increased and kept pace with the over all rise of cost of living.

The Mayor explained that the Council had been trying to find ways of raising funds for the City operation and that it came out of our meetings that we felt it was better to raise this particular item since we have the collection office set up.

Councilman Kniceley asked about the land owners being responsible for the payment of the Municipal Service. Luke Michael, Attorney, said that the statute provides that no lien can be filed against property owners for the non-payment of a Municipal Service Fee.

In answer to Councilman Kniceley's question on all people being responsible for this Municipal Service, The Attorney directed him to Number 3 under Collection.

Councilman Allen questioned item 10, delinquent accounts with reference to the same. All delinquent accounts are subject to stoppage of service without notice. It was explained that we do have a few people who only pay when their service has been discontinued.

Councilman Tidquist asked if we would be going back to the once a month pick-up schedule. The Mayor said he hoped to do so in a short time as there is more to be hauled than the average person thinks there is.

Councilman Kniceley said he had noticed plastic bags all over town containing trash and more likely there could be some garbage in them.

The Mayor said that any time the men found garbage in the plastic bags they do not pick up. The Mayor said that we have tried to separate the trash and garbage and been very strict about it, due to the fact that something in the trash

might tear up the hydrolic press.

Councilman Tidquist pointed out that the plastic garbage cans are to costly and do not give good service, during the winter months they split.

The Mayor explained that the carrier's use plastic containers that are light weight and fit the shoulder, they are expensive but they last longer than the other garbage cans.

Councilman Waldorf moved, seconded by Councilman Tidquist, to accept the following ordinance for the first reading. Upon a vote motion carried.

AN ORDINANCE TO AMEND AND RE-ENACT ORDINANCE NO. 97, OF THE CITY OF NITRO ESTABLISHING A MUNICIPAL SERVICE CHARGE FOR THE COLLECTION AND DISPOSAL OF ALL GARBAGE, ~~RUBBISH AND OTHER~~ REFUSE ACCUMULATED IN THE CITY; STREET CLEANING; STREET LIGHTING; STREET MAINTENANCE AND IMPROVEMENT; AND MAINTENANCE OF FIRE HYDRANTS WITHIN THE CITY OF NITRO; PROVIDING RULES AND REGULATIONS FOR THE STORAGE AND COLLECTION OF GARBAGE AND OTHER REFUSE; PROVIDING FOR A SERVICE CHARGE BY THE CITY OF NITRO FOR FURNISHING SAID SERVICES; AND PROVIDING 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 Service Ordinance of the City of Nitro."

2. Definitions: For the purpose of this ordinance the following terms, phrases, words and their deriviations 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 combustibile and non-combustibile 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.

(e) Collection: All garbage, rubbish and 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 garbage, rubbish or refuse accumulated in the City.

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, leasee 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 anywhere 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 City shall have the exclusive right to collect garbage within the corporate limits of the City of Nitro.

8. Street Cleaning, Street Lighting, Street Maintenance and Improvements and Maintenance of Fire Hydrants: The Director, who shall be the Mayor or some other person designated by him shall be in charge of all street cleaning, street lighting, street maintenance and improvements and maintenance of fire hydrants within the City of Nitro, and the Superintendent, so designated by him, shall see

that the streets are cleaned at regular intervals, necessary repairs and improvements are made to said streets, and that all street lights and fire hydrants are properly functioning and appropriate equipment shall be furnished to the Superintendent to perform these duties.

9. 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 Five Dollars (\$5.00) per month, due and payable on the last day of each calendar month, for which the services are rendered.

(c) Such service charge for each owner, tenant or occupant of commercial premises shall be a minimum service charge of Five Dollars (\$5.00) 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 charge 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.

(e) 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.

10. 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.

11. 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).

12. 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.

13. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

14. This ordinance shall take effect as of the 1st day of March, 1971.

Councilman Kniceley said the Committee was working on the letter explaining the information for the increase in the Municipal Service rates and also to be delivered to each house in town. He thought we should make a survey to be sure the people who are paying as well as the people who are not paying get a copy of the letter.

Councilman Kniceley moved, seconded by Councilman Goodwin, that the necessary parts of the Ordinance be published in the local newspaper. Upon a vote motion carried.

The Mayor explained that the Attorney does not have the necessary amendments for an increase in the Business and Occupational tax on Contractors.

Mr. Michael explained in the early 60's the Legislation had raised the State rates in the Business & Occupational Tax but had frozen the rates cities could charge and that it would be necessary for us to use the maximum rates charged by the State in 1959.

He thought the allowable rate for Cities to charge Contractors was \$2.00.

He would prepare the Ordinance for the next Council meeting.

The members of the Council were given a copy of the City Business & Occupational Form to look over before the next Council meeting.

The Mayor informed Council that Mr. Michael would need to do a lot of research on the matter of making a charge on Commercial Signs.

The Recorder read a petition regarding an Ordinance and proclaiming Nitro a Bird Sanctuary from the Brookhaven Garden Club.

PETITION

To the Honorable Mayor and Councilmen of the City of Nitro:

The Brookhaven Garden Club requests that the Honorable Mayor and Members of the Council consider favorably the following petition.

Inasmuch as "Conservation," or the saving, protecting, preserving of our natural resources should claim the deep and considered concern of every patriotic citizen as being of utmost importance in our national economy, we bring to your favorable consideration the following facts and needs.

Our outdoor assets have been drastically depleted by various abuses. Some provision must be made for wildlife if it is to continue to exist. In this all-over plan of conservation, the value of birds is no longer a matter of speculation, but has reached the point of scientific fact. Biologic scientists have proven beyond any doubt the important service rendered by birds...their economic value as our "first line of defense" against noxious weeds and against insects that destroy our crops, our gardens, our trees. The Department of Agriculture states that birds save us \$400 million yearly. Scientists claim the human race could not exist many years without birds. Added to this practical value our gardens, our streets, and parkways--indeed, our whole town--are all enriched by their beauty of form, flight and song, the charm and inspiration of their

presence. The slogan of our National Council of State Garden Clubs is "Every Garden a Bird Sanctuary."

Therefore, we respectfully petition that you formally proclaim the town of Nitro a Bird Sanctuary, with suitable laws for protecting all of our birds from molestation, intimidation, wounding, slaughter by hand-thrown missile, traps, shooting, etc., or the robbing of their nests. We further request that you give the Brookhaven Garden Club permission to place at the various entrances of Nitro suitable plaques stating that our town is a Bird Sanctuary, as an appeal and reminder to Tourist and Native alike.

Respectfully submitted,

Brookhaven Garden Club

Councilman Goodwin moved, seconded by Councilman Williamson, that the Ordinance be prepared by the Attorney proclaiming Nitro as a Bird Sanctuary.

The Recorder read a letter from Don Mellert, President of the Nitro Junior High School Band Boosters as follows:

Atten. Mayor W. W. Alexander

After twenty-five years of the "same old uniforms", an undertaking has been launched for NEW UNIFORMS by fall of 1971!

Thus far the Band Boosters have raised \$3000, leaving about \$3500 needed. We feel the local merchants and plants receive the bulk of our money (groceries, furniture, appliances, real estate, clothing, etc.); and we have been disappointed with the response from area businesses and plants.

We have sold candy, donuts; given concerts, made house-to-house and business-to-business solicitations. We have planned several other sales; spaghetti dinner in February; Mardi Gras Review on February 27; basketball game and several other fund-raising projects. We don't mind working for our profits; but the cooperation of the local merchants and plants would make our work-load much easier.

Our thanks in advance for your cooperation and: helping our city by helping our youth!
NEW UNIFORMS IN '71!

Sincerely,

Don Mellert, President
Nitro Junior High Band Boosters

The Mayor said he felt the only thing the Council could do would be to go on record that we hoped the people are willing to cooperate and help in this worthwhile cause.

Councilman Waldorf moved, seconded by Councilman Kniceley, to go on record supporting the Fund Drive for New Uniforms for the Nitro Junior High School Band.

There being no further business and the agenda having been completed the Mayor declared the meeting adjourned.



W. W. Alexander, Mayor



Grace Lewis, Recorder

February 2, 1971

The City Council met in regular session Tuesday, February 2, 1971.

There were present: W. W. Alexander; Mayor, Grace Lewis; Recorder, Dr. R. V. Allen, E. L. Goodwin, Kenneth K. Kniceley, Hugo D. Tidquist, and Kenton L. Williamson members of the Council. Councilmen L. I. Hoke and Tom Waldorf being absent.

The meeting was called to order by Mayor Alexander.

The invocation was given by the Reverend Kenneth Ball of St. Paul's United Methodist Church of Nitro.

Councilman Kniceley moved, seconded by Councilman Goodwin, the minutes of January 19, 1971 be approved. Upon a vote motion carried.

Councilman Kniceley reported that the three members of the Council had completed the letter to all residents, regarding the increase in Municipal Service. The Mayor told Council that the letter was being delivered at the present to all homes and to date all homes had been covered with the exception of the area between 21st Street and 11th Street.

The Mayor reported that he has had several phone calls and several people have been in to talk to him regarding the increase and that in most cases those he has talked with has had one thing in mind and that was trying to see if those people living on fixed income could be eliminated, that he had told them it would be impossible to leave anyone out. The Council had discussed this one particular item at great lengths in an effort to find a way to work out something for the retired.

The Mayor also pointed out that the only two avenues that the Council felt that could bring any amount of money was an additional charge on Municipal Service or Fire Service Fee, which had been discussed by Council at great length.

If the City were to put on the Fire Service Fee it would be necessary to have a separate collection office where by approximately 20 percent of money collected would go for the administration of the Fire Service Fee.

He also pointed out that there has been a general increase in everything, including labor.

The Reverend Ball said he could understand the City's position in this matter. He worked with the Senior Citizens and they were upset over the increase. He had tried to explain to them that he did not see any other way the City could work this out, that there was not other alternative. He went on to say that the City has a good garbage crew that work days that other people do not, meaning holidays.'

The Mayor said that labor cost had gone up 40 percent. He also pointed out that the people did not realize that this extra fee was for other items. Not only the garbage hauling. Out of this increase a part will go for the payment of Fire Hydrant Rental, Street lights, street maintenance and trash pickups.

If this does not go through, the City would not be able to pay the street light bill or the Fire Hydrant Rental and in addition it would be necessary to lay off 7 or 8 employees. Everyone knows that the additional cost of living has increased in the last few years the City had not escaped this cost. He would venture to say that our Treasury is the lowest it has been in 20 years.

The Mayor pointed out that the Fire Service Fee in Charleston would run the average home owner \$35.00 to \$50.00 per year, and this does not include garbage fee.

Mr. McGuire a visitor asked how many people live in Nitro. The Mayor said approximately 22 hundred. Mr. McGuire asked about the swimming pool, the extra dollar we have been paying for the swimming pool. The Mayor explained that the Swimming Pool collections have more than paid for the operation of the pool each year. The amount the City contributes is the amount required to retire the bonds each year.

Mr. Michael, Attorney, tried to explain that the State Law sets out certain services that can come under a Municipal Service Fee. He went on to explain that the City had to list services rendered to people of the town in an ordinance in order to prepare a Municipal Service Fee, explaining that money from garbage collections will not go for the Pool uses, that the thing it does, it leaves other money in the

general revenue to go for the Pool and other such items. This Ordinance will take care of garbage, street lighting, fire hydrant rental and other maintenance.

Mr. McGuire asked if the people had not voted additional revenue taxes and about 39 thousand dollars for the special levy. He asked if we are going to have any assurance they will not take any services from us.

The Mayor said that we are trying and we hope to get back to the once a month trash pickups.

In answer to Mr. McGuire's question regarding how many trucks are used for the once a month pickup, the Mayor replied two.

Mr. McGuire brought up the question of the trash around the bridge area. The Mayor said that we have tried to tell people in the extreme east end to put their trash out on the 1st of the month, as the trucks are usually in this area on the first of the month.

Mr. Payne of Dupont Avenue asked about the cleaning of the street, what the plans are.

The Mayor pointed out that in this particular area the block needs very little cleaning. Mr. Payne said that some of the residents clean the storm sewers themselves and asked if there will be a regular schedule to work.'

The Mayor said probably one time during a three month period. The Mayor said we are trying to do as much as we can and it takes about 30 thousand dollars a month to operate City Government.

In answer to Mr. McGuire's question regarding the Industry contributions, the Mayor informed him that we felt sure that the Industry will continue to contribute as they have in the past and that we have always included this contribution in our budgets. It had been approved by the State Tax Department and that he was not going to discuss what we are doing regarding the Industry at this time but he would say that the Industry are in this deep.

Councilman Tidquist asked if there was any way we could help the people on fixed income. The Mayor said there was not.

Councilman Allen reported that he had received several calls, one from a lady on welfare, who said she could not pay anything, a lady on fixed income which only has one bag of garbage, which she would give her son. She has sent an itemized statement of her income and she had been paying out more than she was receiving. Another call from an unemployed man said that he could not pay.

Councilman Allen said this is going to be a tremendous hardship on these people. He has tried to explain the Fire Service Fee to them and if there was anything we could do for people like this that he would like to see it done.

The Mayor said there are a number of old people who have been retired 15 years and this will be a hardship for them.

The Mayor said there will be a few people who can not pay for this service, however, you could not charge some people and not charge others.

In answer to question on how much money goes to retire the bond for the swimming pool, the Mayor answered approximately 15 thousand a year.

In answer to the suggestion of increasing the charge on the Pool the Mayor answered that we had thought along this line about raising the fee but we may be depriving some child from a clean recreation because they could not afford to pay the price. Regardless of what we raise we will hurt some people.

Councilman Tidquist asked if there was a way we could charge for trash haulings? The Mayor said if we did this we would have to have a person check the loads and set a price for the pickup and the cost of administration would go up.

Councilman Goodwin suggested tags on garbage cans, if there was a tag on a can they would pick it up but if not it would not be picked up. This would also cost more.

Mr. McGuire asked if this would cover the Police Department. The Mayor said this is another case where it will relieve money for the Police Department expenses,

which is one of the items we have a heavy cost in.

In answer to Mr. McGuire's question regarding increasing the wages of the employees at the end of the fiscal year, the Mayor said that we try to increase not any one department that it is usually across the board increase.

Councilman Kniceley stated that the Council has looked at this thing for the last 6 months, we are not proud of it, but that it is an absolute necessity.

Councilman Goodwin said that this was the reason of writing the letter to go to all the homes.

The Attorney indisucssing the increase of Business & Occupational Tax for Contractors stated that January 1, 1959, the City rates were frozen by the Legislature. Before that what ever the state could charge the City could charge also. In 1959 the rate on the Contractors the state charged was \$2.00 per hundred.

Therefore the limit that the City can put on Contractors for Business & Occupational Tax would be \$2.00 per hundred.

Councilman Kniceley moved, seconded by Councilman Tidquist, that the Attorney prepare admmendment to the business & Occupation Tax Ordinance increasing contractors to the amount of \$2.00 per hundred. Upon a vote motion carried.

The Attorney told Council that he had been unable to find anything in the State Code regarding making a charge on Commercial Signs and also pointed out that the Legislature has a bill at this time regarding this matter.

The Mayor told Council that he had received some copies of bills that had been presented to the Legislature during this term that affected the City. There are some of the bills that will help. The Legislature is aware that the Cities and Towns are in bad shape.

Councilman Goodwin moved, seconded by Councilman Kniceley, to adopt the Ordinance on the Nitro Bird Sanctuary for the first reading. Upon a vote motion carried.

PROCLAMATION

WHEREAS, it has become necessary to preserve our wildlife if it is to continue to exist, and birds play an important part in this wildlife, and thier economic value as well as their beauty of form, flight, and song, is of utmost important to our nation, and,

WHEREAS, to promote the preservation and well being of our birds, in this community, from molestation, intimidation, wounding and slaughter by shooting and other means, a Bird Sanctuary, with suitable laws for their protection should be established in the City of Nitro.

THEREFORE BE IT RESOLVED:

1. That the area within the limits of the City of Nitro is hereby designated a BIRD SANCTUARY and every citizen is called upon to conserve bird life through care, feeding and protection from danger of any and all kinds.
2. That the cooperation of every individual and agency is solicited in making this effort a success.

SIGNED:

DATE _____

Mayor, City of Nitro

ORDINANCE

BE IT ORDAINED by the Mayor and Council of the City of Nitro in Council assembled:

That the entire area embraced within the corporate limits of the City of Nitro be, and the same is hereby designated as a BIRD SANCTUARY.

That it shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any manner any bird or wild fowl or to rob bird nests or wild fowl nests. Provided, however, if starlings or similar birds are found to congregating in such numbers in a particular locality that they constitute a nuisance or menace to health or property in the opinion of the proper health authorities of the City of Nitro, then in such even said health authorities shall meet with representatives of the garden council, after having given at least three days actual notice of the time and place of said meeting to the representatives of said Council. If as

a result of said meeting no satisfactory alternative is found to abate such nuisance, then said birds may be destroyed in such numbers and in such manner as is deemed advisable by said health authorities under the supervision of the Chief of Police of the City of Nitro.

Anyone violating the provisions of this Ordinance shall be punishable by a fine of not more than \$100.00 or imprisonment not exceeding 30 days.

This Ordinance shall take effect immediately upon its adoption. Done and Ratified in City Council this _____ day of _____, 1971.

SIGNED:

Mayor

ATTEST:

City Recorder

The Mayor told Council that the Muscular Dystrophy Association of America, Inc. have asked to have permission to conduct a Tag Day in Nitro on Saturday, March 13, 1971. This is similar to the Drive held in December, 1970.

Councilman Goodwin moved, seconded by Councilman Williamson, to give the Muscular Dystrophy Association of America permission to conduct a Tag Day on March 13, 1971.

Councilman Allen said he had received a call from a resident on Main Avenue wanting to know where the new Complex Building would take the surface water, this is on Boundary and Main Avenue.

The Mayor said that they had been looking at this problem. He had asked Mr. Russell of Homes of America to have two lines running to the River. We could take our drains into this to take care of this area and that we will permit the Homes for America to use our right of way. Mr. Russell had agreed to use an 18" line to run to the river using the City right of way.

Councilman Allen reported that during the wind storm that the fly ash on the

new fill on 1st Avenue South had caused quite a lot of problems to the people living on Hillside Drive and asked if the owner could not be required to cover the fly ash.

The Mayor said that fly ash dries out easily and in order to control it you have to keep it wet or cover with earth.

Councilman Allen said that people on Hillside Drive need protection. It was pointed out that we will continue to have problems regarding fly ash and the Council asked that the Attorney prepare an Ordinance on covering fly ash used in the City.

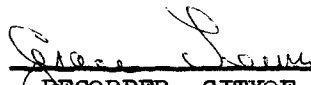
Councilman Goodwin reported that people living on the old County Road, Third Avenue, had been complaining that the Garbage trucks were tearing up the unpaved roads which caused damages to their cars.

The Mayor informed that the trucks weigh a tremendous amount and we will try to keep this road in good shape as possible.

There being no further business and the agenda having been completed the Mayor declared the meeting adjourned.



MAYOR, CITY OF NITRO



RECORDER, CITY OF NITRO

February 16, 1971

The City Council met in regular session Tuesday, February 16, 1971.

There were present: W. W. Alexander; Mayor, Grace Lewis; Recorder, Dr. R.V. Allen, E. L. Goodwin, L. I. Hoke, Kenneth K. Kniceley, Hugo D. Tidquist, Tom M. Waldorf and Kenton L. Williamson, members of the Council.

The meeting was called to order by Mayor Alexander.

The invocation was given by the Reverend Kenneth Ball of the St. Paul's United Methodist Church of Nitro.

Councilman Kniceley moved, seconded by Councilman Williamson, the minutes of February 2, 1971 be approved. Motion carried.

Councilman Kniceley moved, seconded by Councilman Waldorf, the Financial Statement for the month of January be approved. Motion carried.

The Mayor opened the discussion of the Municipal Service Amendment. Mr. Thomas Fryer of 806 Washington Avenue asked to be heard.

Mr. Fryer: I would like to ask what is the issue concerning the \$2.00 increase. Two weeks ago the government sent out a letter saying the City Government was in trouble, you asked me to come. I want to get it across, this is not a personal thing. I had told some people I would defend them. I do not attend the Council meetings and do not know who my representative is. What is the worth of our Community.

Mayor Alexander: Do you want the assessed valuation of the City.

Mr. Fryer: The intake revenue.

Mayor Alexander: It amounts to Three hundred thousand to four hundred thousand.

Mr. Fryer: What is the X amount of garbage - X amount of this? When I put everything together, I come to three hundred thousand, maybe four hundred thousand. I know you have revenue from other sources. I do not want to see the City go broke. We have to tighten our belts and see where we spend money. Don't you think we could tell the people where we spend the money? Did we try to grow up too fast?

Mayor Alexander: The cost of everything has gone up on items we buy, rent or service work.

Mr. Fryer: I have lived here four years, we have the same garbage trucks, same fire engines, one new police car. I don't feel that we spend that much, that we are going to get a hike, we have the sewage headache. How far can we go? If you give me an answer, I will try to help.

Mayor Alexander: The Sewage Department is a separate function and does not enter into this discussion.

Councilman Williamson: Our employees need an increase, our costs are continually going up. We have trucks repaired, the mechanic needs more money and it will cost us more for all repairs.

Mr. Fryer: You say we have three police cars, four sanitary trucks, two Fire engines and other equipment. Do we have a City Mechanic.

Councilman Williamson: We do have a mechanic. He does minor jobs.

Mr. Fryer: If we had a steady City mechanic it would cost us \$40.00 da day. We also have other projects. Riverdale Acres is a bad situation. Don'tt we need a sewer in this area.

Mayor Alexander: Regarding your statement that the City has not bought any equipment, we have bought two garbage trucks also a tractor.

Mr. Fryer: We are not tightning our belts. I have looked around, things don't jive with me. Where are we spending the money?

Mayor Alexander: Seven men and myself have been working very hard looking into this situation. I believe that with the experience these gentlemen have had in business and several years at this table, their knowledge is much greater than someone who has not had experience. We have financial Statements once a month and a FinancialStatement is published in the newspaper at the endof each fiscal year. We have copeis of this in the office any time you want to look at it. Our budget is worked up in April for the coming year. You can not accurately

figure all costs for the next year and we allocate the amount that we believe that we will need and the amount that we believe that will be coming into the City. For the past five years, as you know, the cost of all items and labor have increased. Everything has gone up in price and our operating revenue has not increased. Several months ago a special Financial Committee was appointed to check all different avenues for revenue. This committee checked out all other towns and were not successful in finding solution for our problem. We have had two executive meetings of the Council and have thoroughly discussed this matter. We feel that this is the cheapest and best way to increase the City Revenue as we already have the office and equipment set up for the collection. If the City revenue doesnot increase it is necessary that we eliminate the following.

New Budget - 1971-72

- | | |
|--|-------------|
| 1. Eliminate all vacation and sick leave. | \$ 7,200.00 |
| 2. Discontinue participation in 4 City Dog Control | 2,060.00 |
| 3. Eliminate Fly Control | 2,540.00 |

IMMEDIATELY:

- | | |
|--|-------------|
| 4. Lay off - 1 Policemen | 6,000.00 |
| 5. Lay off - 1 Fireman | 5,500.00 |
| 6. Lay off at least 2 Garbage Carriers | 9,000.00 |
| 7. Eliminate Trash Pick-up | 10,000.00 |
| 8. Eliminate all street lights in residential area | 6,000.00 |
| 9. Possibility of eliminating some fire hydrants | 4,200.00 |
| 10. Possibility of once a week garbage pick-up - will be necessary for all patron to place garbage cans on street curb, except where there is an ally. | |
| 11. Police Department - 40 hours per week | \$ 8,500.00 |

This would cost every home owner in Nitro more than \$2.00 a month. The elimination of fire hydrants in residential areas would cause the Fire Insurance Premiums to about double in costs. The reason for the Residential areas is that very few times when we have a fire in the residential area that can not be put out with the fire truck along. The elimination of the fire hydrants would cost the City to go from a 6 rate to an 8 rate or higher. We do not believe the people of Nitro are ready to give up these things to save \$2.00 a month. If the Council for any reason does not pass the Ordinance, I ask the Council to give me the

power to put these changes in force immediately, as we can not operate in the red.

Mr. Fryer: Do we have a floating fund or a surplus fund in the Sewer Department?

Mayor Alexander: We must leave the Sewer Department out of this discussion as it is not operated by this Council. The Sewer Department is operated by the Sanitary Board and comes under the jurisdiction of the West Virginia Public Service Commission.

Mr. Fryer: About the Pool, we must have a surplus in this.

Councilman Williamson: We do not have a surplus in the Pool fund, as we are paying on the bonds for the Pool.

Mr. Fryer: I have read that the state had money to put out to work where money is needed. I am here to help get money and to save my money. I would like to have my questions answered.

Councilman Williamson: I do not understand your question.

Mrs. Stone: I believe that his question is - Is there an overage in the Sewer Department and where does this money go and is there an audit, what is done with the money. Does the Public Commission get the money or does the City get the money?

Mayor Alexander: The Sanitary Board operates about even. In the past 10 years, Nitro has not had an increase in Sewer fees. If the Sanitary Board had a million dollars in their fund, the City of Nitro could not use a dime of it. We can not take money from the Sanitary Board and use it to operate the City Government. The Sanitary Board is operated under the law of the Public Service Commission.

The Recorder: The Sanitary Board books are audited every month by a local C.P.A. and a report is sent to the Public Service Commission. The Sanitary Board also has a yearly audit done by this local firm. A copy is sent to the Bonding company and also published in the local paper.

Mayor Alexander: A large amount of money collected in the Sanitary Department goes to pay off the bonds.

Mr. Fryer: I have brought in a petition signed by residents protesting the \$2.00 increase and am presenting the petition to Mr. Williamson.

Mr. Fryer: Asked if the Mayor was the Chairman of the Sanitary Board, does the Council not know anything about the Sanitary Board.

Mayor Alexander: I am the Chairman of the Sanitary Board by law. There are two other members. The Council doesnot know about the Sewer operations but do not make the decisions for this department. The decisions are made by the Board.

Question - Are the board members representatives of the people of Nitro?

Mayor Alexander: Yes, one is an enginerr, required by law.

Mr. Fryer: Last summer the City wanted to take over the Water Works as a project.

Mayor Alexander: The City Council voted to have a study made of the Water Company. The cost of this study was paid for by the Monsanto Company. The study showed that we could not have made any money operating the Water Company.

Dean Miller: I do not want to do without any of the services I have been getting. I do hope that the Council does not pass the Ordinance, as I do not believe it is fair. My name appears on the petition, the reason is not because of the money, I can pay the \$5.00. It is because of the Senior Citizens and the widows. I wish we could get relief for them. I suggest assessing per garbage can \$3.00 for the first can, the widow will remain the same. I suggest \$2.00 for each additional can.

Mayor Alexander: The Senior Citizens were the main concern of all members of the Council. In the two Executive Meetings, this was throughly discussed. An effort made to try to find some way to help the older citizens. The Attorney is trying to find a way to eliminate increasing the Senior Citizens Service Fee. We know that Charleston and So. Charleston have an exemption for these people in their service fee, however, there is not law to back it up causing a loophole in

law. We as a Council do not want to hurt these people.

~~Max~~ Holstein: Upon hearing the list of service that would be cut back, I am going to have to go on the assumption that the Mayor is being a little melodramatic or the Council has not taken a good look at this situation. First of all there are many revenue sources available. Many aids that can be brought into the City. Many studies can be made, I know that through the National League of Cities that they provide these services. Department of Housing and Urban provides services for Cities in trouble. I would like to ask why parking meters are not used. In making a study, Dunbar in 1970 had 150 parking meters. \$90.00 a meter or \$73,800.52 a year, with a charge of 5¢ an hour. If Nitro put in 250 meters, this does not include residential areas, only the business, we could have \$23,200.63 per year at 5¢ an hour. And using 10¢ this figure could double.

If you have known about this situation for a year and a half, why were you not figuring it out. I have attended seminars and conventions of Municipalities and have never seen the Mayor nor any members of the Council present. What are you going to leave me and my children. Find out how other cities are solving their problems. Find out from the professionals, find out from the brain banks how to run a government and run it right. Don't let the City end up dead. Surrounding towns are prospering heavily, what has Nitro done besides start a dam.

Mayor Alexander: I have attended numerous meetings of the Municipal League. For ten years I attended all meetings. I was State President in 1950, Executive President in 1949. I don't feel that the League has made any progress in the last few years. They have sponsored some bills in the Legislature but none have come through. About the only law passed by the Legislature pertaining to Cities cost the City more money.

Max Holstein: House Bill 702 allows Cities to participate in sharing of Federal Funds.

Mayor Alexander: I am a member of the Board of Directors of RICK. This

organization says whether or not any money comes from the Federal Government.

RICK has to approve the project and also approve the funds coming from the Federal Government. We have discussed parking meters and have made a survey. The money you take in from the parking meters does not go all to the City Government. If you buy the meter the price is high, about half of the money goes to pay for the meters. You also have to consider vandalism.

Councilman Kniceley: It would take years to break even on parking meters.

The Mayor and Council then discussed an idea of putting a minimum charge on the Senior Citizens. It would be necessary that the Senior Citizens sign an affidavit relative to their income. It was suggested that the Ordinance be amended to set a low fee for the Senior Citizens.

Luke Michael: I don't believe you can take a user's tax and fight this problem. This ordinance is based on the user. If we fight this it would be unconstitutional. In talking to Martin Bowles, Attorney of So. Charleston and St. Albans, Mr. Bowles says that he did not know whether the Supreme Court would uphold the way So. Charleston is doing this, in that they have excluded the Senior Citizens from the Municipal Service Fee. The City only has the authority that the State Law gives them and there is nothing in the State Law to change or make exceptions to different classes.

Charles Painter: Has the Council discussed the avenue of increasing the Business and Occupational Tax? Nitro rates are lower than the other towns.

Mayor Alexander: The Council has discussed this and at the present time are amending the rate on contractors.

Mr. Painter: The proposed amendment does not make any change on wholesale or resale. The Ordinance should be brought up to the State rate.

Luke Michael: The City can not bring gross sales tax rates up to the State's. The City can only tax what the State Law gives them the right to. The City rates were frozen in 1959, which that is the rate that we can use in Business and Occupational Tax.

Vera Boggs: My garbage has not been picked up for three weeks.

Mayor Alexander: Due to the ice and snow our trucks have not been able to get on Bailes Drive and Nitro Heights.

Two widow ladies told the Council that they did well to pay the \$3.00 fee and they are not able to pay \$5.00 a month.

Mr. Thurman: I lived in St. Albans before moving to Nitro. We had excellent service and cheaper garbage rates in St. Albans, My garbage has not been picked up for ten days. What am I going to get for \$5.00 if I pay \$3.00 now and do not get any service.

Mayor Alexander: Your problem is the street. Norwood Drive should never have been installed without some provisions to take care of the snow and ice. It will be necessary for the City to do something about your street before another year, as we can not run the risk of losing a life or a truck on a steep icy hill. The hill has cost the City a lot already this winter.

Mr. Thurman: I think it seems like it would be some other way to raise money more efficiently.

Mayor Alexander: There is some difference in towns. We could go to the Assessor's Office and ask for an increase in the valuation, we did not see fit to take this course. If we would ask for an increase on Property Valuation, then it would only mean that most of the tax would go to the school, which is 64¢ to school, 25¢ to the County, 11% to the City. What we need is a reallocation of the tax dollar so that the City can get their share. Several years ago the County Court gave a lot of services that they do not do any more. The City has to provide all services. In St. Albans they have a special levy for the Fire Department. Charleston has a Fire Service Fee based on property valuation which runs the property owner \$40.00 to \$150.00 a year.

Should the City of Nitro go to the Fire Service Fee it would mean additional cost in administration. We could have found other ways but they were more expensive.

Mr. Miller: Has the Council considered annexing all the Plant area and the interstate.

Mayor Alexander: The Council has talked about his matter.

Mr. Fryer: I suggest letting the people sign an affidavit allowing a man to pick up their trash.

Mayor: This can not be done as private individuals can not pick up trash in the City, as their routes are set up by the Public Service Commission.

Mr. Fryer: Will there be a vote on this question, meaning the Municipal Service Change.

Mayor Alexander: We will check the petition thoroughly regarding to legal qualified votes and handwriting. The Mayor asked the Council's pleasure regarding the Municipal Service Ordinance.

Councilman Allen: We could go ahead and pass the Ordinance and then ask that an amendment be made relative to the Senior Citizens. Thereupon Councilman Allen moved, seconded by Councilman Waldorf, that the Municipal Service Ordinance be accepted as Second Reading. Upon a vote motion carried unanimously.

Councilman Allen said we need to establish a fee. Set the income for \$300.00 or less for the Senior Citizens, they will have to sign an affidavit.

Councilman Goodwin moved, seconded by Councilman Allen, that the Municipal Service Ordinance be adopted. Upon a vote motion carried.

AN ORDINANCE TO AMEND AND RE-ENACT ORDINANCES NO. 97, OF THE CITY OF NITRO ESTABLISHING A MUNICIPAL SERVICE CHARGE FOR THE COLLECTION AND DISPOSAL OF ALL GARBAGE, RUBBISH AND OTHER REFUSE ACCUMULATED IN THE CITY; STREET CLEANING; STREET LIGHTING; STREET MAINTENANCE AND IMPROVEMENT; AND MAINTENANCE OF FIRE HYDRANTS WITHIN THE CITY OF NITRO; PROVIDING RULES AND REGULATIONS FOR THE STORAGE AND COLLECTION OF GARBAGE AND OTHER REFUSE; PROVIDING FOR A SERVICE CHARGE BY THE CITY OF NITRO FOR FURNISHING SAID SERVICES; AND PROVIDING 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 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 industrial wastes.

3. Collection: All garbage, rubbish and 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 garbage, rubbish or refuse accumulated in the City.

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 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 anywhere 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 Cit . The Director shall be the Mayor or some person designated by him for the performance of such service.

7. The City shall have the exclusive right to collect garbage within the corporate limits of the City of Nitro.

8. Street Cleaning, Street lighting, Street Maintenance and Improvements and Maintenance of Fire Hydrants: The Director, who shall be the Mayor or some other person designated by him, shall be in charge of all street cleaning, street lighting, street maintenance and improvements and maintenance of fire hydrants within the City of Nitro, and the Superintendent, so designated by him, shall see that the streets are cleaned at regular intervals, necessary repairs and improvements are made to said streets, and that all street lights and fire hydrants are properly functioning and appropriate equipment shall be furnished to the Superintendent to perform these duties.

9. Rates:

(a) For the aforesaid services, the Director shall collect a service charge for such services for 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 Five Dollars (\$5.00) per month, due and payable on the last day of each calendar month, for which the services are rendered.

(c) Such service charge for each owner, tenant or occupant of commercial premises shall be a minimum service charge of Five Dollars (\$5.00) 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 charge 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.

(e) 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.

10. 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.

11. 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)

12. Each provisions 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.

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

14. This ordinance shall take effect as of the 1 day of March, 1971.

W. W. Alexander, Mayor

Grace Lewis, Recorder

The Attorney is to prepare the amendment regarding Senior Citizens and have it ready for First Reading on March 2.

Councilman Hoke moved, seconded by Councilman Williamson that the amendment to the Business & Occupation Tax regarding Contractors be accepted for First Reading. Upon a vote motion carried.

AMENDMENT TO ORDINANCE NUMBER 64:

AN ORDINANCE AMENDING SECTION 13 OF ORDINANCE NUMBER

64 OF THE CITY OF NITRO, AS AMENDED, INCREASING THE
PRIVILEGE AND OCCUPATION TAX IMPOSED UPON CONTRACTORS
DURING BUSINESS IN THE CITY OF NITRO.

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

That Section 13 of the Gross Sales Tax Ordinance No. 64 be amended and re-enacted to read as follows:

Section 13. BUSINESS OF CONTRACTING.

Upon every person engaging or conducting within the City of Nitro in the business of contracting the tax shall be \$2.00 on each \$100.00 of the gross income of the business.

All ordinance or parts of ordinances in conflict herewith, are to the extent of such conflict, hereby repealed.

This ordinance shall be effective as of the _____ day of _____, 1971.

W. W. Alexander, Mayor

Grace Lewis, Recorder

Councilman Goodwin moved, seconded by Councilman Williamson, to accept and adopt the Ordinance on making Nitro a Bird Sanctuary. Upon a vote motion carried.

O R D I N A N C E

BE IT ORDAINED by the Mayor and Council of the City of Nitro in Council assembled:

That the entire area embraced within the corporate limits of the City of Nitro be, and the same is hereby designated as a BIRD SANCTUARY.

That it shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any manner any bird or wild fowl or to rob bird nests or wild fowl nests. Provided, however, if starlings or similar birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or menace to health or property in the opinion of the proper health authorities of the City of Nitro, then in such event said health authorities shall meet with representatives of the garden council, after having given at least three days actual notice of the time

and place of said meeting to the representatives of said Council. If as a result of said meeting no satisfactory alternative is found to abate such nuisance, then said birds may be destroyed in such numbers and in such manner as is deemed advisable by said health authorities under the supervision of the Chief of Police of the City of Nitro.

Anyone violating the provisions of this Ordinance shall be punishable by a fine of not more than \$100.00 or imprisonment not exceeding 30 days.

This ordinance shall take effect immediately upon its adoption. Done and ratified in City Council this) day of , 1971.

W. W. Alexander, Mayor

Councilman Allen moved, seconded by Councilman Tidquist, to accept for First Reading the Ordinance regarding Landfills.

AN ORDINANCE REGULATING LAND FILLS AND PROVIDING
PENALTIES FOR THE VIOLATION THEREOF.

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

It shall be unlawful, from and after the date of this passage of this ordinance, for any person, firm, partnership or corporation, to use fly ash for the purpose of land fills within the City of Nitro without covering said fly ash at the end of each working day, or in no event later than 8:00 P.M. of each working day, with dirt or some other substance which would prevent said fly ash from being picked up by the wind and polluting the air or settling on other properties in the area.

Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon a conviction thereof shall be fined not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00), or confined in jail not more than thirty (30) days, or both, in the discretion of the Court, and each day or part thereof that any violation shall continue shall be deemed to constitute a distinct and separate offense and be punishable accordingly.

This Ordinance shall be effective as of the _____ day of _____, 1971.

W. W. Alexander, Mayor

Grace Lewis, Recorder

Councilman Hoke reported a traffic problem on Third Avenue on the left hand side of 21st Street. The people park in such a way that the cars are two-thirds out in the street. There has been several nearmisses and is dangerous. The Board of Education had installed a parking place for the school teachers behind the High School that they used for a while but now they are back in front of the school and the Post Office and asked that the Principal be contacted to inform school personnel to use the parking lot and not the City Streets.

Councilman Allen reported that we have two 15 minute limit Parking signs at the Post Office and that most of the time these spaces are taken up by cars from the school.

Councilman Hoke reported that Cohen Drug have a garbage container at the side of the building and that cars park so close to the container that the pick up trucks can not turn to the alley behind Cohens.

Mr. McCormick of Norwood Road asked what were the plans for installation of Street lights and fire hydrants on Norwood. The Street Light Committee will check the area for street lights. It will be necessary to make a survey for fire hydrants with the Water Company and get approval from the West Virginia Fire Underwriters.

Mr. Steel said she had no objections to the \$5.00 but that she did get mad when she read the Council's letter regarding the cleaning of the streets. She stated that on her street where she lived that the women keep the street clean.

There being no further business to come before Council and the agenda having been completed the Mayor adjourned the meeting.



Mayor



Recorder

March 2, 1971

The City Council met in regular session Tuesday, March 2, 1971.

There were present: W. W. Alexander; Mayor, Grace Lewis; Recorder, Dr. R. V. Allen, E. L. Goodwin, Kenneth K. Kniceley, L. I. Hoke, Hugo D. Tidquist, and Tom Waldorf, members of the Council. Councilman Kenton L. Williamson being absent.

The meeting was called to order by Mayor Alexander.

The invocation was given by the Reverend James Horton of the First Baptist Church of Nitro.

Councilman Waldorf moved, seconded by Councilman Hoke, the minutes of February 16, 1971.

In discussion of the amendment to the Municipal Service Ordinance regarding senior citizens, Mr. Michael, referred to the portion of the Ordinance that reads, "who is retired or over the age of 65 years and whose monthly income from any source is not more than \$300.00," stating that this stipulation should cover all people who are retired.

Mayor Alexander said that this would take care of any person who has been retired because of physical disability. The amendment was read as follows:

AMENDMENT TO ORDINANCE NUMBER 64:

AN ORDINANCE AMENDING SECTION 13 OF ORDINANCE
NUMBER 64 OF THE CITY OF NITRO, AS AMENDED,
INCREASING THE PRIVILEGE AND OCCUPATION TAX
IMPOSED UPON CONTRACTORS DOING BUSINESS IN
THE CITY OF NITRO.

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

That Section 13 of the Gross Sales Tax Ordinance No. 64 be amended and re-enacted to read as follows:

Section 13. BUSINESS OF CONTRACTING

Upon every person engaging or conducting within the City of Nitro in the business of contracting the tax shall be \$2.00 on each \$100.00 of the gross income

of the business.

All ordinances or parts of ordinances in conflict herewith, are to the extent of such conflict, hereby repealed.

This ordinance shall be effective as of the 1 day of April, 1971.

W. W. Alexander, Mayor

Grace Lewis, Recorder

Thereupon Councilman Kniceley moved, seconded by Councilman Hoke, to accept the amendment as the Second Reading. Upon a vote motion carried.

This ordinance will become effective April 1, 1971.

Councilman Kniceley moved, seconded by Councilman Kniceley, to accept the Ordinance as Second Reading, the Ordinance regulating landfills and providing penalties for the violation thereof. Upon a vote motion carried.

AN ORDINANCE REGULATING LAND FILLS AND
PROVIDING PEANLTIES FOR THE VIOLATION
THEREOF.

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

It shall be unalwful, fromand after the date of the passage of this ordinance, for any person, firm, partnership or corporation, to use fly ash for the purpose of land fills within the City of Nitro without covering said fly ash at the end of each working day, or in not event later than 8:00 P.M. of each working day, with dirt or some other substance which would prevent air pollution by said fly ash and to prevent said fly ash from being picked up by the wind and polluting the air or settling or other properties in the area.

Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon a conviction thereof shall be fined not less than fifty dollars)\$50.00) nor more thanOne Hundred Dollars (\$100.00), or confined in jail

not more than thirty (30) days, or both, in the discretion of the Court, and each day or part thereof that any violation shall continue shall be deemed to constitute a distinct and separate offense and be punishable accordingly.

This ordinance shall be effective as of the 2 day of March, 1971.

Councilman Allen moved, seconded by Councilman Kniceley, the adoption of the Ordinance for the Landfilling and providing penalties for the violation thereof, to become effective as of this date. Upon a vote motion carried.

Bids from Humble Oil and Refining Company and Union 76 Divisions of Union Oil Company of California, were opened and read by Council.

Union 76 Division bid on gasoline - .1724 per gallon.

Humble Oil & Refining Company bid on gasoline - .2330 per gallon.

The Council also discussed other itme bids on the bid forms.

Councilman Goodwin moved, seconded by Councilman Waldorf, to accept the bid from Union 76 Divisions, the lower bid. Upon a vote motion carried.

A request for solicitations in Nitro from the Sunrise Foundation, during the period of February 19 through March 26, requesting permission for solicitations by mail and in some cases personal visits, was also presented to Council.

Councilman Waldorf moved, seconded by Councilman Tidquist, that the Sunrise Foundation be granted permission to make solicitations by mail only. Upon a vote motion carried.

The news release of the Appalachian Power Company requesting rate increase was discussed. It was pointed out that the increase would amount to around 10 percent.

Councilman Kniceley moved, seconded by Councilman Hoke, to go on record protesting to the Public Service Commission the rate increase of the Appalachian Power Company.

The Mayor and Council discussed the activities of the Kanawha Valley Regional Transportation Authority in their proposal to lease-purchase the facilities of the Charleston Transit Company.

It was pointed out that if it cost the City anything, then we were unable to participate at this time.

The Mayor said that we are in favor of keeping the bus service but we are not in a financial position to help.

Councilman Goodwin moved, seconded by Councilman Waldorf, that we go on record supporting the Regional Transportation Authorities proposal, however, we can not participate financially. Upon a vote motioncarried.

Councilman Hoke proposed that the Council investigate Max Holstein's suggestions on parking meters. We ask forhis plans of his study that he has made relative to parking meters in Nitro.

Councilman Allen said that the Committee that was appointed to raise additional revenue had gone through the business area and talked about this one particular thing, parking meters. They had looked into the cost of the meters and found that with a service of 25 meters or less, the cost was \$71.00 each. This does not include installation. Over 25 meters which is \$65.50 each.

It was also pointed out that the business housesin Nitro did not want parking meters. It was pointed out that if the employees of the business houses would not park their personal cars in front of a place of business, there would be ample parking space for customers. Councilman Kniceley suggested limiting two hour parking.

It was pointed out that the business houses objected to time limit parking.

Councilman Hoke moved, seconded by Councilman Waldorf, that a letter be written to Max Holstein asking him to submit the plans and survey on parking meters for Nitro. Upon a vote motioncarried.

Mrs. Jerry Steel asked Councilman Waldorf to read an article that appeared in a couple of newspapers. Councilman Waldorf read the letter. Mrs. Steel addressed the Mayor and Council saying that if in the article that they were referring to her as the elderly lady that there is a misunderstanding somewhere. The Mayor did not

make that statement to her and if he had, as high tempered as she was, that she would probably had a good comeback.

The Mayor in discussing the request from the Nitro Ministerial Association to review the status of the Warehouse, stated that he had talked to Mr. Ralph Chaney, the person who operates the Warehouse. Mr. Chaney does not own the business, place, that a Vending Machine Company does own it. He had told Mr. Chaney that the place was run too loose. We are aware of the problems and the conditions will have to improve if it is to continue business.

The Police are very much concerned with this place of business. There are a lot of things that have been going on that they have not been able to control. The Police can not stay around the building all the time.

The Reverend Ball said that they would like to have a meeting with Mr. Chaney, a representative of the Police Department, the Council and other groups. It is very difficult to work with a business concern, it would be different if there were a group with a set of rules. The Church can not tolerate the things that are going on. We feel we need Police protection.

In answer to Councilman Goodwin's question regarding the man's licenses, the Mayor said he has a general store license and a license for the machine. In answer to question on beer being sold there, the Mayor said no it is not sold there but we have heard that there has been some drinking going on.

Councilman Hoke said this place is a public nuisance and that he would like to see Council take procedures to close it down.

The Mayor said it would require a conviction that the business is a public nuisance and if found guilty that the operators or owners can take an appeal to the Intermediate Court of Kanawha County. They would also have the right to appeal to the Circuit Court and onto the Supreme Court.

The Reverend Goodpaster said that we are in this thing together, not as individuals. If there is a way that this place could be run properly and with adequate supervisions and make a decent place for children to congregate, the Nitro is in

desperate need of recreation for our youth.

It was suggested that a meeting be called and that a representative from the schools, the Principal of the Nitro High School and the Nitro Junior High School, the President of the Student Council of the Jr. High and High School, representative of the Police Department and that Mr. Chaney be asked to attend this meeting. The meeting will be held March 9, 1971 at 7:30 in the Council Chambers.

The Mayor informed Council that the truck operated by Jess Harrison had been wrecked on Norwood Road during icy weather condition and now that the motor had burned up. We used this truck for three years, and it would cost us Seven to Eight Hundred Dollars to repair it.

We had found a good used truck and he had agreed to purchase the truck, however, it had not been paid for. It is a 68 Chevrolet, the cost is \$1,350.00.

Councilman Hoke asked if a bid had been secured.

The Mayor said he had gotten a bid for a used truck from Holman Motor Sales, we had been offered \$100.00 for our old truck but that we thought there was more salvage that we could use, so we had kept that truck for the parts.

Councilman Kniceley moved, seconded by Councilman Waldorf, to accept the purchase of this truck. Upon a vote motion carried.

The Mayor told the Council that our black Police Cruiser is in the garage, and that it is a continuous cost on repairs on this car.

The Mayor and Council discussed securing bids on a new cruiser. It was pointed out that the motor in the Police Package car was too heavy, that the motor should be a medium size.

The Council studied the bid forms on the Police Cruiser and made the necessary changes.

Councilman Allen reported that on Third Avenue and 16th Street there is a spring coming off the hill and during bad weather it is very icy and there is not a ditch there to drain the water.

Councilman Aleln also reported a call he had gotten from a person who lives near Childers Chevrolet Garage, complaining of red dog all over the street from the used car lot and that he wanted to know how far back Childers property could be used as business and that he could not give him an answer.

The Mayor said he believed that it was the first hundred and forty feet.

Councilman Waldorf reported that our garbage trucks should pick up Nitro High School and Nitro Elementary School separately. The trucks are carrying mud onto paved streets and suggested the truck park on Third Avenue and carry the trash to the truck.

Councilman Tidquist reported that Norwood needs street lights, he also reported that he had checked on the call on Valentine Circle. He felt that the light was adequate.

Councilman Tidquist also reported that the street light in front of the Catholic Church needs a new fixture, he also suggested erecting speed limit signs from West 11th Street to the Pool.

Councilman Kniceley reported a broken sewer on Norwood.

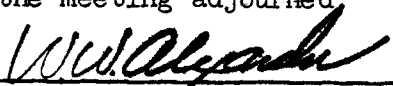
The Mayor said that this was supposed have been taken care of.

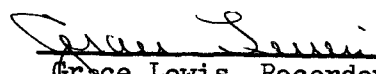
Councilman Kniceley asked how we stood on Cable Television for the Brookhaven area. The Mayor reported that he had received a petition with 85 percent of the people, stating that they wanted Cable Television and the petition had been presented to the Cable Company.

Councilman Tidquist reported that the Taxi Company is taking over the parking on 19th Street and Second Avenue.

Councilman Allen suggested passing an Ordinance to take care of parking on streets. The Traffic Committee was asked to check 19th Street between Wintz Avenue and 1st Avenue, as to one way coming in, and also lower Bank Street, as one way.

There being no further business and the agenda having been completed the Mayor declared the meeting adjourned.


W. W. Alexander, Mayor


Grace Lewis, Recorder

March 16, 1971

The City Council met in regular session Tuesday, March 16, 1971.

There were present: W. W. Alexander; Mayor, Grace Lewis, Recorder, Dr. R. V. Allen, E. L. Goodwin, Kenneth K. Kniceley, L. I. Hoke, Hugo D. Tidquist, and Kenton L. Williamson, members of the Council. Councilman Tom Waldorf being absent.

The meeting was called to order by Mayor Alexander.

The invocation was given by the Reverend James Horton of the First Baptist Church of Nitro.

Councilman Hoke moved, seconded by Councilman Kniceley, the minutes of March 2, 1971 be approved. Upon a vote motion carried.

Councilman Kniceley moved, seconded by Councilman Williamson, the Financial Statement for the month of February, 1971 be approved. Upon a vote motion carried.

Councilman Allen said that he quoted 69.50 for the price of meters over 25 in count. It was put in the minutes as 65.50.

The Recorder read the Certification of Petition signed by 867 residents and asked that the Certification be made part of the minutes.

CERTIFICATION

WHEREAS, pursuant to Chapter 8, Article 13, Section 13, the Common Council of the City of Nitro did on the 16th day of February, 1971, pass an Ordinance amending Ordinance No. 97, which said Ordinance increased the rates for certain Municipal Services furnished by said City, and,

WHEREAS, said Chapter 8, Article 13, Section 13, among other things, provided that "In the event thirty percent of the qualified voters of the Municipality by petition duly signed by them in their own handwriting and filed with the Recorder of the Municipality within fifteen days after the expiration of such publication protest against such ordinance as enacted or amended, the Ordinance shall not become effective until it shall be ratified by a majority of the legal votes cast thereon by the qualified voters of such Municipality at a regular Municipal election,

as the governing body shall direct", and,

WHEREAS, at the protest meeting held on February 16, 1971, a petition was filed with the City Recorder, within the time required by law, purporting to bear the signatures of 867 persons, some of said signatures being signed "Mr. and Mrs.", which petition on its face showed that the names had not been signed in their own handwriting, and

WHEREAS, there are 3,490 qualified voters in the City of Nitro residing in Kanawha County, West Virginia, and 721 qualified voters in the City of Nitro residing in Putnam County, West Virginia, or a total of 4,211 qualified voters residing in the City of Nitro, and 30 percent of the qualified voters in said City are 1263 voters, and

WHEREAS, if all purported signatures are taken at face value, which appear on said petition, it does not meet the requirements of Chapter, 3 Article 13, Section 13.

NOW, THEREFORE, WITNESSETH: That I, GRACE LEWIS, City Recorder of the City of Nitro, do hereby certify to the Common Council of the City of Nitro that said petition filed on February 16, 1971, with said Recorder, protesting the increase in rates for said Municipal Service Charge, purporting to contain the signatures of 867 qualified voters of said municipality, does not comply with Chapter 8, Article 13, Chapter 13, which requires signatures of thirty percent of the qualified voters in said municipality, in their own handwriting, and that thirty percent of said qualified voters would be 1263 persons.

Given under my hand this 16th day of March, 1971.

Grace Lewis, Recorder

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, TO-WIT:

Taken, subscribed and sworn to before the undersigned Notary Public by Grace Lewis, City Recorder, on this the 16th day of March, 1971.

My commission expires June 28, 1976.

Notary Public

Councilman Goodwin moved, seconded by Councilman Tidquist, to accept the Certification. Upon a vote motion carried.

Upon the Attorney's advise Councilman Kniceley moved, seconded by Councilman Goodwin, to accept the Recorder's findings as set out in the Certification. Upon a vote motion carried.

The Recorder presented copies of the Kanawha Valley Regional Transportation Authority regarding the acquisition of the Charleston Transportation Bus Company, it sets out the accounts for each town in the Valley and Kanawha County. The amount of Nitro's portion on the purchase price being \$5,900.00.

The Mayor told Council that the City's letter had been written stating that Council wholeheartedly supported the Transportation Authority taking over the bus Company but that the City of Nitro could not financially participate. The Mayor said also he had received several letters concerning the acquisition of the Bus Company, one from Morris Harvey College, Marshall Bucklew and the Labor Committee. The Mayor said also he felt that this was a worthwhile project but he did not know if City Governments should be expected to participate financially.

Councilman Kniceley moved, seconded by Councilman Hoke to table this matter for the present. Upon a vote motion carried.

Councilman Kniceley reported on meeting held March 9, 1971 concerning the Warehouse Restaurant. Mr. McIlwain, Principal of Nitro Jr. High School, Ron Currie, President of Nitro High School Student Council, and Ministers, Kenneth Ball, Father Byer, James Horton, and Harold Goodpaster, Becky Smith and Jim Estep of the Student Council of Nitro Jr. High School, Chief Palmer and Mayor Alexander were present.

From the discussions in the meeting a Committee was formed to make a study of problems concerning the Warehouse.

The Committee had met and made the following recommendations which he submitted and asked that they be made part of the minutes.

RECOMMENDATIONS FROM WAREHOUSE COMMITTEE

1. Post signs in building "no acholic beverages" and "no rough housing".
(A) Mr. Chaney will be firm with any violaters and if necessary call for Police help when needed.
2. Police Department to continue closer surveillance as long as needed.
(a) Not allow drinking of acholic beverage on sidewalks, streets or in cars parked along street.
3. Upgrade lighting in front of Warehouse building and St. Paul United Methodist Church.
(a) No parking area to extend from fire station for two more car length in front of Warehouse.
(B) Place trash cans in front of Warehouse to help keep sidewalks and street area clean.
4. Ask Mayor to write a letter to be delivered by Police to all places who have a license to sell acholic beverages asking that I-D's be check carefully and expressing that any violation will be dealt with in proper manner.
5. Make it clearly understood that this committee is not trying to close the Warehouse, but to improve it to the point that all youth will feel safe and unashamed to go there.

If the Warehouse is eventually closed it will be done through the utter disregard for common courtesously and denency by those youth who frequent the place.

WAREHOUSE COMMITTEE ON YOUTH

Ken Kniceley, Chairman
David Tidquist
Capt. Palmer
Ralph Chaney
Reverend Ball

Ron Currie
Becky Smith
Larry Cunningham
Terry Racer
Leah York

In answer to Councilman Goodwin's question on who is responsible, Councilman Kniceley, said that this is a place of business and the primaryresponsibilitiy is the owners.

The Street Light Committee is to check the lights in the area of the Warehouse as to up-grading.

Mayor Alexander in discussin number 4, said in a recent check that they have found places selling package beer that have not been too careful as to the age limit of the purchaser.

Councilman Kniceley said this Committee will stand and that it will more or less have to play by ear.

The Mayor said that if this place of business is closed down it will be the

youngsters fault in closing it.

Councilman Kniceley said that this is one reason that they had three people who frequent the Warehouse to sit in on the meeting and help make up the recommendations. Mr. Chaney and the Police will work together.

Councilman Williamson moved, seconded by Councilman Hoke, to accept the recommendations of the Committee and offer our support to the Warehouse. Upon a vote motion carried.

Councilman Allen reported the findings of the Traffic Committee. On North Bank Street the Committee suggested making the street one way from 21st Street to 22nd Street traveling north.

Thereupon Councilman Allen moved, seconded by Councilman Williamson, to make North Bank Street one way from 21st Street to 22nd Street traveling north. Upon a vote motion carried.

Councilman Allen reported on the survey in and around the Taxi Company Area. The Committee worked out an agreement with the Company and the Committee believes that the problem will be solved without any recommendation being made.

Councilman Allen reported that he had made several surveys of the situation on 19th Street and there is very little traffic except for school busses. Councilman Allen moved, seconded by Councilman Hoke, to have a "No Left Turn" onto 1st Avenue, Rt. 25 off of 19th Street. Upon a vote motion carried.

The following letter was read to Council.

As residents and homeowners on Hillside Drive and citizens of the City of Nitro, we submit this letter of request.

We request permission to appear before the Nitro City Council on March 16, 1971 for the purpose of protesting what we believe to be a violation of zoning on Hillside Drive.

We wish to protest the use of land on Hillside Drive zoned as R-1 as a mobile home sales lot. This property fronting on State Route 25 is currently being used for a sales lot by Torch Mobile Home Sales. This property, divided by an 18 foot alley right of way and extending to Hillside Drive, zoned as R1, is being used as a single parcel of land including the alley right of way. We see this usage as a direct violation of city zoning laws.

We also wish to protest the method of fill which was used on this property. The fly ash was not completely covered but covered haphazardly with a thin layer of slag. The fill also created a pond on the corner of Hillside Drive and Wilson Street. This pond creates an accident hazard for our children and a health hazard for us all.

We will request the Nitro City Council to take action on this violation.

Signed by Jack Legg and James Wolfe

Jack Legg, one of the signers of the letter said he thought the letter was self explanatory. The Trailers are parked on City property on a lot that faces Hillside Drive and that this property is R-1 property for residence only.

Councilman Kniceley said that in 1959 the Planning Commission has recommended that this area be classified as R-1 and pointed out on the map that it was shaded and designated as R-1, residential.

Councilman Kniceley said that there is no question that we have a violation of the Zoning Ordinance and that we should notify the trailer owner of this.

Councilman Kniceley moved, seconded by Councilman Goodwin, to notify the trailer owner that he is in violation and to comply with the City Ordinance. Upon a vote motion carried.

In regard to the question of changing⁶ the right of way the Mayor said he was of the opinion that you could not put it in a deed and have it upheld in Court. Luke Michael, Attorney, said that in sub-divisions it could be put in every deed that it could be changed.

Mr. Michael informed the group that he felt that they were dwelling too much on the alley problem and that he did not think ^{this was} the answer to the people's problem. Where the alley is concerned we have nothing to stand on, you are going to have to approach the problem on zoning. He insisted that this problem could not be fought over opening or closing the alley or the man having parked trailers on the alley. Mr. Michael said that the City should advise the owner and the leasee, that they are in violation of the Zoning Ordinance and that he would prepare a legal notice and have it legally served and give them 30 days.

Councilman Kniceley reported that there is water standing on a part of the property owned by the Nitro Furniture Company. The Mayor said that the owner is remodeling the building and that he believes that this problem will be taken care of.

Regarding the matter of the drainage being installed the Mayor said he had talked to Mr. Harvey and advised an 18-inch drain all the way down to 1st Avenue to join a 24-inch drain and that Mr. Harvey had agreed to install an 18-inch drain line from Wilson Street all the way to the 24-inch line.

Jack Legg, entered a complaint against Bayless of the Modern Supply, dumping in back of his lot three limbs, pieces of other debris.

The Mayor said he understood that the lot which is in the rear of the Modern Supply was to be used as a parking lot.

A report was made that the street sign was taken down and lying on the property. It was also reported that the fly ash was not being properly covered in compliance with a recently passed ordinance.

The Mayor presented to Council the following proposals.

This proposal supersedes, and makes additions to, the proposal dated March 9, 1971. The following quotation, submitted by the Buckeye Union Insurance Company as of March 10, 1971, covers specified property (a) belonging to, or controlled by, The City of Nitro, West Virginia

Limits of Liability

\$100/300,000.00	Personal Liability
\$100/000.00	Property Damage

Areas Covered

Area around the water basin created by the construction of a dam across Blakes Creek as a Water Shed Control project.

Boat used by the caretaker of the Water Shed area with a maximum of 50 (fifty) H.P. in the motor used to propel said boat.

City Swimming Pool

City Park Area and Play Ground Equipment

Sewage Disposal Plant

City Sewer Systems

Nitro Library

City Hall, Building; City Fire Station; Garage Area between these two buildings

Area Excluded ✓

Personal and private boating on waters of Water Shed Area

City Streets and sidewalks.

Proposed Annual Premium

\$1083.00

Signed Ray W. Ellis

The Mayor explained that our Pool Insurance cost around fifteen hundred a year and the Park Insurance if five hundred. This company is still working to try to get a blanket coverage on our Vehicles included in the Policy.

The Mayor and Council discussed this matter at length and it was pointed out that this policy is over \$900.00 less than what we are paying for the Pool and the Park alone.

Councilman Hoke moved, seconded by Councilman Kniceley to authorize permission to investigate the Vehicles being made a part of the policy and to accept this particular finished portion. Upon a vote motion carried.

Councilman Kniceley reported to Council that since Utilities are all being increased and other costs going up that there will be additional cost to operating the Pool. It will cost us One Thousand to Twelve Hundred additional cost this year and this does not include an increase for employees wages. He also pointed out that we assume the sales tax on Pool passes, gate receipts, and concessions. The Adult rate is 75¢ and that he felt it should be \$1.00. He suggested increasing the family pass to \$26.00 and a single pass to \$13.00 thereby collecting enough to pay the taxes that the City has been paying.

Councilman Kniceley moved, seconded by Councilman Goodwin, to accept the Recommendation increasing adult admission, gate admission from 75¢ to \$1.00, increasing family pool passes to \$26.00 and a single to \$13.00. Upon a vote motion carried.

Councilman Kniceley said he felt that we had had a tremendous year last year

and hope to have a tremendous year. The Pool will open Memorial Day and we will again have working with us the Citizens Committee that the swimming classes are planned to being the second week of June.

Councilman Tidquist reported that the people of So. Washington Avenue would like to have a street light. The Recorder suggested keeping a list of street lights that are recommended until after our budget had been completed.

The Mayor explained that we did not have have all assessments figures that we only have the figures from Putnam County and this shows that Public Utilities valuation has dropped due to a new formula used by the Tax Commissioner.

He did not know what this would mean to us until after we received our assessment figures from Kanawha County. The Legislature had not done a whole lot for the Cities and that he couldnot understand this new formula used by the Board of Public workers. Since the book value on the Utilities is up.

In answer to Councilman Allen's question on how far a car can park from a corner the Mayor replied a 20 foot radius. He explained we had had quite a few csrs parked on the sidewalks and that the Police had been cracking down on them.

In answer to Councilman Allen's question on when will water be put in the lake. The Mayor said just as soon as the boat docks are built.

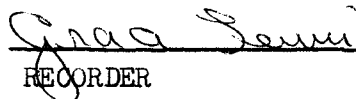
Councilman Allen said that the Taxi Cab would like to put in a gas tank at the Cab stand. The Mayor said that it could'nt be allowed as it should be 80 feet from any structure.

Councilman Allen pointed out that the City was in violation.

There being no further business and the agenda having been completed the Mayor placed the meeting in recess.



MAYOR



RECORDER

March 23, 1971

The Council met in recessed session on March 23, 1971.

Present were: W. W. Alexander; Mayor, Grace Lewis; Recorder, Dr. R. V. Allen, E. L. Goodwin, Kenneth K. Kniceley, Hugo D. Tidquist, and Tom Waldorf, members of the Council. Councilman Ken Williamson being absent.

The Mayor called the meeting to order.

Councilman Kniceley opened the bids for the Police Cruiser.

C & O Motors - No Bid		
Holman Motor Sales	\$3,272.65	trade in value \$ 400.00
Childers Chevrolet	2,386.77	trade in value 900.00
Cargill	2,599.00	trade in value 1,548.00

The Mayor and Council discussed these bids. Councilman Hoke said he had gotten the opinion of a Police Officer of the kind of car that should be pruchased. That from the experience the man had had, he said the Chevrolet has given more service and the Horse Power shouldbe around 290, with heavy duty suspension.

In discussionit was brought out that Childers Chevrolet is the low bidder and that the car would be serviced locally.

Councilman Allen moved, seconded by Councilman Kniceley, to accept the low bid from Childers Chevrolet, which is \$2,386.77. Upon a vote motion carried.

The Recorder gave the Council copies of the Reconciliation Sheets of the City Receipts and Expenditures to the end of February 1970.

The Recorder read a letter from the State Tax Commissioner which was included with the copies of the audit having ended June 30, 1970. The Recorder read remarks contained in the Budget which analyzed the Levy Estimate for the year 1969 - 70. The letter pointed out that when it becomes evident to the Mayor and Council that actual revenues and expenditures will exceed those in the approved Levy Estimate, even after a revision has been made, then proper action should be taken to revise the Levy Estimate again. The Revision shall be made only with the prior written approval of the Tax Commissioner. The performance bonds the

remarks were "Chapter 11a, Article 1, Section 15, 1931, Code of West Virginia, as amended, states, in part; , For the faithful performance of this duty, he shall execute a bond, to be approved by the municipal council, in the penalty to be estimated he will collect within any period of two months. The premium on such bond shall be paid by the municipality." This references was made due to the fact that Nitro does not have a bond on the Kanawha County and the Putnam County Sheriff's as required by the above law.

The Recorder explained to Council that in an effort to affix the amount of the amount of bond, that she had called both the Kanawha and Putnam County offices and in talking to Mr. Brockway in the Kanawha County Sheriff's Office, Mr. Brockway had explained that the Sheriff has a blanket bond covering all money collected by his office. However, Mr. Brockway has tried to get a definite answer to this same question as to the amount of bond from the Tax Commissioner's Office.

The Recorder informed that she has talked to Mr. Pearson in the Tax Department regarding this amount and that he suggested taking one high month collection and a consecutive month and that she had requested a letter from him to this affect and that on Friday, Mr. Pearson had called the Mayor and informed him that he had written the letter to the Sheriff's office but as to date we do not have any figures for a bond for either sherrif.

The Recorder gave copies of the Comparison sheets for the 1971-72 Levy Estimate.

The assessed value figures were read as follows:

Number I

Personal Property	\$1,059,764.00
Public Utility Property	843,300.00
Total Class No. I	<u>1,903,064.00</u>

Number II

Real Estate	11,058,960.00
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Number IV

Real Estate	5,423,490.00
Personal Property	4,083,309.00
Public Utility Prperty	2,180,700.00
Total Class No. IV	<u>11,687,499.00</u>

TOTAL ASSESSED VALUATION

\$24,649,523.00

The Recorder explained that in working up the amounts that we had to allocate for the bond that our rate figures for this year would be the same as they were for last year. The current rate would be:

Class I 6¢
Class II 32¢
Class IV 64¢

The bond rate would be:

Class I 2.75¢
Class II 5.5
Class IV 11¢

The Mayor explained to Council that the Board of Public Works had used a new formula this year, thereby, reducing all Public Utilities taxes, even though the book valuation on Public Utilities had increased. He understood that three members of the Board of Public Workers had voted against the use of the formula.

Our figures show that we lost the most on Public Utilities in Putnam County.

The Mayor explained that the Legislature had passed a bill allowing a municipalities to collect Consumer Sales Taxes on Public Utilities within the town and that this bill is on the Governors desk but the Governor has not signed it to law, however, we have included it on the figures shown on the Comparison sheet. He had talked with the Tax Commissioner's Office and he had been told that our budget wouldnot be approved with this item, not unless it had become law, therefore, we can not complete our budget tonight.

The Mayor explained that there was a chance that the Governor would let the bill become law without his singature.

The Mayor explained that in calculating the figures that we were using an addition in the Business & Occupational Tax for the contracting. Also the Legislature had passed a bill allowing Banks and Finance Companies to be taxed on the Business & Occupational Tax and this had increased our figures on theBusiness & Occupation Tax.

In answer to Councilman Allen's question on the estimate for the Municipal Service Fee, the Mayor said that we really did not know how many people would fall under the amendment having been prepared for retired people but we estimated about 400 people.

Councilman Allen said that he had a copy of the last Census showing housing units in Nitro to be 2752.

In answer to Councilman Tidquist's question about getting more money from the Civic Benefit Association, the Mayor said that we are still trying, that they had had a meeting last week and are to have another one in the very near future.

In explaining the increase and expenditures the Recorder explained that with the extra money that we hope we are going to get, we have provided a \$25.00 across the board increase for salaried employees and the equivalent for the hourly employees.

The Mayor told Council that some of the employees had approached him on using \$5.00 of the increase as a fringe benefit for the employees.

The Council discussed the new law passed for the working hours of the Fire Department. The Law states 112 hours for 14 consecutive days. We will have to check this matter closely to see how much it is going to affect us.

The Mayor said he intended to check with the State Labor Department on this change.

The Recorder pointed out that the Fire Department had made the improvements to the kitchen and had done a beautiful job. The living quarters are disgraceful and we have allocated money to make improvements in their living quarters and also improvements made in the Police Office.

The Mayor referred to the last time Council of the Regional Intergovernmental Council explaining that it was necessary for the City to be a paying member of RIC in order to receive any Federal funds.

Councilman Kniceley explained that the Park Board was going to have a meeting and that he would like to talk to the Council about a couple of things that were going to be discussed. Adjacent to the ladies restroom they hoped to put in a concession room whereby they can have coin machines and they feel that they can make a little money from this. The bleachers at the park are in bad shape and it would be necessary to buy new ones. He reported that the press box should be completed at the time of opening the 1st of May.

Councilman Kniceley also told the Council that the Recreation area in Brookhaven needs three pieces of equipment which amounts to \$499.00.

Councilman Kniceley said that it would take about four to six weeks for delivery of this equipment.

Councilman Waldorf moved, seconded by Councilman Goodwin to approve the ordering of the three pieces of equipment for the Brookhaven area. Upon a vote motion carried.

The Mayor and Council also discussed other areas that might be used for recreation purposes in the Riverdale Acres area that there was a great need for recreation ground.

The Mayor said that Frank Gillispie owned a piece of property and that it might be landfilled and it would make a good area for recreation.

The area where the Tennessee Gas Transmission lines lies is a good area but there has been neighborhood fights of the use of this area for recreation and that one person claims that they have a letter from the Tennessee Gas Transmission giving them permission to mow and take care of the property.

Councilman Goodwin mentioned a Mr. Braunlin putting up another building and asked that it be checked.

The Council granted the Mayor permission to have Mr. Michael prepare the necessary Ordinance pertaining to the budget.

The Council also discussed the Attorney's pay and suggested it be increased

\$500.00 a year.

Councilman Hoke moved the meeting recessed.

W.W. Alexander

MAYOR

Grace Serin

RECORDER

March 30, 1971

The City Council met in recess session Tuesday, March 30, 1971.

There were present: W. W. Alexander; Mayor, Grace Lewis; Recorder, Dr. R. V. Allen, E. L. Goodwin, L. I. Hoke, Hugo D. Tidquist and Tom Waldorf, members of Council. Councilman Kenneth K. Kniceley and Kenton L. Williamson being absent.

The meeting was called to order by Mayor Alexander.

The Recorder referred to remarks made in the audit for June 1970 with references to bonding of Sheriffs of Kanawha and Putnam Counties and read the following letter from the State Tax Department.

During a prior conversation you stated that the Sheriff of Kanawha County was adequately bonded and inquired as to the necessity for Kanawha County municipalities to provide bond for the Sherref of KanawhaCounty in regard to municipal tax collections.

If the Sheriff is presently bonded for an amount sufficient to cover municipal tax collections and other monies coming into his hands as Treasurer of the County, including monies belonging to the Board of Education, I see no need for the municipalities to provide additional bond. Adequacy of the Sheriff's bond and the manner in which such bond is provided does not, however, alter the provision of Code 11A-1-15 that the Sheriff shall each month pay aall taxes collected for any municipal corporation into the treasury of such corporation.

If additional information is desired or if I can be of further assistance concerning this matter, please advise.

Signed: Ronald G. Pearson, Director Local Government Relations Division

Councilman Hoke suggested that a letter be written to the Sheriff of Kanawha and Putnam Counties stating that the Council agrees with the Tax Department in reference to the State Code 11A-1-15 which provides that the Sheriff shall each month pay all taxes collected from the Municipal corporation to the treasury of the Corporation and in this manner. Councilman Hoke said he felt that we would be protecting ourselves. The Council all agreed to take this action and have it as a matter of record.

The Recorder referred Council to their copies of Comparision sheets which were presented to them at last weeks meeting. The Receipts increased in amount

\$500.00 making a total estimated receipts \$399,629.00. Then in the estimated expenditures column to increase item 5, Salary of City Attorney \$500.00 making the figure \$1,000.00, thereby, making the total estimated expenditure \$501,539.00.

This is the only change that has been made in the figures and the Recorder asked that a vote on the increase for the City Attorney be in order. Thereupon Councilman Hoke moved, seconded by Councilman Goodwin, that the City Attorney Salary be \$1,000.00 per year. Upon a vote motion carried.

Last week in discussing the budget the Council discussed a \$25.00 across the board increase for all salaried employees or 13¢ an hour or the equivalent for hourly employees. Also discussed a \$20.00 increase across the board providing a \$5.00 fringe benefit for the Municipal Service Fee for the City employees. In answer to Councilman Goodwin's question of any employee living outside the City limits the answer was that we had one, however, that this one will move back into the City as his moving had been a temporary one.

Councilman Hoke asked how the fringe benefit will be recorded. The Mayor said that it would be a matter of record. However, these details had not been worked out but suggested that we pay the \$20.00 increase to them and not collect the Municipal Service Fee from the employees.

The Recorder suggested that the recording the Municipal Service Office be marked as a fringe benefit in order to have a record of it. Councilman Allen asked how this would show on an audit, Councilman Goodwin said that it has to come out as a fee then it would show up as money received.

Councilman Allen doubted the auditor liking the idea of marking the record fringe benefit stating further that he is not against this fringe benefit but if we start taking money out of one account and showing it in another account it may cause trouble.

Councilman Allen suggested getting some legal advice on this question.

Councilman Hoke suggested asking the Budget Department. The Mayor said

that we would write a letter and ask for the approval and opinion as to how to handle the payment of a fringe benefit. The Recorder pointed out that the rates of our Budget this year were the same as last year.

Councilman Goodwin moved, seconded by Councilman Waldorf, to grant a \$25.00 across the board for all salaried employees and that the equivalent to the hourly employees and to use the fringe benefit as it is approved by the Tax Commissioner. Upon a vote motion carried.

The Mayor told Council that we have one employee who is receiving truck driver wages but most of his work is operating the heavy equipment and that his pay should be increased 5 or 10¢ more on the hour. He is a dependable employee and has on numerous occasion worked late at night.

Councilman Waldorf moved, seconded by Councilman Goodwin, that Carl Higginbotham's pay be adjusted 10¢ on the hour. Upon a vote motion carried.

The question was asked how many customers do we collect garbage from outside the City limits. The Mayor said we have five on top of Nitro Heights and a few from the Blakes Creek Area. They pay the same amount that the customers in town with a once a week pick up.

Councilman Hoke pointed out that there was a thing that Nitro is going to have to face, that is being done in most towns and that is that the residents place their garbage on the curb for the trucks to pick up the garbage. Thereby eliminating a great number of employees. He has been in a number of places where this is the manner in which the garbage is picked up and that we should be giving some thought to this.

Councilman Hoke moved, seconded by Councilman Waldorf, to accept the Levy Estimate and Upon a vote motion carried and all members of the Council proceeded to sign the Levy Estimate forms as follows:

STATE OF WEST VIRGINIA,
COUNTY OF KANAWHA & PUTNAM,
MUNICIPALITY OF NITRO, TO-wit:

At a recessed session of the Council the municipality of Nitro held in the Council chambers thereof, in the City Building on the 30 day of March, 1971, there were present: W. W. Alexander; Mayor, Grace Lewis; Recording Officer, and L. I. Hoke, Tom M. Waldorf, E. L. Goodwin, Ray V. Allen, and Hugo D. Tidquist, 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 Form No. 1

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)	57,054.00
Balance in Hands of Sheriff (Estimated)	6,850.00
Redemption and Sale of Delinquent Lands	1.00
Police Fines and Costs	12,000.00
Permits-Building, Street Sewer and Other	1,000.00
Swimming Pool	15,000.00
Rents, Buildings and Concessions	420.00
Civic Benefits Association	18,000.00
Taxes Gross Sales (Business & Occupation)	95,300.00
Dog	200.00
Franchise	1,000.00
Consumers' Sales (Liquor)	16,000.00
Amusement	5.00
Fees: Consumers Sales Utilities	30,784.00
Municipal Service	137,000.00
Library	100.00
Service Fees	15.00
Lisenses:	
Electricians and Plumbers	700.00
General	4,700.00
Miscellaneous	3,500.00
Total Estimated Receipts to Page E-6	399,629.00

ESTIMATED CURRENT EXPENDITURES:

1. Salary of Mayor	8,100.00
2. Salary of Recorder	7,200.00
3. Salry of Treasurer	1.00
4. Salary of Police Judge	2,400.00
5. Salary of City Attorney	1,000.00
6. Salary of Councilmen	2,400.00
7. Salaries of Assistants and Clerks	9,000.00
8. Salaries of Chief and 8 Police	68,000.00
9. New Equipment Police Department	3,000.00
10. General Expenses Police Department	8,500.00
11. Policemen's Pension Fund	3,000.00
12. Salaries and Expenses Feeding Prisoners	10,500.00
13. Salaries of Chief and 6 Firemen	43,000.00
14. New Equipment Fire Department	2,500.00
15. General Expense Fire Department	4,000.00
16. Firemen's Pension Fund	2,465.00
17. Salaries Health Commissioner and Employees	1,400.00
18. General Expenses Health Department	1,100.00
19. Salaries, Garbage Employees	66,600.00
20. New Equipment Garbage Department	9,100.00
21. General Expenses, Garbage Department	26,000.00
22. Buildings Maintenance Salaries and Supplies	863.00
23. Repairs to Jail and City Buildings	3,000.00
24. Furniture, Fixtures and Office Machines	1,000.00
25. Stationery, Office Supplies and Equipment	1,000.00
26. Postage	2,300.00
27. Water - Fire Portection, Streets and Sewers	10,000.00
28. Water - City Building and other Purposes	300.00
29. Light for Street Lighting	11,000.00
30. Light - City Building, Traffic Lights, Etc.	1,500.00
31. Repairs, Street and Traffic Lights	25.00
32. Fule - Heating City Building	1,200.00
33. Telephone and Telegraph (All Departments)	1,600.00
34. Rents - City Hall and Other Buildings	-----
35. Legal Publications	2,500.00
36. Insurance on City Building and Other Property	3,000.00
37. Premiums on Policemen's and Official Bonds	400.00
38. Election Expenses	2,000.00
39. Attorney's Fees, Court Costs and Damages	1,500.00
40. Salaries, Engineering Department	2,000.00
41. General Expenses, Engineering Department	2,000.00
42. Salaries and Wages all Street Employees	28,000.00
43. New Equipment Street Department	4,000.00
44. Materials, Supplies and Expenses, Street Department	9,000.00
45. Maintenance of Sewers, Salaries and Supplies	500.00
46. Construction of New Streets, Sidewalks and Sewers	1,200.00
47. Workmen's Compensation Premiums	2,000.00
48. Audit by Tax Commissioner	650.00
49. Refunding Erroneous Payments	50.00
50. Watershed Program	10,000.00
51. Parks and Playground, Salaries, Supplies and Expenses	10,565.00
52. Planning Commission	275.00

53.	Traveling and Car Expenses of City Officials	300.00
54.	Civilian Defense	100.00
55.	Municipal Building Program	2,000.00
56.	Treas. Fees	135.00
57.	Library, Salaries, Supplies and Expenses	3,000.00
58.	Social Security	13,000.00
58A	Public Employees Retirement	14,000.00
58B	Dues to League & Council (Code 8-12-6)	210.00
59.	Contingent Expenses (Mandatory Only)	1,000.00
60.	Dog Pound Expenses	2,300.00
61.	Swimming Pool	16,000.00
62.	Water Shed Recreation Facilities	56,000.00
63.	Regional Intergovernmental Council	800.00
A -	Total Current Expenses	<u>501,539.00</u>

Estimated Former Year's Obligations:

Orders Outstanding -----

Unpaid Bills -----

Estimated total former years' obligations -----

B - Amount of unpaid obligations to be paid from current levy -----

(NOTE: If contractual debt levy is proposed, do not include in above items covered by said levy).

Total estimated disbursements (A & B)	<u>501,539.00</u>
Less estimated receipts brought forward from page E-4	<u>399,629.00</u>
Net amount to be raised by levy (Page E-7)	<u>101,910.00</u>

TOTAL RECEIPTS 501,539.00

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 \$101,910.00 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:

Sixteen cents (16¢) on Class No. I property
 Thirty-twocents (32¢) on Class No. II property
 Sixty-fourcents (64¢) on Class No. IV property,

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

CLASS		Special Levy	Proposed Rates	Taxes Levied (Whole dollars)
Number I				
Personal Property	\$1,059,764.00	9.75¢ + 6.25¢	16¢	\$1,696.00
Public Utility Property	<u>843,300.00</u>	9.75¢ + 6.25¢	16¢	<u>1,349.00</u>
Total Class No. I	<u>1,903,064.00</u>			<u>3,045.00</u>
Number II				
Real Estate	11,058,960.00	19.5¢ + 12.5¢	32¢	35,389.00
Number IV				
Real Estate	5,423,490.00	39¢ + 25¢	64¢	34,710.00
Personal Property	4,083,309.00	39¢ + 25¢	64¢	26,133.00
Public Utility Property	<u>2,180,700.00</u>	39¢ + 25¢	64¢	<u>13,956.00</u>
Total Class No. IV	<u>11,687,499.00</u>			<u>74,799.00</u>
TOTALS	24,649,523.00			113,233.00

Less Delinquent Taxes and Exonerations Estimated at 10% 11,323.00
 Net amount to be raised by Levy 101,910.00

MUNICIPAL BOND PURPOSES - INTEREST AND SINKING FUND
Estimate Form No. 2 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 of Vote Authorizing Issue	Original Amount of Issue	Amount of Bonds Outstanding	Amount Required for		
			Sinking Fund	Interest	Total
7-1-53	\$ 50,000.	\$ 7,500.	\$3,500.	\$ 225.	\$3,725.
5-5-55	95,000.	43,000.	4,000.	1,182.	5,182.
12-16-58	168,000.	133,000.	4,000.	4,987.	8,987.

Totals	313,000.	183,500.	11,500.	6,394.	17,894.
Delinquent Taxes and Exonerations Estimated at 10%					1,789.
Total amount to be raised by a Levy of Taxes					19,683.

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 & Three - Quarters cents (2.75¢)	on Class No. I Property,
Five & one-half (5.5 ¢)	on Class No. II Property,
Eleven (11 ¢)	on Class No. IV Property,

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

CLASS	Assessed	Proposed	Taxes Levied
Number I	Valuation	Rates	(Whole Dollars)
Personal Property	1,059,764.00	2.75¢	\$ 291.00
Public Utility Property	843,300.00	2.75¢	232.00
Total Class No. I	1,903,064.00		523.00
Number II			
Real Estate	11,058,960.00	5.5¢	6,082.00
Number IV			
Real Estate	5,423,490.00	11¢	5,966.00
Personal Property	4,083,309.00	11¢	4,492.00
Public Utility Property	2,180,700.00	11¢	2,399.00
Total Class No. IV	11,687,499.00		12,857.00
TOTALS	24,649,523.00		19,462.00

Councilman Allen had had a lady call him who says that she can not come to the City Hall to sign an affidavit. The Mayor said that we will have several people in this category and that it will be necessary for either Miss Lewis or himself to go to the people's homes to notarize the affidavit.

Councilman Waldorf said he would like to know who the exemption really applies to, that he would like a good understanding. Councilman Allen said his intension was really not to make it as a retired thing. We do have some widows that are working on small incomes. Councilman Hoke said that it was intended for widows with an income of \$300.00 or less.

Councilman Waldorf asked how many this would include with an income of \$300.00 or less. It was pointed out that it would take in quite a number of people.

The Mayor informed Council that we have been renting two trucks from Esteppe Construction Company. Mr. Esteppe is going out of business and that he has offered to sell these two trucks to the City. He is asking \$1,000.00 for one truck and \$1,300.00 for the other truck. He is renting the trucks to the City at the rate of \$4.00 an hour, and if the City should want to buy the trucks then the \$4.00 an hour rent for the trucks would go toward the purchase price. He pointed out, thought, that the truck for \$1,000.00, that we are not interested in it. In using the trucks, the men said that it was not in good condition. However the one for \$1,300.00 has a new motor and is in good condition.

He is of the opinion that we are hauling enough dirt which we are getting free to pay for the truck.

In answer to Councilman Hoke's question, the Mayor said the truck was a 1963. It has new tires. Councilman Allen wanted to know if our men had driven the truck, the Mayor told him that Jess Harrison and Carl Higginbotham both operated the truck. Councilman Waldorf asked if we would finish the present landfill this year? He would like to see it finished and dressed up.

In answer to Councilman Allen's question, if we had the money and pointed out

that people are watching us. The Mayor said that we didn't have the money but sometimes its necessary to spend money to save money. He also pointed out that one employee is willing to buy the truck and that we rent it from him. The Mayor feels that we would not have to pay for the truck right at present.

Councilman Hoke suggested purchasing the truck and run it through the Bank of Nitro on monthly installments.

Councilman Allen brought up the matter of street cleaning, that people are crying about the streets and want to know why we do not get the machine out and operate it.

The Mayor said that the machine is used, perhaps not enough, but when it is used it is used at night when the streets are clear of cars.

Councilman Hoke suggested the Mayor talking to the owner of the truck and contacting the Bank to see if we can finance the truck through the Bank.

Councilman Hoke said he would like to see set up certain days for the crusiers and equipment to be serviced and checked. The Mayor informed Council that the crusiers are being serviced regularly, oil being changed, necessary plugs, points and brakes and check the steering. Tom Blasingim, one of the Police Officers, has offered to do this service for \$30.00 a month, and that he has worked as a mechanic before he became a Police Officer.

Councilman Hoke suggested that he keep a record of the check ups on the equipment.

Councilman Tidquist asked about the Shaw Lumber Company, if this place could be cleaned. The Mayor informed that the Company has taken out bankruptcy.

Councilman Allen asked if we could find out who the property owner was.

Councilman Hoke moved the meeting adjourned.


MAYOR


RECORDER

