

April 6, 1971

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

The meeting was called to order by Mayor Alexander.

Councilman Waldorf moved, seconded by Councilman Goodwin, the minutes for March 16, 1971, March 23, 1971 and March 30, 1971 be approved. Upon a vote motion carried.

The Mayor informed Council that the Insurance proposal submitted by Ray Ellis at a previous meeting covering all City owned property including the Pool and the Park and the Sewer systems, which the Council had accepted for \$1,803.00 premium that Mr. Ellis had submitted the bill for the figure of \$973.00.

Council proceeded to discuss the Ordinance amending section 9, subsection (b) of the Ordinance Number 97, of the City of Nitro, as amended, reducing the Municipal Service charges to certain retired persons whose monthly gross income is not more than Three Hundred Dollars (\$300.00). It was reported that to date 139 people had paid the \$3.00 on the current collections of the Municipal Service. It was also reported that there are several problems cropping up, especially problems of widows who have not reached the retired age and some who are not able to work.

The Mayor said we will probably have around three to four hundred people as we are just about half through this collection period.

The Mayor said that he felt that this Ordinance should be clarified.

The Recorder reported that one of the Charleston papers had misquoted the Ordinance in that their information was that anyone with an income of less than \$300.00 would be exempted. This caused quite a problem in the collection office.

The Recorder was asked to read the amendment in its entirety.

Councilman Hoke said that it was for retired persons and persons over the age of 65.

Mrs. Betty Shrewsbury informed Council that she was a widow and that she does not have an income of \$300.00 a month.

The Mayor said it may be necessary for Council to insert something into this amendment in order to help the widows who are under the retirement age.

Councilman Allen said we had made allowance for at least 300 retired people in the budget.

Councilman Williamson said he thought a revision should be made for these cases.

In answer to Councilman Hoke's question, if the people do not own the property do they have to pay it. The Mayor said yes, even if they are tenants.

The Mayor told Council that if any revision is to be made to the amendment that it should be done before passage.

Councilman Waldorf said that disabled persons should be considered also.

Mr. Michael, the Attorney, told Council that he would suggest the Council to accept the Ordinance for Second Reading tonight and that a study be made of the revisions to be included and that they be inserted into the Ordinance before complete passage.

The Recorder told Council that the way that the collection was being made in the Municipal Service Office at the present that any person who informs the collectors that they are retired and that their income is less than \$300.00 then the collectors are collecting only \$3.00 from the persons.

Councilman Waldorf said that when we discussed this amendment that we had mentioned the widows and disabled.

It was decided that three members of the Council be appointed as a Committee

to make a study on this amendment and report their findings to the Attorney before the next Council meeting in order that he may prepare and complete the amendment. The Mayor appointed to the Committee, Councilmen, Allen, Hoke and Goodwin.

Councilman Kniceley moved, seconded by Councilman Williamson, to accept the amendment as Second Reading. Upon a vote motion carried.

The Street Lighting Committee reported on their findings of up-grading street lights on the vicinity of the Warehouse on 20th Street.

Councilman Tidquist reported that the Committee recommended up-grading two lights to 3500 Mercury Vapor, one light on the pole at the Fire Station and the other one located at the corner of the Comstock Building on 20th Street. On Wintz Avenue that a light be installed back of the Ben Franklin Store and also one on Wintz Avenue back of the Bank of Nitro and that the light at the corner of 20th Street and Wintz Avenue needs repairs.

Thereupon Councilman Tidquist moved, seconded by Councilman Kniceley, to up-grade to 3500 Mercury Vapor the light at the Fire Station and the corner of Comstock Building on 20th Street. That two 3500 Mercury Vapor lights be installed on Wintz Avenue at the rear of Ben Franklin store and there be a light installed at the rear of the Bank of Nitro and the light at the corner of Wintz Avenue and 20th Street be repaired. Upon a vote motion carried.

Councilman Kniceley said that the Committee for the Warehouse would like a couple of trash barrels places in front of the Warehouse. The Mayor said he would try to get the barrels and that E. W. Hedrick would anchor them.

A model Ordinance concerning the 2% Consumer's Sale Tax on all Public Utilities was passed to the Council for their study. Mr. Michale informed Council that the Legislature had just passed this bill and that we were late in getting a copy of the bill and that before passage all Utilities must be given a 60 days

notice, that we desired the Ordinance become effective the 1st of July.

Another thing that a meeting had been held with the Utilities to set out the rules and regulations concerning the collection of this tax. The caption of this Ordinance must be advertised in this weeks paper and other than the rules and regulations the Ordinance will read the same.

Mr. Michael suggested Council pass this Ordinance for the First Reading and that as soon as the rules and regulations were inserted in the Ordinance he would prepare copies and send to the Council.

Councilman Kniceley read the caption of the Ordinance.

Councilman Goodwin moved, seconded by Councilman Williamson, to accept the Ordinance on taxation of Public Utilities for First Reading. Upon a vote motion carried.

In answer to Councilman Kniceley's question on the Utilities, Mr. Michael informed that this covers all Utilities who services the Public.

The Mayor indisscussing the taxation of Banks and Loan Companies explained to Council that we have not received a copy of this bill. It was passed and became law without the signature of the Governor.

Due to a shortage of funds the Senate and House have not been able to publish all bills and that as soon as it was published we will be sent a copy. It will be necessary to hold this over until the next meeting.

In discussion of the Ordinance regarding motorcycle riders wearing helmets and goggles, the Mayor said prior to the State passage of this law that we had had numerous people request the City to enact an Ordinance, however, since it was not a state law, that we were unable to do so.

Mr. Michael suggested Council to direct him to prepare an Ordinance. Thereupon Councilman Goodwin moved, seconded by Councilman Waldorf, that the City Attorney be directed to prepare an Ordinance governing the wearing of helmets and

goggles by motorcyclists.

The Mayor presented plans for a memorial for the Viet Nam War dead of Nitro informing this memorial is being built by the Wears family, whos son was killed in Viet Nam.

The family would like to put it on City property and that there had been a Committee working on this for sometime and that the decision had finally been made to place it in front of the entrance of the City Hall, bringing two side-walks on either side of the entrance.

There will be places for plaques on this monument for parents or relatives of other boys who have been killed in Viet Nam.

In answer to Councilman Hoke's question on how big the monument was to be, the Mayor said it would be 3' high, 5' wide, 5' deep.

Councilman Hoke asked the question where the Wears plaque was to be placed, the Mayor said it was to be on front.

Councilman Hoke asked what if otherpeople wanted to build another monument in memorial of their sons that we would have a yard full of monuments in front of City Hall.

The Mayor said that he did not believe that there would be many people who wouldhave that kind of money.

The Mayor suggested limiting each plaque as to what it would be inscribed.

Councilman Kniceley saidhe wouldbe in favor of it if we could get everybody involved and have it community wise.

Councilman Tidquist said if we are going to put in something like this let the City put the monument up and allow the plaques.

The Recorder said that this project had been started shortly after the Wears boys death and that a Committee had been formed and that it had been publicized and that anyone who wished to make contributions could do so, there had been contributions made and the money was in the Bank of Nitro and that J. E.

Temple was the Treasurer of the funds.

The Mayor said that the Committee had had several meetings.

Councilman Kniceley said that he was all for it but that he insisted that all people concerned should participate in the project.

The Mayor told Council that he had never had anyone come to him asking to place a memorial monument with the exception of the Wears family.

Councilman Hoke said that we may have other people who will want one after seeing this monument.

Councilman Allen suggested having the Committee talk to the Council then we can see how far they have come in contacting other people.

Councilman Tidquist said he would rather see the monument put up by the City and have the names placed on it. The Mayor said that the Wears family are waiting for the Council to give them permission.

Councilman Waldorf said the fact that this family is paying for this, that he did not really think it would have much bearing on this matter. Probably the City should support and have the marker. If the family wants to give the money on this that he did not see why we should not accept it.

The Mayor made it plain that the family wants anyone who had lost their son or husband in Viet Nam to have an opportunity to place a plaque on the monument.

Councilman Hoke moved, seconded by Councilman Williamson, to give the Wears family permission to install the monument.

Councilman Kniceley said he questioned the name of it and that all people who have lost a son or husband should be contacted and asked if they wanted to help then he would be in favor of it.

Councilman Hoke said the Committee should set the type of plaque that goes on the Monument and sees that they are all the same.

Councilman Kniceley asked if the monument would be known as the Craig Wears

Memorial or the Viet Nam War Memorial.

The Mayor said that the family had made it very plain to him that they did not want any Memorial Service to be performed for their son. Upon a vote motion carried.

Councilman Hoke asked when the streets were going to be repaired.

The Mayor said just as soon as the weather gets a little warmer.

Councilman Hoke asked if the notices had been sent to the Trailer Sales on 1st Avenue.

The Mayor said yes, but it had however, that we had found that there are two or three more partys concerned and also that he had been told that they would start installing the drainage line right away.

Councilman Hoke brought up the question of the motorcycles being parked on 21st Street. The Mayor said that they are supposed to use a parking space until it is filled up and that several motorcycles can use one parking space.

Councilman Allen mentioned that the area of the Post Office had been doing very well for a while but now the parking spaces of the Post Office are being used again. The Mayor said that a number of parking tickets had been issued.

Councilman Allen asked how the new lay of 112 hours for a fourteen consecutive day period would affect us. The Mayor said that we had talked about it some but before making any decision that he intended to get the Labor Department's formula as to how this should be worked out.

The Mayor also reported to Council that John Melton of the Tax Department had told him that the proper way to handle a fringe benefit on the Municipal Service charge for City employees is to record the marked fringe benefit and that any time they left the City employee then it would go back on collecting the same as any one elses.

Councilman Williamson mentioned in the collection of the sewer the problem

on Kanawha Avenue that damage had been done to the curb, the Mayor said we will have to replace this curb and that it had been caused by the tree roots.

The Mayor asked that the Street Committee do something on street paving, mentioning one place he had been getting a lot of calls from is the area of Spring and Owens Streets and the other which has caused a tremendous amount of trouble is Easter Road, that some of the people have indicated to him that they would like to have it paved.

Councilman Hoke mentioned the South side of Main Avenue is in bad condition. The Mayor said the damage was caused where the street had been widened and that a strip should be put in from Walker Street to the Bridge. He doubted if this could be done under an assessment charge but he would talk to the contractor regarding a charge of this work.

There being no further business and agenda having been completed Councilman Hoke moved the meeting adjourned.



MAYOR - W. W. ALEXANDER



RECORDER - GRACE LEWIS



**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

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, 1971, 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 7th day of April 19 71.

TAX COMMISSIONER

CHH:clh

April 20, 1971

The Council met in regular session on April 20, 1971.

Present were: W. W. Alexander; Mayor, Grace Lewis; Recorder, Dr. R. V. Allen, E. L. Goodwin, Kenneth K. Kniceley, Hugo D. Tidquist, and Ken Williamson, members of Council. Councilman Tom Waldorf being absent.

The Mayor called the meeting to order.

The invocation was given by the Reverend Leroy O. Beyer, of the Holy Trinity Church of Nitro.

Councilman Hoke moved, seconded by Councilman Williamson, the minutes of April 6, 1971 be accepted. Upon a vote motion carried.

Councilman Hoke moved, seconded by Councilman Kniceley, the Financial Statement for the month of March, 1971, be accepted. Upon a vote motion carried.

The Recorder presented a letter of approval, from the State Tax Commission, of the Levy Estimate as passed by the Council, March 30, 1971. [the letter hereby attached to the minutes of this meeting.]

The Recorder explained to Council that Mr. Melton had called from the Tax Commissioners office and informed that there was not a law covering a fringe benefit, so therefore, he can not give us any thing in writing concerning the fringe benefit being recorded on our books.

The Mayor said he felt that the Council should then just grant the \$25.00 a month increase for all salaried employees and the equivalent for the hourly employees.

Councilman Goodwin moved, seconded by Councilman Williamson, to grant the salaried employees a \$25.00 across the board increase and the equivalent to the hourly employees. Upon a vote motion carried.

The Recorder presented copies of the Levy Order.

Councilman Goodwin moved, seconded by Councilman Allen, the approval of the Levy Order Rates. Upon a vote motion carried.

All members of the Council then proceeded to sign the Levy Order as follows:

STATE OF WEST VIRGINIA,

COUNTY OF KANAWHA & PUTNAM,

MUNICIPALITY OF NITRO, TO-wit:

At a regular session the council of the Municipality of Nitro, West Virginia, held in the council chamber thereof on Tuesday, the 20 day of April, 1971. Present: W. W. Alexander; Mayor, Recording Officer Grace Lewis, E. L. Goodwin, Ray V. Allen, Hugo D. Tidquist, Kenton L. Williamson and Kenneth K. Kniceley and L. I. Hoke, members of the council of said Municipality.

CURRENT REGULAR MUNICIPAL LEVY ORDER

The council having ascertained that the net amount necessary to be rasied by a levy of taxes for the current fiscal year for regular municipal purposes will be \$113,233.00, according to the estimate made and entered of record on the 30th day of March, 1971, 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 Commission having approved the same in writing, it is therefore ordered that the 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 I			
Personal Property	\$1,059,764.00	16¢	1,696.00
Public Utility Property	<u>843,300.00</u>	16¢	<u>1,349.00</u>
Total Class No. I	\$1,903,064.00		3,045.00
Number II			
Real Estate	11,058,960.00	32¢	35,389.00
Number IV			
Real Estate	5,423,490.00	64¢	34,710.00
Personal Property	4,083,309.00	64¢	26,133.00
Public Utility Property	<u>2,180,700.00</u>	64¢	<u>13,956.00</u>
Total Class No. IV	11,687,499.00		74,799.00
TOTALS	\$ 24,649,523.00		\$ 113,233.00

MUNICIPAL BOND PURPOSES-INTEREST AND SINKING FUND ORDER

The council having ascertained that the amount necessary to be raised by a levy of taxes for the current fiscal year to pay the interest and provide a sinking fund for the discharge of the principal of a bond issue of \$313,000.00 will be \$19,462.00 according to the estimate made and entered of record on the 30th day of March, 1971, and said estimate having been published as required by law and no one appearing to oppose the same or take exception thereto and the Tax Commissioner having approved the same in writing, it is therefore ordered that said estimate and the rates of levies proposed therein be approved and that the following levies be laid on each one hundred dollars valuation of each class of property, viz:

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

Two & Three-Quarters cents (2.75¢)	on Class No. I property,
Five & One half cents (5.5¢)	on Class No. 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	1,059,764.00	2.75¢	\$ 291.00
Public Utility Property	843,300.00	2.75¢	<u>232.00</u>
Total Class No. I	<u>1,903,064.00</u>		<u>523.00</u>
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	4,093,309.00	11¢	4,492.00
Public Utility Property	<u>2,180,700.00</u>	11¢	<u>2,399.00</u>
Total Class No. IV	11,687,499.00		12,857.00
TOTALS	24,649,523.00		19,462.00

In discussing the Ordinance amending Section 9, Sub-Section (b) of Ordinance Number 97, of the City of Nitro, as amended, reducing the Municipal Service charges to certain retired persons whose monthly gross income is not more than Three Hundred Dollars (\$300.00), the Mayor said the Attorney was unable to be here and that he asked that this action be continued until the next meeting and that the special committee had met and made a recommendation. He asked the Committee members if they wished to discuss it.

Councilman Goodwin informed the Committee recommended that the wording be such in the Ordinance "widows, head of household, with combined income of said household not more than \$300.00 will be exempt from the \$2.00 increase." The Mayor said that we will give this to the Attorney and he would have it worked up for the next meeting.

The Recorder explained to Council that we have had all sorts of questions regarding this amendment and one was that the monthly income was not more than \$300.00 but that the yearly income could amount to more than 36 hundred, as the people collected money from stocks, bonds, dividends, and so forth.

Councilman Hoke suggested that someone be appointed to make a house to house

survey in an effort to secure the name of the head of the household, the length of time that they have lived there and other information. That there were a lot of people in town who are not paying the Municipal Service Fee.

Thereupon Councilman Hoke moved, seconded by Councilman Goodwin, that a house to house survey be made. Upon a vote motion carried.

The Mayor and Council discussed Ordinance on taxation of Public Utilities for Municipalities.

Councilman Goodwin asked if the Cable T.V. came under this.

The Mayor said he doubted if they did, since they do not operate through the Public Service Commission. We have a regular franchise with them. They are to pay the City \$1,000.00 per year franchise or 2 percent of gross income received from less than 1,200 subscribers or 3 percent of gross income received from 1,200 to 2,500 subscribers.

The Mayor informed Council that the Cable Company had been sent a bill this week for \$4,100.00 for two years. They were in the arrears.

Councilman Goodwin asked if this was considered anything like a telephone bill? That there are times the Telephone Company charges a mileage fee.

The Mayor said that this Tax covers everything on the Telephone Company with the exception of toll calls.

Councilman Kniceley moved, seconded by Councilman Goodwin, to accept the Ordinance on taxation of Public Utilities by Municipalities for the Second Reading. Upon a vote motion carried.

Councilman Goodwin moved, seconded by Councilman Kniceley, to accept for passage the ordinance imposing and levying a tax on the privilege of purchasing, using or consuming public utility services or tangible personal property supplied by Public Utilities. Upon a vote motion carried.

ORDINANCE NO. 165

AN ORDINANCE IMPOSING AND LEVYING A TAX ON THE PRIVILEGE OF PURCHASING, USING OR CONSUMING PUBLIC UTILITY SERVICES OR TANGIBLE PERSONAL PROPERTY SUPPLIED BY PUBLIC UTILITIES: DEFINING TERMS: FIXING THE AMOUNT OF SUCH TAX: PROVIDING FOR THE COLLECTION OF SUCH TAX AND THE METHOD OF PAYMENT AND ACCOUNTING THEREFORE TO THE CITY OF NITRO: SPECIFYING EFFECTIVE DATE OF ORDINANCE: REQUIRING PRORATION AND RECORDS AND AUTHORIZING INSPECTIONS OF RECORDS: PROVIDING EXEMPTIONS: SPECIFYING NONLIABILITY OF PUBLIC UTILITIES AND DUTIES OF THE CITY OF NITRO: REQUIRING REFUND CLAIMS TO BE PRESENTED TO THE CITY OF NITRO: AUTHORIZING RULES AND REGULATIONS: ESTABLISHING LIENS, REMEDIES AND CRIMINAL PENALTIES FOR VIOLATIONS OF THE ORDINANCE, REQUIRING NOTICE TO PUBLIC UTILITIES, AND PROVIDING A SEVERABILITY CLAUSE.

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

That an excise tax upon the privilege of purchasing, using or consuming within the corporate limits of the city of Nitro any Public Utility Service and tangible personal property supplied by any public utility subject to the jurisdiction of the Public Utilities Commission of West Virginia (whether such public utility be privately or municipally owned or otherwise owned by any type of governmental entity) is hereby imposed and levied as follows:

Section 1. Definitions.

The following words and phrases when used in this ordinance shall for the purpose of this ordinance have the following respective meanings:

(a) "Persons" includes individuals, firms, partnerships, associations, corporations and combinations thereof, of whatever form or character;

(b) "Public Utility Service" means all services and tangible personal property purchased within the City of Nitro, from a seller, as hereinafter in this section defined, namely, telephone services; electric service; gas service, including bottled or liquid gas, if the seller thereof is classified as a public utility subject to the jurisdiction of the Public Utilities Commission of West Virginia; water service and sanitary sewer service; if purchased, used or consumed with-

in the corporate limits of the City of Nitro;

(c) "Purchaser" includes every person who purchases, uses or consumes a public utility service;

(d) "Seller" includes every person, whether a public service corporation, a municipality or private corporation, classified as a public utility and subject to the jurisdiction of the Public Utilities Commission of west Virginia, who sells, furnishes or supplied a public utility service; and

(e) "User" means the owner or tenant of private residential property or the owner or tenant of property used for commercial or industrial purposes, and every combination thereof, of every kind or description.

Section 2. Imposition and levying of tax; amount of tax.

There is hereby imposed and levied upon each and every purchaser of a public utility service an excise tax upon the privilege of purchasing, using or consuming, within the corporate limits of the City of Nitro, west Virginia, such public utility service. Such tax shall be in the amount of two percent of the charge (exclusive of any federal or state tax thereon) made by the seller against the purchaser with the respect to each public utility service, which tax in every case shall be collected by the seller and paid by the purchaser upon the amount of each periodic statement rendered such purchaser by the seller, and shall be paid by the purchaser to the seller at the time the purchase price or such charge shall become due and payable under the agreement between the purchaser and the seller. The tax imposed and levied by this ordinance is in addition to all other taxes imposed and levied by the City of Nitro. In the event the amount of the charge for

any single public utility service exceeds the sum of twenty thousand dollars in any given calendar month, to any single purchaser, no tax shall be imposed for such additional purchase, use or consumption in excess of said amount of twenty thousand dollars. In the event more than one public utility shall furnish the identical public utility service to the same purchaser, said purchaser shall be entitled to group the same as a single public utility service in calculating the amount of the charges in any calendar month for such public utility service.

Section 3. Collection; time of payment; accounting; effective date of ordinance; proration.

It shall be the duty of every seller in acting as the tax collecting medium or agency for the city of Nitro to collect from each purchaser for the use of the City of Nitro the tax hereby imposed and levied at the time of collecting the purchase price charged for its public utility service, and the amount of tax actually collected during each calendar month shall be reported by each seller to the City of Nitro and each seller shall remit the amount of tax shown by said report to have been collected to the City of Nitro on or before the last day of the second calendar month following the month in which collected, together with the name and address of any purchaser who has failed to or refused to pay the tax so imposed and levied. The tax imposed and levied by this ordinance shall apply to periodic statements rendered after July one, one thousand nine hundred seventy-one for public utility service rendered subsequent to July one, one thousand nine hundred seventy-one, and when any such periodic statement covers public utility service rendered both before and after said date, only that

portion of the charge for public utility service rendered after said date shall be subject to such tax, and the portion subject to such tax shall be such portion of the total charge as the number of days after June thirty, one thousand nine hundred seventy-one, within the period covered by such periodic statement, bear to the total number of days covered by such periodic statement. The required reports shall be in the form prescribed by the official of the City of Nitro charged with the responsibility of collecting taxes due the City of Nitro.

Section 4. Records; inspection thereof.

Each and every seller shall keep and maintain complete records showing all purchases of public utility service within the corporate limits of the City of Nitro, which records shall show the charge made against each purchaser, the dates such public utility service was furnished, the date of payment therefore, and the amount of tax imposed hereunder, and such records shall be kept open for inspection by the duly authorized agents of the City of Nitro at reasonable times, and the duly authorized agents of the City of Nitro shall have the right, power and authority to make at the expense of the City of Nitro such transcripts thereof during such times as they may desire.

Section 5. Exemptions.

The tax hereby imposed and levied shall not apply to the following transactions, which transactions are hereby exempted from such tax:

- (a) Purchases of public utility service for resale;
- (b) Purchases of public utility service by the United States of America, the State of west Virginia, and the political subdivisions, municipalities, boards, commissions, authorities and public corporations thereof.

(c) Purchase of tangible personal property such as appliances or the like, as distinguished from the public service supplied;

(d) Charges for telephone services which are paid by the insertion of coins into coin-operated telephones, and specific charges or tolls for telephone calls to points outside the corporate limits of the City of Nitro; and

(e) Nonrecurring or one-time charges incidental to the furnishing of public utility service.

Section 6. NONLIABILITY OF UTILITY: DUTY OF THE CITY OF NITRO:

REFUNDS: RULES AND REGULATIONS.

There shall be no liability upon the seller for erroneously collecting the tax hereby imposed and levied or for erroneously failing to bill for such tax as a result of a good faith mistake on the part of the seller. When any purchaser contends that such tax is not owed by such purchaser on the ground that the public utility service was not purchased, used or consumed within the corporate limits of the City of Nitro, the seller shall refer the question to the official of the City of Nitro charged with the responsibility of collecting taxes due to the City of Nitro, and such seller shall thereafter collect or refrain from collecting such tax from such purchaser for such public utility service as instructed in writing to do by such officials of the City of Nitro. Any and all claims for refunds of any such tax shall be presented to the City of Nitro and not to the seller.

The official of the City of Nitro charged with the responsibility of collecting taxes due the City of Nitro shall have the authority to promulgate and enforce reasonable rules and regulations necessary for the administration and enforcement of this

ordinance.

Section 7. Enforcement provisions; penalties.

Any amount of tax due and unpaid under this ordinance shall be a debt due the City of Nitro. It shall be a personal obligation of the purchaser and shall be a lien upon all of the property of the purchaser. The lien shall have priority over all other liens and obligations except those due the State of West Virginia and the United States of America. Any such lien shall attach when the obligation to pay such tax accrues. The lien shall be enforceable by the City of Nitro as any other lien against the property of a debtor.

Any purchaser failing or refusing to pay the tax hereby imposed and levied and any seller or purchaser violating any of the provisions hereof or any lawful rule and regulation promulgated hereunder shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than one hundred dollars. The failure to refuse to pay the tax for public utility service purchased, used or consumed during different periodic statement periods shall constitute a separate and distinct offense.

Section 8. Notice to the utilities;

The tax hereby imposed and levied shall not be effective until the City of Nitro gives sixty days' written notice by certified mail of the effective date of the ordinance to any public utility doing business within the City of Nitro which is required to collect the tax imposed and levied hereby.

Section 9. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstance is held unconstitutional or

invalid, such unconstitutionality or invalidity shall not affect other provisions or applications of this ordinance and to this and the provisions of this Ordinance are hereby declared to be severable.

This ordinance was introduced and read for the first time at a regular meeting of the Council held on the 6th day of April, 1971, and adopted at a regular meeting of the Council held on the 20th day of April, 1971.

This ordinance shall become effective as of July 1, 1971.

The Recorder presented copies of an ordinance amending and reenacting Section 14, and adding Section 18, of the Ordinance of the City of Nitro, No. 64, as amended, imposing business, privilege and occupation taxes upon the exercising of certain privileges in the City of Nitro (Commonly called gross sales tax) computation of tax and rates, explaining to Council that this is the First Reading for this particular Ordinance referring to the Taxation of Banks and Loan Companies. This Ordinance was discussed by the Mayor and Council. In answer to Councilman Kniceley's question about how many places does this cover, the Mayor said we have three Loan Companies.

Councilman Goodwin moved, seconded by Councilman Hoke, to accept this Ordinance on Taxation of Banks and Loan Companies for the First Reading. Upon a vote motion carried.

Copies of an Ordinance requiring certain protective equipment to be used by Motorcycle riders, requirements for Motorcyclist and motorcycles; Providing methods of regulation and providing penalties for violation thereof, were presented to Council.

The Mayor and Council proceeded to discuss this Ordinance.

Councilman Allen asked what the specifications were for a standard helmet.

Councilman Goodwin said the standard helmet had been tested.

The Mayor refereed to the last page of the Ordinance, where it states - that the protective equipment and safety devices provided in this Ordinance shall conform to the standards and specifications promulgated by the State Motorcycle Safety Standards Specifications Board created by Chapter 17-C, Article 15, Section 14 of the Code of West Virginia, and as changed from time to time by said Board, and approved by the Commissioner of Motor Vehicles of the State of West Virginia.

In answer to Councilman Hoke's question, if this was a State wide law, the Mayor said yes, it was recently passed by the last Legislature.

Councilman Hoke moved, seconded by Councilman Goodwin, to accept this Ordinance for First Reading, Upon a vote motion carried.

Mayor Alexander asked the two men from Hillside Drive if they had any questions.

Mr. Legg said that they wanted to hear what the Council intended to do regarding their problems.

The Trailers are still on the area restricted for Residential only and wanted to know what steps to take next.

The Mayor informed that notices had been sent to all participants in this business. The Attorney had sent all letters registered mail and now it is between the Attorneys.

We had recieved letter from Mr. Harvey's Attorney, but that he did not feel that he should air anything in this meeting that might be to a disadvantage to our Attorney.

Councilman Kniceley said that we had six returns on the registered letters but that he thought there were eight people involved.

Councilman Allen asked what the people were doing.

Mr. Legg said that they have unloaded about three truck loads of dirt.

The Mayor said that they had informed him that they would cover the fly ash but that the other thing is between the property owner and the attorneys.

In answer to the question about the open ditch, the Mayor said that they had told him that they would go ahead last week and close the ditch.

The Mayor was informed that the machinery is still sitting there.

Councilman Allen said he would like to hear from the Planning Commission. Someone is supposed to be policing this sort of thing. The Mayor said that all the Planning Commission does is to plan and zone, that they do not do any policing.

These things are brought in front of the Council if they are over stepping the rules and it is up to the Council to take action.

Councilman Allen asked if he could put in a trailer on Third Avenue. The Mayor said that he would need a permit to do so and that there were boundry lines he would be restricted to. However, a license would not be required.

The Recorder informed that the only persons who require a license were those who sold tobacco, cigarettes, soda drinks and beer.

Councilman Allen said a person who was going to excavate or put in a sewer, that he thought they had to have a permit.

The Recorder informed if the person is installing a sewer on his property that a permit is needed.

Councilman Hoke asked if the trailer sales was connected to the Sewer or water lines. The Mayor said he did not think so.

Councilman Hoke said he thought a place of this nature should have public facilities as there are people coming and going all the time. This could be a health hazard.

The Council was informed that Mr. Cochram had moved a small building on skids, and that he had remodeled it.

In answer to the question on this type of business for a license, the Recorder informed that Nitro had never had the special store license which is \$5.50 per year.

The Council felt that the City should have the special store license and asked that it be checked into. As it would be a better way of checking business in town.

The residents from Hillside Drive told Council that they still have the lake on the Bayliss property and that all that had been placed in it in an effort to fill it had been some broken tile.

It was suggested that a letter be sent to Mr. Bayliss and to Mr. Cochran.

Councilman Goodwin moved, seconded by Councilman Williamson, directing the Mayor to write a letter to Mr. Bayliss, giving him fifteen days to fill in the lake or pond on his property. Also that a letter be sent to Mr. Cochran giving him fifteen (15) days to fill in the ditch line on the trailer Sales property and also cover the fly ash. Motion carried.

Mr. Legg asked about the parking on the Bayliss property.

The Mayor said that he was not sure the alley went all the way through there. He would have to have the Attorney check this matter.

The Recorder reported to the Traffic Committee of a call from the 100 Block of Dupont Avenue where there are two business places on Main Avenue, reporting that after 4 o'clock on week days and all day on weekends that the traffic is terrible. This 100 block of Dupont Avenue has a number of small children and that it has been requested that signs "Children Playing" be erected and that this portion be made one way street.

The Mayor said he had talked to the Police Officers, they were of the opinion the lady was right with regard to the traffic problem and that the Police are watching this area. He did not believe it necessary to make the street one way.

There being no further business and the agenda having been completed, Councilman Hoke moved the meeting adjourned.


Recorder


Mayor

May 4, 1971

The City Council met in regular session Tuesday, May 4, 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 and Kenton L. Williamson, members of the Council. Councilman Tom M. Waldorf being absent.

The Meeting was called to order by Mayor Alexander.

The invocation was given by the Reverend Donald Cummings, of the Sattes Community Church of Nitro.

Councilman Kniceley moved, seconded by Councilman Allen, the minutes of April 20, 1971 be accepted. Upon a vote motion carried.'

Councilman Allen moved, seconded by Councilman Goodwin, to accept as second Reading the Ordinance amending and reenacting Section 14, and adding section 18, of the Ordinance of the City of Nitro No. 64, as amended, imposing business, privilege and occupation taxes upon the exercising of certain privileges in the City of Nitro (Commonly called gross sales tax) Computation of tax and rates. Upon a vote motion carried.

Councilman Allen moved, seconded by Councilman Goodwin, to accept for passage the Ordinance amending and reenacting Section 14, and adding Section 18, of the Ordinance of the City of Nitro No. 64, as amended, imposing business, privilege and occupation taxes upon the exercising of certain privileges in the City of Nitro (Commonly called gross sales tax) Computation of tax and rates. Upon a vote motion carried.

AMENDMENT TO ORDINANCE NUMBER 64

INTRODUCED IN COUNCIL
April 20, 1971

AN ORDINANCE AMENDING AND RE-ENACTING SECTION 14, AND ADDING SECTION 18, OF THE ORDINANCE OF THE CITY OF NITRO NO. 64, AS AMENDED, IMPOSING BUSINESS, PRIVILEGE AND OCCUPATION TAXES UPON THE EXERCISING OF CERTAIN PRIVILEGES IN THE CITY

OF NITRO (COMMONLY CALLED GROSS SALES TAX)
COMPUATION OF TAX AND RATES.

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

That Section 14 of the Gross Sales Tax Ordinance No. 64
be amended and reenacted to read as follows:

Section 14. BANKING AND OTHER FINANCIAL BUSINESS.

Upon every person, firm or corporation engaging or continuing with the City of Nitro in the business of banking or financial business, the tax shall be equal to one percent of the gross income received from interest, premiums, discounts, dividends, service fees or charges, commissions, fines, rents from real or tangible personal property, however denominated, royalties, charges for bookkeeping or data processing, receipts from check sales, charges or fees, and receipts from the sale of tangible personal property: Provided, however, that gross income shall not include (a) interest received on the obligations of the United States, its agencies and instrumentalities, (b) interest received on the obligations of this or any other state, territory or possession of the United States or any political subdivision of any of the foregoing or of the District of Columbia, or (c) interest received on investments or loans primarily secured by first mortgages or deeds of trust on residential property occupied by nontransients.

BE IT FURTHER ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NITRO, THAT A NEW SECTION BE ADDED TO SAID ORDINANCE NO. 64, TO READ AS FOLLOWS:

Section 18, Small loan and industrial loan businesses,

Upon every person engaging or continuing with the City of Nitro in the business of making loans of money, credit goods, or things in action, who because of such activity is required under the provisions of article seven-a, chapter forty-seven of the Code of

west Virginia, one thousand nine hundred thirty-one, as amended, to obtain a license from the commissioner of banking of the State of west Virginia, and upon each and every industrial loan company, the tax shall be equal to one percent of the gross income of the business.

This Ordinance was introduced and read for the first time at a Regular Meeting of the Council held on the 20th day of April, 1971, and will come up for second reading and adoption at a Regular Meeting of the Council to be held on the 4th day of May, 1971.

This Ordinance shall become effective as of the date of passage.

In discussion of Ordinance requiring certain protective equipment to be used by motorcycle riders; requirements for motorcyclists and motorcycles; providing methods of regulation and providing penalties for violation thereof, Councilman Allen stated this being the follow up of the State Law, that he moved to accept as Second Reading the Ordinance requiring certain protective equipment to be used by motorcycle riders; requirements for motorcyclists and motorcycles; providing methods of regulation and providing penalties for violation thereof. Councilman Kniceley seconded the motion. Upon a vote motion carried.

Councilman Kniceley moved, seconded by Councilman Goodwin, to accept for passage the Ordinance requiring certain protective equipment to be used by motorcycle riders; requirements for motorcyclists and motorcycles; providing methods of regulation and providing penalties for violation thereof. Upon a vote motion carried.

ORDINANCE NO. 166

INTRODUCED IN COUNCIL
April 20, 1971

AN ORDINANCE REQUIRING CERTAIN PROTECTIVE EQUIPMENT TO BE USED BY MOTORCYCLE RIDERS, REQUIREMENTS FOR MOTORCYCLISTS AND MOTORCYCLES: PROVIDING METHODS OF REGULATION AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

BE IT ORDAINED BY THE COMMON COUNCIL OF NITRO:

(a) No person shall operate or be a passenger on any motorcycle unless he is wearing securely fastened on his head by either a neck or chin strap a protective helmet designed to deflect blows, resist penetration and spread impact forces. Any helmet worn by a motorcycle operator or motorcycle passenger shall meet the performance specifications established by the United States of America Standards Institute, Specifications for Protective Headgear for Vehicle Users, Standard Z 90.1-1966.

Helmets worn by motorcycle operators and motorcycle passengers shall be coated with a reflectorized substance, or have attached thereto a reflectorized material, on both sides and the back thereof, with a minimum of ten square inches of coated substance or attached material in each of the three locations.

(b) No person shall operate or be a passenger on any motorcycle unless he is wearing safety, shatter resistant eyeglasses (excluding contact lenses,) or eyegoggles or face shield that complies with the performance specifications established by the United States of America Standards Institute, Specifications for Head, Eye and Respiratory Protection Z 2.1-1959. In addition, if any motorcycle be equipped with a windshield or windscreen, the windshield or windscreen shall be constructed of safety, shatter resistant material that complies with the performance specifications established by the United States of America Standards Institute, Safety Glazing Materials for Glazing Motor Vehicles Operated on Land Highways, Standard Z 26.1-1966.

(c) No person shall operate a motorcycle on which the handlebars or grips are more than fifteen inches higher than the uppermost part of the operator's seat when the seat is not depressed

in any manner.

(d) A person operating a motorcycle shall ride in a seated position facing forward and only upon a permanent operator's seat attached to the motorcycle. No operator shall carry any other person nor shall any other person ride on a motorcycle unless the motorcycle is designed to carry more than one person, in which event a passenger may ride behind the operator upon the permanent operator's seat if it is designed for two persons, or upon another seat firmly attached to the motorcycle to the rear of the operator's seat and equipped with footrests designed and located for use by the passenger or in a sidecar firmly attached to the motorcycle. No more than two persons, the motorcycle operator and one passenger, shall ride the same motorcycle at the same time. No person shall ride sidesaddle on a motorcycle seat.

(e) Every motorcycle shall be equipped with a rearview mirror affixed to the motorcycle handlebars and adjusted so that the motorcycle operator shall have a clear view of the road and condition of traffic behind him for a distance of at least two hundred feet.

The protective equipment and safety devices provided in this Ordinance shall conform to the standards and specifications promulgated by the State Motorcycle Safety Standards Specifications Board created by Chapter 17-C, Article 15, Section 44 of the Code of West Virginia, and as changed from time to time by said Board, and approved by the Commissioner of Motor Vehicles of the State of W. Va.

(f) Any person violating any provision of the Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall

be fined not more than Fifty Dollars (\$50.00), or imprisoned not more than ten (10) days, or both fined and imprisoned.

This Ordinance was introduced and read for first reading at a Regular Meeting of the Council held on the 20th day of April, 1971, and will come up for second reading and adoption at Regular Meeting of the Council to be held on the 4th day of May, 1971.

In discussion of the Ordinance concerning store license, the Mayor informed this Ordinance conforms with the State Law and other Municipalities.

In answer to Councilman Kniceley's question regarding collection fee, the Mayor informed that there was a .50 issuance fee which would make special store license \$5.50 and the general store license \$15.50.

The Council then discussed the difference between the two licenses. They were informed that the City had never had the special store license before.

In answer to Councilman Tidquist's question if a grocery store did not sell cigarettes or soft drinks, which type of store license would they need?

The Mayor informed that this would come under the special store license.

In answer to Councilman Hoke's question if a store did not have a General License and then put in cigarettes and soft drinks, would they have to have a license. The Mayor replied yes.

Councilman Allen moved, seconded by Councilman Tidquist, to accept for First Reading the Ordinance concerning Store License. Upon a vote motion carried.

Councilman Hoke questioned section 4 stating that he thought if a man buys a store license in the middle of the year he should pay the rate of a full year.

Mr. Michael, the Attorney, is to check into this.

Councilman Allen reported for the Traffic Committee on the 100 block of Dupont Avenue, that he did not see anything that Council can do and that there is no off street parking, except maybe a few places. The motorist are forced to park in the street and that it is a congested area. He suggested the Police

do a little more policing in this area.

The Mayor replied that the Police had been notified to spend more time in this area.

Councilman Allen suggested tabling this matter for the time being.

The Street Committee had not had a chance to check the streets for street paving and will do so before the next Council meeting.

The Recorder read the Ordinance amending Section 9, Sub-Section (B) of Ordinance Number 97, of the City of Nitro, as amended, reducing the Municipal Service charges to certain retired persons whose monthly gross income is not more than Three Hundred Dollars (\$300.00), the Mayor asked if this wording met the requirements that the Committee had intended.

Councilman Allen said that it did.

Thereupon Councilman Goodwin moved, seconded by Councilman Williamson, to accept as Third Reading the Ordinance amending Section 9, Sub-Section (B) of Ordinance Number 97, of the City of Nitro, as amended, reducing the Municipal Service charges to certain retired persons whose monthly gross income is not more than Three Hundred Dollars (\$300.00). Upon a vote motion carried.

Councilman Kniceley moved, seconded by Councilman Hoke to accept for passage the Ordinance amending Section 9, Sub-Section (B) of Ordinance Number 97, of the City of Nitro, as amended, reducing the Municipal Service charges to certain retired persons whose monthly gross income is not more than Three Hundred Dollars (\$300.00). Upon a vote motion carried.

AMENDMENT TO ORDINANCE NO. 97:

AN ORDINANCE AMENDING SECTION 9, SUB-SECTION (B), OF ORDINANCE NUMBER 97, OF THE CITY OF NITRO, AS AMENDED, REDUCING THE MUNICIPAL SERVICE CHARGES TO CERTAIN RETIRED PERSONS WHOSE MONTHLY GROSS INCOME IS NOT MORE THAN THREE HUNDRED DOLLARS (\$300.00).

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

That Section 9, Sub-Section (B) of the Municipal Service Ordinance No. 97, passed by the Common Council of the City of Nitro on February 16, 1971, and effective March 1, 1971, be amended and re-enacted to read as follows:

Section 13: Rates:

(B). Such Municipal Service Charge for each owner, tenant or occupant of residential premises shall be the sum of Five Dollars (\$5.00) permonth, due and payable on the last day of each calendar month for which the services are rendered; provided, however, that any such owner, tenant or occupant of residential premises responsible for such charge, who is retired or over the age of sixty five years, and whose annual gross income is not more than \$3,600.00; or widow head of household, whose combined annual gross income, including all members of said household, does not exceed \$3,600.00, uponfiling the proper affidavit with the Recorder of the City of Nitro, stating their name, address, age, monthly gross income, with such other proof as to their total gross income as the Recorder may require, shall be the sum of Three Dollars (\$3.00) per month, due and payable on the last day of each calendar month for which the services are rendered.

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 March, 1971.

Councilman Allen asked if both members of the Household are crippled, do they need to sign an affidavit? The Mayor said that they can get in touch with us and we will send someone to have the paper notarized.

Councilman Kniceley said it might be noted that we do not have the number of applications for life gurads that we would like to have and asked that the

news media mention this in their write up. Councilman Kniceley also informed that the pool would open, weather permitting, on May 30, 1971.

Councilman Kniceley said that after the last Council meeting the Recreation Committee met and the matter of Coach Loftis, who has charge of the weight lifting room, would like to have the weight lifting room open from 2:00 P.M. until 6:00 P.M. Monday through Friday, from June 15 until August 1. He will be there or some of the other people will be there. The cost is \$245.00.

Councilman Kniceley said he would like the liability checked out and clerified. He thought this was a good program and would like to go ahead with it.

Councilman Kniceley moved, seconded by Councilman Goodwin, that permission be granted to open the weight lifting room during the forementioned hours at the Park. Motion carried.

The Mayor said that Coach Loftis is checking into the insurance that the school carries.

Councilman Kniceley asked about request from the Brookhaven Area for Cable Television. The Mayor said that the local Company had taken up this matter with their home office in the East. They had not been able to install the line over the Interstate. He had talked to the State Road Commission and gotten map for the Cable Company and the Cable will have to be underground and the representative of the Cable Company is supposed to talk to the Mayor.

Councilman Allen asked what the City is going to do about the Shaw Lumber Company? The area is a mess and people living around this area are quite concerned and there are a lot of nails and boards which are dangerous.

The Mayor said that he had contacted the appointed receiver for Shaw Lumber Company, The Shaw Lumber Company filed bankruptcy, the Mayor had recieved permission from the appointed receiver to tear down a small building on the Lumber Companies property. The Police had been afraid that some child would be hurt in this building. The appointed receiver had told the Mayor that the former owner of the property would probably take the property back and that the Mayor could

call them as soon as this matter was finalized.

Councilman Goodwin brought up the excavation near the Jim Walter Homes property.

It seems there is a large caisson pipe being installed.

The Reverend Donald Cummings said that a Construction Company with Ohio license are doing the work and that it looked like they were getting ready to install a water line through the caisson pipe.

The Mayor said he would check into this and get the Construction Companies name for B & O purposes.

Councilman Tidquist said that people in Fenton Circle are again complaining about trailers parked on the vacant lot at the corner of Main Avenue. It is the same problem as last year.

The Mayor said that this matter had been investigated by the Police Department. These trailers did not belong to the Harmon Trailer Sales, that someone had brought them in for repairs and parked them on the lot early in the morning. The Harmon's did not have anything to do with this, they are doing everything in their power to keep people from parking on this vacant lot.

Councilman Williamson said that Mr. Harrison of the 800 block of Kanawha Avenue is upset about the curb not being replaced. The Mayor said that the curb can not be replaced until the earth has settled. This section had a sewer problem and it was necessary to do the excavating and take out the portion of the curb. He pointed out that it would be foolish to put in a curb now and then have to put in another after the earth settled.

Mr. Legg of Hillside Drive read from the City Zoning Ordinance - Individual authorized by City to be the administrator of the day to day application of the provisions contained in this Ordinance.

He also informed Council that the property owners of Hillside Drive were present with regard to the Trailer Sales violation and Charles Bayliss' vacant lot has not been filled.

The Mayor informed that Mr. Cochram, of the Torch Trailer Sales, and Charles Bayliss of Modern Supply have been given notice to take care of the problems and they had been given fifteen (15) days to do so. The notices were sent out after last Council meeting and that the fifteen (15) days were not up.

Another property owner of Hillside Drive brought up the question of Mr. Bayliss black top parking lot in R-I zoned area, stating the only way that Mr. Bayliss could get permission to put in a parking lot in an R-I area is to go through the Board of Appeals.

The Mayor said that he had been told that the deed to the property had given Mr. Bayliss the right to use lot for business purposes.

It was also mentioned that Mr. Bayliss had his Utility Building and air conditioning unit on a five (5) foot easement.

Question was asked how the Council could give Mr. Cochran fifteen (15) days to cover the fly ash when he was in violation of a recently passed Ordinance?

In answer to this question was that Mr. Cochran putting the fly ash on the lot was the reason Council passed the Ordinance and that the letter giving him fifteen (15) days had been taken at Council's direction.

Attorney Michael spoke to the people telling them that this matter was not something that you could dissolve in a days time. They had asked questions on closing of the alley, on Cochran Trailer being placed on R-I zoned property and that the City had already taken the necessary steps and letters had gone to the property owners and that he felt that this matter would be resolved in Circuit Court and that he was talking about the time of about one year.

Mr. Michael informed also that Judge Taylor of the Circuit Court had been sick and the case will be heard at Judge Taylor's convenience.

Mr. Legg said that Mr. Cochran did not have a permit to excavate, stating that they wanted something done. Mr. Michael said that these people have their lawyers and that he himself would be willing to consult with any of the property owners of Hillside Drive who had a lawyer.

He said that this case would have to be fought and that he was willing to take any advise, the only thing he is here for is to take whatever legal action there is.

In answer to the question on how the trailer sales was stopped when they propped to put it in near Brookhaven, the Mayor said that this area was not zoned for business.

Mr. Michael says that we can not send a Police Officer to settle this problem, it may go to the Supreme Court and the Supreme Court is the law.

Councilman Kniceley asked if we as the Council are doing what we should be doing in taking the right steps. Mr. Michael said that we had done the right thing in sending out the notices.

In answer to the question if the alley behind the Nitro Furniture had been closed at the time of the closing of other portions of the alley, Mr. Michael said that they had closed the alley and that in order to close it that everyones portion is conveyed.

In answer to question if Jack Cochran will be issued a license to our new license law, the Mayor said yes, until the Circuit tells us not too.

In answer to the question if Mr. Cochran will be in Court if the fly ash is not covered.

There being no further business and the agenda having been completed, Councilman Hoke moved the meeting adjourned.


MAYOR


RECORDER

May 18, 1971

The City Council met in regular session Tuesday, May 18, 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 Council.

The meeting was called to order by Mayor Alexander.

Councilman Hoke moved, seconded by Councilman Goodwin, the minutes of May 4, 1971 be approved. Upon a vote motion carried.

Councilman Hoke moved, seconded by Councilman Kniceley, the Financial Statement for the month of April, 1971 be accepted. Upon a vote motion carried.

The Council discussed the Ordinance amending Ordinance No. 89 of the City of Nitro providing for the issuance of license and the collection of license taxes on special and general stores, and providing penalties for the violation thereof.

Councilman Hoke asked the Attorney if he had checked on his question regarding section 4 in that a license issued prior to the first day of January of any year being charged for it at full rate and licenses issued on or after the first day of January shall be charged one half of the full rate.

Mr. Michael informed that there was no specific statute for this and it is based on equalization. This is the method that the State has always used and the Cities have done like wise.

It was pointed out that several years ago that beer license was not prorated by the State but now that they are.

Councilman Allen asked if this license applied to the Valley Bell Dairy delivery to homes?

The Recorder informed that the Dairy Company's buy a license for \$10.50 a year for the sale of milk and milk products. The Ordinance has been on the

books for a number of years.

Councilman Allen asked if this license applied to peddlers. The Mayor informed that we have the Hawker and Peddler Licenses on the book and that if the products sold by the Peddler are his own then he does not require a license. He buys a license if he has a small pick up for \$15.50 per year and \$25.50 for a ton truck.

Councilman Allen said that these Peddlers take a lot of business out of town.

In answer to Councilman Hoke's question on a person who grows a part of his produce and the rest he buys, does he require a license? The Mayor said that he would need a license.

Councilman Goodwin moved, seconded by Councilman Kniceley, to accept for second reading the Ordinance amending Ordinance No. 89 of the City of Nitro providing for the issuance of licenses and the collection of license taxes on special and general stores, and providing penalties for the violation thereof. Upon a vote motion carried.

Councilman Kniceley moved, seconded by Councilman Goodwin to accept for passage the Ordinance amending Ordinance No. 89 of the City of Nitro providing for the issuance of licenses and the collection of license taxes on special and general stores, and providing penalties for the violation thereof. Upon a vote motion carried.

AMENDMENT TO ORDINANCE NO. 89:

AN ORDINANCE AMENDING ORDINANCE NO. 89 OF
THE CITY OF NITRO PROVIDING FOR THE ISSUANCE
OF LICENSE AND THE COLLECTION OF LICENSE TAXES
ON SPECIAL AND GENERAL STORES, AND PROVIDING
PENALTIES FOR THE VIOLATION THEREOF.

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

SECTION 1. DEFINITIONS.

(a) The term "Person" shall include any group or combination acting as a unit, individual, committee, guardian, trustee, executor, administrator, partnership, co-partnership, joint adventure, association, trust, firm or corporation, either domestic or foreign, which is controlled or held with others by majority stock ownership or ultimately controlled or directed by one management or association of ultimate management.

(b) The term "general store" as used in this Ordinance shall be construed to mean and include any store or stores, or any mercantile establishment or establishments, in which cigarettes, tobacco products and soft drinks are purchased, ordered, sold or offered for sale, either at retail or wholesale, and no coin operated device, or devices, shall be construed to be a general store.

(c) The term "special store" as used in this section shall be construed to mean and include any store or any mercantile establishment in which goods, wares or merchandise of any kind, except cigarettes, tobacco products and soft drinks, are purchased, ordered, sold or offered for sale, either at retail or wholesale, and which contains no coin operated devices, owned and operated by the store proprietor.

SECTION 2. UNLAWFUL TO OPERATE STORE WITHOUT LICENSE.

It shall be unlawful for any person to establish, operate or maintain any general store or special store in the City of Nitro without first having obtained a license so to do from the Office of the Recorder of the City of Nitro.

SECTION 3. EXEMPTIONS.

The establishment, operation or maintenance of stores by the following shall be exempt from the license tax imposed by this ordinance: (1) the United States of America, (2) The State of West Virginia, and (3) Religious and charitable organizations.

SECTION 4. LICENSE TAX FOR PART YEAR.

Each license issued prior to the first day of January of any year shall be charged for at the full rate and each license issued on or after the first day of January shall be charged for at one-half of the full rate, as hereinafter provided.

SECTION 5. PENALTIES.

Any person who establishes, operates or maintains a store without obtaining a license therefor or continues to operate the same after the termination of a license therefor shall, in addition to paying the license tax, be subject to a penalty of ten per cent of such license tax for each month or part thereof during which he had been in default. This penalty shall be assessed and collected in the same manner as the license tax. PROVIDING FURTHER, that any person who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars and every day that such violation shall continue shall constitute a separate and distinct offense.

SECTION 6. AMOUNT OF LICENSE TAX.

Any person procuring a "General Store" license under the provisions of this ordinance shall pay into the Treasury of the City of Nitro the sum of Fifteen Dollars (\$15.00) and any person procuring a "Special Store" license shall pay into said Treasury the sum of Five Dollars (\$5.00).

SECTION 7. EXPIRATION AND RENEWAL OF LICENSE.

All licenses shall be so issued as to expire on the thirtieth day of June of each year. On or before the first day of July of each year, every person having a license shall apply to the Office of the Recorder of the City of Nitro for a renewal for the year next ensuing. Each application, whether for renewal or otherwise, shall be accompanied by a filing fee of fifty cents for each license requested and by the license tax as prescribed in Section 6.

SECTION 8. EFFECTIVE DATE.

This ordinance shall become effective on the first day of July, one

thousand nine hundred seventy-one.

SECTION 9.

All ordinances previously adopted which are inconsistent therewith are hereby repealed.

PASSAGE DATE May 18, 1971

EFFECTIVE DATE: JULY 1, 1971

Councilman Hoke reported that the Street Committee had not completed the survey of the streets.

Mayor Alexander told the Council that we had discussed the financing of recently purchased equipment and that two used trucks had not been paid for due to the fact that we did not have the money and we were waiting until the new cruiser came in, in order that we could finance all three pieces of equipment at one time.

Mr. Michael has prepared a resolution for the Bank of Nitro, authorizing the Bank to pay Childer's Chevrolet and Estep Construction the amount due them.

Mr. Michael explained that this Resolution was signed by the Mayor and Recorder and it means that the City enters into a lease agreement.

Councilman Hoke moved, seconded by Councilman Williamson, that the following Resolution be passed. Upon a vote motion carried.

RESOLUTION PASSED BY THE COMMON COUNCIL
OF THE CITY OF NITRO, AUTHORIZING SAID
CITY OF NITRO TO FINANCE CERTAIN EQUIPMENT
AND TO ENTER INTO A LEASE PURCHASE AGREEMENT.

WHEREAS, the City of Nitro has contracted to purchase from Childers Chevrolet Company, a 1971 Chevrolet, 8 cylinder, Biscayne Model, at a cost of \$2,417.77 and a used 1967 Chevrolet truck at a cost of \$1,350.00, and,

WHEREAS, The City of Nitro has contracted to purchase from Estep Construction Company one used 1963 Ford Dump Truck at a cost of \$1,300.00, and,

WHEREAS, IN order for said City of Nitro to pay for said equipment, it is necessary that said equipment be financed and paid for in monthly installments over a period of one year, and,

WHEREAS, said City of Nitro has made tentative arrangements with said Childers Chevrolet Company and Estep Construction Company to lease said equipment on a monthly rental basis and which rental would apply on the purchase price.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor of the City of Nitro be authorized, empowered and directed to enter into a lease agreement with said Childers Chevrolet Company and Estep Construction Company, covering the following equipment:

Childer Chevrolet Company:

One 1971 Chevrolet 4DS 8 Biscayne Model Number 15469, Serial Number - 154691DL71952, and

One used Chevrolet Truck - 1967, Serial Number - CS147B120710.

Estep Construction Company:

One used Ford Dump Truck 1963, Serial Number F701U371596.

BE IT FURTHER RESOLVED, that said lease purchase agreement shall provide for a monthly rental to be paid to said Childers Chevrolet Company and Estep Construction Company by the City of Nitro, equal to the purchase price amortized over one year period, including legal interest; said rentals shall be applied toward the purchase price and carrying charges.

Upon payment of the rentals over a one year period, as aforesaid, the complete title to said equipment shall become vested in the City of Nitro and all liens against said equipment released.

Dated this the 18th day of May, 1971.

In answer to question of the amount of money involved, the total with interest is \$5,381.38.

The Mayor asked the Recorder to read a copy of letter from Clarence Moran, Director of the Regional Development Authority of Kanawha County to Edgar N. Henry, Director of the West Virginia Division of Water Resources Department of Natural Resources. Letter from Clarence Moran as follows:

SUBJECT: State participation and incremental federal grants Sewage treatment projects.

Dear Ed:

I appreciate meeting with you yesterday and your advices on our proposal to generate state funding participation in the construction of sewage treatment facilities, to utilize the incremental federal grants now available. I regret your inability to be represented at the meeting this morning in our offices.

Our staff discussed this matter in full with Senators Mario Palumbo and John Poffenbarger and Kanawha County Legislator Thomas E. Potter. We felt it apparent that they were not aware of the recurring loss of the federal aid to the state, or the several potential corrective proposed methods which might assure utilization of the total federal annual allocation of grants toward sewage treatment construction in West Virginia. Their concern was not limited to Kanawha County progress; they recognized the overall benefits to the state which would result from maximum utilization of federal aids.

As a result of the conference, the following procedures were recommended:

1. Is existing legislation, particularly Chapter 20-Article 5A, adequate as a legal mechanism to handle state appropriations?
2. If the answer is yes, a joint conference to include Gov. Moore should be held with the view of making a budget allocation of appropriate size for the purposes being sought.
3. If the answer to step 1 is negative, new legislation should be formulated for consideration at the next session. In respect to this step, (and step 1), it was felt that a good case is present for the interest of an Interim Committee, and the legal services available thereby.

We will be exploring this matter in further meetings with Mr. Potter and other promptly.

We did advise these legislators of your estimate of \$5.6 million dollars needed during a fiscal year 1971-72 to deter loss of allocated federal grants.

Very truly yours,

Clarence Moran, Director

In discussion of the letter, the Mayor said that they had been trying for some time to get additional money from the Federal Government to help out with the sewers in the area that we last annexed. We as yet have not been able to get the governmental agent to turn loose the money and that a study had been made regarding this in the last two or three months. In the State of West Virginia, the practice has been to give 30 percent grant only to Sewer Plants. This does not cover any lines and that the Plant is the least of the cost of Secondary Treatment.

If we accept the 30 percent grant, we would need to borrow Nine Hundred Thousand, this would make the cost to the people in these areas where the sewer was laid, approximately \$15.00 a month.

We had had a letter giving us six months to get the Plant in operation. It would have been approximately 180 days and in checking out the amount of work involved it would take about 850 days.

The Regional Development had learned that a lot of the money allocated for West Virginia had been turned back and not spent in West Virginia. He said that in 1969 HUD, the Department which most of the money comes through, did not spend one dime in the State of West Virginia and at that time there were several applications in and that a lot of them did not get money through HUD. There were some who received money through the Appalachian Program.

In checking out the amount of money that the Water Resource Department has on hand at this time, the Mayor said it looks like that money turned back to the Federal Government was some \$15,000,000.00. Last year it was eight or nine million dollars.

When this money is turned back to the Federal Government it goes to some other state for use. Why we have not gotten it, I don't know.

In reference to Item 1 in the letter on the existing legislation, Chapter

44
20, Article 5-A, the Attorneys who have checked this Article, feel that the law is adequate.

The Mayor went further to say that he had been threatned with injunction because he had not started the Secondary Treatment Plant.

He feels that some money should be given to spend in West Virginia. In 1969 there was not a dollar appropriated for West Virginia, a lot of the other states did get money.

The Mayor said he felt that Council should know the steps that are being taken in an effort to get some Federal money. The Mayor also pointed out that Fayetteville had been granted 80-20 on Federal money for sewers. This is explained that it depends on the number of non-employed in the area. We have more people who are able to pay but we have a percentage of just as many that can not pay. Councilman Allen asked if RICK was involved in this.

The Mayor said that the two Authorities had an agreement that they would work together in all projects.

The Mayor explained that no funding can be done without first going through RICK. The Mayor also pointed out that most of the Appalachian Fund was being spend on roads.

Councilman Kniceley reported that the Pool would be open Saturday, May 29, at 10:00 A.M., weather permitting.

The men have been painting the pool, there are several pool employees who are out of college now and have agreed to open the pool at 1:00 P.M., previously it opened at 3:00 P.M., while school was in session. Opening it will give some adults and small children a chance to swim before the school gets out and it won't be so crowded.

Councilman Kniceley also reported that the Advisory Committee will again this year be working with the Pool Committee. Swimming lessons will begin

June the 21st.

Councilman Waldorf reported at 404 Kanawha Avenue there is some surface water. The soil is sandy and the road is sinking. The Mayor asked if there is a drain at this point. Councilman Williamson said it looked like there is a hole there. The Mayor said he would have it checked.

Councilman Waldorf reported that he had received a couple of complaints on junk cars and unlicensed cars on the City streets and that there are places that are over hauling motors on unlicensed cars. One place is 31st Street between 2nd Avenue and 3rd Avenue.

Councilman Waldorf also reported that an apple tree located on Beach Street and Main Avenue obstructs the view of motorists.

Councilman Hoke said he would like for the Mayor to write the State Road Commission a letter in an effort to make 21st Street where the old Depot was located into a parking area.

The Mayor said he had recently talked with Mr. Perry of the Highways Department, and that he is to come down within the next few weeks to go over some places that need repairs. He will talk to Mr. Perry about this.

Councilman Allen said he had received a copy of the Drivers Education Class recommendations and asked that copies be made and sent to each member of the Traffic Committee.

Councilman Tidquist said it had been suggested making 21st Street and Bank Street, two hour parking limit.

The Mayor said that when school was out that the parking problem should ease up.

The schools parking lot is being used for building purposes and that there are plans to make a new parking lot.

The Mayor reported that the Women's Club and the Scouts have about 35 hundred plastic bags that they intend to distribute to the homes in town

and that the week of the 24th of May, they wish to hold a clean up. We hope to be through with our regular pick up at this time and then go through town and pick up all plastic bags, placed in front of homes.

In answer to Councilman Tidquist's question, if we are going back on a once a month pick up, the Mayor said we hope to at the first of the fiscal year.

There being no further business and the agenda having been completed the Mayor adjourned the meeting.



MAYOR



RECORDER

June 1, 1971

The City Council met in regular session Tuesday, June 1, 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 and Kenton L. Williamson, members of the Council. Councilman Tom M. 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 Goodwin, the minutes of May 18, 1971 be accepted.

Councilman Hoke reported the recommendations of the Street Committee concerning paving or resurfacing of streets. He presented a list of the streets.

STREET COMMITTEE REPORT Paving or resurfacing

STREET

#6 - 1st to 3rd Ave.	Resurface	Holly Street	Resurface
#7 - 2nd to 3rd Ave.	Resurface	Valentine Circle	Resurface
		Sattes Circle	Resurface
#8 - 1st to 3rd Ave.	Resurface	Fenton Circle	Resurface
#9 - 2nd to 3rd Ave.	Resurface		
		Spring Street - From main road to	
#10- 1st to 3rd Ave.	Resurface	Railroad - Resurface	
#11- 1st to 3rd Ave.	Resurface		
		Cleveland Avenue- From main road to	
#12- 2nd to 3rd Ave.	Resurface	Railroad should be	
#13- 2nd to 3rd Ave.	Resurface	curbed - Resurface	
#14- 2nd to 3rd Ave.	Resurface	Red Oak Drive - 150 appr. 1st Avenue So.	
#16- Do nothing at present	Resurface	to County Road	
#17- 1st to 2nd Ave.	Resurface		
#41- 1st to 2nd Ave.	Resurface	Owens Street	
#39 East	New pavement with Bridge to Easter Road		
	All of Easter Road - 40th to end of Easter Road.		

Councilman Hoke said that two of the Committee Members looked the streets over. He stated that these are the same recommendations that the Council at large recommended last year.

Councilman Hoke informed that Easter Road needed paving, a bridge for automobiles had been torn down and a bridge put in for walking across the creek.

Councilman Hoke said that it was not known who owned a certain portion of Easter Road, it may be the State Road property.

In answer to Councilman Allen's question as to who pays for the paving, if the portion does belong to the State.

The Mayor said that the cost would be prorated on the property owners on that street.

The Mayor said he would have the Engineer check this over to see if we could enter it into the program.

Councilman Kniceley asked about the bridge, and asked if a large culvert could be installed.

In answer to the Mayor's question regarding 13th Street, Councilman Hoke said it was suggested paving it from 1st Avenue to 2nd Avenue.

The Mayor and Council discussed Red Oak Drive, 1st Avenue South, to the Old County Road. It was suggested that Red Oak Drive, be included in this program.

Councilman Hoke said the Committee had left off Cedar and Ivy Street, they are unpaved, that they had talked to the people and they do not want it paved and the Committee did not want to throw anything on the people that they do not need, they have access to both sides of just one block.

Councilman Hoke moved, seconded by Councilman Williamson, to leave the Street Recommendations for street paving and resurfacing the same as last year. Upon a vote motion carried.

Councilman Hoke brought up the paving of Owens Street. He said that they

need paving on the lower side. The Mayor said that we do have a problem during the year and it is necessary to haul two or three loads of rock to put on Ownes Street.

Councilman Goodwin said, if Spring Street is paved, it may clear up this problem.'

Councilman Goodwin moved, seconded by Councilman Kniceley, that the recommendations for street paving and resurfacing be turned over to the Engineer for cost estimates. Upon a vote motion carried.

The Mayor asked how far should we take Easter Road?

Councilman Hoke said from 40th Street to the end of Easter Road.

The Mayor informed Council that he had checked the place in the street at 404 Kanawha Avenue and that we do have a 30" or 36" drain through and under Dogwood and Kanawha at this point. There could be a cavity under it.

The Mayor said that he had talked to some people who live there and they say it has been this way for years and this could mean the whole width of the street and in order to take care of the situation there, it would need a strip 30' x 40' to replace it, it would be pretty expensive.

There is no evidence of dirt in the water and the Mayor suggested leaving it alone at present and then perhaps a little later put in a strip of black top.

Councilman Goodwin suggested taking elevation of the place now. The Mayor said he thought the catch basin there would take any water off the streets.

Councilman Hoke reported that the people on 16th Street do not want anything done to their street until it erodes out.

He also reported that Main Avenue from Walker Street to the Bridge on the south side needs a layer of asphalt.

The Mayor said that perhaps that we could get a good deal from the contractor who does the paving to put in one strip on that side.

Councilman Tidquist reported that people on 15th Street are complaining about the road that Ellis built up the hill. The water washes down this road then when it dries the people have a problem with dust.

Councilman Kniceley said that Ray Ellis owns this property, maybe he could put in a grade across the road.

The Mayor said he was not sure that there was a drain to tie into it at this point.

The Mayor told Council that the West Virginia Council of Towns and Cities at their last meeting had passed a Resolution regarding the National Revenue Sharing and that they were asking all City Councils to pass a Resolution endorsing their proposal, and to send copies to United States Senators and United States Congressmen in Washington.

The Resolution was read as follows:

"We, the West Virginia Council of Towns and Cities, hereby assert that the immediate establishment of an adequate and fair National Revenue Sharing system is the highest priority issue confronting government here in West Virginia and throughout America. National Revenue Sharing is essential to preserve our federal system, vital to the ability of the state and local government to set goals, make decisions and be responsive to the needs of our citizens.

As evidence of the urgency and high priority, we hereby publicly commit ourselves to actively support a program for revenue sharing."

Councilman Kniceley moved, seconded by Councilman Goodwin, that the Council endorse the Resolution of the West Virginia Council of Towns and Cities. Upon a vote motion carried.

Councilman Hoke asked if we could paint double lines on 21st Street, there are a lot of people taking up both lanes to turn up 21st Street.

Councilman Hoke asked about the survey of homes in Nitro. The Recorder said that the reason that it had not been done was due to lack of funds.

Councilman Hoke said he felt that it would be to our advantage to go ahead and have the survey made.

Book 12
after pg 50

Printer's Fee \$

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 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 July
day of 29, 19 71 and ending with the
issue of the aug day of 12, 19 1971.
and was posted at the Court House of Kanawha County on
, 19

Manager, Mary K Buster

Kanawha Valley Leader.

Subscribed and sworn to before me this 16th day of

August, 19 71

James Jefferson
Notary Public for Kanawha County, West Virginia.

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

AUGUST 5, 1971

Book 12, after pg 50

KVL 8-5-71

KAN

AREA OBITUARIES

MRS. LULA YOUNG

Mrs. Lula Belle Young, 80, sister of Mrs. Birdie Summers of St. Albans, died last Wednesday at her home in Rand after an extended illness.

Funeral services were Friday at Malden with burial at London.

MRS. J. L. WALKER

Mrs. Phyllis C. Walker, 54, former resident of St. Albans and more recently of Cincinnati, Ohio, died last Tuesday at St. Francis Hospital in Cincinnati.

Survivors: husband, Jesse L. of Cincinnati; daughter, Linda Marsh of St. Albans; son, Larry of Cincinnati; brother, Ercel Baker of Olive Hill, Ky.; sisters, Mrs. Ruby Robinson of Huntington, Mrs. Edna Vickers of Springfield, Ohio; mother, Mrs. Beulah Baker of Huntington.

Funeral services and burial were Friday morning at Cincinnati.

T. B. ASHWORTH

Thomas Bernard Ashworth, 67, of Charleston, father of James C. Ashworth of Winfield, died last Tuesday at a St. Albans nursing home after a lengthy illness.

Funeral services were conducted by the Rev. M. B. Melton Thursday morning. Burial was at Sissonville.

MRS. JOSEPH McMURRAY

Mrs. Rachael Hunt McMurray, 68, sister of Horton Hunt of St. Albans, died last Monday at her home in Ravenswood.

Mrs. McMurray and her husband have been owner-operators of a grocery in Ravenswood since 1914.

Funeral services and burial were Thursday at Ravenswood.

MRS. MELVINA BIRCHFIELD

Mrs. Melvinda Pitchard Birchfield, 88, of Nitro, died last Monday at her home 1540 15th Street, following a lengthy illness.

She was the widow of Samuel Birchfield, a retired miner, who died in 1964.

A longtime resident of Nitro she lived her entire life in Kanawha County.

Survivors: son, Walter of Poca; daughters, Mrs. Ethel Osborne and Mrs. Gladys Wills of Nitro, Mrs. Hattie Dudding of Peach Creek; brother, J. B. Burke of London; 14 grandchildren; 27 great-grandchildren.

Funeral services were held Wednesday at the Church of Christ of Nitro, Minister Flavial Smith in charge. Burial in Lewis Cemetery at Mammoth was under the direction of Cooke and Pauley Funeral Home.

J. C. LAWRENCE

Joseph C. (Red) Lawrence, 69, of Scott Depot, a retired construction worker, died last Monday, at Thomas Memorial Hospital following a long illness.

Survivors: widow, Grace Stephens, Lawrence; sons, James V. Lawrence of Dayton, Ohio, Ross E. Lawrence of Lakeland, Ga.; mother Mrs. Almira Allie Lawrence of Fort Lauderdale, Fla.; sisters, Mrs. Lillian Plymale and Mrs. Helen Adams, both of Fort Lauderdale, Mrs. Nell Verna Moss of Lewisburg; six grandchildren.

Funeral services were Thursday at the Pine Grove Church of Christ, Minister George Erwin in charge. Burial in the family cemetery at Scott Depot was under the direction of Curry-Casdorph Funeral Home.

P. H. McDOWELL

Paul H. McDowell, 70, of St. Albans, died last Monday at his home.

He was a retired bridge inspector for the State Department of Highways.

Survivors: wife, Juliet; daughters, Mrs. Joice Spurlock and Miss Linda McDowell of St. Albans; Mrs. Norma Stookey of Chesterfield, Ind.; brother, Harland McDowell of West Jefferson, Ohio; and seven grandchildren.

The Rev. Jesse Woodward conducted funeral services Wednesday. Burial was in Cunningham Memorial Park.

JOSEPH PERRAUT

Joseph Perraut, 74, of Winfield died last Saturday at Thomas Memorial Hospital following a three-week illness.

He was a World War I veteran and formerly owned and operated a garage and repair shop in South Charleston.

Survivors: widow, Helen; son, Joseph Anthony of Hurricane; daughters, Mrs. Geneva Hay of Uniontown, Pa., Mrs. Gwendolyn King of South Charleston; half-sisters, Mrs. Rose Meadows, Mrs. Marie Mussinon and Mrs. Margaret Lightner, all of Ripley, Ohio and Mrs. Anna Lee Williams of Georgetown, Ohio; half-brothers, Frank, Charles and Robert Bruist, all of Ohio; eight grandchildren.

Requiem mass was Tuesday morning at the Blessed Sacrament Catholic Church, South Charleston, the Rev. Fr. Leroy Beyer celebrant. Burial followed in Cunningham Memorial Park.

E. E. WOOD

Elmer Elihu Wood, 65, of Marlinton, died last Sunday at Pinecrest Sanitarium, Beckley, after an extended illness.

Survivors living in this area: sisters, Mrs. Mable Moore and Mrs. Mildred Sutton both of St. Albans.

LEGAL ADVERTISEMENT

NOTICE TO ALL PERSONS OR CORPORATIONS OWNING PROPERTY ABUTTING ON THE FOLLOWING NAMED STREETS, OR PUBLIC WAYS IN CITY OF NITRO, KANAWHA AND PUTNAM COUNTIES, WEST VIRGINIA; SIXTH STREET FROM ITS INTERSECTION WITH WEST VIRGINIA ROUTE 25 (FIRST AVENUE) TO ITS INTERSECTION WITH THIRD AVENUE, SEVENTH STREET FROM ITS INTERSECTION WITH WEST VIRGINIA ROUTE 25 (FIRST AVENUE) TO ITS INTERSECTION WITH THIRD AVENUE; EIGHTH STREET FROM ITS INTERSECTION WITH WEST VIRGINIA ROUTE 25 (FIRST AVENUE) TO ITS INTERSECTION WITH THIRD AVENUE; NINTH STREET FROM ITS INTERSECTION WITH SECOND AVENUE TO ITS INTERSECTION WITH THIRD AVENUE; TENTH STREET FROM ITS INTERSECTION WITH WEST VIRGINIA ROUTE 25 (FIRST AVENUE) TO ITS INTERSECTION WITH THIRD AVENUE; ELEVENTH STREET FROM ITS INTERSECTION WITH WEST VIRGINIA ROUTE 25 (FIRST AVENUE) TO ITS INTERSECTION WITH THIRD AVENUE; TWELFTH STREET FROM ITS INTERSECTION WITH SECOND AVENUE TO ITS INTERSECTION WITH THIRD AVENUE; THIRTEENTH STREET FROM ITS INTERSECTION WITH WEST VIRGINIA ROUTE 25 (FIRST AVENUE) TO ITS INTERSECTION WITH THIRD AVENUE; FOURTEENTH STREET FROM ITS INTERSECTION WITH SECOND AVENUE TO ITS INTERSECTION WITH THIRD AVENUE; SEVENTEENTH STREET FROM ITS INTERSECTION WITH WEST VIRGINIA ROUTE 25 (FIRST AVENUE) TO ITS INTERSECTION WITH SECOND AVENUE; FORTY FIRST STREET FROM ITS INTERSECTION WITH WEST VIRGINIA ROUTE 25 (FIRST AVENUE) TO ITS INTERSECTION WITH SECOND AVENUE; VALENTINE CIRCLE FROM ITS INTERSECTION WITH MAIN AVENUE AND COMPRISING ALL OF VALENTINE CIRCLE AS SHOWN UPON A REVISED MAP OF SECTION FIVE, OF A PART OF SATTES, TO ITS INTERSECTION WITH HOLLEY STREET; HOLLEY STREET FROM ITS INTERSECTION WITH MAIN AVENUE TO ITS COMMON INTERSECTION WITH VALENTINE AND SATTES CIRCLES; SATTES CIRCLE FROM ITS INTERSECTION WITH HOLLEY STREET, AND COMPRISING ALL OF SATTES CIRCLE AS SHOWN UPON A MAP OF SECTION ONE OF SATTES; FENTON CIRCLE FROM ITS WESTERLY INTERSECTION OF MAIN AVENUE AND ENDING WITH ITS EASTERLY INTERSECTION; CLEVELAND AVENUE FROM THE SOUTHERLY RIGHT OF LINE OF WEST VIRGINIA ROUTE 25 TO THE NORTHERLY RIGHT OF WAY LINE OF PENN CENTRAL RAILROAD RIGHT OF WAY LINE AND ITS INTERSECTION WITH MICHIGAN AVENUE; RED OAK STREET FROM ITS INTERSECTION WITH WEST VIRGINIA ROUTE 25 IN A NORTHERLY DIRECTION TO THE N-

MILLER INFANT

Kenneth Scott Miller, infant son of Kenneth Scott and Janet Cook Miller 1132 11th Street, Nitro, was stillborn last Sunday at Charleston Memorial Hospital.

Other survivors: grandparents, Mr. and Mrs. Gilbert Cook and Mr. and Mrs. William Miller, all of Nitro.

The Rev. Arles Covert conducted graveside services Wednesday morning at Tyler Mountain Memory Gardens. Cooke and Pauley Funeral Home was in charge of arrangements.

A. D. PARSONS

Alvin D. Parsons, 65, of Melbourne Beach, Florida, brother of Londis Parsons of Florida, died last Wednesday at Melbourne Beach.

Funeral services and burial were in Florida.

R. J. MUCKLOW

Robert John Mucklow, 88, of Chelyan, father of Mrs. Emory Hanna, Jr., of Scott Depot, died last Monday at Charleston Memorial Hospital.

Funeral services and burial were Thursday.

ROBERT E. HIPPERT

Robert E. Hippert, 68, of Hurricane, formerly of Charleston, died last Monday in Greenbrier Valley Hospital, Ronceverte, after a long illness.

He was a retired taxi driver in Charleston.

Survivors: wife, Mayme

The Rev. Claude Beatty conducted funeral services Tuesday at Charleston. Burial was at London.

PUTNAM COUNTY ADULT LEARNING CENTER

313 Main Street
Winfield, West Virginia
Phone 586-2411

OPEN DAILY

M T W T 8:30 am - 3:00 pm

F 9:00am - 1:00pm

M T 6:30 - 9:30 pm

Open for adults who would like to raise their reading or math levels or who would like to earn a high school diploma. Programmed learning for all adults. New learning methods and electronic teaching machines used. Courses in reading, math, typing, shorthand, bookkeeping, foreign language and modern math. Levels offered from elementary to high school and college levels. You may enroll at any time. Call 586-2411.

FROM ITS INTERSECTION WITH EAST 39th STREET TO ITS INTERSECTION WITH 40th STREET; UNIT ONE: EASTER ROAD AND EAST 39th STREET; EASTER ROAD BEGINNING AT ITS INTERSECTION WITH 40th STREET AND ENDING WITH ITS INTERSECTION WITH EAST 39th STREET; EAST 39th STREET BEGINNING AT ITS INTERSECTION WITH EASTER ROAD AND ENDING AT THE FOOT BRIDGE OVER ARMOUR'S CREEK; UNIT TWO: EASTER ROAD, BEGINNING AT ITS INTERSECTION WITH EAST 39th STREET AND ENDING AT THE EXISTING PAVEMENT, A DISTANCE OF 300 FEET, MORE OR LESS; UNIT THREE: EASTER ROAD, BEGINNING AT THE EXISTING PAVEMENT DESCRIBED IN UNIT TWO ABOVE, AND ENDING 1000 FEET, MORE OR LESS, IN AN EASTERLY DIRECTION; EAST 39th STREET, BEGINNING AT THE END OF EXISTING CONCRETE PAVEMENT AND ENDING AT A FOOT BRIDGE OVER ARMOUR'S CREEK, A DISTANCE OF 135 FEET, MORE OR LESS; SECOND AVENUE (SIDEWALK ONLY) BEGINNING AT A POINT OPPOSITE THE SOUTHERLY PROPERTY LINE OF 22nd STREET AND EXTENDING SOUTHERLY TOWARD 21st STREET FOR A DISTANCE OF 26 FEET, MORE OR LESS, ON THE EAST SIDE OF SECOND AVENUE; TWENTY FIRST STREET (SIDEWALK ONLY) BEGINNING ON THE WEST RIGHT OF WAY LINE OF WINTZ AVENUE AND EXTENDING WESTERLY 37 FEET, MORE OR LESS; TWENTY THIRD STREET (SIDEWALK ONLY) BEGINNING AT THE COMMON CORNER OF LOTS 2309 AND 2311, AND RUNNING IN AN EASTERLY DIRECTION 100 FEET, MORE OR LESS.

Proposals have been made to the Common Council of the City of Nitro to permanently improve the portions of the Streets and Public Ways described above in the City of Nitro, Kanawha and Putnam Counties, West Virginia, by grading, re-grading, draining, paving, re-paving, surfacing, re-surfacing, widening, curbing, re-curbing, guttering, constructing sidewalks, 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 24th day of August, 1971, 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 Common Council of the City of Nitro on the 20th day of July, 1971.

CITY OF NITRO

BY: GRACE LEWIS
City Recorder

The Council discussed the amount to be paid the person who makes the survey and the Council suggested the pay be 10¢ per name.

Councilman Allen said he had not had an opportunity to go over the recommendations of the Nitro High School Drivers Education Class, but he will do so before the next council meeting.

Councilman Allen asked if professional people were required to buy a special store license.

This will be reported to the Attorney for clarification.

Councilman Kniceley reported on the Pool, that due to bad weather they did not have an opening on Saturday the 29th but did open Sunday and they had two real good days. He also said that they had a new member on the Advisory Committee, who is Mrs. Patty Mellert.

There being no further business and the agenda having been completed, the Mayor adjourned the meeting.


MAYOR


RECORDER

June 15, 1971

The City Council met in regular session Tuesday, June 15, 1971.

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.

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 Kniceley moved, seconded by Councilman Goodwin, the minutes of June 1, 1971 be accepted. Upon a vote motion carried.

Councilman Williamson moved, seconded by Councilman Tidquist, the Financial Statement for the month of May, 1971, be accepted. Upon a vote motion carried.

The City received two sealed bids for Fleet Insurance. The bids were opened and read as follows:

Ray Ellis Insurance Agency - \$3,023.00

John Marshall Insurance Agency - \$2,763.00

John Marshall bid on the 25 thousand property damage was included in the figure bodily.

Councilman Allen asked if we had a standard form used for insurance bids?

The Recorder produced the request for bids.

Councilman Kniceley moved, seconded by Councilman Goodwin, that after clarification of this one point of the property damage, bids would be given to the lowest bidder. Upon a vote motion carried.

Councilman Allen read the traffic suggestions for Nitro, as suggested by the Drivers Education Class of Nitro High School.

1. Change stop sign to yield sign on road coming from park onto Plant Road. Councilman Allen said that he personally was not in favor of this. He thought we should try to keep this traffic slow since it is in a Park area.

2. The trees and shrubbery on the left side of the corner of First Avenue

and Second Avenue need to be cleared back because it is bad if someone is going too fast down first avenue.

Councilman Allen said that he agreed with this suggestion and that this area needs to be trimmed.

3. There should be some signs or flashing lights on 21st Street to tell people to slow down because they have entered a school zone.

Councilman Allen said we do have a stop sign and light, but coming out of 21st Street approaching the school there is not a sign.

4. There should be a railroad sign put up to show the railroad crossing.

Councilman Allen said he did not know what we could do about that.

Councilman Tidquist said that the crossings are in very bad shape and are not marked well.

5. Need more signs going onto 34th Avenue signifying it as a one way road.

Councilman Allen said he had to agree that this is badly needed. People come the wrong way on the street all the time, that we should have more signs there.

Councilman Hoke said that people should be required to park off the cement strip.

Councilman Allen said we should take care of the area.

6. The speed limit on 40th Street be raised to 40 M.P.H.

Councilman Allen said that this was a State Road, that we could make the suggestion to the State Road Commission.

7. There should be a sign for the cars on Big Tyler Road when it intersects with Rocky Fork Road. It is dangerous for the car pulling out of Rocky Fork because they cannot see clearly.

Councilman Allen said this was a state road.

8. Stoplight at 19th Street and Plant Road for the workers getting off.

Councilman Allen said this matter had been discussed several times. He thought that the Plants were going to help put up a stop light.

The Mayor said that the Industries did agree to help on the cost.

The State Road Commission suggested that we wait until after the change of highway, due to the fact that any thing put up now would have to come off when the construction started.

The Mayor said that we had asked for three stop lights, one at 19th Street, at 21st Street and 41st Street, and the State Road Commission does pay a portion of the cost.

9. Speed limit on Main Street should be raised to 35 M.P.H. Since most people use the increased speed anyway. The present speed limit of 25 M.P.H. is too slow and hazardous.

Councilman Allen said he had surveyed and traveled Main Avenue. The traffic is too heavy and that he would be against the speed limit being increased on Main Avenue to 35 M.P.H.

10. I believe that the speed limit on 2nd Avenue ought to be raised to 30 M.P.H.

Councilman Allen said there are lots of children and homes on 2nd avenue and that he would be against this.

11. Put a merging left sign where you come from Institute to Nitro. Where the right lane goes into the left lane. Past Sattes Grade School.

Councilman Allen said he thought this would be a wonderful suggestion to make to the State Road Commission to put a sign up to that affect.

Councilman Allen asked if the State ever cuts the weeds along the highway.

The Mayor said neither the State Road or the Railroad cut the weeds, the City does.

Councilman Tidquist said along the track the weeds have to be cut by hand.

The Mayor said that on 3rd Avenue we did have signs and he went on to say that about 1/3 of the signs have disappeared.

Councilman Allen said the ones we have now are covered with weeds and you can not see them.

Councilman Allen suggested that any one parked on the street should be

given tickets.

Councilman Waldorf said that when we made the suggestion to the State Road Commission, that we might include the stop lights at 41st Street, 11th Street and 19th Street. We may be able to get some insight about when the new road is going to be put in.

The Mayor informed that the Road Commission is responsible for $\frac{3}{4}$ of the cost of traffic lights for 41st Street, $\frac{2}{3}$ cost for the light at 21st Street and $\frac{1}{2}$ for the cost of 19th Street.

The Mayor said that another place that we need a sign is at 7th Street coming into 1st Avenue.

Mr. Michael, the Attorney, tried to clarify these special store license, in answer to question on professional people being liable for the license.

Mr. Michael said that in our store license it explains how stores and mercantile establishments, and he takes this to be a place where you walk in and buy merchandise from the shelves and that in a dentist or eye doctors office you do not do this. Therefore, he would say that professional people are not liable for the special store license.

The Recorder read the following letter from the Nitro High School Student Council.

Dear Sirs:

Recently a committee from Nitro High School Student Council talked to Mr. Alexander about a proposed swimming team sponsored by Nitro High for Nitro High school students as a club activity. We are now considering several pools in the area for the use of their facilities. As you know, Nitro Municipal Swimming Pool is among these. The student Council of Nitro High School has obtained by-laws and vital information concerning swim teams, which we plan to use. If the Nitro Pool is accessible at any time of the day for one hour, (preferably before the pool regularly opens) we would highly appreciate having it as our team's pool.

If we can use the pool, we would like to know the expense for using it, for one hour a day three days a weeks. Your consideration will be highly appreciated.

Sincerely,

Mike Curry, Pres. of N.H.S.
Student Council

Councilman Kniceley asked where they intended to have their meets.

The Mayor explained that when the group came to see him first that they did not have any facts as to what they intended to do and that he had told them to put in writing what they wanted and present it to the Council and that he felt that the only thing that could be done in answer to this letter was to sit down with the Committee and go into all phases of what the group expects to do.

The Mayor said that the last meeting when we were discussing paving that he had forgotten a section of third Avenue which connects 40th Street Road at East 39th Street. We do have a sidewalk along this street and at times cars throw rocks and water onto school children who travel this street.

Councilman Kniceley asked who owns the land next to the creek and will we be able to access the property. The Mayor said he felt that now we could access the property.

The Mayor said he felt that now we could access it and he thought that Mr. Molohan owned a part of the property and that the balance he believed was in the Hartley Estate.

He was also informed that the Engineer said that this street would be a low cost street, due to the fact that the City has put so much rock on it each year and that it already had a good base and it will not be necessary to make it any wider, it is 16 feet in width.

Councilman Tidquist asked if the school bus goes into the school and Councilman Allen said that there will be a school bus.

Councilman Hoke said then that the Board of Education should pay some of the expense of the street.

Councilman Allen said that he would check with the Putnam County School Board to see if they would pay any expense.

The Mayor suggested letting the Engineer figure a cost estimate and that he felt that it would probably be about 5 dollars a foot for 16 ' width.

The Mayor said that he had talked to the Engineer regarding the Bridge at

39th Street and that the Engineer was not sure that we can access the east of the bridge. The Mayor said that we have a small hand bridge there now and that it was necessary to put a post at each end to keep motorcycles from going across. If we put a bridge in then we are going ^{to} open the traffic to the top of Easter Road ^{to} go down East 39th St.

There is a school and the street is narrow and there are too many children and this would be dangerous to them.

The Mayor suggested that all the Councilman look this probel over before the next meeting.

He said he had talked to some people who live in the area and that they hoped that they would not build a bridge there.

Councilman Hoke said that he had been checking sidewalks and there are three places that need to be repaired.

1. 2nd Avenue between 21st Street and the corner of 22nd Street. In front of Holmans, the sidewalk is dropping.

2. 20th Street beside of Marrs Jewlrey Store, the whole sidewalk has dropped several inches.

3. 23rd Street in front of lots 2311 and 2313, property of V. K. Knapp is in bad need of repairs.

Councilman Hoke moved, seconded by Councilman Waldorf, that these three places be put onto the street paving program. Upon a vote motion carried.

Councilman Hoke brought up Helen's Court, which is private property and has homes on it and that it is in the City limits and they expect City services and something should be done about it there.

The Mayor explained that the owners had tried to get the Council to accept the Street in Helen Court but had been turned down because the width is only 12'.

It does not meet the standard requirement of the Planning Commission. The only thing we could do is to notify them to pave the street.

Councilman Goodwin presented a petiton ~~from the owners~~ of Fenton Circle asking that Fenton Circle be withdrawn from the Paving Program, they do not feel

that the streets need to be resurfaced.

The Mayor said the petition will be put on file and brought up at the protest meeting.

Councilman Allen said that in the last minutes that we change Michigan Ave. to Cleveland Avenue.

Councilman Allen said that he had observed the problem at the end of 15th Street and that there is a mess, where the water washes down the driveway, from the property on the hill.

Councilman Hoke said that he talked to Ray Ellis, the owner of the property on the hill and that he had wanted this driveway closed up and that he now has a good reason.

Councilman Williamson said he had checked the property on Walker Street for proper street numbering and that Mrs. Lee is willing to accept the Number 209 and the new house will be 207.

Councilman Hoke reported that he had had complaints from 41st Street that Childers Garage cleans out their garage and the grease and oil comes down the street and people track it into their homes.

Councilman Waldorf reported a tree at the corner of 12th Street and 1st Avenue on the parkway needs trimmed. He also requested that a street man clean out the storm box in front of Toney Crease.

Councilman Waldorf again reported the tree on Beech and Main Avenue obstructing traffic.

The Recorder presented to Council the reconciliation of Receipts and Disbursements as through May 31. She also presented a revised budget to take care of the over expenditures and increased revenues.

The State Tax Commissioner's office had suggested that we do revision of the budget in this manner.

Councilman Kniceley reported that the Parks Gravelly Tracter is in bad need of repairs, or in fact that they need a new one and asked if there would be any money to take care of this?

It was necessary to do something about it. The Recorder said there was very little chance of having any money by the end of June.

The Mayor explained that it had taken a few months to get back on our feet.

Councilman Kniceley pointed out that the Park was supposed to have had \$6,500.00 and that we have not put that much in the Park Fund.

He said that they had purposely held back on expenses and pointed out that the bleachers are falling apart.

He went on to say that we are taking from the Park. The Mayor said that if the money is available we will put it in the Park Fund.

Councilman Kniceley said that it is not carried over into the next year and that it would be missed.

The Mayor said that at any time that we should have the money and the Council wishes to place money into the Park Fund or any where else they may do so.

Councilman Allen asked if we had spent any money on the Watershed. It was pointed out that the expense made at the Watershed was for the Balance of the Contractor on the Construction and for the seeding.

Councilman Kniceley said the Park needed bleachers, a tracter and playground equipment. In answer to Councilman Allen's question as to how old the tracter was, Councilman Kniceley estimated it to be about five years old.

Councilman Allen said that he had talked to Mr. Anderson in charge of Recreation at So. Charleston and that they had gotten some federal money for the Park in So. Charleston.

The Mayor said that Mr. Anderson had talked to him about the Federal money and that it was for the children's lunches in So. Charleston, and that it would be too expensive for us to haul them here.

Councilman Allen said that he thought that when we went into the Inter-Governmental Council that they were supposed to tell us how to get the money.

The Mayor said the Intergovernmental Council has to approve all Federal Funds coming through H.U.D. and that he had never known of any money, for Recreation coming through H.U.D.

The Mayor said that any time they wished that perhaps Ben Howatt could come and explain the different programs.

The Mayor went on to say that he had explained to the Council two weeks ago that the Federal money had been lost in W. Va. and asked if they had noticed in the papers recently that the Governor had made a statement that he would present to Legislation at the next session to raise money to match Federal Funds to be turned over to the City, and that West Virginia losing this money for various items had been brought out by the Regional Development Authority.

Councilman Kniceley moved, seconded by Councilman Goodwin, the Council approve the transfer of funds and that the copy be sent to the State Tax Commissioner's Office. Upon a vote motion carried.

The Mayor explained to Council that an attempt was being made to take over the Kanawha Cable Company. He explained further that the Kanawha Cable had paid the City 2 Thousand Dollars for the 1970 and 1971 Franchise, however, that he feels that we have not been given our percentage that are due the City, as he had checked the gross sales tax record that they have turned into the City and he feels that the Calbe Company owes the City more than 1 thousand dollars per year.

He also explained that if a suit is filed to take over this company, that the City should immediately file suit for the money due the City and asked for Council's permission to advise the City Attorney to instruct him to file the suit as soon as any other suit was filed in effort to make the second suit.

Thereupon Councilman Goodwin moved, seconded by Councilman Allen that such authority be granted to the Mayor. Upon a vote motion carried unanimously.

There being no further business and the agenda having been completed, the Mayor declared the meeting adjourned.

W. W. Allen

MAYOR

Spence Lewis

RECORDER

July 6, 1971

The City Council met in regular session Tuesday, July 6, 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 and Kenton L. Williamson, members of City Council. Councilman Tom M. Waldorf being absent.

The Meeting was called to order by Mayor Alexander.

The Invocation was given by the Father Leroy Beyer, of the Holy Trinity Catholic Church of Nitro.

Councilman Kniceley moved, seconded by Councilman Goodwin, the minutes of June 15, 1971 be accepted. Upon a vote motion carried.

Councilman Allen in his report on contacting the Board of Education of Putnam County, regarding paying a portion of the paving of 3rd Avenue, East 39th Street and 40th Street, said he had talked with two members of the Board of Education and he suggested the Mayor writing a letter to the Board stating what we plan to do and the reason for our request for financial help on the paying from the Board of Education.

Dave Sadd asked the Council to reduce license on the Pool tables and bowling alleys, stating that he feels that the license he pays is out of line with other businesses in Nitro. The Bowling Alley pays \$470.00 more a year than other businesses and that some of the other business do a lot more business than we do, pointing out several grocery stores, and because the Bowling Alley uses equipment we pay \$470.00 a year more. He stated that he was asking Council to put their license in line with others as the state has done.

In answer to Councilman Allen's question on fees for the alley, the answer was \$25.00 for the first alley and \$25.00 for the first pool table and \$15.00 each for each additional alley or pool table.

Mr. Sadd also said that they paid more B & O Taxes than other business places

in Nitro.

The Mayor pointed out that the State had instituted the Franchise Tax, however, the Franchise tax does not apply to Cities.

Mr. Sadd said he thought that a business of his kind should not be singled out, that all should be treated alike.

Councilman Allen recommended that this matter be referred to the Financial Committee.

The Mayor explained that Kroger Store is a large business in town, however, they do not require any more from the City than small businesses. The Police rarely are called to Kroger Store.

Mr. Sadd said that he thought that is what we are paying for. The Mayor said that they are but he was just comparing these places of business, and stated that you have to take into consideration all these items before you make a decision.

Councilman Allen moved, seconded by Councilman Goodwin, to recommend that this be studied by the Financial Committee. Upon a vote motion carried.

Jess Gandee, Engineer, presented a presurvey Cost Estimate on the Street Paving Program as follows:

CITY OF NITRO
PRESURVEY ESTIMATES OF COST
PROJECT NO. 1-71

STREET	TERMINI	EST. P.O.F.	PATCH & LEVEL TON	CLEAN & SWEEP S.L.Y.	TACKCOAT .05G/PSY GAL.	NO. 2 HLBC BOTTOM TON	NO. 3 HLBC WEARING TON	AJD. DL-HH	COST PER POF
SIXTH	WVA25 (1ST AVE) -3RD AVE.	935	10	1550	80	90	65	3	3.36
SEVENTH	WVA25 (1ST AVE) -3RD AVE.	1020	10	1620	85	100	70	2	3.36
EIGHTH	WVA25 (1ST AVE) -3RD AVE.	1065	10	1855	95	115	75		3.57
NINTH	SECOND AVE.-THIRD AVE.	990	10	1600	80	100	70	2	3.46
TENTH	WVA25 (1ST AVE.) -3RD AVE.	1255	10	2110	110	130	85		3.41
ELEVENTH	WVA25 (1ST AVE) -3RD AVE.	1340	10	2165	110	135	90	2	3.48
TWELVTH	SECOND AVENUE-THIRD AVE.	1015	10	1670	85	100	70		3.38
THIRTEENTH	WVA25 (1ST AVE) -3RD AVE.	1634	15		140	165	110	4 1	3.49
FOURTEENTH	SECOND AVENUE-THIRD AVE.	1130		1780	90	110	75		3.06
SEVENTEENTH	WVA25 (1st Ave.) -3RD AVE.	802.75	10	1405	70	85	60		3.65
FOURTY-FIRST	WVA25 (1st AVE.) -3RD AVE.	1095	20	1710	85	105	70	1	3.83
VALENTINE CR.	MAIN AVENUE TO MAIN AVE.	8185	75	9470	475	570	380		2.40
SATTES CIRCLE									
HOLLEY ST.									
FENTON CR.	MAIN AVENUE TO MAIN AVE.	1715		3430	175	210	140		1.91
CLEVELAND AVE.	WVA25 (1ST AVE) -3RD AVE.	716.55	15	840	45	55	35	2	3.57
RED OAK DR.	WVA24 (1ST AVE) -3RD AVE.	935	15	935	45	60	40	1	2.41
SECTION ONE TOTALS			220	37,085	1470	2130	1415	16-2	

SECTION TWO - NEW CONSTRUCTION

STREET	TERMINI	EST. POF	DRAIN L.E.	STONE BASE TON	PRIME 0.50 GAL./PSY GAL.	NO. 1 HLBC BOTTOM TON	NO. 2 HLBC WEARING TON	BUILD D.I. EA.	COST PER POF
THIRD AVENUE		510		50	275	95	35	1	7.05
E. 39TH STREET		1032		100	485	200	55		5.92
EASTER ROAD		590			450	180	50		7.80
EASTER ROAD		2035	41f-24"	10	60	70	55		1.32
SPRING STREET		200	121f-30"	70	250	100	25		18.22
OWENS STREET		200		70	250	100	25		13.61
SECTION TWO TOTALS				300	1770	745	245		

SECTION THREE - SIDEWALK

SECOND	BANK ST. - WINTZ.	26	REMOVE AND REPLACE 1305 F SIDEWALK	10.50
TWENTIEFH	21 st St. - 22nd St.	37'	REMOVE AND REPLACE 1855 F SIDEWALK	10.20
TWENTY-THIRD	LOTS 2311 - 2313	100'	REMOVE AND REPLACE 4005 F SIDEWALK	8.15

SECTION THREE-TOTAL REMOVE AND REPLACE 7155 F SIDEWALK

The Council and Mr. Gandee proceeded to discuss the items as follows:

Spring and Owens Streets extension, certain portion of the property has been taken by the State.

Mr. Gandee said in view of this that it would not be fair to improve these streets and make the property owners pay for the street when the State intends to put in a new highway and a part of the street will be torn out.

The Mayor said that these two streets necessitate spending more money to keep them passable. However, it is ashame to make people pay for property which belongs to the State of West Virginia.

Councilman Allen pointed out we have a similar situation on Easter Road, the Mayor said that the State line extends a shorter distance on State Road.

The Mayor said that the improvement here is 3.57 and it probably increased to 4.25.

Mr. Gandee told Council that if Easter Road from East 39th Street to 40th Street was made on unit, including East 39th Street then the property owner footage would be about 6.90 per foot.

Councilman Hoke suggested getting the property owners together and talke to them regarding the paving cost.

The Mayor pointed out that there was no way to make these people pay on the lower portion.

Councilman Hoke asked about putting all of Easter Road together.

The Mayor said that you could not assess them this way. One portion is resurfacing and the other is new paving.

It was pointed out that East 39th Street and a portion of Easter Road leading from 40th Street and joining East 39th Street paving should go in as a complete project.

Mr. Gandee pointed out that Fenton Circle is in good shape.

Valentine and Sattes Circles and Helley Street do need resurfaced

The Mayor said that this was a fair price for resurfacing these streets.

The Council asked if it was possible to get a commitment from the State of West Virginia as to their plans for 1st Avenue South (Rt.25)

The Mayor said he had been trying to get this for years.

In discussion of going ahead and paving Owens and Spring Streets, it was felt that it would not be fair to make the people pay for the street and then the state take a portion of the street out when they build the new highway.

Councilman Tidquist moved, seconded by Councilman Kniceley, to delete Spring and Owens Street from the Paving Program unless these people want to pay all the assessments themselves. Upon a vote motion carried.

It was pointed out that Fenton Circle is still in good shape, however, this is a good price on the resurfacing.

In answer to Councilman Allen's question if the people had been given a cost of the resurfacing.

The Mayor said no, that he had not given any cost from the office, however, that he had heard some exhorbant prices for resurfacing.

Councilman Tidquist said there were a couple of places where a Utility Company had taken out the street and had not replaced it properly.

Councilman Allen asked if we had an Ordinance to protect us with the Utility removing streets and not replacing them properly.

The Mayor said yes that we do have an Ordinance.

Mr. Gandee suggested the best way to control the Utilities on these problems is putting an inspector on the job.

Again in discussion of area of Easter Road the Engineer suggested a 10' street on the hill area where you do not have too much two way traffic. He also pointed out that we do not need any more base on Easter Road.

In answer to Councilman Hoke's question on going up the hill, if the base is O.K. Mr. Gandee said it was in good shape.

Mr. Gandee is to compute a revised estimate for Cleveland Avenue, 39th Street East and Easter Road.

Councilman Hoke suggested that a letter be written to the property owners of 23rd Street, lots 2311 and 2313, 20th Street between Bank Street and Wintz Avenue, 22nd Street between 21st Street and 22nd Street, setting out the Engineers Cost Estimate for the replacing of sidewalk abutting these properties and give the property owners the alternative to have the sidewalk installed themselves or installed by the City Contractor.

The Mayor asked the Council to authorize putting \$100.00 from the City Fund into the Nitro Clothing Fund to be used for special activities under the direction of himself or Chief Palmer. The Mayor explained that we have spent some money in activities but we have no way of getting the money back.

Councilman Hoke moved, seconded by Councilman Goodwin, to put \$100.00 into the Police Clothing Fund, under the direction of Mayor or Chief Palmer. Upon a vote motion carried.

The Mayor told Council that there had been vandalism at the Pool. The pumps were stopped and valves turned off, damaging the motor and when we find out how much our bills are on repairs and the money we lost over the two days the pool was closed, it will probably be around \$1,000.00. The Mayor told Council that he had instructed the Police to get rough on the vandalism. They caught three boys in the Pool, two were over age and one under age. The two boys over age were charged \$25.00 for trespassing and the younger boy was charged \$25.00 for violation of curfew.

He instructed the Police that if any person under age was caught, they were to go to the Child Shelter and if they were over age they were to be put in jail.

He explained that the filter house was not foofed and could not be and that they had plans to put heavy wire over the filter house to avoid this vandalism.

The Mayor announced that the members of the Presbyterian Church are having a reception for their new minister, Bill Westlund, at the Church this Sunday from 3 to 5 P.M.

Councilman Allen reported that he had been called to 40th Street during the heavy rains. He asked when the new drain could be installed. The Mayor said that the cost would be around 25 hundred dollars. We realize that they have a problem there. Our men still believe that somebody had connected a kitchen drain into the drainwater and that it would be necessary to run a DYE test from each house.

Mr. Gandee said that it would cost from 25 hundred to 3 thousand dollars to do the work with our crew, to take care of the situation.

The Recorder reported that she had received a call from 25th Street regarding the speeding of cars. The people were concerned because of so many small children on the street, that a couple of years ago, the Street Committee erected a sign "Children Playing on the corner, that it helped to some extent.

Councilman Allen asked if any one had any suggestions as to how to deal with this problem.

Councilman Kniceley reported complaints from 8th Street regarding a blue truck that had been sitting in front of a house for six months.

Councilman Kniceleysaid that the Pool Committee had discussed the Nitro High School Swimming Team and that there were no objections, if the organization agreed to pay the life guards for the extra time.

Councilman Kniceley reported that during the two days the Pool was closed last week that a number of calls were received. The language was terrible and the people should have more understanding.

The Swimming lessons will continue Tuesday through Friday of this week. There were 228 Children taking swimming lessons.

Councilman Tidquist asked if we have an Ordinance to make people keep their lots clean. The Mayor said yes and for him to find out the names of the owners of the lot and that they would be notified.

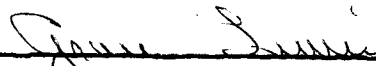
Councilman Tidquist also reported on a complaint regarding the high weeds

along the old Gas Company property.

There being no further business and the agenda having been completed the Mayor adjourned the meeting.



W. W. Alexander, Mayor



Grace Lewis, Recorder

July 20, 1971

The City Council met in regular session Tuesday, July 20, 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 and Kenton L. Williamson, members of City Council. Councilman Tom M. Waldorf being absent.

The meeting was called to order by Mayor Alexander.

Councilman Goodwin moved, seconded by Councilman Tidquist, the minutes of July 6, 1971 be approved. Upon a vote motion carried.

Councilman Goodwin moved, seconded by Councilman Williamson, the Financial Statement for the month of June, 1971 be accepted. Upon a vote motion carried.

The Mayor reported that the Finance Committee felt that there should be no reduction made on license for pool tables and bowling alleys and that Dave Sadd had already purchased his license for the current year.

In answer to Councilman Allen's question if it had been explained to Mr. Sadd why, the Mayor said yes. The Mayor also said that he had checked with other towns and that they had made no changes in their license and did not expect to make any changes in the future.

The Mayor told Council that Mr. Gandee, the Engineer, was unable to attend this meeting, however, he had sent the new Cost Estimate for Cleveland Avenue, East 39th Street-Easter Road, Easter Road and East 39th Street, and read the copy as follows:

Re: Street Improvement Program
Project No. 1 - 71

Gentlemen:

Persuant to the instructions given by order of the Council, July 6, this is to submit for your consideration the following revisions to the proposed paving program previously set forth:

CLEVELAND AVENUE - From the Department of Highways Right of way to the Right of way of the Penn-Central Railway, revised estimate, per property owner front foot, \$2.75.

EAST 39th STREET - EASTER ROAD - From the foot bridge over Armour Creek to the junction with Easter Road, thence with Easter Road to it's junction with 40th Street, revised estimate, per property owner front foot, \$6.30.

EAST 39th STREET - From the end of the existing concrete pavement to the foot bridge over Armour Creek, revised estimate, per property owner front foot, \$3.95.

EASTER ROAD - The unimproved section beginning at it's junction with East 39th Street to a junction with the improved section of Easter Road, which dead ends at the Right of Way of I-64, revised estimate, per property owner front foot, \$2.45.

It is respectfully requestion that if it is the pleasure of the Council that formal plans, specifications and estimates be submitted to impliment the legal proceedings, incidental to letting to contract, that we be given sufficient lead time to allow for the necessary field work.

Respectfully Submitted,

R. R. ANDERSON
CONSULTING ENGINEER

By: Jesse B. Gandee
Project Coordinator.

Attachments: Eight sets revised presurvey drawings.

The Mayor explained to Council that we have one piece of property in the paving program for 41st Street which is a foreign corporation and requires 30 days notice.

The Mayor also reported that he talked with Mr. Marrs and Mr. Knapp regarding the sidewalk paving and that they will probably install the sidewalks themselves.

Councilman Hoke moved, seconded by Councilman Goodwin, that the Engineer proceed with the paving project. Also moved, to accept the Presurvey Estimate Cost, Project No. 1 - 71. Upon a vote motion carried.

Councilman Goodwin moved, that the Protest Meeting date be set up August 24, 1971 and the following notice be run three weeks as a legal notice. Motion seconded by Councilman Hoke. Upon a vote motion carried.

LEGAL NOTICE

NOTICE TO ALL PERSONS OR CORPORATIONS OWNING PROPERTY ABUTTING ON THE FOLLOWING NAMED STREETS, OR PUBLIC WAYS IN CITY OF NITRO, KANAWHA AND PUTNAM COUNTIES, WEST VIRGINIA: SIXTH STREET FROM ITS INTERSECTION WITH WEST VIRGINIA ROUTE 25 (FIRST AVENUE) TO ITS INTERSECTION WITH THIRD AVENUE, SEVENTH STREET FROM ITS INTERSECTION WITH WEST VIRGINIA ROUTE 25 (FIRST AVENUE) TO ITS INTERSECTION WITH THIRD AVENUE: EIGHT STREET FROM ITS INTERSECTION WITH WEST VIRGINIA ROUTE 25 (FIRST AVENUE) TO ITS INTERSECTION WITH THIRD AVENUE: NINTH STREET FROM ITS INTERSECTION WITH SECOND AVENUE TO ITS INTERSECTION WITH THIRD AVENUE: TENTH STREET FROM ITS INTERSECTION WITH WEST VIRGINIA ROUTE 25 (FIRST AVENUE) TO ITS INTERSECTION WITH THIRD AVENUE: ELEVENTH STREET FROM ITS INTERSECTION WITH WEST VIRGINIA ROUTE 25 (FIRST AVENUE) TO ITS INTERSECTION WITH THIRD AVENUE: TWELTH STREET FROM ITS INTERSECTION WITH SECOND AVENUE TO ITS INTERSECTION WITH THIRD AVENUE: THIRTEENTH STREET FROM ITS INTERSECTION WITH WEST VIRGINIA ROUTE 25 (FIRST AVENUE) TO ITS INTERSECTION WITH THIRD AVENUE: FOURTEENTH STREET FROM ITS INTERSECTION WITH SECOND AVENUE TO ITS INTERSECTION WITH THIRD AVENUE: SEVENTEENTH STREET FROM ITS INTERSECTION WITH WEST VIRGINIA ROUTE 25 (FIRST AVENUE) TO ITS INTERSECTION WITH SECOND AVENUE: FORTY FIRST STREET FROM ITS INTERSECTION WITH WEST VIRGINIA ROUTE 25 (FIRST AVENUE) TO ITS INTERSECTION WITH SECOND AVENUE: VALENTINE CIRCLE FROM ITS INTERSECTION WITH MAIN AVENUE AND COMPRISING ALL OF VALENTINE CIRCLE AS SHOWN UPON A REVISED MAP OF SECTION FIVE, OF A PART OF SATTES, TO ITS INTERSECTION WITH HOLLEY STREET: HOLLEY STREET FROM ITS INTERSECTION WITH MAIN AVENUE TO ITS COMMON INTERSECTION WITH VALENTINE AND SATTES CIRCLES: SATTES CIRCLE FROM ITS INTERSECTION WITH HOLLEY STREET, AND COMPRISING ALL OF SATTES CIRCLE AS SHOWN UPON A MAP OF SECTION ONE OF SATTES: FENTON CIRCLE FROM ITS WESTERLY INTERSECTION OF MAIN AVENUE AND ENDING WITH ITS EASTERLY INTERSECTION: CLEVELAND AVENUE FROM THE SOUTHERLY RIGHT OF WAY LINE OF WEST VIRGINIA ROUTE 25 TO THE NORTHERLY RIGHT OF WAY LINE OF PENN CENTRAL RAILROAD RIGHT OF WAY LINE AND ITS INTERSECTION WITH MICHIGAN AVENUE: RED OAK STREET FROM ITS INTERSECTION WITH WEST VIRGINIA ROUTE 25 IN A NORTHERLY DIRECTION TO THE NITRO CITY LIMITS: THIRD AVENUE FROM ITS INTERSECTION WITH EAST 39TH STREET TO ITS INTERSECTION WITH 40TH STREET: UNIT ONE: EASTER ROAD AND EAST 39th STREET: EASTER ROAD BEGINNING AT ITS INTERSECTION WITH 40TH STREET AND ENDING WITH ITS INTERSECTION WITH EAST 39TH STREET: EAST 39TH STREET BEGINNING AT ITS INTERSECTION WITH EASTER ROAD AND ENDING AT THE FOOT BRIDGE OVER ARMOUR'S CREEK: UNIT TWO: EASTER ROAD, BEGINNING AT ITS INTERSECTION WITH EAST 39TH STREET AND ENDING AT THE EXISTING PAVEMENT, A DISTANCE OF 300 FEET, MORE OR LESS, UNIT THREE: EASTER ROAD, BEGINNING AT THE EXISTING PAVEMENT DESCRIBED IN UNIT TWO ABOVE, AND ENDING 1000 FEET, MORE OR LESS, IN AN EASTERLY DIRECTION: EAST 39th STREET, BEGINNING AT THE END OF EXISTING CONCRETE PAVEMENT AND ENDING AT A FOOT BRIDGE OVER ARMOUR'S CREEK, A DISTANCE OF 135 FEET, MORE OR LESS: SECOND AVENUE (SIDEWALK ONLY) BEGINNING AT A POINT OPPOSITE THE SOUTHERLY PROPERTY LINE OF 22ND STREET AND EXTENDING SOUTHERLY TOWARD 21st STREET FOR A DISTANCE OF 26 FEET, MORE OR LESS, ON THE EAST SIDE OF SECOND AVENUE: TWENTIETH STREET (SIDEWALK ONLY) BEGINNING ON THE WEST RIGHT OF WAY LINE OF WINTZ AVENUE AND EXTENDING WESTERLY 37 FEET, MORE OR LESS: TWENTY THIRD STREET (SIDEWALK ONLY) BEGINNING AT THE COMMON CORNER OF LOTS 2309 and 2311, AND RUNNING IN AN EASTERLY DIRECTION 100 FEET, MORE OR LESS.

Proposals have been made to the Common Council of the City of Nitro to permanently improve the portions of the Streets and Public Ways described above in the City of Nitro, Kanawha and Putnam Counties, West Virginia, by grading, re-grading, draining, paving, re-paving, surfacing, re-surfacing, widening, curbing, re-curbing, guttering, constructing sidewalks, 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 24th day of August, 1971, 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 Common Council of the City of Nitro on the 20th day of July, 1971.

CITY OF NITRO

BY: GRACE LEWIS
City Recorder

Councilman Allen reported on the traffic problem on 25th Street. He said he had met with some of the people on that street and set up a committee composed of the residents of that area. He asked them to come to Council meeting and present their problems and their alternatives.

Councilman Allen also made a report on the Kanawha County TOPICS Draft Report. He said that he had read the report and that it stressed the need for more cooperation to fulfill the recommendations of this report. He explained that TOPICS means, Traffic Operations Program to Increase Capacity and Safety, and that it is an area wide plan of traffic operations improvements for increasing the efficiency of roadways in urban area. He was only concerned with the recommendations for Nitro, and that this report does not recommend a traffic light for either 19th Street or 21st Street, however, that they do recommend a traffic light at the Sattes Bridge.

The report says that speed delay runs were made on all portions of the study system except the following WVA 25 north of 22nd Street in Nitro. The report stressed also that we should upgrade our grid system. We have three business streets in Nitro, 20th, 21st, and 22nd Street, primary streets leading into Rt. 25, Main Avenue. They requested us to upgrade this particular area.

The Mayor said he does not know what we should do.

Councilman Allen said that the report stressed better facilities for trucks loading and unloading, especially in the business area. We are pretty handicapped.

Councilman Allen said that the report was thorough. They asked for the fullest cooperation and to enforce the law on illegal passing and speeding. This report does not cover the Plant Road, it only goes to the Kanawha - Putnam line.

Councilman Allen said that they have it broken down in warrants.

2nd Avenue - 21st Street, Nitro	meets no warrant - no signal
1st avenue - 21st Street, Nitro	meets warrant 2 for 1 hour - no signal
1st Avenue - 19th Street, Nitro	meets warrant 1 for three hours - no signal
1st Avenue - Sattes Bridge, Nitro	meets warrant 5 - Install semi or full actuated

Councilman Allen moved, seconded by Councilman Goodwin a letter be written to TOPICS, giving them our fullest cooperation. Upon a vote motion carried.

The Recorder presented a bid form to be used in securing the new Police Cruiser, explaining that a bid form had been given to the Policemen and that some of the items on this form were their recommendations.

One suggestion was that the windshield be tinted. On a question of the horsepower, the Mayor said we are having difficulty with the last cruiser we bought. The Mayor says the horsepower is not causing the trouble.

The Mayor said he was of the opinion that the horsepower should be 260 to 300. The Police recommended bucket seats, heavy duty radiator, the color be white, and the following horsepower: Plymouth or Dodge 383 Cu.In. 300-350 h.p. Dual Exhaust
Ford 390 Cu.In. 300-350 H.P. Dual Exhaust
Chevrolet - 350 Cu.In. 330 H.P. Dual Exhaust

In discussion the Council felt that a Standard v8 Engine, from 250 to 300 horsepower would prove to be the best for the Police Department.

Councilman Goodwin pointed out that oil filter and oil bath cleaner are not necessary. That should be marked off and that heavy duty front and rear floor mats should be marked off also.

Councilman Hoke commented on the bucket seats. He said that they will make the cost of the Cruiser more. The Mayor pointed out that the Police are of different sizes and this causes a problem when one of the shorter men are driving.

Councilman Hoke moved, seconded by Councilman Knicekey, to stay with the regular type seats, upholstery to be heavy duty. Upon a vote motion carried.

The Mayor and Council discussed the last cruiser purchased in May. The Mayor said it has been in the shop a great many times, in fact it is in right now as it will not start.

Councilman Hoke suggested our Attorney write the Chevrolet Company regarding getting a new car.

The Mayor said he did not know of anyone who got a new car, they may get a

new motor.

The Mayor said that we have had the Factory man here once, and he is supposed to come back this week.

Councilman Kniceley moved, seconded by Councilman Tidquist, that the Attorney write the Chevrolet Company a letter regarding our problems with the new cruiser. Upon a vote motion carried.

Councilman Hoke asked if we were financially able to purchase this car?

Councilman Allen asked how do we pay for two cars out of this year's budget? The Mayor said he did not know but we would have to work it out.

Councilman Hoke asked how Tom Blasingim was doing with the repairs to the vehicles.

The Mayor said he did very well on small maintenance work.

Councilman Hoke suggested holding a Committee meeting as soon as possible in an effort to find means of paying for a new cruiser.

Councilman Hoke said he had had Businessmen make complaints to him about the bicycle riding on 1st Avenue in the Business area.

Councilman Kniceley reported that one of his neighbors had called the Police Department a few nights ago about a vehicle causing a disturbance on 4th Street and his neighbor was told to get the license number and that they would check it out.

He also reported that a ^{young} man had told him that he was sitting in the Center Beer Tavern when one of the Officers came in, and that he had spoken to the Officer and in turn the Officer asked him to come outside and walk a straight line, to prove he was not drunk.

Councilman Hoke said that we do have a young Police Force and that they need supervision and it may be necessary to bring in someone to supervise them.

The Mayor said the supervision is a little low.

Councilman Tidquist reported that the problem still exists on 15th Street. The Mayor said that as soon as the trash pick up is finished that the street men will check this problem.

Councilman Tidquist also reported a bump caused from patching on Park Avenue, between 11th Street and 12th Street West.

Councilman Tidquist asked if there was an Ordinance on cats. It was explained that there is no law on cats.

Councilman Allen asked about the moving of the Library. The Mayor said that the Library Commission will take care of this and that he supposed it would be moved right away.

Councilman Tidquist asked if the City Park was going to take the old Library building?

Councilman Tidquist asked if the High School could use the building for storage at the football field?

The Mayor said he did not see any reason why they couldn't. They would have to contact the Library Commission.

There being no further business and the agenda having been completed the Mayor adjourned the meeting.

Grace Lewis, Recorder

W. W. Alzada, Mayor

August 3, 1971

The City Council met in regular session Tuesday, August 3, 1971.

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 City Council. Councilman Tom M. Waldorf being absent.

The meeting was called to order by Mayor Alexander.

The Invocation was given by the Reverend William Westlund, of the First Presbyterian Church of Nitro.

Councilman Kniceley asked that the word young be added to the minutes in description of man he spoke of at the last Council meeting.

Councilman Allen moved, seconded by Councilman Kniceley, the minutes of July 20, 1971 be approved. Upon a vote motion carried.

The Recorder read the letter from the Putnam County Board of Education as follows:

The Putnam County Board of Education, in a regular meeting July 20, 1971, voted to take under study and advisement from legal authorities your request of July 8, 1971 relevant to paving 3rd Avenue from East 39th Street to 40th Street. You will be notified of any further action taken by the Board of Education

Sincerely yours,
Herbert L. Scites, Supertinendant
Putnam County Schools

Councilman Allen, Chairman of the Traffic Committee, introduced Mr. Dwight Moody, a representative of 25th Street, who gave the following report on Traffic conditions of 25th Street, after addressing the Mayor and Councilmembers. He said he talked to all residents of 25th Street and if at all possible, they would like for 25th Street to be made one way from 2nd Avenue to 1st Avenue. The Street is 26' 9" wide, two cars parked opposite each other leaves 6' 3" to drive with

clearance. The children play in the streets, 25th Street has fifteen children and fourteen pars. There are fourteen houses on 25th Street, five have unoccupied or elderly people. Another problem confronting 25th Street, is Doyles Superette. The building directly behind the Market is used as their warehouse. The grass in the front yard is high and they will not clean the place up. One resident of 25th Street took a garbage can down but they did not use it. They piled their trash outside. One neighbor offered to cut the grass for 50¢ but was told it could be done cheaper. Mr. Moody said the large trucks making delivery to the store are tearing up the street. There are four delivery trucks early every morning. He said there are only two houses on the street who have off street parking.

The Mayor asked Councilman Allen if the traffic committee had any recommendations. Councilman Allen said he felt that this particular area is going to end up as one way, which way would be the best, he didn't know. There is also a traffic problem on 26th Street. He suggested that the members of Council make a survey of 25th Street and 26th Street before the next Council meeting. The Mayor aksed that 24th Street be added to this survey.

Councioman Tidquist pointed out that making any of these streets one way from 1st Avenue to 2nd Avenue, would cause a winter time problem.

Councilman Hoke said he felt that the streets would have to alternate, if made one way.

The Mayor said he thought that Councilman Allen's suggestion for all members of Council to check the streets before the next Council meeting is a good idea, and to try to make the survey during a busy time.

Councilman Allen suggested that Mr. Moody select someone from both 24th and 26th Streets to look at this situation.

Mr. Moody reported that from six to seven in the morning that trucks go down 25th Street and unload from the side of Doyles Building.

In answer to Mr. Moody's question on the second building being used as a Warehouse for Doyles Market, the Mayor replied that there are two owners concerned and that we would need the Attorney's opinion.

The Recorder presented bids for new Cruiser to be opened by members of Council.

C & O Motors, Inc. - returned bid, stating that they do not wish to bid.

Childers Chevrolet - Net price delivery \$3,497.95 less trade in \$933.24 plus automatic transmission \$168.10, power steering \$85.80, air conditioning \$308.10, total cost \$3,125.71.

Cargill Motors, no bid. In the build out period can not order any more 1971 cars.

The Mayor presented a letter from Park Plaza Dodge, Inc. of Charleston, stating that they have have in stock two new 1971 Dodge Polara, these cars met all State West Virginia Police requirements, as they sold the State 105 cars like this, inviting the City to call if the City was in need of a car, stating that they accept trade ins.

The letter is dated July 29, 1971. The Mayor told Council that these letters had been sent to all the Cities in the area. He had been on the phone with one of the Park Plaza representatives and had sent our cruiser to be traded in up for them to look at. Their offer to us for the trade in was \$250.00. They had cut the price to \$3,592.00 then it was reduced to \$3,547.00 and the \$250.00 for the trade in would make it \$3,297.00.

The Mayor told Council that he had had another offer for the old cruiser of \$450.00. This would bring the price to \$3,097.00. The Mayor passed two brochures to the Council with the information concerning the new Dodge Polara.

The Mayor had talked to our local Dodge Dealer telling him the price that he had been quoted on this car and the Dodge Dealer told the Mayor that it was a

very good deal.

Councilman Tidquist asked how urgent this was to buy a new cruiser. Could we wait until the 1972 models came out.

The Mayor replied that in the last three months we have had several days using private automobiles because of cruisers not running.

In answer to Councilman Tidquist's question on service being offered locally for this car, the Mayor told Council that any Dodge Dealer could service the car.

In discussion of the last cruiser we purchased, the Mayor said that we believe it has a cracked block and that the Factoryman was to come in again..

Councilman Hoke asked if we are in a position to pay for a new Cruiser.

The Mayor stated that our Police can not operate without necessary cars, and that he felt it was necessary to at this time to purchase a new car that he hoped that we could pay for it with cash instead of financing it through the Bank.

Councilman Goodwin moved, seconded by Councilman Williamson, that we purchase the new Dodge Polara from Park Plaza Dodge, Inc. Upon a vote motion carried.

The Mayor told Council that he had been approached by two property owners above Short Street asking that Short Street be paved. When we talked about paving Short Street in a previous paving program the width of the street was 26' paving and the cost was a little high. He had the Engineer work up a cost estimate of Short Street from Pennwood Avenue.

At the approximate 230' and for a 12' street curb on one side the cost was 6.45 per front foot. These two gentlemen who had approached him had offered to pay 25 percent of the cost of the Street paving. He had explained to the men that the only way Council could consider paving the street under these conditions would be that they bring in their check for 25 percent of the paving and that

the checks would be put in escrow account. The men had agreed.

Councilman Kniceley said that during the previous paving program he had talked to the two owners of Short Street, that one had said no definitely and the other man said yes, however, he had appeared at the Protest Meeting and protested the paving of Short Street.

The Mayor said the two men who came in to talk to him are supposed to talk to the property owners of Short Street.

Councilman Hoke said he thought that it was foolish that they include this street in the program as the owners of the property have to sign for the paving.

Councilman Kniceley asked what the cost was to the City to include the paving of Short Street in the program?

He was informed that a separate advertisement would need to be run in the paper.

The Mayor told Council that at present during bad weather our men can not get up Short Street to pick up garbage.

Councilman Allen questioned a 12' street presenting problems.

The Mayor told Council that most all of our hill roads are 12' and that these roads do not have too much traffic.

Councilman Hoke said that this thing came up before and unless we can get the two men here to agree for the paving then he was against it.

The Mayor said that if we did that then we could not get this paving in this years program.

The Mayor said the owners beyond Short Street intended to have the Contractor pave a street to their homes. He explained that we can not assess this part of the paving as it is on private property and not dedicated street.

Councilman Kniceley moved, seconded by Councilman Goodwin, to go ahead with advertisement for protest on Short Street. Upon a vote motion carried.

Councilman Kniceley said that he would like to lay the ground work out of what we have and have not done regarding the pool wages. In 1970 the Pool Committee made a check of wages paid pool attendants in the area. We were in line at that time. This year being in such a financial state, we felt we couldnot afford a raise, however, all other pools around us gave a raise and we were low, our kids have been upset with it. He met with them last night and said he was displeased with someof the things that have been going on. He said that it is the opinion ofthe Pool Committee to give a raise. There is not much in it but it will sooth a lot of people, he supposed. We had been wondering how we could keep the pool open through Labor Day as so many were returning to school, now someof them think they can work it out.

Councilman Kniceley moved, seconded by Councilman Hoke that a \$20.00 across the board increase be given to all pool employees and the two women who work the concession, effective August 1, 1971. Upon a votemotion carried.

Councilman Allen asked if we have the money?

Councilman Kniceley said that it does not concern that much money, for the one month.

The Mayor reported that the Pool is running behind and that they will have to make \$2,718.73 the month of August to meet last year.

Councilman Hoke suggested hiring Pool Employees on a contract agreement for a certain wage in the future.

Councilman Kniceley said it would be necessary for the parents to sign as these employees are too young, however, Dave Sayre, Pool Manager, had made this suggestion.

Councilman Tidquist said he had reported the last meeting lots on 18th Street that needed cleaned. The owners of the lots are Russell Carrier and Bob Hornish. Also reported the weeds at the old Gas Company property are so high that you can

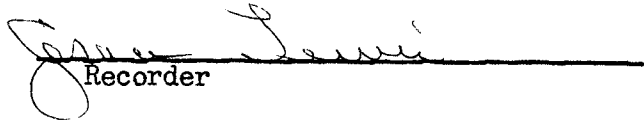
not walk on the sidewalk, and the vision is impaired in coming out of Boundry Street.

Councilman Tidquist also mentioned the paving of the Parking lot at the School before the school year opens.

The Mayor said that we are going to have another burden added to this as the Water Company is putting a new line on 2nd Avenue from 27th Street to 7th Street, and that probably 2nd Avenue at the school will be torn up when school starts. In answer to question on why the contractor did not take care of the school area first, the Mayor said that he had asked him to but that they did not think it advisable. The contractor had been in to talk to him and he does not want to cause any more trouble than necessary, and that they seem to be very cooperative.

There being no further business and the agenda having been completed the Mayor adjourned the meeting.


Mayor


Recorder

August 17, 1971

The City Council met in regular session Tuesday, August 17, 1971.

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

The Meeting was called to order by Mayor Alexander.

The Invocation was given by the Reverend William Westlund, of the First Presbyterian Church of Nitro.

Councilman Kniceley moved, seconded by Councilman Goodwin, the minutes of August 3, 1971 be approved. Upon a vote motion carried.

Councilman Allen moved, seconded by Councilman Kniceley, the Financial Statement for the month of July, 1971 be approved. Upon a vote motion carried.'

In discussion of the Traffic Problem on 24th, 25th, and 26th Streets, Councilman Allen said he visisted the area this week and he felt the people have more problems on 25th Street than just cars. He suggested delaying any further remarks until the area is cleared up.

Councilman Goodwin said the last two weeks have not been a good time for a survey because of the Water Line being installed on Second Avenue.

Councilman Allen said he would like to ask Mr. Moody if he had any more comments concerning the situation.

Mr. Moody said he did not, and had not heard any comments from any of the residents on 24th, 25th and 26th Streets. He said he would like to talk about the dirt problem. He asked if there was some way for the contractor to clean up the dirt. There are people on our street who have allergies. He stated that the dirt is going into houses and if you wash you car, five minutes later you need to wash it again.

Councilman Allen said while in the area he talked to three people on 27th Street. All three of them were using their own personal hose and water to clean off the dirt. They have to protect their house and carpet. Cars travel in and out and they do stir the dirt around. The suggestion made to him was to force contractor to lay plastic before they start dumping dirt on the street.

Mr. Moody said with this much mud, people going to church get dirty, and there are quite a few elderly ladies on these streets.

The Mayor said a few days ago that the streets were opened up to 27th Street, the Mayor said he had received a lot of calls. He sent the Police down to close 27th Street in effort to keep down dust. If we could keep the street closed where they are working, it would help.

Councilman Tidquist said just regular hand labor would work.

The Mayor said he thought so too.

Councilman Tidquist said several men should be cleaning up with hand labor while construction is being done and keep it cleaned up because the dirt will fill the gutters.

Councilman Allen said the City is going to have trouble with the storm sewers.

The Mayor said washing this off and down the drain is not going to work.

Councilman Goodwin said we should talk to the Inspector concerning this problem.

Councilman Hoke said he talked to the Water Company and they said the Contractor is the one we should talk to. Councilman Hoke went on to say that he would like to see if possible, an injunction to stop work, unless we can work out something with them concerning our streets and drainage. The houses are being ruined and all the dust from the work is going everywhere. Mud and dirt is half way down the streets. They are using heavy instruments and tearing up the streets. He thinks until some-

thing can be done with this, the City should get an injunction and stop the work.

The Mayor said he didn't think the Water Company was involved. Councilman Hoke said where they are digging and running these big instruments, they are ruining the street. There is no way to fix the break the way it was, unless they resurfaced the whole street. We should try and stop them now if it is possible.

Councilman Allen said let them know we mean business.

The Attonrey, Luke Michael, asked how far they have completed?

The Mayor informed him that they are between 22nd Street and 23rd Street.

Luke Michael said it will take 10 days to get an injunction.

Question was asked how far this construction was being taken. The Mayor said they have to go all the way to 7th Street on Second Avenue.

Councilman Kniceley asked about all the streets that are tied in with the paving program under way.

The Mayor said he did not think this would have any affect. Anything that they do they have to pay the damage.

Councilman Allen informed 27th Street was torn up.

Councilman Hoke said the Water Company is responsible.

Councilman Allen said the Utility people come in and cut up our streets and we have nothing to protect us.

Councilman Kniceley said two years ago we paved second Avenue and they are still paying for it and now they are tearing up Second Avenue.

The Mayor said the Water Company have a Franchise for 50 years, for what ever is necessary for repairs.

Councilman Hoke said they still don't have the right to tear up other streets, only 2nd Avenue. They should be made to keep their instruments off certain areas.

The Mayor said since it will take 10 days for an injunction, we should have

a meeting with the contractor and also have Luke Michael, attorney, and Councilmen attend. The meeting is set up for tomorrow, Wednesday, August 18, 1971 at 4:00 P.M.

Councilman Allen said it is going to be a terrible mess.

Councilman Hoke said they told him today that the people promised that on Friday, Saturday, and Sundays, that they would keep the streets clean and they have done so one time. Today he said he went down there and it looked like that the only thing that had been done, was taken a sprayer over it and the street looked like a country road that had been run over a lot.

Councilman Allen said there was a big tank truck, like a gasoline truck parked on the street.

Luke Michael said he disagreed with the Mayor saying the Contractor was responsible, the Water Company is responsible. We could take action on both.

The Mayor said he meant the Contractor is responsible for all damage and putting the street back in shape.

Luke Michael said we would have to take action against the Water Company. We can take action on Water Company and not even bother with contractor, Water Company is primarily responsible.

The Mayor said the Contractor is responsible for repairs.

Luke Michael said we could bring them both in.

Councilman Hoke asked why can't we start our injunction and let them know we mean business.

Luke Michael said it will take a couple of days. In a situation like this you have to go to Circuit Court.

Councilman Hoke said if we start now we would be ahead and if we can not get any help from the Contractor or the Water Company, we would be ahead.

Luke Michael also said this concerned mostly paper work, you have to pledge

certain facts, and complaints, state the certain rights in laying and the rights of the Water Company.

The Mayor said they will hold the meeting tomorrow, August 18, 1971 at 4:00 P.M. and ask the President of the Water Company, John Murphey to attend, someone to speak for the Contractor Company, Luke Michael and Council members.

Councilman Allen said they have come up and thrown this on the people, no consideration.

On one of the streets the pipe is sticking out in the street with a caution light.

Councilman Hoke said there are kids playing on the pipes and someone will get hurt.

It was brought out that they do not have enough safe guards and the pipe is open and children play on the pipes.

Councilman Allen added that one of the pipes is going to roll.

The Mayor suggested that all the Council members try and make the meeting.

The Mayor said we will delay the other problems under the heading until this is taken care of.

The Mayor brought up Doyle 's Superette, this fellow is getting ready to bring in an application for a building permit for a new building. Just what it consists of he does not know. It does mean that the old building will be taken out. He called and wanted to know how far back from 1st Avenue you can go out for a business building.

He was told 90 feet of the 1st 100 feet. In some places 100 feet of the first 140 feet is granted by the Zoning Appeal Board. He can not go back further than 90 feet of the first 100 feet unless he goes before the Zoning Appeal Board.

The Mayor said if he went back 90 feet and paved 10 feet he could not use

the 10 feet for trucks loading and unloading because he would be using 10 feet for business and you can not do that.

The Mayor said sometime ago it was brought up about a full time mechanic for the City. He went through all the repair bills and got the total labor on the bills for the year ending June 30, 1971. The total labor comes to \$8,372.50.

There is a possible chance that if all parts were bought by the City instead of being bought by the garage, that there would be possible another 25 hundred dollars savings.

The entire repairs come to 17 thousand dollars for the year 1970 - 1971. If that figure saving would be as much as two thousand on parts then it would be \$10,772.00 in saving on parts and labor if you had the same amount of work done. A lot of repair and labor would be the same because you are using the same equipment.

It is up to Council to make a decision.

Councilman Hoke asked what it is going to cost for a mechanic, six thousand dollars a year?

The Mayor said he talked to one mechanic in town. He has a guarantee, he works on a commission bases, \$135.00 a week. It would be amounting to \$600.00 a month.

Councilman Hoke added plus guarantee.

Councilman Allen asked if he was capable of doing many jobs.

Councilman Hoke asked about equipment.

The Mayor said he has a lot of his own equipment and we have some.

Councilman Hoke said you are going to have to have a garage to do this work in. The Mayor said we have a garage. Councilman Hoke asked where it was and what we were using it for. The Mayor said the garage is in back and it is being used for storage and repair work, there is plenty of space.

The Mayor said the mechanic had said there would be times that he might need a man for an hour or so.

Councilman Hoke said that we could ask the garage to give us if they would, what they can give us on a year in a contract or guarantee.

The Mayor said this could be done.

Councilman Allen asked who does most of our work? The Mayor said Holman Motor Sales, does most of it and Childers does some.

Councilman Kniceley said let them give us a figure for a year that they will do the labor on our equipment.

The Mayor said there was only one draw back, when they have a piece of equipment you may have three or four men waiting at the garage. They close up in the evening and if a piece of equipment should break at 4:00 P.M., men are off work and equipment is still in for repairs until the next morning.

If you had a man of our own, he could get it back on the road and work over time and take that in time off.

Councilman Hoke asked what we have been doing in the past.

Councilman Allen said running without them.

Councilman Allen said if we could work out a deal with the garage he would be in favor of it, or hire a mechanic if we could save some money,

Councilman Hoke said to get all the facts and investigate the situation.

Councilman Allen moved, The Financial Committee, do a little investigating on it. The Mayor suggested pointing a committee that will be more familiar with it and let them check it out.

Councilman Allen recalled his motion.

Committee consists of Councilman Allen; Chairman, Councilman Hoke, and Councilman Goodwin. The Mayor said he would get copies of the Labor Cost from each of the garages for the Committee.

Councilman Allen said we discussed at the last meeting about the parking problem at the school. The School Board says as soon as we get the Library off the property they will make the parking lot. It is our fault that the parking lot is not built.

The Mayor said the Library Commission have to move it. Councilman Tidquist said the Library Commission does not have the money to move it.

Councilman Allen made a recommendation to move it fast, the School Board is waiting for it to be moved.

The Mayor said we are going to have an awful problem when school starts with all the construction going on.

Councilman Allen said at the last Council meeting we had discussed property being cleaned up on 18th Street Hill, that property does not belong to the people we thought, he contacted me and said lot no. 20 belongs to the City.

The Mayor said it was not a lot, it is a right of way used to be a real wide board step. It has been several years since it was there, the City had a right of way, it does not show up on the map, The Mayor said we can clean the property up.

Luke Michael said maybe you only have a right of way, it will show on the Subdivision map.

The Mayor said Bob Hornish called and said he had someone go up with a bulldozer and clean his lot and make it fit for building again.

Councilman Allen said the property we are talking about, the City owns goes from Third Avenue to Pennwood Avenue.

Luke Michael said it is an alley or street that was not opened up.

It is called Crescent City - City of Nitro does not own a lot, but only a right of way.

Councilman Allen said the man owns 18 and 19 and the City owns lot no. 20 and his sister in law owns 21, 22, 23 and 24.

Councilman Allen said he also received a call from the area the Tennessee Gas Transmission has been working.

The Council asked that anyone from this area be heard.

Dean Miller of Smith Street said the Tennessee Gas Transmission has went in there and made it so that we can not get back in and out without dragging our cars and tearing them each time we go over. They left the ditch open and it is full of water. The Primary thing is you cannot get in and out. The ditch needs to be graveled.

The Mayor asked if they have cut a concrete street.

It was brought out that at Washington and Smith Street has been open for probably 5 or 6 days and they finally went in there and pushed dirt back in about two weeks ago.

Councilman Allen said people are taking advantage of the City.

The Mayor said they have an office in Charleston and Dean Miller said he could find out and he would contact the Mayor and Councilman Allen.

Councilman Allen questioned the expenditures on survey and asked if the job was finished.

The Mayor said that when Miss Lewis returns they will get started on it and that Karol Middleton had finished the job and did a real good job on it.

There being no further business and the agenda having been completed, Councilman Hoke moved, seconded by Councilman Kniceley, to recess the meeting until August 24, 1971. Upon a vote motion carried.



MAYOR



RECORDER

August 24, 1971

The City Council met in recessed session Tuesday, August 24, 1971.

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 Council. Councilman Tom Waldorf being absent.

The meeting was called to order by Mayor Alexander.

The Mayor advised this a recessed meeting from the regular Council meeting, August 17, 1971 for the purpose of hearing any and all property owner in regard to the Paving Program.

The Recorder advised Council that thenotice to abutting property owners of the porposed permanent improved paving program had been published for three successive weeks in the Kanawha Valley Leader as directed by Council's order.

Councilman Kniceley moved, seconded by Councilman Goodwin, the two publishers affidavits be made a part of the minutes. Upon a vote motion carried.

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

Notice to all persons or corporations owning property abutting on the following named streets, or public ways in City of Nitro, Kanawha County and Putnam Counties, West Virginia: Sixth Street from its intersection with West Virginia Route 25 (First Avenue) to its intersection with Third Avenue, Seventh Street from its intersection with West Virginia Route 25 (First Avenue) to its intersection with Third Avenue: Eighthth Street from its intersection with West Virginia Route 25 (First Avenue) to its intersection with Third Avenue: Ninth Street from its intersection with Second Avenue to its intersection with Third Avenue: Tenth Street from its intersection with West Virginia Route 25 (First Avenue) to its intersection with Third Avenue.

Eleventh Street from its intersection with West Virginia Route 25 (First Avenue) to its intersection with Third Avenue; Twelfth Street from its intersection with Second Avenue to its intersection with Third Avenue; Thirteenth Street from its intersection with West Virginia Route 25 (First Avenue) to its intersection with Third Avenue; Fourteenth Street from its intersection with Second Avenue to its intersection with Third Avenue; Seventeenth Street from its intersection with West Virginia Route 25 (First Avenue) to its intersection with Second Avenue; Forty First Street from its intersection with West Virginia Route 25 (First Avenue) to its intersection with Second Avenue; Valentine Circle from its intersection with Main Avenue and comprising all of Valentine Circle as shown upon a revised map of Section Five, of a part of Sattes, to its intersection with Holley Street; Holley Street from its intersection with Main Avenue to its common intersection with Valentine and Sattes Circles; Sattes Circle from its intersection with Holley Street, and comprising all of Sattes Circle as shown upon a map of Section One of Sattes; Fenton Circle from its Westerly Intersection of Main Avenue and ending with its Easterly intersection; Cleveland Avenue from the Southerly right of way line of West Virginia Route 25 to the Northerly right of way line of Penn Central Railroad right of way line and its intersection with Michigan Avenue; Red Oak Street from its intersection with West Virginia Route 25 in a Northerly Direction to the Nitro City limits; Third Avenue from its intersection with East 39th Street to its intersection with 40th Street; Unit one: Easter Road and East 39th Street; Easter Road beginning at its intersection with 40th Street and Ending with its intersection with East 39th Street, East 39th Street beginning at its intersection with Easter Road and ending at the foot bridge over Armour's Creek; Unit Two: Easter Road, beginning at its intersection with East 39th Street and ending at the existing pavement, A distance of 300 feet, more or less, Unit Three: Easter Road, beginning at the existing pavement and ending 1000 feet, more or less, in an easterly direction; East 39th Street, beginning at the end of existing concrete pavement and ending at a foot bridge over Armour's Creek, a distance of 135 feet, more or less, Second Avenue

(Sidewalk Only) beginning at a point opposite the southerly property line of 22nd Street and extending southerly toward 21st Street for a distance of 26 feet, more or less, on the East side of Second Avenue; Twentieth Street (Sidewalk Only) beginning on the West right of way line of Wintz Avenue and extending westerly 37 feet, more or less; Twenty Third Street (Sidewalk Only) beginning at the common corner of lots 2309 and 2311, and running in an easterly direction 100 feet, more or less.

Proposals have been made to the Common Council of the City of Nitro to permanently improve the portions of the Street and Public Ways described above in the City of Nitro, Kanawha and Putnam Counties, West Virginia, by grading, regrading, draining, paving, re-paving, surfacing, resurfacing, widening, curbing, re-curbing, guttering, constructing sidewalks, 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 24th Day of August, 1971, 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 Common Council of the City of Nitro on the 20th day of July, 1971.

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 July day of 29, 1971 and ending with the issue of the August

Printer's Fee \$

Book 12
after pg 96

AFFIDAVIT OF PUBLICATION

State of West Virginia,

County of Kanawha, to-wit:

I, M K Bester, 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 2
successive weeks, commencing with the issue of the 34
day of Aug, 19 71 and ending with the
issue of the 12th day of Aug, 19 71
and was posted at the Court House of Kanawha County on
, 19

Manager, M K Bester
Kanawha Valley Leader.

Subscribed and sworn to before me this 24 day of
August, 19 71

James Jeffers
Notary Public for Kanawha County, West Virginia.

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



GOVERNOR UNDERWOOD
SPEAKER

Dr. West , I Presume

No more of this 'Zeke from Cabin Creek' from the big town sophisticated pro basketball players....

Jerry West, the Mountain State's own and in professional basketball, guard for the Los Angeles Lakers will be presented an honorary doctor of humane letters degree on October 8 by West Virginia Wesleyan College.

That day at Buckhannon is the college's annual observance of Founders Day.

He is the first professional athlete to be honored thus by the college.

The degree will be conferred in recognition of his contribution to his home state of West Virginia and for all he has come to mean to sports fans of all ages everywhere." President Stanley H. Martin stated.

After graduation from West Virginia University with a bachelor of science degree in 1960, West played with the American Olympic team that won the title in Rome. He has been with the Lakers the past 11 years.

**Catastrophes
don't happen
to cars.
Or houses.
Or businesses.
Or paychecks.**



of 3810 38th Street, Nitro, daughter of Mr. and Mrs. B. T. O'Gorman, Jr.

Heritage Camp Week opened Sunday with the Rev. R. Blaine Deitrick of Parkersburg as keynote speaker of the ninth annual session of the camp.

College professors, teachers, an officer of the U.S. Navy, a businessman and a former governor of West Virginia will all be speaking to the campers.

Former Governor Cecil Underwood spoke to the group on Tuesday afternoon and is considered one of the most outstanding speakers on government and civic affairs in the nation.

Miss Wiest and Miss Bondurant are sponsored by G. C. Alderson, Insurance; Cooke and Pauley Funeral Home; Criniti Volkswagen and the Bank of Nitro.

Student News

Robert Bailey, son of Mr. and Mrs. Gus C. Bailey, 101 Blackwood St., Nitro is currently engaged in an off-campus educational experience as part of his study at Alderson-Broadbush College. Bailey is employed at the Nitro Municipal Swimming Pool.

Second Semester honor students have been named on the deans' lists of the various colleges of West Virginia University.

Students must make at least a 3.4 grade point average (4.0 is perfect--all As) to be named to the Dean's List, area students on deans list:

School of Nursing: Laura Lee Dudley, daughter of Mr. and Mrs. Vernon E. Dudley of Scott Depot.

Arts and Sciences: Thomas M. Cunningham, son of Mr. and Mrs. Robert W. Cunningham of St. Albans.

Physics: William Matthew Luzader, son of Mr. and Mrs. Ralph E. Luzader of St. Albans.

Pre-Chemistry: Philip Gerald Jones, son of Mr. and Mrs. Paul L. Hones of St. Albans.

Pre-Medicine/ Pre-Dental: Robert R. Robinson, son of Mr. and Mrs. William H. Robinson of St. Albans.

Pre/Mathematics: Martha Jean Taylor, daughter of Mr. and Mrs. Rodney J. Taylor of St. Albans.

Pre-Computer Science: Michael S. Herbert, son of Mr. and Mrs. F. Harvey Gerbert of St. Albans.

Douglas Kibler of St. Albans, was awarded the Sons of American Revolution Medal for ROTC outstanding academic achievement and citizenship. He will be a sophomore at West Virginia State College.

KVL 8-5-71

BOOK 12
after pg. 96

LEGAL ADVERTISEMENT

NOTICE TO ALL PERSONS OR CORPORATIONS OWNING PROPERTY ABUTTING ON SHORT STREET FROM ITS INTERSECTION WITH PENWOOD AVENUE TO ITS INTERSECTION WITH GRAFTON AVENUE, SITUATE IN THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA.

Proposals have been made to the Common Council of the City of Nitro to permanently improve the portion of the street and public way described above in the City of Nitro, Kanawha County, West Virginia, by grading, re-grading, draining, paving, repaving, surfacing, re-surfacing, widening, curbing, re-curbing, guttering and otherwise permanently improving said street or public way, and by constructing, providing and renewing any such improvements or other permanent public improvements in and on said above named street and public way, 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 street and public way.

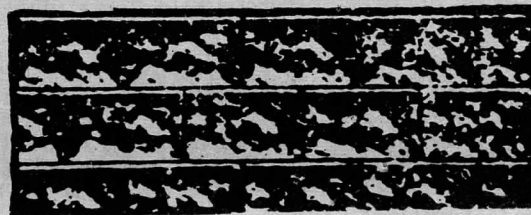
The proposals to make such improvements and the plans, specifications, profiles and estimates will be considered by the Common Council of the City of Nitro at a public meeting to be held on the 24th day of August, 1971, at 8:00 o'clock p.m. at the City Building in said City of Nitro. Any abutting owners 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 Common Council of the City of Nitro on the 20th day of July, 1971.

CITY OF NITRO

By: GRACE LEWIS
City Recorder

WE HAVE IT!!



GALVANIZED UNDERPINNING
UNDER PIN YOUR HOME WITH THIS EMBOSSED
GALVANIZED STONE FACED UNDERPINNING.

day of 12, 1971, and was posted at the Court House of Kanawha County on _____,

Manager, Mary K. Buster
Kanawha Valley Leader

Subscribed and sworn to before me this 16th day of August, 1971.

James Jefferies

Notary Public for Kanawha County, West Virginia

My Commission expires August 28, 1972.

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:

Notice to all persons or corporations owning property abutting on Short Street from its intersection with Penwood Avenue to its intersection with Grafton Avenue, Situate in the City of Nitro, Kanawha County, West Virginia.

Proposals have been made to the Common Council of the City of Nitro to permanently improve the portion of the street and public way 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 street or public way, and by constructing, providing and renewing any such improvements or other permanent public improvements in and on said above named street and public way, 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 street and public way.

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 24th day of August, 1971, at 8:00 o'clock Pm.

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 Common Council of the City of Nitro on the 20th Day of July 1971.

CITY OF NITRO

BY: GRACE LEWIS
CITY RECORDER

WAS DULY PUBLISHED in said paper once a week for two successive weeks, commencing with the issue of the 5th day of August, 1971 and ending with the issue of the 12th day of August, 1971.

Manager, M. D. Buster
Kanawha Valley Leader.

Subscribed and sworn to before me this 24 day of August, 1971.

James Jefferies,
Notary Public for Kanawha County, West Virginia

My Commission expires August 28, 1972.

The Council then began to consider the streets outlined on the agenda.

1. Sixth Street from its intersection with West Virginia Route 25 (First Avenue to its intersection with Third Avenue. Engineer's Cost estimate 3.36 per property owner foot.

Councilman Allen presented a petition from the property owners of 6th Street protesting the improvement of the street. It was signed by 100 percent of the property owners.

Councilman Allen pointed out the problem we are having in the immediate area where we would be paving, stating that he was not in favor of paving the streets with this other work being done.

Councilman Kniceley said he had received a number of phone calls regarding the same problem and that all the streets in the upper end of town are involved with this work.

People are concerned about how much their street is going to be torn out

by this heavy equipment.

The Mayor said he thought that the water line would be through before the paving program began.

In discussion of damage done by the contractor on the water line, it was pointed out that the contractor is liable for any damage they did and that he had said that it would be taken care of.

The Mayor pointed out that the water line should be finished within 30 days.

Councilman Kniceley moved, seconded by Councilman Allen, 6th Street be deleted from the paving program. Upon a vote motion carried.

2. Seventh Street from its intersection with West Virginia Route 25 (First Avenue) to its intersection with Third Avenue. Engineer's Cost Estimate \$3.36 per property owner foot.

A petition was presented signed by 20 property owners on 7th Street protesting the paving of the street.

Councilman Kniceley moved, seconded by Councilman Williamson, 7th Street be deleted from the paving program. Upon a vote motion carried.

3. Eighth Street from its intersection with West Virginia Route 25 (First Avenue) to its intersection with Third Avenue. Engineer's Cost Estimate \$3.57 per property owner foot.

Apetition was presented signed by 21 property owners on 8th Street protesting the paving of the street.

Councilman Williamson moved, seconded by Councilman Kniceley, 8th Street to be deleted from the paving program. Upon a vote motion carried.

4. Ninth Street from its intersection with Second Avenue to its intersection with Third Avenue. Engineer's Cost Estimate \$3.46 per property owner foot.

A petition was presented signed by 30 property owners representing 19 lots of 24, protesting the paving of 9th Street.

Councilman Kniceley moved, seconded by Councilman Allen, 9th Street be deleted from the paving program. Upon a vote motion carried.

5. Tenth Street from its intersection with West Virginia Route 25 (First Avenue) to its intersection with Third Avenue. Engineer's Cost Estimate \$3.41 per property owner foot.

A petition was presented signed by 23 property owners protesting the paving of 10th Street.

Councilman Allen moved, seconded by Councilman Williamson, 10th Street be deleted from the paving program. Upon a vote motion carried.

6. Eleventh Street from its intersection with West Virginia Route 25 (First Avenue) to its intersection with Third Avenue. Engineer's Cost Estimate \$3.48 per property owner foot.

Councilman Hoke said that we should go ahead and delete the other streets in this area.

Councilman Kniceley reported that he had had a call from a man who had informed that there were nine widows on 11th Street and paving the street will be a hardship on them.

Councilman Hoke read off the list of streets with Engineer's Cost Estimate for last year and this year, pointing out that the cost had come up on the estimate and that if the paving was not done this year then it will probably cost more next year.

Councilman Kniceley said that there is an increase in prices on everything and also there is a continuous deterioration of the street each year.

Mr. Bess of 8th Street said the price of everything is going up and asked about the deterioration of the street when the contractor is tearing up the streets, the property owners are paying for what the contractor tears up.

The Mayor reminded that the contractors take care of all damage and told

Mr. Bess that the contractor on the gas line was not aware of the damage they had caused until he had called them about it. He had told the Mayor that they would take care of the damage.

8. Thirteenth Street from its intersection with West Virginia Route 25 (First Avenue) to its intersection with Third Avenue. Engineer's Cost Estimate \$3.49 per property owner foot.

A petition was presented from 13th Street with 19 signatures of property owners protesting the improvement of 13th Street.

Councilman Allen moved, seconded by Councilman Williamson, 13th Street to be deleted from the paving program. Upon a vote motion carried.

Councilman Hoke suggested that the streets intersecting with Second Avenue be set aside for the time being and go on with the balance of the program.

11. Forty-first Street from its intersection with West Virginia Route 25 (First Avenue) to its intersection with Second Avenue. Engineer's Cost Estimate \$3.83 per property foot.

There being no petition or objections to the resurfacing of this street, Councilman Hoke moved, seconded by Councilman Kniceley, to pave 41st Street from its intersection with West Virginia Route 25 (First Avenue) to its intersection with Second Avenue. Upon a vote motion carried.

Mr. Maddox asked if they could hold off on this decision until a study could be made. The motion stood.

12. Valentine Circle from its intersection with Main Avenue and comprising all of Valentine Circle as shown upon a revised map of Section Five, of a part of Sattes, to its intersection with Holley Street. Engineer's Cost Estimate \$2.40 per property owner foot.

Councilman Allen presented petition signed by property owners on Valentine Circle protesting resurfacing of the street, signed by all property owners with the exception of three.

A property owner from Holley Street said he would like to remind the Mayor of a statement the Mayor had made in a Council meeting held July 1, 1969, and had been entered in the minutes. The Mayor had said that "if the people in this area (Fenton Circle, Sattes Circle, Holley Street, Valentine Circle) wanted any improvements they would have to present a petition" and he did not know of any request having been made by the people of the circles.

The Mayor asked the pleasure of the Council.

Councilman Tidquist moved, seconded by Councilman Williamson, Valentine Circle be deleted from the paving program. Upon a vote motion carried.

13. Holley Street from its intersection with Main Avenue to its common intersection with Valentine Circle and Sattes Circle. Engineer's Cost Estimate \$2.40 per property owner foot.

Councilman Tidquist presented a petition signed by 9 out of 10 property owners of Holley Street protesting the resurfacing of Holley Street.

Councilman Allen moved, seconded by Councilman Williamson, Holley Street be deleted from the paving program. Upon a vote motion carried.

14. Sattes Circle from its intersection with Holley Street, and comprising all of Sattes Circle as shown upon a map of Section One, of Sattes. Engineer's Cost Estimate \$2.40 per property foot.

A petition was presented signed by 19 property owners of Sattes Circle protesting resurfacing of Sattes Circle.

Mr. Rangos told Council that they had not had enough time to circulate the petition to all home owners.

Mr. McDonald said that they had not had the petition to his house. He also reported that some time ago the City had ordered property owners to unhook their drainage lines from the Sanitary sewer. Some of the people have done so and some have not, the ones who did comply with this had gotten disgusted and hooked their drainage line in with the sewer again.

It was pointed out that the people had been misinformed about the program, that it included widening of the street and installing gutters. Mr. Rangos reported that there had been a man measuring the street and had informed the people that it would be recapped, widened, curbed and guttered. Councilman Hoke said that if the people wanted to hear what was to be done that we had our Engineer present and that he had all the right answers including specifications.

Councilman Kniceley asked why six names had been marked from the petition? Mr. Rangos said that they were not in favor of the package, they were in favor of the paving only.

Councilman Allen said that since the people of this street had been misinformed that he felt that they should be given more consideration of the other streets in this area and asked if the Council could come back and take the street off.

Mr. Michael, Attorney, said that it may take another reading of the Ordinance as this is a major change.

Councilman Goodwin moved, seconded by Councilman Hoke, to resurface Sattes Circle from its intersection with Holley Street and comprising all of Sattes Circle as shown on a map of Section one of Sattes. Upon a vote motion carried.

It was pointed out that the Petition from Sattes Circle will have to be presented to Council the September 7th meeting.

Mr. Rangos of Sattes Circle asked that the petition be returned to him so that he could secure signers.

The Recorder pointed out that the petition was now a matter of record of the Council and that it would necessitate a vote of the Council to return the petition to Mr. Rangos.

Councilman Williamson moved, seconded by Councilman Goodwin, to return the petition of Sattes Circle to Mr. Rangos. Upon a vote motion carried.

15. Fenton Circle from its westerly intersection of Main Avenue and ending with its easterly intersection. Engineer's Cost Estimate \$1.91 per property owner foot.

A petition was presented signed by 31 property owners of Fenton Circle, objecting the improvement of said street.

Councilman Allen moved, seconded by Councilman Goodwin, Fenton Circle be deleted from the paving program. Upon a vote motion carried.

16. Cleveland Avenue from the southerly right of way line of West Virginia Route 25 to the Northerly right of way line of Penn Central Railroad right of way line and its intersection with Michigan Avenue. Engineer's Cost Estimate \$2.75 per property owner foot.

There being no petition and no objections to the paving of Cleveland Avenue, Councilman Goodwin moved, seconded by Councilman Hoke, to include Cleveland Avenue in the paving program. Upon a vote motion carried.

17. Red Oak Street from its intersection with West Virginia Route 25 in a Northerly direction to the Nitro ^{City limits.} Engineer's Cost Estimate \$2.41 per property owner foot.

There being no petition and no objections to the paving of Red Oak Street, Councilman Goodwin moved, seconded by Councilman Hoke, to include Red Oak in the paving program. Upon a vote motion carried.

18. Third Avenue from its intersection with East 39th Street to its intersection with 40th Street. Engineer's Cost Estimate \$7.05 per property owner foot.

Councilman Allen presented a petition signed by property owners of 3rd Avenue protesting the paving of said street. He also pointed out that this was the street that Council had discussed with the Putnam County School Board, asking some assistance from the School Board.

The Recorder reported that the answer we had gotten from the School Board was that they had turned this matter over to the Legal Division.

Councilman Hoke said he couldnot see going ahead with this stree until the School Board comes through with some assistance.

Councilman Allen said the School and two houses are the only ones to benefit from the paving.

Councilman Allen moved, seconded by Councilman Hoke, Third Avenue to be deleted from the paving program.

19. East 39th Street - Easter Road, from the foot bridge over Armour Creek to the junction with Easter Road, thence with Easter Road to its junction with 40th Street.Road. Engineer's Cost Estimate \$6.30 per property owner foot.

Mr. Karl Angell and Mr. Karnes property owners of the majority of the property on this street, were present. Mr. Angell said he had not known about this program until this week and that he owns about 250 feet of the property.

Mr. Angell and Mr. Karnes confered with the Engineer.

Councilman Allenmoved, seconded by Councilman Williamson, to delete from the paving program item 19 - East 39th Street - Easter Road, from the foot bridge over Armour Creek to the junction with Easter Road, thence with Easter Road to its junction with 40th Street Road. Engineer's Cost Estimate \$6.30 per property owner foot. Item 20 - East 39th Street from the end of the existing concrete pavement to the foot bridge over Armour Creek. Engineer's Cost Estimate \$3.95 per property owner foot. Item 21 - Easter Road, the unimprove section beginning at its junction with East 39th Street to a junction with the improved Section of Easter Road, which dead ends at the right of way of I-64. Engineer's Cost Estimate \$2.45 per property owner foot.

Upon a vote motion carried.

There was a question about a part of these streets being in the State Road System.

The Engineer is to get the information regarding this matter.

22. Second Avenue (Sidewalk) beginning at a point opposite the Southerly property line of 22nd Street and extending Southerly toward 21st Street for a distance of 26 feet, more or less, on the East Side of Second Avenue. Engineer's Cost Estimate \$10.50 per property owner foot.

Councilman Hoke moved, seconded by Councilman Williamson, to include 2nd Avenue sidewalk in the paving program. Upon a vote motion carried.

23. Twentieth Street (Sidewalk) beginning on West Right of way Line of Wintz Avenue and extending Westerly 37 feet, more or less, Engineers Cost Estimate \$10.20 per property owner foot.

Councilman Hoke moved, seconded by Councilman Allen to include 20th Street Sidewalk in the paving program. Upon a vote motion carried.

24. Twenty-third Street (Sidewalk) beginning at the common corner of lots 2309 and 2311, and running in an easterly direction 100 feet, more or less, Engineer's Cost Estimate \$8.15 per property owner foot.

Councilman Hoke moved, seconded by Councilman Allen, to include 23rd Street sidewalk in the paving program. Upon a vote motion carried.

25. Short Street from its intersection with Pennwood Avenue to its intersection with Grafton Avenue. Engineer's Cost Estimate \$6.45 per property owner foot.

It was pointed out that Charles Leshon owns 90.4 feet and the Carrier property is 120.4.

The Mayor told the Council that the two property owners had already given the City a check for a forth of the amount of the paving cost. The check amounted to \$370.87, to be held in escrow account and to be applied to the cost of the paving of Short Street.

Councilman Kniceley moved, seconded by Councilman Allen, to include Short Street in the paving program. Upon a vote motion carried.

Councilman Kniceley moved, seconded by Councilman Goodwin, to include 11th Street, 12th Street, 14th Street, and 17th Street in the paving program,

however, work was not to be done until the Water Line installation had been completed. Upon a vote motion carried.

The Attorney presented the following Ordinance.

Councilman Allen moved, seconded by Councilman Goodwin, to accept the following Ordinance for the First Reading. Upon a vote motion 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 29 day of July, 1971 and ending on the 12 day of August, 1971 and once a week for three successive weeks, commencing on the 5 day of August, 1971 and ending on the 12 day of August, 1971, that a public meeting would be held at the City Building in said City on the 24th day of August, 1971, for the purpose of considering a resolution of ordinance declaring the necessity or convenience of the permanent improvement of certain streets intersections, and public way 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 street and public ways or portions thereof are described as follows:

THE FOLLOWING NAMED STREETS, OR PUBLIC WAYS IN CITY OF NITRO, KANAWHA AND PUTNAM COUNTIES, WEST VIRGINIA; ELEVENTH STREET FROM ITS INTERSECTION WITH WEST VIRGINIA ROUTE 25 (FIRST AVENUE) TO ITS INTERSECTION WITH THIRD AVENUE; TWELFTH

STREET FROM ITS INTERSECTION WITH SECOND AVENUE TO ITS INTERSECTION WITH THIRD AVENUE; FOURTEENTH STREET FROM ITS INTERSECTION WITH SECOND AVENUE TO ITS INTERSECTION WITH THIRD AVENUE; SEVENTEENTH STREET FROM ITS INTERSECTION WITH WEST VIRGINIA ROUTE 25 (FIRST AVENUE) TO ITS INTERSECTION WITH SECOND AVENUE; FORTY FIRST STREET FROM ITS INTERSECTION WITH WEST VIRGINIA ROUTE 25 (FIRST AVENUE) TO ITS INTERSECTION WITH SECOND AVENUE; SATTES CIRCLE FROM ITS INTERSECTION WITH HOLLEY STREET, AND COMPRISING ALL OF SATTES CIRCLE AS SHOWN UPON A MPA OF SECTION ONE OF SATTES; CLEVELAND AVENUE FROM THE SOUTHERLY RIGHT OF WAY LINE OF WEST VIRGINIA ROUTE 25 TO THE NORTHERLY RIGHT OF WAY LINE OF PENN CENTRAL RAILROAD RIGHT OF WAY LINE AND ITS INTERSECTION WITH MICHIGAN AVENUE; RED OAK STREET FROM ITS INTERSECTION WITH WEST VIRGINIA ROUTE 25 IN A NORTHERLY DIRECTION TO THE NITRO CITY LIMITS; SECOND AVENUE (SIDEWALK ONLY) BEGINNING AT A POINT OPPOSITE THE SOUTHERLY PROPERTY LINE OF 22nd STREET AND EXTENDING SOUTHERLY TOWARD 21ST STREET FOR A DISTANCE OF 26 FEET, MORE OR LESS, ON THE EAST SIDE OF SECOND AVENUE; TWENTIETH STREET (SIDEWALK ONLY) BEGINNING ON THE WEST RIGHT OF WAY LINE OF WINTZ AVENUE AND EXTENDING WESTERLY 37 FEET, MORE OR LESS, TWENTY THIRD STREET (SIDEWALK ONLY) BEGINNING AT THE COMMON CORNER OF LOTS 2309 and 2311, AND RUNNING IN AN EASTERLY DIRECTION 100 FEET, MORE OR LESS.

SHORT STREET FROM ITS INTERSECTION WITH PENNWOOD AVENUE TO ITS INTERSECTION WITH GRAFTON AVENUE, SITUATE IN THE CITE OF NITRO, KANAWHA COUNTY, WEST VIRGINIA.

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 grad and sufficient data for any owner of abutting property to calculate approximately what proportionate part of the estimated cost there of 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:

THE FOLLOWING NAMED STREETS, OR PUBLIC WAYS IN CITY OF NITRO, KANAWHA AND PUTNAM COUNTIES, WEST VIRGINIA; ELEVENTH STREET FROM ITS INTERSECTION WITH WEST

VIRGINIA ROUTE 25 (FIRST AVENUE) TO ITS INTERSECTION WITH THIRD AVENUE; TWELFTH STREET FROM ITS INTERSECTION WITH SECOND AVENUE TO ITS INTERSECTION WITH THIRD AVENUE; FOURTEENTH STREET FROM ITS INTERSECTION WITH SECOND AVENUE TO ITS INTERSECTION WITH THIRD AVENUE; SEVENTEENTH STREET FROM ITS INTERSECTION WITH WEST VIRGINIA ROUTE 25 (FIRST AVENUE) TO ITS INTERSECTION WITH SECOND AVENUE; FORTY FIRST STREET FROM ITS INTERSECTION WITH WEST VIRGINIA ROUTE 25 (FIRST AVENUE) TO ITS INTERSECTION WITH SECOND AVENUE; SATTES CIRCLE FROM ITS INTERSECTION WITH HOLLEY STREET, AND COMPRISING ALL OF SATTES CIRCLE AS SHOWN UPON A MAP OF SECTION ONE OF SATTES; CLEVELAND AVENUE FROM THE SOUTHERLY RIGHT OF WAY LINE OF WEST VIRGINIA ROUTE 25 TO THE NORTHERLY RIGHT OF WAY LINE OF PENN CENTRAL RAILROAD RIGHT OF WAY LINE AND ITS INTERSECTION WITH MICHIGAN AVENUE; RED OAK STREET FROM ITS INTERSECTION WITH WEST VIRGINIA ROUTE 25 IN A NORTHERLY DIRECTION TO THE NITRO CITY LIMITS; SECOND AVE UE (SIDEWALK ONLY) BEGINNING AT A POINT OPPOSITE THE SOUTHERLY PROPERTY LINE OF 22nd STREET AND EXTENDING SOUTHERLY TOWARD 21st STREET FOR A DISTANCE OF 26 FEET, MORE OR LESS, ON THE EAST SIDE OF SECOND AVENUE: TWENTIETH STREET (SIDEWALK ONLY) BEGINNING ON THE WEST RIGHT OF WAY LINE OF WINTZ AVENUE AND EXTENDING WESTERLY 37 feet, MORE OR LESS; TWENTY THIRD STREET (SIDEWALK ONLY) BEGINNING AT THE COMMON CORNER OF LOTS 2309 AND RUNNING IN AN EASTERLY DIRECTION 100 FEET, MORE OR LESS.

SHORT STREET FROM ITS INTERSECTION WITH PENWOOD AVENUE TO ITS INTERSECTION WITH GRAFTON AVENUE, SITUATE IN THE CITY OF NITRO, KANAWHA COUNTY, WEST VIRGINIA.

AND, which said plans, specifications, profiles and estimates are on file with the City Recorder and are referred to in the recitals to the resolutions; and the said plans, specifications, profiles and estimates are hereby approved and adopted for the permanent improvement of said streets and protions there, and said improvements are hereby authorized and shall be made under the supervision and direction of Robert R. Anderson, Engineer for the City.

SECTION 3. THE grades of said streets and protions 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 protion of said streets and public ways above described is hereby found and described to be special benegited by the proposed improvements abutting such lot or parcel of real estate to an extent substantially greater than the cost 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 approtioned to and assessed against and borne by the lots or parcels of land and other properties abutting upon the respective protions 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 protions 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 protion 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 inwidth, adjacent to the northerly curb of Second Avenue between 19th Street and 21st St; 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 inthe Engineers report dated September 2, 1969, and the cost of said strip shall be borne by the propertyowners 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, 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 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 thereof. The work done under such contract, when let, shall be paid for by delivering to the contractor assessment certificates as above provided in lieu of cash.

SECTION 9. Upon the completion of the improvements, the City Engineer is hereby directed to prepare and submit to the Council his report showing the cost of such permanent improvements, the number and descriptions of the lots and parcels of land abutting other matters as may be necessary in order to levy an assessment against said abutting property in accordance with the provisions of Chapter 8, Article 8, of the Code of West Virginia as amended by the Legislature of West Virginia, Regular Session 1949. Upon the filing of said Engineer's report with the Recorder, the Recorder is hereby directed to give notice in the name of the City to the owners of the property to be assessed according

to said 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 respectable 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.

There being no further business and the agenda having been completed, the Mayor adjourned the meeting.

W. W. Alzada

W. W.

MAYOR

Grace Lewis

RECORDER

September 7, 1971

The City Council met in regular session Tuesday, September 7, 1971.

There were present: W. W. Alexander; Mayor, Grace Lewis; Recorder, Dr. R. V. Allen, Dr. L. I. Hoke, Kenneth K. Kniceley, Hugo D. Tidquist. Councilman E. L. Goodwin, Kenton L. Williamson, and Tom M. 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 asked if the Engineer had found out anything about Easter Road? The Mayor replied that he had not heard.

Councilman Hoke also asked if they heard anything more from the Putnam County Board of Education? The answer was no.

Councilman Kniceley moved, seconded by Councilman Tidquist, the minutes of August 17, 1971 and August 24, 1971 be approved. Upon a vote motion carried.

In discussion of the water line installation, the Mayor said he thought this item should be left on the agenda until the contractor has completed the job and asked if anyone had any reports.

Councilman Allen asked when would they inspect the side streets. The Mayor said inspection would be done after the completion of installing the pipe to 7th Street.

Councilman Hoke said that he understood that our Engineer was to make a survey of the streets.

The Recorder reported that people are criticizing the repair work on 2nd Avenue being done by the contractor. The people don't understand that the black top being put on 2nd Avenue is just temporary to take care of dirt and dust and that this black top will be taken out and concrete installed then black top over this concrete.

Councilman Allen said in his mind, he can not see taking a third of the road out and doing satisfactory job, he feels that we will be in trouble.

The Mayor said they may end up resurfacing the whole street.

Councilman Allen said our Engineer should make the decision.

Councilman Tidquist asked if the people will have a right to accept or reject the job.

The Mayor informed that they must make any repairs of any damage to any property and this has to be satisfactory.

The Mayor asked Council if they had any other calls to contact him, as he would like to see the contractor do a good job every day.

In discussion of the traffic problem on 24th, 25th, and 26th Street, Councilman Allen said that there are four cracks in pavement on 26th Street, they are minor at the present but in a year they will be a major problem.

Councilman Allen suggested all members of the Council to look at the situation of 24th, 25th, and 26th Streets traffic problem.

He also suggested that our Police Department make a survey of these streets, stating that the bad times are at noon, right after school is out, and when workers leave the plants.

The Mayor said at this time of day it is almost impossible to get out of any streets in town onto the main highway.

The Mayor said he would ask the Police Department for a written report of their recommendations concerning the traffic problem on 24th, 25th, and 26th Streets.

Councilman Allen reported for the special committee, on the repairs to street equipment. He said he visited two garages, neither one would accept contracting for labor of our maintenance for City equipment. They said there would be no way.

He said that one garage said that they would give the City 30 to 35 percent off on all auto parts, they would not give discounts on body parts such as fenders.

Councilman Tidquist said he did not see how we could hire a mechanic for this amount of money.

Councilman Hoke asked how the salary for a mechanic was set up. The Mayor said \$600.00 a month. He went on to say that there would be times when the mechanic would need another man to help him, but seldom.

Councilman Allen suggested thinking this situation over.

Councilman Hoke asked if we had garage room? The Mayor said yes.

Council then proceed to discuss the paving program.

The Mayor said that we have some petitions in, one from Sattes Circle. He asked if we could back up on these after the protest meeting. One of the petitions is from 11th Street, the other from Red Oak Drive, these people had not protested at the regular protest meeting, August 24, 1971.

Mr. Michael, Attorney, informed Council that they were not paving on petitions, that they were paving on necessity.

The Mayor said that we have three petitions, one from 11th Street, Red Oak Drive and Sattes Circle. The one from Sattes Circle being the petition that the Council voted to return to Mr. Ragnos to be completed.

The Mayor informed that we have three members absent. Mr. Michael, Attorney, said that Council can not take any action on the Ordinance for the Second Reading, that it is necessary by State Law that 3/4 majority of Council be present.

In observing the petition from Sattes Circle, it was noted that 30 out of 44 property owners had signed the petition protesting the paving.

Mr. Harvey Collins, property owner of Sattes Circle, said he thought the people of Sattes Circle had had ample time to get a petition in before the August 24th protest meeting and that in securing additional names to petition for Sattes Circle, the property owners had been told that because Valentine Circle and Holley Street were not being paved that the price quoted for Sattes Circle would increase.

The Mayor said the Engineer did not feel there would be any difference in

the price.

Councilman Hoke said these streets in the Circle were full of holes and they will get worse and asked what were the objections to paving.

One property owner stated that he did not think the street needs paving, all it needs is minor repairs. He drives over it every day and it is not in bad shape.

Councilman Hoke said that the Mayor had told him that they have been using a lot of blacktop in the holes on the streets.

The property owner said there is a spot in front of his house that has been filled in and that right now the road is solid, just that one hole.

It was pointed out that this is the place so many people call about because the ground seems to be sinking.

Mr. Ragnos said that the street is rough and that he did not want to go around with the petition and the reason it was not completed at the last meeting was due to the fact that he did not go to anyone.

Councilman Hoke asked how long he had lived there. Mr. Ragnos had lived there since 1951.

Councilman Hoke pointed out that the street was 21 years old.

Mr. Collins said the people around the table, meaning the members of Council, were voted by the majority of the town. You appointed a committee to select the street needed to be repaired. Sattes Circle had ample time for petition for the protest meeting. They had a chance.

Mr. Collins stated further he did not like to see spending any of his tax money patching the road.

Councilman Hoke pointed out that the street was to be resurfaced, last year the Council had wanted to resurface the street and curb also, and recieved protest of this. This year the committee felt it should be resurfaced and that the people would go along with the resurfacing.

Leonard Higgins, Attorney, stated to Council that he represented three out of four property owners on Red Oak Drive. They were opposed to the paving of this street, they do not desire it. He pointed out that at the beginning of the street there is a bad place and after that the street is not in bad shape, and urged the Council to consider the petition. In regard to the protest meeting he and none of these people had heard anything about it, and that the petition has about 99 percent of the front footage.

A lady from Red Oak Drive said the entrance to Red Oak Drive belongs to the State Road as a part of the right of way.

The Mayor asked how many feet do the State right of way. The Attorney said 25 feet.

The Mayor said he thought it was 22 feet, 11 feet on each side.

One man from Red Oak Drive said water stands in this right of way area all the time and beyond that the road is not bad. Once a year the State brings in gravel.

A man from Red Oak Drive said the State has enough there for a divided highway, they are going within 5 or 6 feet of him. All of the new road is to be on the west side.

Councilman Kniceley said there were 22 signatures out of 34 lots on 11th Street protesting the paving.

The Mayor asked if the Council had any further questions regarding the streets. They can not make a decision tonight.

The Attorney, said the Council can make a decision. The petitions were brought in, however, the Council had proceeded by necessity. He stated further if we had started by petition we would have had to have so many signatures on the petition, we did not start out on petition, we started out by necessity. He said if Council wants to leave the streets in they can. He does not feel that the Council has a right to discuss the Ordinance at all tonight.

The Attorney for the property owners of Red Oak Drive said that it would be expensive on his people to have him represent them at the next Council meeting

ans asked if the Council could make a decision on Red Oak Drive.

Councilman Hoke moved, seconded by Councilman Kniceley, to postpone any decision on the Street Paving Program until the next meeting, when more Council members were present.

Upon a vote motion carried.

Councilman Tidquist asked if there was any way we can check out the Utility Companies to see if they are going to do any repair work before our street work starts.

The Mayor informed that the Gas Company goes along the side of the streets, and that they do a real good cleaning up job.

Councilman Allen asked about the bad place in street caused by the Tennessee Gas Company. The Mayor informed that they had met the next day with a member from the Tennessee Gas Company and that the problem had been taken care of.

Councilman Allen asked about the Library Board moving the Library Building. It is holding up the whole program.

He said that we had asked the School Board to do a terrific thing for us and that there are no place to park on 21st Street.

The Mayor said the Library Committee can move the Library and do other work on it later and put temporary steps on.

Councilman Kniceley reported call regarding the junkers behind the Taxi Stand, also the high weeds.

It was also pointed out that the same situation applies to Jones Wrecker lot.

Councilman Hoke mentioned an old building behind the apartment building across the street from the City Hall, that looks as if it is going to fall in.

It was pointed out that this property belongs to Mr. John Marshall.

Councilman Hoke asked when the weeds along the street were going to be cut, that there are a lot of complaints and also complaints about weeds growing on the City dump.

The people on Smith Street are complaining about the slime. The Mayor said that in order to drain the area on the landfill that it would mean digging a ditch running it in the river, we are not allowed to do this. The only thing that we can do there is landfill this area.

In answer to Councilman Allen's question regarding contractor paying Business & Occupation Tax, he was informed that they were on our list and had been sent the necessary form.

Councilman Allen explained his reason for asking the question, was that the Contractor have utilized our Police Department.

The Mayor explained that our Police Officers were used a great deal by the contractor and that the contractor had employed some of the Police Officers on their off duty time.

There being no further business and the agenda having been completed, the Mayor adjourned the meeting.



MAYOR



RECORDER

September 21, 1971

The City Council met in regular session Tuesday, September 21, 1971.

There were present: W. W. Alexander; Mayor, Grace Lewis; Recorder, E. L. Goodwin, Dr. L. I. Hoke, Kenneth K. Kniceley, Hugo Tidquist. Councilman R. V. Allen, Tom M. Waldorf and 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 Hoke moved, seconded by Councilman Kniceley, the minutes of September 7, 1971 be approved. Upon a vote motion carried.

Councilman Kniceley moved, seconded by Councilman Hoke, the Financial Statement for the month of August, 1971 be approved. Upon a vote motion carried.

In discussion of the water line installation, Councilman Hoke said he would like to have the contractor go back on Secpnd in front of the First Baptist Church.

The Mayor againtold Council that if they get any calls regarding this work, to call the office so that we can notify the contractor of the problem.

Councilman Tidquist reported that he had been told that the contractor had broken either a sewer or a storm sewer between 17th Stree and 18th Street and that in repairing the pipe they had wrapped it with burlap and poured cement around it. The Mayor said this will be checked out. He didn't doubt that they could have done this and if it was a storm drain that it would take care of the water but if it was a sanitary sewer that it will not work.

In discussion of the traffic problem on 24th, 25th, 26th Streets the Mayor asked if the Committee was ready to make any recommendations and that they were not.

The Mayor reported that the Police had been watching this area and they recommended if any changes were made, that the Traffic Committee consider adding 27th Street.

On report from the Special Committee on repairs to City equipment, Councilman Hoke suggested laying this over until next Council meeting.

On the next item the Mayor informed that Council could not act on the Paving Program, since we had three members absent.

Councilman Tidquist said he had driven up Red Oak Drive and the big Problem on this street is where you enter Red Oak Drive, the approach is bad.

Joe Fassenelli, property owner on Red Oak Drive, informed Council that one of the State Road men had been down and told him that the State would fix the approach. The map the state man brought down showed the state owns 3 feet of the paving and this is where the road is bad.

Councilman Goodwin asked who owned between the State Road right of way and Mr. Fasanelli's land.

Mr. Fasanelli says according to the State Road that he has 24 feet more than his deed called for.

The State did buy 17 feet from him.

The Mayor said that the State Road man who called on him says he does not have the record of it.

The Council was asked to encourage the State Department to patch the Nitro-St. Albans bridge. The Bridge is in bad condition and the cars make a lot of noise.

The Mayor informed Council that James Quickle, owner of the Nitro Wholesale Electric, had requested permission to install a stainless steel trailer connecting with the present place of business on 11th Street, West.

Councilman Tidquist asked if the owner had any objections to this and the Mayor said no.

The Mayor pointed out his reason for bringing this before Council was that this is a residential area and that if the building was taken out, it could not be put back in without ruling of the Board of Zoning Appeals.

Councilman Goodwin said that since this is zoned residential and no trailers are allowed he does not think that we should allow this installation and that since the Zoning Ordinance had been written by the Zoning Committee, that any changes that are made should go before the Zoning Appeal Board.

Councilman Goodwin moved, seconded by Councilman Hoke, to deny the request for the installation and joining to the present building a stainless steel trailer for the purpose of storage and refer Mr. Quickle to the Zoning Appeal Board. Upon a vote motion carried.

The Mayor told Council that he had written two letter since the last Council meeting and his reason for sending them out without Council's O.K. is that he felt that it very important to get the requests in as soon as possible. He asked the Recorder to read to Council the letter to the Governor.

Dear Governor Moore:

Information I have received, leads me to believe there may be federal monies available for local governments, through the state government, for water and sewer work on a 90 - 10 basis.

The Nitro City Government has been given order by the West Virginia Water Resources Department to construct and put into operation a Secondary Treatment Plant. However, we are in great need of finances to extend sewer lines to two large areas, recently annexed.

This extension of sewer will serve approximately seventeen hundred people. These areas at the present time are saturated with raw sewage and people living in these areas are mostly in the low income bracket, a number of them on relief.

The amount of money to make this needed improvement is one million dollars. In my opinion, if we have to do this job with revenue bonds the cost per family would be \$15.00 per month for sewage treatment and a majority of these people cannot afford this expenditure.

Any help you can give us will be greatly appreciated.

It appears the only way to secure federal funds is through the State Government.

Sincerely yours,

The Mayor told Council that West Virginia Water Resources had been after the City for the last three years. Some year and half ago the Mayor received a

letter from this department demanding that the City go ahead with the Secondary Treatment Plant giving the City six (6) months for completion. After going over all the plans and specifications for the Treatment Plant with the Engineer, they felt that six (6) months was completely out of line, that it would take 805 days.

The Water Resources had been sent a letter, which letter had been read to Council showing and proving to the Water Resources that if everything went perfect on installing the Secondary Treatment Plant that it would take 805 days. Since this time we have not done all the things the Water Resources has asked of us. The area involved can not pay the bill.

The Mayor told Council that he obtained this information of the money and that we realize that we will never be able to get the money through HUD. The regional Development Authority (RDA) had been told that HUD may fund one project a year and that he felt there was a possible chance that we might get some of the money through the State and that is his reason for writing the letter.

The Recorder read the second letter which was sent to the members of the Kanawha County Court.

Gentlemen:

In regard to the Federal money that has become available to the local government on 90 - 10 basis, I wish to apply for the following:

1. The City of Nitro is greatly in need of a Recreation Director. Installation of Recreation area at our Watershed will increase recreation activities to the point that a full time director will be necessary. The amount of salary for this position, \$10,000.00 per year.
2. An additional Police Officer, salary \$5,880.00 per year. This officer will be used as an Investigator and Juvenile Work.
3. An additional employee for the Sanitation Department as a Labor with wages of \$4,800.00 per year.
4. Wages for three labors. The necessity being, building a new access road to the Watershed Project, entering behind the dam. Wages totaling for the three men \$12,600.00 per year.

Your favorable consideration of these items will be appreciated.

Sincerely yours,

The Mayor explained that the money the Court would receive was specified to be used for all counties and that he had heard that the County intended to use the majority of the fund for 11 additional sheriff's and automobiles for them. The Mayor said he had been advised by Dick Parker not to wait to fill out an application to get a letter for this request on record as soon as possible.

The Mayor asked for Council's approval of these requests.

Councilman Hoke moved, seconded by Councilman Goodwin, to approve the action of the Mayor in writing these two letters. Upon a vote motion carried.

Councilman Goodwin reported that River Avenue was having difficulty in getting mail delivery.

The Mayor said that he had given order to the Street men to make repairs to River Avenue as soon as the trash pick up was over.

He had suggested to some of the owners on this street, since there are only eighty (8) property owners and that the asphalt company is near them to try to make a deal with the asphalt people to get their road paved.

Councilman Goodwin said that they need a fire hydrant on the River side of the railroad track.

The Mayor explained that our fire trucks carry enough water to take care of any fire that they may have on River Avenue.

Councilman Goodwin asked if Goldberg was sinking a well. The Mayor said he did not know.

Councilman Tidquist reminded Council that the problem of mud and dirt washing off the hill onto 15th Street still exists.

Councilman Hoke suggested running a ditch. The Mayor said the owners would have to give permission for this.

The Mayor asked Councilman Hoke to talk to the owner again.

The Mayor said he felt the only way to take care of this problem would be

to put in a line and grading over it.

Councilman Tidquist asked if we could contact the railraod company, asking them to fix the railraod tracks.

The Mayor said he had talked to them and they had promised to have someone down to check them.

He said that he would call the Attorney about this matter.

Councilman Hoke asked about the land fill being installed on City property amounting to 68 thousand dollars, asked where does this money go and who gets it.

The Mayor replied the Regional Development Authority (RDA). The Mayor said that the RDA pays all the expenses on this experiment.

Councilman Hoke asked if the City gets any money for the garbage we haul into the fill.

The Mayor explained that the RDA are making a study for all the areas in the county.

They are trying to determine if fly ash will work to cover the garbage. They have also hauled in a substance called gob. If this Pilot Program proves out the way they expect it to, it will save all Cities a lot of money in landfilling.

There being no further business and the agenda having been completed Councilman Hoke moved the meeting adjourned.


MAYOR


RECORDER

October 5, 1971

The City Council met in regular session Tuesday, October 5, 1971.

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

The meeting was called to order by Mayor Alexander.

The Invocation was given by the Reverend Leroy Beyer of the Holy Trinity Church.

Councilman Kniceley moved, seconded by Councilman Goodwin, the minutes of September 21, 1971 be approved. Upon a votemotion carried.

In discussion of the water line installation, the Mayor asked if anyone had anything concerning this matter.

Councilman Kniceley said he had a call from Mr. Ferrell on 12th Street, and claimed they did do some damage to his driveway. He said he took a look at the driveway, there was a crack in the driveway.

The Mayor said there was quite a bid of damage to property at the Baptist Church, the contractor will write a letter to the minister advising that they will take care of the damage.

Councilman Tidquist asked if they will smooth up the temporary paving? The Mayor said they have done so already. They are going to have to go over it several times. We have not had any problems, they have agreed upon everything we have told them. When they get on 1st Avenue and off of 2nd Avenue, he said he thought we would have the superintendent come down and go over the job with him in order to take care of various items and get the streets in shape for winter.

In discussion of the traffic problem on 24th, 25th, and 26th Street it was pointed out that we would add 27th Street to the list, as this was the Police Department's recommendation.

Councilman Allen said that he gets mixed emotions from the people in the area.

it seems that residents of each street wants the traffic to flow toward 1st Avenue. He would like to have a written report from the Police Department.

Councilman Allen said he felt that we should wait until the job on 2nd Avenue has been completed and cleared away.

Councilman Tidquist reported that people are still turning left on 19th Street.

Councilman Hoke suggested a sign being put up on the left hand side of the street. He feels that people would pay more attention.

In reporting for the Special Committee concerning repairs for City Equipment, Councilman Allen said that he had given this tremendous amount of time and that either way the Council wants to go he had no objections.

The Mayor reported that one of our cruiser's motor went completely out,

The Estimate given us for installation of a motor was between \$800.00 and \$850.00. He is sending two men to Ohio in the morning to pick up a motor for the cruisers, and that this will save us approximately \$250.00. He also informed Council that he had recently hired a new man, as we have one man retiring. The new man was hired as a labor, however, he does tremendous amount of mechanic work and the fellow has been with us five (5) days and he has all the heavy equipment in good condition.

Jess Harrison and a helper could install the motor within 8 to 10 hours.

In discussion of the paving program, Councilman Hoke asked if we had gotten a petition from East 39th Street.

The Mayor said that this street had been turned down and that there was nothing we could do about it unless we had another program. It would mean advertising and holding a Protest Meeting, he added that some of the people on East 39th Street had really been upset about this street being deleted from the paving program.

Councilman Allen asked if this was the street that a part of it was in question as to whether it was City or State right of way.

Councilman Hoke said that the reason of the deletion was for the question of the right of way, that it was all one unit in the Paving Program.

The Mayor said that due to the fact that it is unpaved street that it is going to be a great problem to take care of during bad weather and that it will be impossible to keep the street in good enough condition for bus travel.

Councilman Allen said he would like to have the Engineer make a definite statement as to the right of way ownership.

In discussion of the ownership of entrance of Red Oak Drive, Mr. Fascellini presented a statement that showed the State Road Department had purchased 17 feet of his property. He said that the State Road Department had repaired two holes in the pavement and that they had told him that they were patching the worse places and would be back to fix the whole entrance way.

In discussion of petition from Sattes Circle, Councilman Hoke said out of 44 property owners 30 signed the petition against the paving. He went on to say that he felt the whole paving program had been blown out of proportion in the Circle areas. However, due to all disruption in the paving program and work on Second Avenue, he would like to see the Paving Program tabled. The Mayor said he did not see how we could get any paving completed this year.

He went on to point out that he would like to see each street resurfaced, he said that 12th, 12th, 11th and Sattes Circle are all in bad condition.

Councilman Kniceley said his only reservation regarding paving was the condition of Second Avenue at this time. The Mayor said the chances were that the paving would not be done until early spring. Councilman Kniceley asked if this could be put in the contract.

The Mayor said that we could require a certain temperature before the resurfacing of the streets.

The Attorney told Council that the Council could work out a condition with the Contractor on the time of paving and if the other streets were brought in the paving and the paving done in the spring that it all could be done at one time.

Councilman Kniceley moved, seconded by Councilman Goodwin, that Red Oak Drive be deleted from the paving program. Upon a vote motion carried.

Councilman Hoke told Council that we had these two petitions to consider, that he would like for the Committee to get together and have a talk regarding these two streets.

Councilman Kniceley reported that the only phone call he received was regarding 11th Street paving. He did not know who had sent the petition to him from 11th Street and that it had come by mail after the protest meeting was held.

Councilman Hoke moved, seconded by Councilman Tidquist, that the Committee take a second look at all streets in the paving program and make a decision. Upon a vote motion carried.

The Committee decided to hold their meeting Thursday, October 7, 1971 at 7:00 P.M?

The Attorney, Mr. Michael, presented to Council two amendments to the Firemen's and Policemen's Civil Service Ordinance. He explained that these ordinances were passed in 1964 and set up respective pension funds. The City was to pay 1 percent of assessed valuation and that the employee pays 4 percent of all wages.

The last Legislature had increased the deductions of the employee to six percent. It is mandatory that the City Council pass amendment to coincide with the State Law.

Councilman Allen asked the purpose of this. The Mayor explained that some pension fund through out the State were in trouble, giving Huntington as an example. Due to the fact that they have several retirees to pay pension to and this is the Legislature's way of trying to eliminate this problem.

Councilman Allen moved, seconded by Councilman Goodwin, to accept for first Reading the amendments of the Nitro Firemen's Civil Service Ordinance as follows: Upon a vote motion carried.

AMENDMENT TO ORDINANCE NO. ____

AN ORDINANCE AMENDING SECTION 3, SUB-SECTION (b) OF ORDINANCE NUMBER ____ INCREASING THE AMOUNT ASSESSED AND COLLECTED FROM EACH MEMBER OF THE FIRE DEPARTMENT EACH MONTH FROM FOUR PERCENT (4%) TO SIX PERCENT (6%).

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

That Section 3, sub-section (b) of the Ordinance providing for the establishment and maintenance of a Firemen's Pension or Relief Fund for the City of Nitro, enacted on January 21, 1964, and made effective as of February 1, 1964, be amended and re-enacted to read as follows:

Section 3. The firemen's pension or relief fund shall be maintained as follows:

(b) From each member of the Fire Department there shall be assessed and collected, each month, the sum of six percent (6%) of the actual salary or compensation of such member, and the amount so collected shall become a regular part of the firemen's pension and relief fund.

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 ____ day of _____, 1971.

Councilman Goodwin moved, seconded by Councilman Allen to accept for First Reading the amendment to the Nitro Policemen's Civil Service Ordinance. as follows: Upon a vote motion carried.

AMENDMENT TO ORDINANCE NO. ____

AN ORDINANCE AMENDING SECTION 3, SUB-SECTION (b) OF ORDINANCE NUMBER ____ INCREASING THE AMOUNT ASSESSED AND COLLECTED FROM EACH MEMBER OF THE POLICE DEPARTMENT EACH MONTH FROM FOUR PERCENT (4%) TO SIX PERCENT (6%).

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

That section 3, sub-section (b) of the Ordinance providing for the estab-

ishment and maintenance of a Policemen's Pension or Relief Fund for the City of Nitro, enacted on January 21, 1964, and made effective as of February 1, 1964, be amended and re-enacted to read as follows:

Section 3. The Policemen's Pension or Relief Fund shall be maintained as follows:

(b) From each member of the Police Department there shall be assessed and collected, each month, the sum of six percent (6%) of the actual or compensation of such member, and the amount so collected shall become a regular part of the policemen's pension and relief fund.

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 ____ day of _____, 1971.

The Mayor announced to Council that Councilman Tom M. Waldorf's doctor has forbidden him to participate in any meetings and that Tom has asked to be replaced on the City Council.

Councilman Hoke moved, seconded by Councilman Goodwin, to accept the resignation of Tom M. Waldorf as Councilman and that a letter be sent from the City Government. Upon a vote motion carried.

The Mayor told Council that a selection of Mr. Waldorf's had been Mr. Harry M. Graves, Jr.

Councilman Hoke moved, seconded by Councilman Goodwin, that Mr. Harry M. Graves, Jr. be appointed to fill the unexpired term of Tom M. Waldorf as Councilman for Ward No. 1. Upon a vote motion carried.

Mr. Graves was called into the Council meeting and the Mayor administered the Oath of Office and Mr. Graves took his place as member of City Council.

Mayor Alexander explained to Council that the ARC's grant had been approved for the recreation complex at the Nitro - Blakes Creek Watershed.

Governor Moore had worked very close with him on getting this grant and that he had received a call from the Governor's Office that the grant had been approved. The awarding of the bid to the Contractor would takeplace Thursday, October 7, 1971 at 2:00 P.M.

He explained that the low bid was B.M. Hoffman, from Teays. The low bid being 184,311.13. The other two bids were 221 thousand plus and 240 thousand plus.

He believes the Contractor will be workingon the job within 10 days.

Councilman Allen said the Tennessee Gas Transmission had dug up a part of the garbage landfill and it had not been covered up properly. He had a call about this the later part of the week.

The Mayor said that he had talked to them about this problem and they had promised to take care of it the next day.

Councilman Allen told Ken Kniceley that he had a call from a child and he wanted to know if it was necessary to lock the park early in the evening. The children like to play basketball.

Councilman Kniceley said the Police Department lock thePark at 11:00 P.M. each night.

The Mayor informedCouncil that from two to three weeks he had been having a problem back of the Thomas Tire, it is the old Third Avenue. Mr. Thomas had decided to enlarge his building. A part of his property on the rear of the lot is being usedby people in that area for a street.

The Mayor said he had been trying for three weeks to get a map of the property to decided where the street right of way was. HE would have the Engineer stake out the area and give us a report.

Councilman Goodwin moved, seconded by councilman Tidquist, that the Appalachian Power Company be notified to up grade the street light in front of the Holy Trinity Church to 35 hundred lumen. Upon a vote motion carried.

In answer to Councilman's Hoke's question on the Taxi Company junk yard the Mayor said that Mr. Jefferies had come into the office after the Council meeting

and that he would call him again.

Councilman Williamson reported to Council complaints received on cars parking on street at the Graduate Center on Main Avenue. He also informed Council that he had received several complaints of holes in 31st Street East. The Mayor said he had been told that a truck loaded with steel had torn up the street, that they will fix it up with patching.

Councilman Allen said he had a call from a visiting coach to one of our football games regarding the wrecker service hauling away his car which was not parked in the City limits. This man criticized the Police Department, the Wrecker Service hauled away 12 cars at one football game.

Councilman Allen said he did not like to see the Police Department criticized for something they can no help.

The Mayor said that the members of the Police Department had told him it was the Graduate Center. He will check into it.

There being no further business and the agenda having been completed, Councilman Hoke moved, seconded by Councilman Kniceley, the meeting be adjourned. Upon a vote motion carried.



MAYOR



RECORDER

October 19, 1971

The City Council met in regular session Tuesday, October 19, 1971.

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

The meeting was called to order by Mayor Alexander.

The invocation was given by the Reverend Leroy Beyer of the Holy Trinity Church.

Councilman Hoke moved, seconded by Councilman Kniceley, the minutes of October 5, 1971 be approved. Upon a vote motion carried.

Councilman Kniceley moved, seconded by Councilman Goodwin, the Financial Statement for the month of September, 1971 be approved. Upon a vote motion carried.

The Recorder presented to Council Reconciliation sheet of the City's finances for the first three months of the fiscal year pointing out that this gives the Council a clear picture of the present financial status in that it shows the amounts allocated to be collected and disbursements for the year and the total amounts that have been received and disbursements the three months, she noted on the Receipt Page monies received from the Regional Development Authority that was not anticipated, explaining that this money goes mostly for rental of equipment, used on the garbage experiment being conducted by the Regional Development Authority.

The City rents equipment from Machinery, Inc. and the Regional Development Authority is billed for the amount of the statement and when the RDA has paid a particular statement then the City in turn pays Machinery Inc.

This item comes out of the expense of the Garbage Department.

Councilman Allen pointed out that the Garbage Department is running over the allocation. It was pointed out that during the summer months the men did a lot of night workhauling dirt.

The Mayor explained that if this Polot Experiment works out that it will save all cities a lot of money inlandfilling of garbage.

Councilman Hoke asked if the dirt we are getting is costing us any money. The Mayor replied no.

In discussion of the water line installation, the Mayor said that he believed that within a very short time that the Contractor would be off 2nd Avenue and on the side line of the highway pointing out that the area the Contractor is working now is causing some what of a traffic problem.

Councilman Goodwin asked where the right of way would go after the line is laid past the old Sattes School. The Mayor said he understood it will run all the way through the balance of the town on the left.

Councilman Goodwin said he thought that they said it went under the road and the Water Company has a right of way up Michigan Avenue along the Railraod track and he wondered if Michigan Avenue would be torn up.

The Mayor said he did not believe so.

He also pointed out that the Contract calls for three years on completion of this job, of course, this includes all the work that will be done in Charleston.

In discussion of traffic problem on 24th, 25th, 26th, and 27th Street the Mayor said he had asked the Police Department for a written report.

Councilman Allen reported that the Gas Company is causing the problem in this area at the present time, the installation of the new line the Park way in front of homes had been dug up for the installation of these lines.

The Mayor said that our prior experience with this Contractor doing the work had been very satisfactor and that after installing of the lines they seed and put straw over the seeding

Councilman Tidquist reported that a few of the businessmen have requested Council to put a limit on the parking, possibly two hours on the various streets.

The Mayor pointed out that the employees of the various business places park their cars in front of the place of business and it gives little room for customer parking.

He also pointed out that a few years ago the business houses had been contacted and asked that the employees park below 19th Street or above 22nd Street and at that time we had very little problem.

Councilman Hoke said he had talked to some of the merchants who are in favor of putting a limit on parking.

Councilman Allen said that if Kroger Company blocked off the parking lot and allowed no parking that a person would not be able to find parking spaces.

In discussion of the new school parking lot, Councilman Allen said that it was estimated about seventy-five parking spaces.

Councilman Allen said the Traffic Committee will make a survey and report to the Council at the next meeting on this matter.

Councilman Allen asked if Doyle's on 25th Street had ever come in and given the City any information regarding their new building.

The Mayor said he had talked to Mr. Boggess about ten days ago and that there seems to be a little argument about the property.

In reporting on the Special Committee for the repairs to the City Equipment, Councilman Allen asked the Mayor to inform Council regarding the new man on equipment.

The Mayor told Council that in sending two employees to Ohio to purchase a used motor for one of the crushers and the new employee with the help of Jess Harrison, had installed this motor, that he felt that we had saved some where around \$400.00 to \$25.00.

Councilman Allen asked if they had special tools. The Mayor said Harrison has almost a complete set of tools and the new man has a complete set of tools and since the hiring of the new man he has all of our equipment in good condition

and that another thing if he is need to carry garbage of anything else he does it willingly. This man was hired as a labor and is doing labor work as well as his mechanic work.

Councilman Allen moved, seconded by Councilman Williamson, to keep Dave Forzetting, the new employee, to do the merchanic work for a few months. Upon a vote motion carried.

In discussion of the Paving Program, Councilman Hoke said that all members had a list of streets to be deleted and a list of streets to be paved in the Program. He read off the streetsto be paved. He said that the Committee had gone over the petitions of Sattes Circle, Red Oak Drive and 11th Street. The petition from 11th Street had been mailed in and no one appeared at the Protest Meeting from 11th Street and we do not know who mailed the petition in and therefore we left 11th Street in the Program. The petition from Sattes Circle was considred and honored.

Councilman Hoke moved, seconded by Councilman Goodwin, the ten streets on the list be put up for paving. Upon a vote motion carried.

Councilman Allen reported he had received calls from 41st Street asking what the City was going to do to prevent heavy traffic on this street.

The people are tired of this street being used by heavy trucks.

The Mayor suggested limiting the weight on 41st Street.

Councilman Hoke said he had another complaint on 41st Street regarding Childers Chevrolet washing out their garage into the street. The Mayor suggested that Council pass an Ordinance that will cover all businesses with the restriction of sweeping or washing anything from their place of business, pointing out that other business places are guilty of sweeping trash onto the sidewalks and streets.

Councilman Allen moved, seconded by Councilman Goodwin, that the Paving Ordinance be accepted for Second Reading and that the Paving Ordinance be passed as follows: Upon a vote motion carried.

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 ARTICLES 18, 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 Chapter 8, Article 18, Section 3, of the Code of West Virginia, as amended, 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 29th day of July, 1971 and ending on the 12th day of August, 1971, and a second notice covering Short Street, beginning on the 5th day of August, 1971, and ending on the 12th day of August, 1971, that a public meeting would be held at the City Building in said City on the 24th day of August, 1971, for the purpose of considering a resolution or 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:

FORTY FIRST STREET, from its intersection with West Virginia State Route 25 (First Avenue) to its intersection with Second Avenue: CLEVELAND AVENUE from the southerly right of way line of West Virginia State Route 25 to the northerly right of way line of Penn Central Railroad and its intersection with Michigan Avenue; ELEVENTH STREET from its intersection with West Virginia State Route 25 (First Avenue) to its intersection with Third Avenue; TWELFTH STREET from its intersection with Second Avenue to its intersection with Third Avenue; FOURTEENTH STREET from its intersection with Second Avenue

to its intersection with Third Avenue; SEVENTEENTH STREET from its intersection with West Virginia State Route 25 (First Avenue) to its intersection with Second Avenue; SHORT STREET from its intersection with Penwood Avenue to its intersection with Grafton Avenue; SECOND AVENUE (Sidewalk only) beginning at a point opposite the southerly property line of 22nd Street and extending southerly toward 21st Street for a distance of 26 feet, more or less, on the East Side of Second Avenue; TWENTIETH STREET (Sidewalk only) beginning on the west right of way line of Wintz Avenue and extending westerly 37 feet, more or less; TWENTY THIRD STREET (Sidewalk only) beginning at the common corner of lots nos. 2309 and 2311, and running in an easterly direction 100 feet, more or less, all in the City of Nitro, Kanawha and Putnam Counties, West Virginia.

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 the City of Nitro 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 Section 4, of Article 18, 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 the owners thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NITRO, W. VA.

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, regarding, paving and repaving, surfacing, and resurfacing, 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:

FORTY FIRST STREET, From its intersection with West Virginia State Route 25 (First Avenue) to its intersection with Second Avenue; CLEVELAND AVENUE from the southerly right of way line of West Virginia State Route 25 to the northerly right of way line of Penn Central Railroad and its intersection with Michigan Avenue; ELEVENTH STREET from its intersection with West Virginia State Route 25 (First Avenue) to its intersection with Third Avenue; TWELFTH STREET from its intersection with Second Avenue to its intersection with Third Avenue; FOURTEENTH STREET from its intersection with Second Avenue to its intersection with Third Avenue; SEVENTEENTH STREET from its intersection with West Virginia State Route 25 (First Avenue) to its intersection with Second Avenue; SHORT STREET From its intersection with Penwood Avenue to its intersection with Grafton Avenue; SECOND AVENUE (Sidewalk only_ beginning at a point opposite the southerly property line of 22nd Street and extending southerly toward 21st Street for a distance of 26 feet, more or less, on the East side of Second Avenue; TWENTIETH STREET (Sidewalk only) beginning on the west right of way line of Wintz Avenue and

extending westerly 37 feet, more or less; TWENTY THIRD STREET (Sidewalk only) beginning at the common corner of lots nos. 2309 and 2311, and running in an easterly direction 100 feet more or less, all in the City of Nitro, Kanawha and Putnam Counties, West Virginia.

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 benefitted 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 18, Article 18, Chapter 8 of the Code of West Virginia, as amended, shall be apportioned to and assessed against the borne by the lots or parcels of land and other properties abutting upon the respective portions of streets or 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 portion of a street or public way herein authorized to be improved as provided by Chapter 8, Article 8 of said Code, as amended.

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 certificate may forthwith proceed to enforce the collection thereof.

SECTION 7. Certificates shall be issued evidencing said assessments and each installment of principal and interest payable. Said certificates shall be payable to the bearer and be signed by the Mayor and Recorder and shall refer to the ordinance or resolution laying the assessment, and shall each show the amount and date of the assessment and describe the property against which the assessment is laid, describing the same as to the ownership, amount, frontage and briefly as to location. The property abutting the portion of the street, alley, easement or public way improved shall be subject to a lien, from the date of the ordinance or resolution laying the assessment, for the payment of the cost 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 land 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 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 18, of the Code of West Virginia, as amended by the Legislature of West Virginia, Regular Session 1969. 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

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 assessments and issuance of the certificates as aforesaid.

Thereupon, Councilman Allen moved, seconded by Councilman Goodwin, that the adoption of the foregoing ordinance and upon a vote, Council voted unanimously in favor of said motion and was so ordered.

Thereupon, Councilman Hoke moved, seconded by Councilman Kniceley, that bids be received from contractors until 4:30 o'clock P.M. on November 16, 1971, and that contractors be required to deposit with his bid a certified check or bidders bond in the amount of five percentum of total contract, and that the bids be considered by Council at a Regular Meeting to be held at 8:00 o'clock P.M. on Tuesday, November 16, 1971, in the Council Chambers of the City Hall of the City of Nitro and at any adjournment or recess thereof. Motion carried unanimously.

Councilman Hoke moved, seconded by Councilman Kniceley, that the advertisements for contractors bid be advertised in local paper for two weeks and bids will be received until 4:30 P.M. November 16, 1971. Upon a vote motion carried.

Councilman Goodwin, moved, seconded by Councilman Hoke, the amendment to the

Nitro Firemen's Civil Service Ordinance be accepted for Second Reading and adopted.
Upon a vote motion carried.

AN ORDINANCE AMENDING SECTION 3, SUB-SECTION (b) OF ORDINANCE NUMBER 126, INCREASING THE AMOUNT ASSESSED AND COLLECTED FROM EACH MEMBER OF THE FIRE DEPARTMENT EACH MONTH FROM FOUR PERCENT (4%) TO SIX PERCENT (6%).

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

That Section 3, Sub-section (b) of the Ordinance providing for the establishment and maintenance of Firemens Pension or Relief Fund for the City of Nitro, enacted on January 21, 1964, and made effective as of February 1, 1964, be amended and re-enacted to read as follows:

Section 3. The Firemen's Pension or Relief Fund shall be maintained as follows:

(b) From each member of the Fire Department there shall be assessed and collected, each month, the sum of six percent (6%) of the actual salary or compensation of such member, and the amount so collected shall become a regular part of the firemen's pension and relief fund.

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 19th day of October, 1971.

Councilman Hoke moved, seconded by Councilman Goodwin, the amendment to the Nitro Policemen's Civil Service Ordinance, be accepted for Second Reading and adopted. Upon a vote motion carried.

AN ORDINANCE AMENDING SECTION 3, SUB-SECTION (b) OF ORDINANCE NUMBER 127 INCREASING THE AMOUNT ASSESSED AND COLLECTED FROM EACH MEMBER OF THE POLICE DEPARTMENT EACH MONTH FROM FOUR PERCENT (4%) TO SIX PERCENT (6%).

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

That Section 3, Sub-section (b) of the Ordinance providing for the establishment and maintenance of a Policemen's Pension or Relief Fund for the City of Nitro, enacted on January 21, 1964, and made effective as of February 1, 1964, be amended and re-enacted to read as follows:

Section 3. The Policemen's Pension or Relief Fund shall be maintained as follows:

(b) From each member of the Police Department there shall be assessed and collected, each month, the sum of six percent (6%) of the actual salary or compensation of such member, and the amount so collected shall become a regular part of the Policemen's Pension and Relief Fund.

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 19th day of October, 1971.

The Mayor appointed Councilman Harry M. Graves, Jr., to the assignments of the Council Committees held by Tom Waldorf formerly.

In discussion of the hours for Trick and Treat which will be held October 30, 1971, the Mayor suggested limiting the hours as some of the other towns have done in order that the younger children will not be on the street at a late hour.

It was also pointed out that the 30th is the date set for the Nitro High School Homecoming. They will hold a parade starting at 5:00 P.M., we have had several calls from mothers concerned about leaving their homes to go to the game at night,

since it is Trick and Teat night. If the hours are set up then we would have all children who were Trick and Treating in by the game time.

Councilman Williamson moved, seconded by Councilman Hoke, that the hours for Trick and Treat be set from 4:30 P.M. to 7:00 P.M. Upon a vote motion carried.

The Mayor informed Council thathe was appointing Kermit Thompson of 39th Street East to replace C. L. Mollohan, deceased, as member of the Zoning Appeals Board.

Councilman Griaves, Jr. moved, seconded by Councilman Kniceley, the appointment of Kermit Thompson as member of the ~~Zoning~~ Appeals Board, to fill the unexpired term of C. L. Mollohan Be confirmed. Upon a vote motion carried.

Councilman Tidquist reported that residents of Third Avenue would like to have streets lights on every section where the street would bisect Third Avenue. At the present time there is a light on every other str eet.

Councilman Hoke asked what would be the advantage.

Councilman Tidquist said that there were dark places.

Councilman Hoke suggested up grading the ones that are there.


Councilman Tidquist agreed thatthis would help but that the lights are too far apart.

Councilman Hoke said that the lights were 260 feet apart now and if new lights were installed on every po,e that it would be 130 feet. The street light Committee will check the lights on Third Avenue. Councilman Allen asked the Committee to check the lights on 21st Street.

Councilman Graves, Jr. reported that Robert Clark of 28th Street and Second Ave. had called him about a light at this point, that it soneof the old types of light and the light is not working properly.

There being no further business and the agenda having been completed, Councilman Hoke moved, seconded by Councilman Kniceley, the meeting be adjourned.


MAYOR


RECORDER

November 2, 1971

The City Council met in regular session Tuesday, November 2, 1971.

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

The meeting was called to order by Mayor Alexander.

Councilman Kniceley moved, seconded by Councilman Goodwin, the minutes of October 19, 1971 be approved. Upon a vote motion carried.

In discussion of the Water line installation, Councilman Kniceley said he had been asked when the contractor is going to repair Second Avenue at 4th and 5th Streets.

The Mayor said that they would probably repair these places but that the street would not be completely taken care of until all of Second Avenue is repaired.

Councilman Graves said the Baptist Church had received a letter from the Contractor apologizing for tearing up the street and stated that in the spring that the street will be complete repaired.

Councilman Tidquist said he had been asked if Second Avenue was to be left the way it is.

The Mayor said it probably will be, that the soft places will be gone over and patched then in the spring time the Contractor will come in and do a complete repair job.

In discussion on the traffic problem on 24th, 25th, 26th, and 27th Streets, Councilman Allen said he wanted to make sure that all members observe this area closely, he added he had received a call concerning 26th Street, where the Gas Company is installing new lines. The street had not been cleaned properly, that there is mud on the street and people are complaining the mud is being carried.

into their homes.

The Mayor said the Contractor had been talked to and that they would clean these streets.

Councilman Tidquist reported that when the Gas Line was put in on 16th Street that at 163 $\frac{1}{4}$ they had dug up the driveway and now that part of the driveway is deteriorating.

The Mayor said he would contact Mr. Hart of the Gas Company regarding this problem.

Councilman Allen reported for the Traffic Committee concerning the problem of parking in the business area. He said he had made a complete survey through all the business area. The feeling of the businessmen in this particular area think that something should be done to control the parking. We are going into a season when the business places do a lot of business, the City needs the revenue on the Business and Occupation Taxes.

The Mayor said he had talked to a number of business places himself and most of them seem to be in favor of the two hour parking limit.

Councilman Kniceley asked if we could put up the signs right away.

The Mayor said we could put them up within three or four days after Council takes action.

Councilman Kniceley asked what particular area are we talking about.

Councilman Allen said all of Bank Street, all the way down to 22nd Street, 21st Street from 1st Avenue to 3rd Avenue.

Councilman Tidquist asked if the area across the street from Coxs could be improved for employees parking.

The Mayor said we do not own this area.

The Mayor reported that Chief Palmer had gone to a business house and asked that the employees park their cars some other place. The business house said they would and for two days they parked at another place and that by 8:30 A.M. the parking places were filled by students car and school personnel.

The Employees releasing this, they resumed parking their cars in front of

the business house.

The Mayor said he was of the opinion that we will lose money, that the people will go other places to do their shopping and the situation will grow worse.

Councilman Allen said he had failed to talk to Mr. Harry Witry, that Mr. Witry parked the trucks in front of the business and he needs to do this because he loads and unloads his truck all the time.

Councilman Allen pointed out that the TOPICS report had pointed out that Nitro had insufficient loading and unloading zones.

Councilman Graves said the Higgins 76 on the corner of 21st Street and Second Avenue were letting people park on their lot.

Councilman Allen moved, seconded by Councilman Kniceley, to pass for First Reading an amendment to the Traffic Ordinance a two hour parking limit be placed on 20th Street, 21st Street from 1st Avenue to 2nd Avenue, 22nd Street and all of Bank Street from 20th Street to 22nd Street, from the hours of 9:00 A.M. to 6:00 P.M., Monday through Saturday. Upon a vote motion carried.

The Recorder presented a request from the Muscular Dystrophy Association of America, Inc. asking the permission to hold their annual fund raising campaign during the period of November 15, to December 15, 1971, a house to house march to be held on December 5, and the solicitation will be in form of canisters placed in business establishments during the entire period of the campaign.

Councilman Kniceley moved, seconded by Councilman Goodwin, to give the Muscular Dystrophy Association permission to hold their annual fund raising campaign. Upon a vote motion carried.

Councilman Allen reported a junk car between 14th Street and 15th Street on Third Avenue, the Mayor said he thought that this was not on the street property but private property, and in answer to Councilman Allen's question on the amount of right of way the City has, the Mayor said 33 feet.

Councilman Allen said the car is on City property.

Councilman Goodwin reported there were two station wagons that have been sitting all summer just below Jim Walter Homes on the State Highway.

Councilman Tidquist reported a car body on 2nd Avenue at 13th Street.

Councilman Goodwin reported on his survey of Third Avenue for street lights, there are three burned out.

Councilman Goodwin said the lights on Third Avenue are no worse then the street lights on 2nd Avenue. What we need is a complete survey of the whole town in an effort to up grade all the lights, that we need to up grade a few at a time.

The Mayor said that he was having a meeting with Ken Judy of the Appalachian Power Company and he will mention this to him.

Councilman Goodwin said if we had a plan to go by, that within four years we could do a lot better than just one or two a month.

The Mayor said it will probably take an additional 4 thousand dollars a year to up grade the whole town.

Councilman Tidquist asked if this would include the lights in the new Brookhaven Area.

The Mayor said no, that the Committee will make the recommendations for this new section.

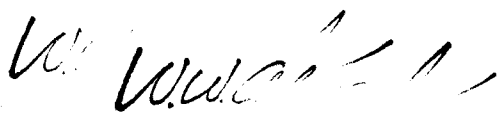
Councilman Kniceley reported a garbage situation at 416 - 4th Street, that he understands they do not pay the Municipal Service Fees.

It was brought out that this house has been brought in question before, that the garbage situation there has always been bad. A Police Officer and superintendent will make a call on the tenants of 416 - 4th Street.

Councilman Allen moved, seconded by Councilman Goodwin, that the Attorney be requested to draw an Ordinance pertaining to business houses sweeping debris, trash, oil and so forth from their places of business onto City Streets and sidewalks. Upon a vote motion carried.

Councilman Graves reported that Mr. Brewer, owner of the Twin Convalescent Home on 23rd Street, had a quiet sign in front of his house and the Police have taken out the sign and thattthat the sign belonged to him and he would like to have the sign back.

There being no further business and the agenda having been completed the Mayor adjourned the meeting.



MAYOR



RECORDER

November 16, 1971

The City Council met in regular session Tuesday, November 16, 1971.

There were present: W. W. Alexander; Mayor, Grace Lewis; Recorder, Dr. R. V. Allen, E. L. Goodwin, Harry M. Graves, Jr; Dr. L. I. Hoke, Kenneth K. Kniceley, Hugo D. Tidquist. Councilman Kenton L. Williamson being absent.

The meeting was called to order by Mayor Alexander.

Councilman Kniceley moved, seconded by Councilman Goodwin, the minutes of November 2, 1971 be approved. Upon a vote motion carried.

Councilman Kniceley moved, seconded by Councilman Goodwin, the Financial Statement for October 1971 be approved. Upon a vote motion carried.

Councilman Kniceley reported that the condition at 416 - 4th Street still exists and that a family had moved in about five weeks ago and left this past Friday night. He introduced two residents to the Council from 4th Street who concurred with him regarding the situation existing at 416. It was pointed out that the house belongs to Mr. Fred Pauley.

Councilman Kniceley said that this is the third family that has lived in this house and that every time the City has had to haul away the trash that the service has not been paid for.

Bob Lovejoy said it was his opinion that the house was not fit to live in and suggested that Council take a look at the house.

In answer to question on condemnation, the Mayor said the Circuit Court would have to condemn the property.

In answer to Councilman Allen's question on the legal aspect, the Mayor said that we can not force a property owner to pay the bill for hauling away the trash. The residents of 4th Street also brought out the fact that raw sewage flows across the road.

Luke Michael, attorney, thought this would be a matter for the Health Department. Mr. Lovejoy said the Health Department had been called and that they told him to let the City know about the situation.

Councilman Kniceley told Council that a tree had fallen on the property last March and that it is still there. It was suggested that Mr. Pauley be called and asked to attend the next Council meeting.

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, resurfacing, grading, draining, and curbing upon and along Forty First Street, from its intersection with West Virginia State Route 25 (First Avenue) to its intersection with Second Avenue; Cleveland Avenue from the southerly right of way line of West Virginia State Route 25 to the northerly right of way line of Penn Central Railroad and its intersection with Michigan Avenue; Eleventh Street from its intersection with West Virginia State Route 25 (First Avenue) to its intersection with Third Avenue; Twelfth Street from its intersection with Second Avenue to its intersection with Third Avenue; Fourteenth Street from its intersection with Second Avenue to its intersection with Third Avenue; Seventeenth Street from its intersection with West Virginia State Route 25 (First Avenue) to its intersection with Second Avenue; Short Street from its intersection with Penwood Avenue to its intersection with Grafton Avenue; Second Avenue (Sidewalk only) beginning at a point opposite the southerly property line of 22nd Street and extending southerly toward 21st Street for a distance of 26 feet, more or less, on the East side of Second Avenue; Twentieth Street (Sidewalk only) beginning on the west right of way line of Wintz Avenue and extending westerly 37 feet, more or less, Twenty-Third Street (Sidewalk only) beginning at the common corner of Lots Nos. 2309 and 2311, and running in the easterly direction 100 feet, more or less, in the Kanawha Valley Leader, a responsible paper of general circulation in the City of Nitro for two successive weeks as required of said Ordinance.

Councilman Goodwin moved, seconded by Councilman Hoke, that the publishers affidavit be made a part of the minutes of this meeting. Upon a vote motion carried.

The Recorder presented three sealed bids submitted by Superior Paving Company, Black Rock Contracting Inc. and Orders and Haynes Paving Company.

The Council proceeded to open bids and read as follows:

SUPERIOR PAVING CO.

Unit 1	Item No. 1	Unit Price	. 10	Total Bid	982.00
	Item No. 2	Unit Price	1.00	Total Bid	595.00
	Item No. 3	Unit Price	14.50	Total Bid	7,902.50
	Item No. 4	Unit Price	18.50	Total Bid	4,492.50
	Item No. 5	Unit Price	14.50	Total Bid	1,015.00
	Item No. 6	Unit Price	90.00	Total Bid	90.00
	Item No. 7	Unit Price	3.00	Total Bid	435.00
	Item No. 8	Unit Price	7.00	Total Bid	350.00
Unit 2	Item No. 9	Unit Price	250.00	Total Bid	7,187.50

TOTAL BID \$ 20,649.50

BLACK ROCK CONTRACTING INC.

Unit 1	Item No. 1	Unit Price	.08	Total Bid	785.60
	Item No. 2	Unit Price	.80	Total Bid	476.00
	Item No. 3	Unit Price	19.50	Total Bid	10,627.50
	Item No. 4	Unit Price	21.50	Total Bid	8,707.50
	Item No. 5	Unit Price	19.50	Total Bid	1,365.00
	Item No. 6	Unit Price	150.00	Total Bid	150.00
	Item No. 7	Unit Price	8.00	Total Bid	1,160.00
	Item No. 8	Unit Price	10.00	Total Bid	500.00
Unit 2	Item No. 9	Unit Price	4.25	Total Bid	3,038.75

TOTAL BID \$ 26,810.35

ORDERS AND HAYNES PAVING COMPANY

Unit 1	Item No. 1	Unit Price	.05	Total Bid	491.00
	Item No. 2	Unit Price	1.00	Total Bid	595.00
	Item No. 3	Unit Price	17.00	Total Bid	9,265.00
	Item No. 4	Unit Price	17.00	Total Bid	6,885.00
	Item No. 5	Unit Price	17.00	Total Bid	1,190.00
	Item No. 6	Unit Price	200.00	Total Bid	200.00
	Item No. 7	Unit Price	4.00	Total Bid	580.00
	Item No. 8	Unit Price	6.00	Total Bid	300.00
Unit 2	Item No. 9	Unit Price	3.20	Total Bid	2,288.00

TOTAL BID \$ 21,794.00

Jess Gandee, the Engineer, explained to Council the probability of changing type three to type two of the wearing course. He added that it was the only way to get away from using a sealer and it may bring the cost down considerably. Mr.

Gandee said he would like to take the bids and verify them and try to come up with a new cost in order that we may see where we stand on the cost we have given up the people.

He said he thought it would be realitively close with the exception of the cost of the sidewalks.

Councilman Goodwin moved, seconded by Councilman Allen, that Mr. Gandee take the bids and work up a new cost to be presented to Council at the December 7 meeting.

Councilman Allen asked what time of year would the paving be done.

The Mayor said that we could set up a certain time or say that it will not be done until spring. It is not advisable to pave if the temperature is not above 40 degrees.

Councilman Kniceley said that another situation we considered was the completion of the water line installation.

In discussion of the water line installation, Councilman Goodwin reported that on the main highway there were not caution lights and there is quite an amount of dirt on the right hand side of the highway.

In discussion of traffic problem on 24th, 25th, 26th, and 27th Streets, Councilman Allen asked if everyone had looked at the situation.

Councilman Goodwin said he had looked it over and he was of the opinion it should be made all one way.

Councilman Hoke suggested putting this in on temporary basis and that the Council could change it in six months if it does not work out.

It was decided to consider this again at the next Council meeting.

In the matter of the amendment to the Traffic Ordinance, it was pointed out that 2nd Avenue (20th Street - 22nd Street) had been left out,

The Council asked that this be a part of the Ordinance.

The Council discussed the area of 21st Street from 1st Avenue to 3rd Avenue, and it was felt that the parking spaces would be sufficient.

The Council questioned the fine of \$ 10.00 being too high and asked that it be reduced to \$ 5.00.

Councilman Kniceley moved, seconded by Councilman Goodwin, to accept the traffic Ordinance for Second Reading. Upon a vote motion carried.

Councilman Kniceley moved, seconded by Councilman Goodwin, the amendment to the Traffic Ordinance be accepted for passage and be effective as of November 16, 1971. Upon a vote motion carried.

AN ORDINANCE FIXING THE TIME LIMIT FOR PARKING
OR VEHICLES ON CERTAIN STREETS IN THE CITY OF
NITRO: AND PROVIDING PENALTIES FOR THE VIOLATION
THEREOF.

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

SECTION 1.

It shall be unlawful for any person to park a vehicle, motor driven or otherwise, on any street or public way hereinafter designated, for a period of time longer than two (2) hours, between the hours of 9:00 o'clock A.M. and 6:00 o'clock P.M. from Monday through Saturday of each week; said limited parking shall apply to the following designated areas:

(a) Twenty-Second Street, beginning with its intersection with First Avenue and extending to its intersection with Second Avenue.

(b) Twenty-First Street, beginning with its intersection with First Avenue extending to its intersection with Second Avenue.

(c) Twentieth Street, beginning with its Intersection with First Avenue and extending to its intersection with Second Avenue.

(d) Bank Street, beginning with its intersection with Twentieth Street and extending to its intersection with Twenty-Second Street.

(e) Second Avenue beginning with its intersection with Twentieth Street and extending to its intersection with Twenty-Second Street.

SECTION 2.

It shall be the duty of the Chief of Police to have signs erected giving notice thereof that no person shall park such vehicles longer than the time permitted during the specified hours when parking time is limited.

SECTION 3. Penalties.

Whoever violates this ordinance shall be guilty of a misdemeanor and shall be fined not less than \$ 5.00 nor more than \$ 100.00. Any vehicle remaining more than one hour after the two hour expiration time shall be deemed guilty of a separate violation and shall be subject to be fined and shall be subject to the same penalties as the first violation.

This ordinance shall become effective upon passage.

In discussion of the Chief of Police reporting of junk cars it was pointed out that the State Police were using a Company located on Roxalana Road in Dunbar to dispose of the cars and junkers.

Mr. Michael, said that he would take a look at the Ordinance and that we may have to make a change on it.

Councilman Hoke reported the Service Station on 8th Street had several junk cars.'

The Recorder also informed Council that Chief Palmer said the quiet signs that were removed from the rest home on 41st Street did belong to the City.

The Council then discussed the Ordinance prohibiting the sweeping or washing of refuse and trash into the streets or public ways in the City of Nitro and providing penalties for the violation thereof.

Councilman Kniceley moved, seconded by Councilman Goodwin to accept the Ordinance for First Reading. Upon a vote motion carried.

The Mayor reported to Council that we are having many problem with people parking trailers and campers in front of their homes. In some places where the street is narrow the residents do not have room to park their vehicles.

Councilman Allen said he thought the Planning Commission should make

recommendations to the Council on this matter.

Councilman Hoke reported that one of the trailers at Torch Mobile Homes belonging too Jack Cochran on 1st Avenue South, seemed to be parked on the road right of way.

The Mayor reported to Council that he had asked for and was reasonably sure that he would be able to get an emergancy labor crew through the County and he planned to havethe crew clean the creek from the Dam site all the way through to I 64. The Mayor explained that there are 7 men in a crew and that he had asked for one man to work with the Federal Engineer at the Water Shed.

We are supposed to pay 10 percent of the crews pay, however, he was trying to work out and using an inkind service in that we would use our trucks which would take care of the 10 percent, however, he did not know if this could be worked out, but if we had to pay 10 percent it would not amount to a whole lot.

Councilman Goodwin brought up the bad condition of all the railroad crossings. The Mayor said he had done about everything he could. He had talked to officials of Penn Central Railroad, also called and talked to Bob Kay, their Attorney, he had even asked the Chief Engineer if he would give uspermission to black top the crossings, but that they did not permit us to do that.

Councilman Tidquist reported on a request for street light on 106 Okey Avenue, explaining that the reason that person wants the light is that her husban works shift work and that there are prowlers at night. He explained that there was a pole at the corner of the lot. He asked that the Committee check this area.

There being no furhter business and the agenda having been completed Councilman Hoke moved the meeting adjourned.



MAYOR



RECORDER

December 7, 1971

The City Council met in regular session Tuesday, December 7, 1971.

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

The meeting was called to order by Mayor Alexander.

The Invocation was given by the Father Leroy Beyer of the Holy Trinity Church of Nitro.

Councilman Kniceley moved, seconded by Councilman Goodwin, the minutes for the November 16th meeting be approved. Upon a vote motion carried.

Councilman Goodwin moved, seconded by Councilman Williamson, the Financial Statement for the month of November, 1971 be approved. Upon a vote motion carried.

Jesse Gandee, Engineer, presented the following tabulation of the Paving Bids:

This is to report on the tabulation of bids and projected cost per property owner front, based on low bid unit costs, Project 1-71 received on November 16, 1971:

TABULATION OF BIDS:

This is to certify that the bids of:

- (1) Superior Paving Company
St. Albans, W.Va.
- (2) Orders & Haynes Paving Company
So. Charleston, W.Va.
- (3) Black - Rock Contracting, Inc.
Charleston, W.Va.

have been tabulated and found to be correct as submitted. The low bid that of Superior Paving Company being \$ 20,649.50. All bids submitted with proper bid bond and no irregularities in the bids were detected.

PROJECTED COST PER PROPERTY OWNER FRONT FOOT - USING LOW BIDUNIT COSTS:

Using the bid unit costs of the superior Paving Company the following cost comparisons have been determined:

STREETS	ENGR'S EST.	BID EST.	OVERRUN	PERCENTAGE
Eleventh	3.23	3.54	0.31	+9.88
Fourteenth	\$ 3.10	\$ 3.39	\$ 0.29	+ 9.79
Twelvth	3.26	3.47	0.31	9.89
Seventeenth	3.66	3.95	0.35	9.64
Forty-First	3.60	3.93	0.33	8.93
Cleveland	2.52	2.66	0.14	5.90
Short	7.51	8.86	0.35	17.96

The low bid on the sidewalk item exceeded the Engineers Estimate by 0.67%, ie. \$ 2.50 per square foot as opposed to the estimate of \$ 1.50 per square foot.

CONCLUSIONS:

Due to the reduction of the bid quantities in the finalized project an increase in unit cost of approximately ten (10) percent resulted. This will in a sixty foot assessment effect increases from a low of \$ 18.60 to a high of \$ 21.00 in the twenty-seven foot street resurfacings on Cleveland Avenue the increase is within expected limits.

RECOMMENDATIONS:

Proceed with the paving of all streets, other than Short Street. Place Short Street in a future program with hope that a reasonable bid on asphaltic curb can be obtained.

Jesse B. Gandee, Project Coordinator

In discussion of the report, Councilman Hoke asked why Short Street overrun the Engineer Estimate so much. The Engineer said this was due to the curb on one side of the street. Councilman Tidquist said there was not a curb mentioned when the cost was given and asked if the people knew that there was to be a curb.

Councilman Allen said the people did not know there was going to be a curb installed. The Engineer said curb was in the plans and was necessary to take care of the surface water.

The Engineer explained that a special piece of machinery had to be brought in for the installation of the curb.

Councilman Hoke said that he thought the property owners of Short Street should be brought in and give them the facts regarding the paving of the street.

Councilman Allen said he could not in his mind think that we discussed the curb on Short Street. That the estimate from The Engineer was given the people and that they did not know we were putting in a curb.

The Mayor said three people will have to be contacted since this is over the 10 percent of the Engineer's Estimate.

In answer to the Recorder's question in case Short Street should be deleted from the contract, what affect would it have on the other cost. The Engineer said none.

The Mayor told Council if they wished he would contact the property owners regarding this matter before next meeting.

Councilman Goodwin moved, seconded by Councilman Kniceley, to hold in abeyance the awarding of Bid for Short Street paving until next Council meeting. Upon a vote motion carried.

Councilman Hoke moved, seconded by Councilman Goodwin, the Balance of the Paving Program be awarded to Superior Paving Company, the low bidder. Upon a vote motion carried.

The Engineer told Council that they had 60 days to accept the bid.

There was no discussion on the Water Line Installation.

There was no discussion on the Traffic Problem on 24th, 25th, 26th and 27th Streets.

Council was informed that the problem at 416 - 4th Street had been taken care of.

Luke Michael, Attorney, told Council that he had not had the time to make a study on Ordinance regarding Junk cars. He would have it ready by the next Council meeting.

The Council then discussed the Ordinance prohibiting the sweeping or washing of refuse and trash into the streets or public ways in the City of Nitro, and restricting the use of street rubbish cans; and providing penalties for the violation thereof.

Councilman Hoke said that when trash is picked up it is sometimes scattered on the ground, is there something in the Ordinance pertaining to this.

The Mayor pointed out that the purpose of the Ordinance is to stop business houses from sweeping or putting trash into the City streets.

Councilman Goodwin moved, seconded by Councilman Graves, to accept the Ordinance prohibiting the sweeping or washing of refuse and trash into the streets or public ways in the City of Nitro, and restricting the use of street rubbish cans; and providing penalties for the violation thereof, ~~for Second~~ ~~Reading.~~ ~~carried.~~ a vote motion carried.

Councilman Goodwin moved, seconded by Councilman Allen, to accept for passage the Ordinance prohibiting the sweeping or washing of refuse and trash into the streets or public ways in the City of Nitro, and restricting the use of street rubbish cans; and providing penalties for the violation thereof.

AN ORDINANCE PROHIBITING THE SWEEPING OR
WASHING OR REFUSE AND TRASH INTO THE STREETS
OR PUBLIC WAYS IN THE CITY OF NITRO, AND
RESTRICTING THE USE OF STREET RUBBISH CANS:
AND PROVIDING PENALTIES FOR THE VIOLATION
THEREOF.

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

SECTION 1: DEFINITIONS.

The following definitions shall be used in interpreting this Article:

REFUSE: All sweepings, washings, cleanings, trash, rubbish, littler, garbage, industrial or domestic waste, organic wastes, vegetable matter, dirt, waste material from garages and service stations.

TRASH: Waste material containing no putrid material or organic waste, combustible trash, capable of being burned and non-combustible trash, which is not capable of being burned.

SECTION 2.

It shall be unlawful for any person, firm or corporation using or occupying in any manner or for any purpose whatsoever, any house, store, shop, garage, service station, church, or public buildings of every description, used occupied or owned by them or under their charge, to sweep, wash or dispose of any refuse or trash as defined in this ordinance onto any sidewalk, street or public way within the City of Nitro, or sweep or wash same across any sidewalk into any street, highway or other public place.

SECTION 3. STREET RUBBISH CANS.

It shall be unlawful for any persons to use the street rubbish cans for any purposes whatsoever except the deposit by pedestrians of fruit peelings, and refuse from unconsumed fruit, newspapers, letters, wrapping paper and other such papers, refuse and trash as may be cast away by passersby on the street, and it shall be unlawful for such pedestrians or passersby to throw any such substances upon the streets, sidewalks, gutters, open spaces, vacant lots, spaces between houses or in any other place than the cans designated for the deposit of such articles. It shall be unlawful for the owner, occupant, lessee, janitor or employee of any building or room within the City, or for any other person to deposit in the street rubbish cans, any garbage, decayed fruit, night soil, filth, papers, trash, sweepings, fruit skins, boxes, cartons, slpps or liquid matter of any kind or nature whatsoever, which may have been removed from or which may have accumulated in any storeroom, office, restaurant, sleeping room or any other room or place within the City.

SECTION 4. PENALTIES.

Whoever violates this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than \$ 25.00 nor more than \$ 100.00

This ordinance shall become effective upon passage.

DATE OF PASSAGE December 7, 1971.

The Mayor and Council then discussed enacting an Ordinance prohibiting Camper Trailers being parked on City Streets.

The Mayor told Council that he would check with other towns and get a copy of their ordinance pertaining to Campers parking on City Streets.

Councilman Tidquist reported on the request for street light at 106 Okey Street, pointing out that the request was made for the street light in the middle of the block, stating that there is a light at both ends of the street.

Council decided to table until the future any installation of street lights.

The Mayor re-appointed the following as members of the Zoning Appeal Board for a term of three years.

Mr. E. Robert Hamilton, Mr. G. C. Alderson, Mr. John M. McDougal, Mr. Harry Russell, and Mr. Kermit Thompson.

Councilman Hoke moved, seconded by Councilman Kniceley, to confirm the Mayor's appointment of the Members of the Zoning Appeal Board, effective as

of December 7, 1971. Upon a vote motion carried.

In discussion of questionable cases regarding Municipal Service, the Mayor informed Council that a number of letters had been sent out and as of today we have picked up 41 new customers with a collection of \$ 1,337.00. Some of the people paid the full amount and some of the people are making payments.

The Mayor and Recorder explained to Council a couple of cases which have been brought up since the letters have been sent out. The cases are mostly hardship.

The Council thought that it would be best to handle these cases individually by presentation to the Council.

Luke Michael said that the Ordinance meant everybody should pay and that meant every unit in a building.

The Mayor pointed out another question regarding these people who are out of town for several months at a time. That in the past they have not been charged anything for the months they were not here but this ordinance is a little bit different. The Attorney said that perhaps the old rates could be applied to these cases.

Councilman Hoke said that hardship cases should be brought before the Council.

It was suggested that a person should write all the facts and information out and let the Council make the decision.

The Mayor explained to Council that when we first entered into the program of installation of recreation on the Watershed Project that we started out with a 50-50 share in that the Federal Government paid 50 percent and the local paid 50 percent. Now that we have picked up an additional 60 thousand from the Appalachia Fund, that it is necessary that we pass an Amendment No. 1 to project agreement for construction of basic recreation facilities by contract.

The Mayor explained to Council that this 60 thousand was to be turned over to

the Soil Conservation Service, Department of Agriculture and be expanded from this department.

This means that the Federal pays 80 percent and local pays 20 percent on the Recreational Project.

Councilman Hoke moved, seconded by Councilman Goodwin, to accept Amendment No. 1 to project agreement for construction of basic recreation facilities by contract, to change the cost share ratio from 50% Service to 50% Sponsoring Local Organization to 80% Service - 20% Sponsoring Local Organization.

Councilman Allen said he would like to make a recommendation that our garbage Landfill be covered more often. The Mayor said that we have been having a few problems lately and asked if it was trash or garbage.

Councilman Hoke said it looked like trash to him.

Councilman Goodwin reported a place near Hog Pen Hollow between the highway and railroad, that there is an Upholstery place beside this area that is beginning to look like a City dump. The Mayor said the owner would be contacted.

Councilman Tidquist reported he had been called by a person from Easter Road regarding the bad shape of the hill in that area. They would like to have it taken care of before bad weather.

The question arose regarding this area being on the State Right of Way.

The Mayor said that we should have the State Road send us a map showing what is the right of way.

The Mayor told Council they may be getting a few calls from people who live above the old 40th Street Road. Our City limit line goes 200 feet above 40th Street road and it has been necessary to measure the area to determine whether or not the person was in the City limits.

The people outside the City limits are serviced by a private garbage carrier who has a franchise and we can not infringe on the carriers franchise.

Councilman Allen asked if our parking ordinance does not include both sides of 20th Street. That he was not sure that we had included both sides of 20th Street.

It was pointed out that the Ordinance does include both sides of 20th Street but the south side does not have any poles and the Parking signs will have to be put on poles and set in concrete on the sidewalks and until the necessary signs go up that people are parking on that side.

Councilman Allen said it had been reported to him that City employees were using that side of the street for parking.

Councilman Tidquist asked if there was any way to help people parking across the Main highway to cross the highway. The Mayor said if the people all went at one time there would be no problems.

It was reported that the parking situation in the business area had been helped with the restricted parking.

Councilman Williamson reported the drop off in the sidewalk at the entrance to the parking lot at the High School. People are concerned of the danger of falling.

The Mayor said he had talked to Mr. Paul Thomas regarding this matter when it was first installed and was promised it would be taken care of.

Councilman Williamson also suggested a place on Main Avenue that needed taken care of. The Mayor said that he had only one man capable of doing this job and that at the present time he was in Fla. due to illness in his family.

Councilman Williamson reported the ditch being filled up on Frederick Street. The Mayor said that this has been cleared out a number of times and it seemed that some of the residents there were using it as a dump.

There being no further business and the agenda having been completed Councilman Hoke moved the meeting adjourned.



MAYOR



RECORDER

January 4, 1972

The City Council met in regular session Tuesday, January 4, 1972.

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

The meeting was called to order by Mayor Alexander.

The Reverend William W. Westlund of the First Presbyterian Church of Nitro gave the invocation.

Councilman Hoke moved, seconded by Councilman Goodwin, the minutes for December 7, 1971 be approved. Upon a vote motion carried.

There was no discussion on the Water Line Installation.

In the discussion of the traffic problem on 24th, 25th, 26th and 27th Streets, Councilman Allen asked if the Police Department had made a report regarding their recommendations for this area. The Mayor informed that the only recommendation the Police Department had made was if Council made the streets one way that the streets should alternate.

Councilman Allen said if we do make the streets one way, how can we handle truck traffic on 24th and 26th Streets. At present they are going up 25th Street and coming down 26th Street. The Mayor explained that trucks have the right to go up a street to make a delivery and are allowed to circle and come out the next street.

It was brought out that the town does need more loading and unloading area for trucks.

In discussion on the Junk Car Ordinance, Mr. Michael, Attorney, said this ordinance is as broad as can be made. He went on to say that before the Police removed junk cars from private property that they should contact him.

The Council discussed an Ordinance prepared for regulating the parking of

auto trailers and campers on the Public streets, ways, alleys and roads within the city limits.

The Mayor told Council that he had received a letter from a citizen suggesting that owners of any type vehicles park either on, or in front of their own property and simultaneously reserve the curb line of residential property for the parking of the owner or occupants.

In answer to Councilman Tidquist's question on what the other towns have been doing regarding this matter, the Mayor said that we have ordinances from So. Charleston and St. Albans. These ordinances deal with the parking spaces for campers and the like. The Mayor pointed out that our problem is persons owning these campers parking them in front of their homes and then their own vehicles are being parked in front of some one else's home.

Councilman Tidquist said he had tried to allow parking on the First Baptist Church parking lot but the officials had put up a chain. In discussion of this matter it was pointed out that the church would stand a liability of any damages or vandalism.

Councilman Williamson asked about visitors in town with campers. Would they be allowed to park on the streets. According to this ordinance they would not.

Councilman Hoke said he understood that in some places where parking trailers was prohibited on streets that the Service Stations allowed parking on their property.

Councilman Goodwin asked if we should consider boats as trailers and could it be included in this same ordinance. Mr. Michael said it could be added. Also it was pointed out that there are camper trucks. It was pointed out that a lot of people who own the camper trucks drive the trucks every day.

The Mayor brought up another matter regarding the camper trailers, about parking on vacant lots, and asked if it would be all right to park it there as long as it was not used as living quarters. According to the Zoning Ordinance this could not

be allowed, as it is in the area designated for R-1.

Councilman Allen asked about contacting the Chairman of the Zoning Commission regarding this matter. Mr. Michael said that it is the Council's duty to regulate streets.'

The Mayor reported on the trash at the upholstery place of business in the south end of town stating that the man does have a permit from the State Health Department but that he was told to keep it covered with dirt.

In discussion of the Paving Program, the Mayor informed Council that we had had no response from the property owners of Short Street. The person having money in escrow came in and asked for his check.

The Mayor said that they had asked him if the City would have any objections to have a contractor go ahead and build the street and that he had told the people that we would not have any objections as long as it met with specifications.

The Mayor reported that the sidewalk along Second Avenue at the Nitro High School had been taken care of.

Councilman Goodwin reported to Council that he had been attending, as a City representative, the Kanawha Valley Regional Development Authority meetings.

The Charter dictates that in order to be a member you must pay an amount of \$500.00. Charleston has two members, Kanawha County Court has two members and St. Albans has one member. Charleston has given 25 hundred dollars for a survey and along with this they get additional votes, and that he had strongly opposed to this. He told Council that he did not feel that ~~the City of Nitro would get~~ this anything from paying and that he did not feel that he was adding anything to this Authority and was requesting to be taken off.

The Mayor asked Council if they felt we should have someone on the Regional Development Authority.

Councilman Allen said he felt that Councilman Goodwin had expressed it well.

Thereupon Councilman Allen moved, seconded by Councilman Williams, to withdraw Councilman Goodwin, as representative for Nitro, from the Kanawha Valley Regional Development Authority. Upon a vote motion carried.

Councilman Tidquist reported that the street light in front of the Holy Trinity Catholic Church had not been replaced and also the hand rail on 40th Street had not been fixed.

Councilman Tidquist also reported that the mud condition still exists on 15th St.

Councilman Hoke said he talked to Ray Ellis, the property owner, who said he would give permission to the City to make a scoop lowering the drain so that the water coming off the hill will run into the ditch.

The Mayor said that Mr. Ellis had been in to talk to him and that he informed him that he would not do anything.

It was pointed out that the maximum right of way on Third Avenue is 33 feet, and that in some places it is very shallow.

The Mayor reported to Council that the City is in trouble with the Air Pollution Authority. The trash we have been hauling we have been burning. Someone is continually reporting the City for burning to the Air Pollution Authority.

The Mayor went on to say that the Regional Development Authority are endeavoring to work out a Solid Waste Landfill to take care of all the towns in this area. They all have the same problem. The Mayor reported that he had told Mr. Beard of the Air Pollution Authority that if they stopped the City from burning the trash in one place that they would be confronted with fires in a lot of places, in that the City would have to stop hauling the trash.

Councilman Allen reported a drainage problem at Smith Street. The tile under the street is not connected. This seems to have happened when the Tennessee Gas Transmission made their last repairs.

There being no further business and the agenda having been completed, Councilman Hoke moved, the meeting adjourned.



Mayor, W. W. Alexander



Recorder, Grace Lewis

January 18, 1972

The City Council met in regular session Tuesday, January 18, 1972.

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

The meeting was called to order by Mayor Alexander.

Councilman Hoke moved, seconded by Councilman Goodwin, the minutes for January 4, 1972 be approved. Upon a vote motion carried.

Councilman Hoke moved, seconded by Councilman Goodwin, the Financial Statement for the month of December and Reconciliation of Budget to December 31, 1971 be approved. Upon a vote motion carried.

The Mayor and Council discussed the cost of garbage expenses, the Reconciliation Sheet showing that the item was just short of money allocated for the complete year. The cost on the up keep of the old equipment being the main reason of this item being so high.

The Mayor informed Council that we had a fire truck broke down and it was necessary to send the truck into the factory in Columbus. He had sent men to Bridgeport to pick up a fire truck to be used while our truck is being repaired.

In answer to question on the purchase of the last garbage truck Council was informed it was in 1969.

Councilman Allen said there was no way that the expense in the Garbage Department will come down that the equipment is all getting older.

In the discussion of the Water Line Installation, Councilman Tidquist pointed out that a section of 2nd Avenue close to Holman's Garage, there are several bad holes that should be filled in.

The Mayor said he had talked to Harry Curtis and Mr. Curtis says that the only

time patch work can be done is when the company is making black top.

Councilman Allen said several people had talked to him and asked what will be done to 2nd Avenue. The Mayor said that the Water Company has agreed to do what this Council wants done. Mr. Murphy of the Water Company said this Council was to be satisfied. It will probably be necessary to resurface the whole street. That part that was excavated will be taken out and concrete poured and then black top feathering out at the curbs.

Councilman Tidquist asked what will happen to the curbs. People are wondering if there will be any curb left.

The Mayor said that the resurfacing will feather it at the curb.

Councilman Allen noted the place on 27th Street in the middle of the street. The Water Company is responsible for the damage.

Councilman Allen asked if other members of the Traffic Committee had looked at the situation on 24th, 25th, 26th, and 27th Streets.

Councilman Graves said he had but that he did not know just what should be done.

Councilman Allen asked if the Committee thought there is a need for something done to improve it. He said that the other morning when he went by five trucks were parked at Doyles Market, we might establish loading zones. The trucks were on both sides of 25th Street. The people of 25th Street should not be taken advantage of by the heavy trucks.

Councilman Allen said he would talk to Mr. Boggess about establishing loading zones.

Councilman Hoke reported he sees trucks traveling 22nd Street from Holman Motor Sales.

In discussion of the camper ordinance, the Mayor asked if there was anything the Council wished to add to the Ordinance. Councilman Allen said he had calls, one

Persons owns a truck, camper, and a car and lives on a 40foot lot. Also he had a call from a person owning a camper on a pick up truck, which he used all the time.

Councilman Hoke proposed we pass the Ordinance for the residential area only.

The Mayor said that the Volkswagon camper and such are registered Class A and Pick Up trucks are registered Class B. That it will be necessary to do more checking on the Class A.

Councilman Hoke pointed out that the streets are controlled by the City Council, if we pass this type of Ordinance it is not our responsibility to find a place for people to park their campers. We have to do what is good for the whole community.

It was agreed more thought should be given to this matter and discussed again at the next meeting.

The Mayor explained the Organization of BIDCO several years ago, which the City of Nitro belonged to. This organization was responsible for brining in the Ordinance Plant in South Charleston. The Organization having been enactive for several years and now is affiliated with the Committee of 100.

The BIDCO organization is in a position to secure financing and the Committee of 100 is using BIDCO for financing purposes.

THE BIDCO organization has sent statements for membership dues, the City of Nitro dues being \$ 100.00.

The Bank of Nitro is a member of BIDCO, as are most of the banks in Charleston, also quite a few business houses are members.

Councilman Hoke asked the advantage of belonging to this organization.

The Mayor explained that BIDCO could be the means of securing funds for industires locating in the recently announced area purchased from Monsanto, which had formerly been a gulf course. It could mean 12 to 15 hundred employees working in this area.

Councilman Hoke moved, seconded by Councilman Goodwin, the City pay the \$ 100.00 dues to BIDCO. Upon a vote motion carried.

On Councilman Allen's question regarding Frederick Street, the Mayor said the Attorney is checking this out. He was of the opinion that anytime a person is installing drainage along the State Highway, it was necessary to install proper drainage to take care of that particular area. The minimum is 15" and the owner of the property is required to secure a permit from the Department of Highway.

Councilman Tidquist reported a call he had received concerning the Municipal Service Fee. It was explained that anyone who felt their circumstances were such that they could not pay the full \$ 5.00, that a full explanation should be written to Council.

There being no further business and the agenda having been completed, Councilman Hoke moved the meeting adjourned.



Mayor



Recorder

February 1, 1972

The City Council met in regular session Tuesday, February 1, 1972.

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

The meeting was called to order by Mayor Alexander.

Councilman Allen moved, seconded by Councilman Goodwin, the minutes for January 18, 1972 be approved. Upon a vote motion carried.

The Mayor explained the Water Company had been checking Second Avenue this week.

Councilman Allen told Council he wants to check all business houses in the area of 24th, 25th, 26th and 27th Streets before making a decision on the traffic situation.

The Mayor and Council discussed Ordinance prohibiting camper trailers being parked on City Streets. In answer to councilmans Hoke's question of changes in the Ordinance, the Mayor said this is the original Ordinance.

Council was informed, only two towns had sent copies of a similar Ordinance, however, the Ordinance dealt mostly with parking lots for camper trailers.

Councilman Kniceley told Council he had spent time checking his area and there were not many trailers. He also said he felt we should take a good look before restricting the parking, that there were a lot of aspects to be considered and there were no easy solutions.

The Recorder presented the following request and estimated expenses for 1972 - 73 from Board of Trustees of Nitro Firemen's Pension or Relief Fund:

TO WHOM IT MAY CONCERN:

The Nitro Firemen's Board of Trustees estimated expenditures for the year 1970-71 was \$3,599.50, but only received \$2,446.50. We are asking for the balance of \$1,153.00 immediately. We are basing our demands on Article 539, Section 14, Chapter 8 of the Firemen's Pension Law, which says we are to receive the full amount of 10% for investment. We would appreciate your prompt attention to this matter.

BOARD OF TRUSTEES

SS E. W. Hedrick, Sect.

January 13, 1972

Meeting was called to Order at 10:00 A.M.

There were present: W. W. Alexander; Chairman, E. W. Hedrick; Secretary, C. C. Harris, K. K. King, D. R. Rawlings and J. L. Stover.

Denver Rawlings moved, seconded by James Stover, to accept Estimated Expenses for the fiscal year 1972-73. Upon a vote motion carried.

Glyde Harris moved, seconded by Denver Rawlings, to ask the City Government in proper form for additional money for years 1971, 1972 and 1973, pertaining to Article 539, Section 14 of the Pension Law.

Estimated Expenses For 1972 - 1973

Nitro Firemen's Pension Or Relief Fund

1. Pocatalico Insurance Company	\$	23.00
2. State Tax Commissioner		18.00
3. C. M. McDaniel's Retirement		3,221.28
4. Miscellaneous		10.00
		<u>3,272.28</u>
5. 10% for Investment		327.22
	\$	<u>3,599.50</u>

The Mayor and Council discussed this request. The big question was where we will get the money.

Councilman Allen asked if their funds were audited. Council was informed that the funds were audited every year by the State Tax Commissioner. The Recorder presented the financial statement for year 1970-71 also the complete file of the savings account for this Fund, which showed a balance of \$22,337.11 at the end of June, 1971.

The Mayor suggested referring this matter to the Attorney.

There upon, Councilman Goodwin moved, seconded by Councilman Tidquist, Council refer the request to the Attorney with understanding they take action as to the Attorney's advice. Upon a vote motion carried.

The Recorder presented two requests:

1. Kanawha Valley Heart Association requesting permission to conduct its annual Heart Fund Drive during month of February 1972.
2. Muscular Dystrophy Association of America, Inc., requesting permission to conduct Tag Day Saturday, March 11, 1972.

Councilman Allen moved, seconded by Councilman Hoke, permission be granted to Kanawha Valley Heart Association and Muscular Dystrophy Association of America, Inc., to conduct their drives. Motion carried.

Councilman Allen said if we have the opportunity before summer, that ditch be reopened near railroad from Walker to Kapoc. The Mayor concurred and added that signs should be erected prohibiting trash being dumped.

Council discussed an occupancy law and possibility of collecting Business and Occupation Taxes from contractors when a building permit is secured.

Mayor Alexander appointed Councilman Allen, Goodwin and Graves as a Special Committee to check occupancy and the Collection of Business and Occupation Tax from builders.

Councilman Graves reported he had received a call from a concerned citizen regarding the violence in the Newspaper Strike.

The Mayor said he had talked to the Police Officers asking them to keep close watch on the delivery of the Newspapers in town, as that is the time of most of the trouble. Mayor went on to explain that we do not want anyone to think we are getting into the labor problem, but when the law is violated than an arrest will be made.

There being no further business and the agenda having been completed, Councilman Hoke moved the meeting adjourned.



MAYOR



RECORDER

February 15, 1972

The City Council met in regular session Tuesday, February 15, 1972.

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

The meeting was called to order by Mayor Alexander.

Father Leroy Beyer, of the Holy Trinity Catholic Church, gave the invocation.

Councilman Kniceley moved, seconded by Councilman Williamson, the minutes of February 1, 1972 be approved. Upon a vote motion carried.
Councilman Kniceley moved, seconded by Councilman Graves, the Financial Statement for the month of January, 1972, be approved. Upon a vote motion carried.
Mayor Alexander told Council he intended to request Water Line Contractor

to patch up some bad places on Second Avenue.

Councilman Allen reported talking to a number of business owners in the area from 24th to 27th Streets. Most of the owners are not in favor of making streets one-way, and these people pay Business & Occupation taxes to the City. Most persons he has talked with want their particular street, if made one way, from Second to First Avenue. Councilman Allen asked other members of Committee to talk to owners of business houses and the people of these streets.

Councilman Tidquist said he had checked this situation and wondered if it can be improved, he did not feel that we should take away from one person to give to another, that he did not feel this would be fair.

Councilman Allen suggested asking some person from each street to attend the next Council meeting, also pointing out that 25th Street was carrying 50 to 60 percent of the traffic.

Mayor told Council that he had been told by some persons on 24th Street they wished the street left as it is.

Councilman Allen said he has had only one call regarding 27th Street, he had had a lot of complaints from 25th Street during tax time when H & R Block are busy.

Mayor and Council discussed the Ordinance pertaining to camper trailers. Councilman Kniceley said unless we could come up with definite improvements, not to bother with passing an Ordinance.

Councilman Goodwin moved, seconded by Councilman Kniceley, to table this matter for time being. Upon a vote motion carried.

The Mayor and Council discussed request from Nitro Firemen's Board of Trustees for the amount of \$1,153.00, as ten percent of their estimated expenditures for the year 1970-71.

The Recorder explained this was one of the subjects written in "Remarks" in the State Tax Commissioner's Audit for this particular year, reciting the law as follows:

Chapter 8, Article 22, Section 19, 1931, Code of West Virginia, as amended, states, in part, as follows:

"In every municipality in which there shall be a policemen's pension and relief fund or a firemen's pension and relief fund, or both, the same shall be maintained as follows: The governing body of the municipality shall levy annually... a tax at such rate as will, after crediting all interest, if any, to be received in such year from the investments of the respective boards, provide funds equal to the sum of (1) the full amount of estimated expenditures of the board of trustees of the respective funds, and (2) an additional amount equal to ten percent of such estimated expenditures, said ten percent amount to be taken, accumulated and invested, if possible, as surplus reserve: Provided, that in no event shall such levy for each of the respective boards of trustees be less than one cent nor more than five cents on each one hundred dollars of real and personal property as listed for taxation in such municipality."

Attorney Michael explained the law to Council, also pointing out the Firemen had not computed the interest correctly, in that they failed to deduct the amount of interest earned on their savings account. Mr. Michael told Council the way he felt this ten percent interest should be figured. Estimated expenditures & 10 percent interest, deduct amount one percent of assessed valuation contributed by City, also deduct amount of earned interest for the particular year gives the amount due the fund for investment. In this case \$289.28.

Mayor asked Council if they wished to delay action on this matter and check into it further.

Councilman Goodwin moved, seconded by Councilman Kniceley, this matter be tabled until next Council meeting. Upon a vote motion carried.

The Recorder told Council that it would be necessary for the Nitro Firemen's Board to submit a revised estimated expenditure for the year 1972-73 as the law had been changed regarding the retirees, instead of 50% of wages, it was now 60%.

Councilman Goodwin submitted the following report:

OCCUPANCY PERMIT

A permit must be obtained before any building is to be occupied.

Permit must specify the use of building or property, if use is to be residential, business or industrial.

Major Requirements:

Zoning Restrictions
Sanitary Facilities
Fire Safety Electrical
Fire Safety Heating Plant

Inspection before occupancy

Owner of property to be responsible for permit and compliance.

Cost of Permit:

Residential	\$
Business	\$
Industrial	\$

Penalty:

Fine or

Councilman Goodwin said he did not know if the City had the right legally to collect Business and Occupation Taxes from Contractors at the time building permit was secured. The Mayor said this would need to be checked by the Attorney.

The question of the owner being responsible for the Business and Occupation Taxes on a building, the Mayor told Council the State of West Virginia holds back a percentage of a contract until payment of all taxes has been confirmed.

Councilman Allen suggested that occupancy permit not be issued until all taxes have been satisfied.

Councilman Goodwin said this could be taken care of on new construction.

The Recorder read portions from Remarks of Audit by State Tax Commissioner's Office as follows:

Official and Performance Bonds:

Invoices and vouchers pertaining to faithful performances bonds of employees requiring same were examined and found to be adequate and in order with one exception. The municipal bond of the Sheriff of Kanawha County and the Sheriff of Putnam County was not executed as required by law.

Chapter 11a, Article 1, Section 15, 1931, Code of West Virginia, as amended, states, in part: "For the faithful performances of this duty, he shall execute a bond, to be approved by the municipal council, in the penalty to be fixed by the council not to exceed the amount of municipal taxes which it is estimated he will collect within any period of two months. The premium on such bond shall be paid by the municipality.

Sheriffs' Remittances to City of Municipal Taxes:

It was determined during the course of this examination that neither the Sheriff of Kanawha County nor the Sheriff of Putnam County had remitted municipal tax collections to the City of Nitro as required by law.

Chapter 11a, Article 1, Section 15, 1931, Code of West Virginia, as amended, states, in part; "Each month the sheriff shall pay all taxes collected for any municipal corporation into the treasury of such corporation, payment to be made on or before the fifth day of each month of all taxes collected during the preceding month....Every sheriff who fails to make any payment when due shall be charged with interest at the rate of twelve per cent per annum."

Collateral or Depository Bonds:

All City monies are deposited with the Bank of Nitro, Nitro, West Virginia, which provides coverage in the amount of \$100,000.00 in the substance of United States Treasury Notes bearing interest at the rate of 8 1/8% per annum, due August 15, 1973. This coverage is considered adequate for the deposits of the City of Nitro.

Councilman Goodwin moved, seconded by Councilman Allen, the Sheriff of Kanawha County secure bond in amount of \$100.000.00, Sheriff of Putnam County secure bond in amount of \$10.000.00. Upon a vote motion carried.

Councilman Allen moved, seconded by Councilman Goodwin, the Sheriff of Kanawha County and Sheriff of Putnam County be advised that City of Nitro expects payment of all taxes on or before the fifth day of each month collected during the preceding month. Upon a vote motion carried.

Councilman Allen presented copies of the following letter to members of Council:

February 15, 1972

There have been several meetings on "Drugs of Abuse" sponsored by Nitro High School P.T. A. group. In addition, the Nitro High School faculty has had several inservice meetings on Drug Abuse.

It has been pointed out by school officials that it is necessary to have city government cooperation to stem the tide of drugs in our area. School officials and teachers can keep outsiders from within the school building, however, city government must in someway offer help in moving outsiders away from the Nitro High School.

In representing the feeling that exists, I am suggesting that City Government consider:

1. An Ordinance similar to the one passed in Charleston making it unlawful to be in the school or on the school grounds while school is in session without going to the office, stating one's business and receiving permission to be in the building.
2. That City Government in someway provide more police supervision before school, at lunch and after school concerning out-of-schoolers hanging around the school building.

I would strongly encourage you to consider the above suggestions at the earliest possible time.

Sincerely yours,

Denzil Stonestreet, President
Nitro High School P.T.A.

The Mayor said he would try to secure a copy of the City of Charleston's ordinance. He also told Council that two Police Officers were doing a lot of work on the drug problem.

Councilman Allen told Council that it was now necessary for the Principal of the School to stand guard, at noon time, in one end of hallway and Vice Principal in other end.

The Mayor told Council that Police Officers had been instructed to keep close watch on the School and also the Warehouse.

Councilman Tidquist reported the Regional Wrestling Tournament was being held at Nitro High School this weekend, also the State Wrestling Tournament was being held the following weekend, that officials were asking for six Reserve Officers and one Police Officer to be in the buiding. In discussion it was also pointed out that a Reserve Officer should help with parking.

The Mayor advised Councilman Tidquist to meet with Chief Palmer and work out the details.

Councilman Tidquist reported Easter Road being almost impassable, also asking if it had been determined how much of Easter Road was State right of way.

The Mayor explained that the Department of Highways did have a large right of way and the only way to pave this area was to pave the two sections at the same time and the expenses be prorated over all property owners. He also said he was echecking into a place on Rocky Fork regarding cost of stone for some of the bad streets.

Councilman Kniceley reported the Park Board intended to purchase a new tractor and were checking different makes as to their need.

Councilman Kniceley reported complaints on Estil & Greenley, Contractor, carrying mud on streets in the Brookhaven Area.

Mayor told Council he had sent the Police out to see Mr. Greeneley and he had been given orders to clean up the mud from the streets.

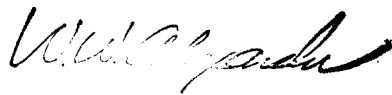
Mayor also reported a bad drainage problem on Brookhaven Drive, he was having the Engineer check this problem.

Councilman Williamson reported complaint of signs being gone from dead end

of Washington Avenue at back water.

Councilman Allen reported complaints of a Justice of the Peace maintaining an office in the Brookhaven area. In discussion it was pointed out this area was zoned R-1 and the Justice of the Peace should be given orders to close his office.

There being no further business and the agenda having been completed, Councilman Kniceley moved the meeting adjourned.



Mayor



Recorder

March 7, 1972

The City Council met in regular session Tuesday, March 7, 1972.

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

The meeting was called to order by Mayor Alexander.

The Reverend Bill Westlund of the First Presbyterian Church gave the invocation.

Councilman Tidquist moved, seconded by Councilman Goodwin, the minutes of February 15, 1972 be approved. Upon a vote motion carried.

Mayor Alexander told Council that Mr. Dawson of the West Virginia Water Company had been in to see him and they had discussed the repair of Second Avenue. Mr. Dawson had said that the street would be repaired any time weather permitting and the City Engineer after checking the streets could get in touch with the Contractor representative. The Mayor told Council that he had stressed work not be done until warmer weather.

Councilman Tidquist asked if the sidewalks and curbs will be done first. The Mayor said he thought so. Councilman Hoke asked in the resurfacing what specifications is to be used regarding the concrete. The Mayor informed that portion of the street that has had excavation would be cut out and replaced with 6" concrete using a 6" overlap on each side of the excavated portion and then black-top over the concrete.

In answer to Councilman Hoke and Tidquist's question regarding the reinforcement the Mayor said that they seldom use reinforcement but in some case wire is used and that the dirt should be well compacted under the concrete surface.

Councilman Hoke stressed that the City Engineer check Second Avenue and make his recommendations.

There was no discussion on the traffic problem on 24th, 25th, 26th, and 27th Sts.

Council was informed that the Board of Trustees of the Nitro Firemen's Pension or Relief Fund had not submitted a new Estimate of Expenditures.

Councilman Goodwin reported on Special Committee Building and Collecting of Taxes. The Committee had worked up regulations and would like Luke Michael, Attorney, to check it over for legality and legal wording. Councilman Allen said that other communities have an Ordinance along this line and perhaps we may be able to get a copy of this ordinance.

In discussion of Bonding of the Sheriffs of Kanawha and Putnam Counties, the Recorder reported that in 1971, letters were written to the Sheriff's Office regarding Bond and that we have on file a letter to Mr. William Brockway, Chief Office Deputy, Kanawha County Sheriff's Office, signed by Mr. Pearson, Director, Local Government Relations Division. Letter dated March 12, 1971, portion of letter follows:

"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 provisions of Code 11A-1-15 that the Sheriff shall each month pay all taxes collected for any municipal corporation into the treasury of such corporation."

The Recorder also reported to Council that Mr. Brockway had talked to she and the Mayor by phone last week. Mr. Brockway says that he, himself, is covered by a \$ 50,000.00 Bond, which cost Kanawha County \$350.00 a year and that she and the Mayor had asked Mr. Brockway to hold up on our first request for the Bonding of Sheriff until we talked to Council.

Mr. Brockway had informed that at no time during a collection period would there be more than \$ 50,000.00 and that there are two collection periods per year.

Councilman Allen asked about how much of our money does the Sheriff have at any given time. He was informed that Mr. Brockway in the telephone conversation last week had told the Recorder and the Mayor that he did not know how much money the County owed the City as the computers at the State House werenot working properly.

Councilman Allen asked if we have any maximum figures. The Mayor said that the most we have gotten at any one time was \$ 40,000.00.

Councilman Goodwin said if the Sheriff sends the money according to law a \$ 20,000.00 Bond would be sufficient.

Councilman Goodwin moved, seconded by Councilman Allen, to reduce the request of Bond for Kanawha County Sheriff at \$ 100,000.00 to \$ 20,000.00. Upon a vote motion carried.

In answer to Councilman Hoke's question if we could cause the Sheriff to pay the City properly the Recorder said yes and that in the letter we wrote to each Sheriff that the law had been quoted.

The Mayor informed Council that we have not received Charleston Ordinance pertaining to entrances to schools. Charleston had passed several ordinances and had not completed the printing and that we would recieve the Ordinance in a few days.

The Members of Council proceeded to open sealed bids on Gasoline from the following:

Humble Oil & Refining Co.	.2130 per gallon - high test or super
	Decil 160 - .1900 260 .1750
Union Oil Co. of Cal.	.1724 per gallon - high test or super
	Decil .177 per gallon - 55 gallon drums

Councilman Kneeseley moved, seconded by Councilman Williamson, we accept the low bid for gasoline from Union Oil Company of Cal. Upon a vote motion carried.

The following estimated expenses for 1971 - 72 for the Nitro Policemen's Pension or Relief Fund were submitted.

ESTIMATED EXPENSES FOR 1971 - 1972

NITRO POLICEMEN'S PENSION OR RELIEF FUND

1. Bond for Treasurer	\$ 25.00
2. Back pay on W. C. Post's Retirement	287.00
3. W. C. Post's Retirement	2,952.00
4. 10% Investment	<u>330.05</u>
	3,594.05
5. Withdrawal of J. W. Hall	<u>1,480.92</u>
TOTAL	5,074.97

++

 Tom Blasingim, Secretary

The Mayor said that he thought the one percent of assessed valuation takes care of the Policemen's Fund.

Councilman Hoke moved, seconded by Councilman Goodwin, to accept the estimated expenses for 1971 - 72 from the Board of Trustees of the Nitro Policemen's Pension or Relief Fund, with the provision that it be checked to see if it had been computed correctly. Upon a vote motion carried.

In discussion of revenue for the Municipal Pool, it was decided that the Pool Committee make their recommendations to Council on this matter.

In discussion of wages of Pool personnel, Councilman Hoke said it was his understanding that when Council granted a raise last year that it was agreed that this wage would stand for this year.

The Mayor said that we would need an understanding with the personnel and might be necessary to have their parents signature on a paper stating that their child would work for a said wage.

Councilman Kniceley reported that the Nitro Junior High School Physical Education Class would like to use the pool for a couple of weeks before school ends that they would pay for the use. It would be necessary that the City provide three lifeguards during this time of use. He said it was his opinion that

the Junior High School should pay these expenses and asked for Council's opinion.

It was Council's opinion that the Junior High School should pay the expenses of the Pool operation during the time that they use it.

Councilman Tidquist said he had calls from mothers who come in to supervise their children and would like to know if they could get in the Pool free. Councilman Kriceley said that the Pool Committee had frowned on this as it causes problems.

Mayor Alexander reported to Council that the West Virginia Water Company were requesting of West Virginia Public Service Commission, a rate increase of 30 percent of the reduced rates currently in affect and 10 percent higher than the rates previously in affect.

Councilman Hoke moved, seconded by Councilman Williamson, that the Council go on record protesting the increase of Water rates by the West Virginia Water Company. Upon a vote motion carried.

Councilman Allen said he had thought Mr. Miles, Vice President of WCAW, was to appear before the Council and referring to members of the news media, who had interviewed members of the Council before and during Council meeting, stating they were here only for the reason of a license renewal. They just walked away from the Council meeting. The Mayor and Recorder both said that the members of the news media had been invited into the Council meeting but did not wish to come in.

Councilman Allen introduced Mr. Jack Green reporter from Radio Station WPNS, who was covering the Council meeting.

Mayor Alexander gave each member of Council copy of an announcement printed by the Regional Development Authority regarding the West Virginia Water Authority Act. The announcement stated that the Act passed by Senate and is expected to receive the Governor's approval, has been written to increase the standard federal grant towards construction of West Virginia local sewage treatment facilities from 33-1/3% to 55%. The announcement also shows the work and involvement of the Regional Development Authority in its efforts to get this bill passed by Legislature.

Essentially, the bill as passed assures an increase in the Federal grant from

33% to 55%, and, if State participation is on a grant basis (as the act appears to permit), the total federal-state grant will be 80% of the treatment facility costs, instead of the previous 33% federal. Local sponsors' costs are thus reduced from 67% to 20%.

The announcement also pointed out several Kanawha County municipalities with active treatment proposals will be directly benefited by savings effected by the new Federal State grant, Nitro, \$ 524,000 ± .

The Mayor reported the Nitro Sanitary Board has been shewed by the Water Resource Department to install a Secondary Treatment Plant. The Sanitary Board up to this time did not feel that they should go through with the installation of A Secondary Treatment Plant and leave two large areas unserved and had they proceeded to put in sewers in these needed places then the customers use cost would be an exhorbant amount. He and the Board did not feel that they should inflict the cost that would have been necessary on the people of Nitro.

Now that the Sanitary Board feels that the Bill will be passed by the Legislature and signed into Law, upon advice from the Engineers being one of the first towns to make application filed with West Virginia Water Resources.

This application was approved unanimously by the Nitro Sanitary Board, who asked the Council to concur with their action.

Councilman Goodwin moved, seconded by Councilman Kniceley, to approve the action of the Nitro Sanitary Board in making application for Federal and State Funds. Upon a vote motion carried.

Councilman Tidquist reported calls from Easter Road regarding cars parking in the road making it difficult for other cars to pass, also that junk is being piled out and not being picked up.

Councilman Tidquist mentioned calls that he had received regarding street lights, one being the request of Bob Christy of Valentine Circle, that every other pole had a light with the exception of one in front of his house and the request

of the Church of Christ for a light on the parking lot.

It was pointed out that these two lights had been denied by Council.

Councilman Tidquist reported people were complaining about the two hour parking law was not being enforced by the Police Department. The Mayor said he thought that it was enforced when there was a lot of traffic in town.

Councilman Allen reported a call from a man who holds an Electrician License with the City of Nitro and was upset because he could not obtain an Electrician License in the City of Charleston.

The Mayor said that all towns in the Valley had a reciprocal agreement for several years regarding the Licensed Plumbers and Electricians.

He had heard recently the City of Charleston were not honoring any other town's license. He would check with the Mayor of Charleston regarding this matter.

The Mayor informed further that our examination for a license is very strict, and is checked by a man well qualified but is not in the Plumbing or Electrician work.

A person taking the Nitro examination has to know the work or he does not get a license.

Councilman Allen reported drainage problem at 805 Dupont Avenue, the person making the complaint said they had never had a drainage problem until Fred Pauley began excavating for a new building on Main Avenue. The Water is coming from a small drain tile. The Mayor said our sewer men have already checked this out and could not find any problem.

Councilman Hoke suggested in removing the house from this lot that perhaps the drain or sewer had not been plugged off. The Mayor said he would have the men check this matter again.

Councilman Graves reported James Bonnett of 40th Street Road talked to him about a house owned by Rubin Harrison that has no toilets in the house just holes in the floor. Mr. Bonnett is concerned with school children catching the bus in

this area and also reported a lot of garbage in the back.

Councilman Allen said he had investiaged and reported this problem some time ago.

Councilman Kniceley reported a drainage problem on ^{Woodbury Circle} ~~Broadway~~ ~~Drive~~, property belonging to John Lilly. The Mayor said he was aware of this problem and had asked the two property owners to prepare a paper clearing the City of all damages and our men and equipment would go on the property and try to repair the line and put in a screen.

He said the City must have this letter of release before our men could do anything.

Councilman Kniceley reported property on 8th Street and Third Avenue where a family had moved out about a month ago and left a lot of trash and garbage.

Councilman Allen brought up the drainage problem again on 39th Street East and Bales Drive, that the problem is getting worse.

The Mayor said that this is a place definitely needs a new line installed if the money were available.

There being no further business and the agenda having been completed, the meeting was adjourned.

W. W. Alexander

W. W. Alexander, Mayor

Grace Lewis

Grace Lewis, Recorder

March 21, 1972

The City Council met in regular session Tuesday, March 21, 1972.

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

The meeting was called to order by Mayor Alexander.

The Reverend Bill Westlund of the First Presbyterian Church gave the invocation.

Councilman Hoke moved, seconded by Councilman Goodwin, the minutes of March 7, 1972 be approved. Upon a vote motion carried.

Councilman Hoke moved, seconded by Councilman Williamson, the Financial Statement for the month of February, 1972 be approved. Upon a vote motion carried.

The Mayor reported he had a meeting set up Thursday morning at 10:00 A.M. with officials of the Water Company and Preston-Carroll Contractors and asked that any member of City Council who could be present. The Mayor also reported to Council that Mr. Gandee, Engineer, had gone over 2nd Avenue and his recommendation was the use of 6" concrete with reinforcing steel extending 1 foot beyond opening of ditch line, bringing concrete to surface of existing street, 605 tack coat with 110 pound Black-top over the entire street. We are to put these recommendations in letter form which is to be approved by the West Virginia Water Company and Contractor.

Councilman Allen reported that a man called him asking him to register complaints regarding damaged curbs. He was afraid that some of the curbs would be missed.

The Mayor told Council that Mr. Dawson, District Manager, of the Water Company says that he does not want the City to be disappointed. They have no objections

**MIRO FIREMEN'S PENSION OR
RELIEF BUDGET FOR YEARS 1972 - 1973**

**C. M. McDaniel's Retirement
Bond
10% Investment**

**\$ 3,840.72
25.00
386.57**

TOTAL

4,252.29

to fix the curbs. Any curb that has been disturbed will be repaired.

Councilman Allen said it was his concern that the people be protected, some are still paying for street paving. He wanted to be sure that every person is satisfied.

In discussion of an Inspector of the street work the Mayor said that we do not have anyone available to serve as an inspector. It was suggested Councilman Tidquist inspect this job.

In answer to Councilman Hoke's question regarding repairing of 27th Street, the Mayor said the Water Company will also take care of this damage.

In answer to Councilman Grave's question regarding the line being installed on 2nd Avenue rather than 1st Avenue, the Mayor explained that the main water lines are on 2nd Avenue.

There was no discussion on the traffic problem on 24th Street, 25th, 26th and 27th Streets.

In reporting on the Special Committee Building and Collecting Taxes, the Mayor said we have received information from the town of St. Albans, Councilman Goodwin said the main object was to get legal wording into what they had submitted to the Attorney. The Committee feels that it is well incorporated, also adding that one thing they did not talk about was signs being erected and conforming with the regulations. Councilman Goodwin asked if permits were being secured for erecting signs. The Mayor said we get some but we may not get them all.

Councilman Goodwin reported the repair work being done at Gibson Furniture Company on 35th Street and 1st Avenue, the sidewalk is completely blocked by saaffold and no provisions made for pedestrians to walk.

Estimated Expenses for 1972-73 from the Board of Trustees, Nitro Firemen's Pension or Relief Fund was presented to Council for approval.

Councilman Graves asked if the Board of Trustees was satisfied with the decision of Council on the prior budget. The Mayor said they seemed to be.

In answer to Councilman Allen's question would there be a change in this budget if they have another retiree, the Mayor reported yes, and it was a possibility this would occur in January, 1973.

Councilman Goodwin moved, seconded by Councilman Kniceley, to accept the Estimated Expenses for 1972 - 73. of the Board of Trustees, Nitro Firemen's Pension or Relief Fund. Upon a vote motion carried.

NITRO FIREMEN'S PENSION OR
RELIEF BUDGET FOR YEARS 1972 - 1973

C. M. McDaniel's Retirement	\$ 3,840.72
Bond	25.00
10% Investment	<u>386.57</u>
TOTAL	4,252.29

The following ordinance was presented to Council for consideration.

AN ORDINANCE MAKING IT UNLAWFUL TO LOAF, LOITER
OR CAUSE DISTURBANCES ON THE PREMISES OF ANY
PUBLIC SCHOOL PROPERTY IN THE CITY OF NITRO,
WEST VIRGINIA: AND PROVIDING PENALTIES FOR THE
VIOLATION THEREOF.

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

It shall be unlawful for any person or persons to engage in disorderly conduct, loaf or loiter on the premises of any public school property in the City of Nitro, West Virginia, after being requested to leave by any police officer or any person lawfully in charge of such premises.

Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than Ten Dollars (\$10.00), nor more than Fifty Dollars (\$50.00) and, at the discretion of the Court, be confined in Jail not more than thirty (30) days in addition to such fine.

This ordinance shall become effective upon passage

Council asked for clerification on the wording in the first paragraph,

"Or any person lawfully in charge of such premises."

Luke Michael, Attorney, said this ordinance applies to any school function and those persons who are in charge of any activities in the schools. He further explained a school is classified as a public place and there are constitutional rights regarding public property.

Councilman Allen moved, seconded by Councilman Goodwin, to accept for first Reading the foregoing ordinance. Upon a vote motion carried.

Councilman Kniceley reported for the Pool Committee, that in view of the cost of everything involved with the Pool, including a wage increase last August, it was the opinion of the Committee that in order to keep our heads above water as far as expenses are concerned, it is necessary to increase Family Passes to \$ 30.00 and Individual passes to \$ 15.00. Gate Admission will stay the same.

In answer to Councilman Allen's question on Family Admission the Mayor said it was not too great.

Councilman Kniceley said this increase would bring in approximately \$1,200.00.

Councilman Allen said it looked like we are penalizing families. The Mayor said that on Individual admissions we are more in line with other pools than we are with passes.

Councilman Tidquist said he thought \$ 30.00 was too high.

Councilman Hoke asked if we have to operate the same as last year, how many of the Pool personnel would we have to delete to meet our obligation.

The Mayor reported that we can not operate with any less personnel, we need this number to protect the youngsters and there is no way that we can cut down the number.

Councilman Kniceley said the only way it could be worked, would be to work double shifts, which is not good, we try to employ persons who are instructors and can teach swimming lessons. Our instructors put in a lot of hours during these lessons.

The Mayor reported that chemicals have gone up more than 10 percent, water has gone up more than 10 percent and in fact all utilities have increased.

Councilman Kniceley moved, seconded by Councilman Hoke, that Family Season passes for the Pool be increased to \$ 30.00 and Individual Season passes be increased to \$ 15.00. Upon a vote motion carried.

A request from the National Multiple Sclerosis Society was read to Council asking permission for a door-to-door campaign, the placing of canisters in business places and holding a tag day one day between Mother's Day and Father's Day,, the period of the campaign will be from Mother's Day, May 14 to Father's Day, June 18.

Councilman Allen moved, seconded by Councilman Williamson, to grant permission to the National Multiple Sclerosis Society for their request. Upon a vote motion carried.

The Mayor asked the Recorder to read the release of residents of Woodbury Circle.

Sir:

We, the undersigned, release the City of Nitro of any liability for damage which may occur to our property during the repair of the 18 - inch storm drain that passes under our property.

This release of liability applies only to damage originating through natural causes and/or acts of God. It does not release the City of Nitro or agents gainfully employed by the City of Nitro from liability for damages occurring to the properties that are a result of negligent acts committed by the City of Nitro or agents acting on behalf of the City of Nitro.

This document is not to be construed by the City of Nitro or its agents as a disclaimer of liability for damages, that may be related to the malfunction of the 18-inch storm drain, prior to its repair. Nor shall this document serve to relieve the City of Nitro from the responsibilities of maintaining said 18-inch storm drain or future damage liabilities resulting from its malfunction following the completion of repairs to the 18-inch storm drain.

All repair work is to be completed within 30 days from the time the work is initiated.

Signed by: John P. Lilly, Jack H. Fowler and Gary McFarland.

March 15, 1972

The Honorable W. W. Alexander
Mayor of Nitro, West Virginia
Nitro City Hall
Nitro, West Virginia

Sir:

We, the undersigned, release the City of Nitro of any liability for damage which may occur to our property during the repair of the 18-inch storm drain that passes under our property.

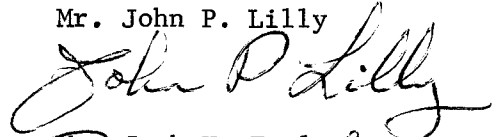
This release of liability applies only to damage originating through natural causes and/or acts of God. It does not release the City of Nitro or agents gainfully employed by the City of Nitro from liability for damages occurring to the properties that are a result of negligent acts committed by the City of Nitro or agents acting on behalf of the City of Nitro.

This document is not to be construed by the City of Nitro or its agents as a disclaimer of liability for damages, that may be related to the malfunction of the 18-inch storm drain, prior to its repair. Nor shall this document serve to relieve the City of Nitro from the responsibilities of maintaining said 18-inch storm drain or future damage liabilities resulting from its malfunction following the completion of repairs to the 18-inch storm drain.

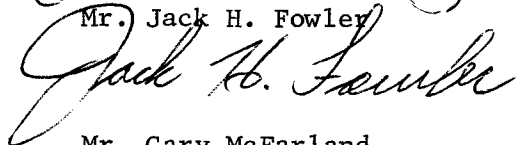
All repair work is to be completed within 30 days from the time the work is initiated.

Sincerely,

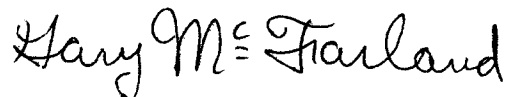
Mr. John P. Lilly



Mr. Jack H. Fowler



Mr. Gary McFarland



Copy to: Mr. K. K. Knicely
Mr. H. M. Graves
Nitro City Council

7

The Mayor said he thought that some members of the City Council had talked to Mr. Lilly, Mr. Fowler and Mr. McFarland of Woodbury Circle, regarding the drainage problem. These people do have a bad problem. He went on to say that he had talked of trying to give them some help and had asked for a letter giving the City a right to come on their property and also releasing the City from any damages that may occur. When he received the foregoing letter he was startled and decided that he had best have the City Engineer and City Attorney check the problem with him. The City Engineer had checked Woodbury problem on Saturday, he and Mr. Michael had checked the problem Monday. In reporting the history the Mayor went on explaining that years ago there was a natural drain for this area from the top of the hill down through a ravine emptying into the Armour Creek that goes out 40th Street.

Sometime ago the Developer of this area had made a large fill and he (Mayor) would assume in order to gain an extra lot had filled in the entire ravine. In making this fill in order to gain the other lot, proper drainage was not installed to take care of the water. A pipe was put in to take care of this fill but put in with no headers attached, no catch basin and no screen to take care of the debris of the entire hill going into this drain. The Mayor said that the City Engineer and Attorney are convinced that the City of Nitro has no obligation in this matter.

John Lilly told Council that they have two Attorneys, Mr. John Poffenbarger and Mr. Jim Crewdson, who feel that it is the City of Nitro's obligation.

Mr. Lilly went on to say that he thinks the Mayor is right in that this property is a fill, put in prior to this area being incorporated into the City of Nitro. It is his understanding that when incorporated into the City, Section 3 of the Brookhaven Area, became the City of Nitro's obligation. The City of Nitro should have made the correction.

The Mayor said the City assumed no liability on the Watershed. The man who put in the subdivision made the mistake.

This was a natural drain for this property and when it was filled, proper drainage should have been installed at that time. The Mayor said any drain we would be working on in this area would be on private property as this is not a street drain but water that would have normally have flown into the ravine.

Mr. Fowler says there are two catch basins and the street has been designed so that the water will come down that ravine instead of going down the street.

The Mayor said the water would come down to the ravine because there is no other place for it to go./

Mr. Lilly told Council it was their intent to get a positive or negative answer.

Councilman Kniceley said that he had talked to the Mayor prior to going and looking at the problem with the hopes the City could be of some help but then he received their letter, that they had a lawyer write. Mr. Fowler said that the three of them had written the letter and he and Mr. Lilly had seen enough of Court action on different matters that they were familiar with this type of language.

The Mayor said he felt that this letter could tie the City into something that would cost the City a lot of money not only at the present but also in the future..

Mr. Fowler said it seemed to him that when a subdivision is incorporated into the City any drainage problem became the City's problem. This is why a subdivision becomes a part of the City because the people pay their taxes to have this type of condition taken care of as an individual does not have the money to take care of these problems. If he is responsible for an 8% drain then why would he want to be incorporated into the City.

Mr. Michael, Attorney, said when the City incorporated the subdivision we did not take over their problems. The streets were already built and we have a

right to accept sewage problems. A Developer built those houses on fills and the claims are that the fills are sinking. There is a big problem there and he is sure that every man would like to help. The City does not need letters from anyone out there as we are trespassing and have no right on this property. The thing the City needs is right of ways and easements to come on a persons property. He also pointed out that one thing that you can do is to assess the property owners for installation of drainage. He pointed out to the men the City has not appropriated money in the budget to take care of such problems, and he thought that at this point the City Council is in no position to tell them anything. He would be glad to answer any questions of their Attorneys.

He said without money and right of way easements the City can not do anything.

The Mayor pointed out that we have had for several years a bad drainage problem on 40th Street Road and Bailes Drive and have not been able to take care of this problem because of lack of money. A large percentage of the water comes down the street.

Mr. Lilly pointed out to Council that we are talking about their investment of about 140 thousand dollars, which is a sizeable amount of money.

The Mayor told Mr. Lilly that we realized this and we would like to have helped but that he thought it best to get the advice of the City Attorney and Engineer first. Their advice being that it was not City property.

Councilman Hoke asked about the slippage of the earth. Mr. Lilly said in talking with the Engineers at the Plant they are most certain that the ground is moving. It was pointed out that this fill had been made nine years ago.

Mr. Michael asked if their homes were FHA loans. FHA have provisions in their contracts taking care of problems such as this. None of the men had FHA loans.

Councilman Kniceley said he felt there is a separation in the drainage line.

He went on explaining that at a certain point the water follows the outside of the drain pipe. It was also pointed out under Mr. Fowler's driveway there is a cavity approximately 6 feet deep.

The Mayor asked the Gentlemen if they had talked to Mr. Winter. They said yes and had been told to see the City.

Mayor Alexander asked the men to have their Attorney's talk with Mr. Michael.

Councilman Tidquist moved, seconded by Councilman Kniceley, a street light be installed on Utioity Pole in frontof 237 Brookhaven Drive. Upon a vote motion carried.

Councilman Tidquist reported people on 21st Street would like to have a speed limit sign posted. The speed limit is 25 MPH. The Traffic Committee is to check this out.

Councilman Allen reported a drainage problem between 25th and 26th Streets.

The Mayor said he had had the Engineer look over this area Saturday and the Engineer believes it is the Department of Highways problem, the drains are plugged.

The Mayor had called Mr. Smith, District Engineer, who promised cleaning out these drains as soon as machinery was back in the County.

There being no further business and the agenda having been completed, Councilman Hoke moved the meeting be recessed.



MAYOR



RECORDER

April 4, 1972

The City Council met in regular session Tuesday, April 4, 1972.

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

The meeting was called to order by Mayor Alexander.

The Reverend Leroy Beyer of the Holy Trinity Catholic Church gave the invocation.

Councilman Goodwin moved, seconded by Councilman Kniceley, the minutes of March 21, 1972 be approved. Upon a vote motion carried.

The Mayor reported to Council that repairs to Second Avenue would start this week, part of the equipment had already been moved in. He told Council the Contractor has promised the City all the blacktop that is taken out of the streets. This will be used to build a road into the landfill.

Since Councilman Tidquist had been appointed by Council to act as Inspector on this job the Recorder suggested Council set a fee for Mr. Tidquist.

The time element will be a probably two weeks.

Councilman Hoke moved, seconded by Councilman Goodwin, to pay Mr. Tidquist \$ 20.00 a day. Upon a vote motion carried.

Mayor Alexander reported to Council the place on 27th Street that had been damaged last summer by the Water Company had been taken care of and our agreement with the Water Company includes all damaged curbs will be fixed.

There was no discussion on the Traffic Problem on 24th, 25th, 26th and 27th Streets.

Councilman Goodwin said that he was in hopes that LukeMichael, the Attorney, would have the ordinance pertaining to occupancy ready for First Reading.

The Mayor called to Council's attention a problem we frequently run into as a person doing repair work which amounts to several thousand dollars and in

applying for the building permits states he does not have a contractor, he is paying persons by the hour. The Mayor said in order to alleviate this problem he believes the City needs a Contractor License. Paying the builder by the hour is relieving the builder to pay Business and Occupation Taxes to the City.

Councilman Allen suggested an Ordinance whereby a person could not occupy a house until it was approved and all taxes were paid.

Councilman Goodwin said a new structure would not be much of a problem regarding the occupancy as person moving from one house to another. This in turn would keep more accurate records for the Municipal Service purposes.

Councilman Goodwin pointed out he knew of places being cleared for trailers that will not support septic tanks. We need to move on these questions right away.

The Mayor said in this matter it is necessary for the person to obtain a permit from the State Health Department before putting in a septic tank and we can request a copy of the approval from the State Health Department when they apply for a permit for the trailer.

Councilman Goodwin said sanitary facilities would necessitate an approved septic tank system or a tie in with the City Sewer lines.

The Recorder reported she had not received the amended Estimated Expenses for 1971-1972 and Estimated Expenses for 1972-1973 from the Board of Trustees, Nitro Policemen's Pension or Relief Fund.

Recorder informed Council the State Tax Commission had given the City an extension of time until April 14th, to file the City Budget. The Council decided to meet concerning the Budget at 8:00, April 11, 1972.

Councilman Allen moved, seconded by Councilman Goodwin, the following ordinance be accepted for Second Reading. Upon a vote motion carried.

AN ORDINANCE MAKING IT UNLAWFUL TO LOAF, LOITER
OR CAUSE DISTURBANCES ON THE PREMISES OF ANY
PUBLIC SCHOOL PROPERTY IN THE CITY OF NITRO,
WEST VIRGINIA, AND PROVIDING PENALTIES FOR THE
VIOLATION THEREOF.

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

It shall be unlawful for any person or persons to engage in disorderly conduct, loaf or loiter on the premises of any public school property in the City of Nitro, West Virginia, after being requested to leave by any police officer or any person lawfully in charge of such premises.

Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than Ten Dollars (10.00), nor more than Fifty Dollars (\$50.00) and, at the discretion of the Court, be confined in Jail not more than thirty (30) days in addition to such fine.

This ordinance shall become effective upon passage.

Councilman Goodwin moved, seconded by Councilman Allen, the foregoing ordinance to be accepted for passage. Upon a vote motion carried.

In reporting for the Traffic Committee, Councilman Allen said he did not think we would correct the problem on 21st Street by the lowering of the speed limit. The only thing that is going to stop this hazard is to keep drivers from coming off the incline at a fast rate. He had talked to several people who think the speed limit is alright and the problem is from the incline. He went on to say that he felt this problem in going to get worse and dangerous. He said large groups of children are going into the area.

The Mayor said this will be called to the Police Officers attention and that they will be ordered to get rough.

The Mayor told Council that he had had a request from the Newspaper Agency Union Auxilary, asking for permission to circulate petitions throughout the town in an effort to stop residents of Nitro from purchasing the Charleston Newspaper? He said he had told the persons that the Council had no part in the newspaper problems. He felt that it could cause some embarrassment to the residents who

probably don't know what this is all about.

Councilman Hoke said he thought the City Council did not have a right to tell the people of Nitro what they should or should not buy.

Councilman Goodwin moved, seconded by Councilman Graves, the request from the Newspaper Agency Union Auxiliary be denied. Upon a vote motion carried.

Councilman Tidquist reported stop signs at Beech and Washington Streets were down. The Mayor said that we had several places where the signs were down. The street crew can put the signs up and two or three days later they disappear.

The Mayor went on to say that these signs cost a lot of money and sometimes he felt that it would be better to make all intersections a stop, regardless. Painting the signs on the pavement was suggested.

It was brought out in this discussion that some intersections are four way stop and some are two way stop and it might be better to have a more uniform directional pattern. The Mayor asked the Traffic Committee to check this out.

Councilman Graves reported a Mrs. Held from the Presbyterian Church asked that the City reserve parking spaces to load and unload for the Church dinners.

The Mayor said he thought we could loose a lot of parking spaces by doing this, he suggested that Mrs. Held call him.

In discussion of several places in the City streets that need patching, the Mayor said while the Contractor was in he would check to see if we could get these places at a reasonable price.

Councilman Allen referred to a copy of a letter from the State Health Department regarding a sewage waste problem coming from 18th Street Hill down on the property on 21st Street. The letter pointed out that it was evident sewage waste was running from three houses, evidence of toilet paper and human waste, pictures had been taken of this situation. This is in back of Doctor Goff's house. It was also pointed out that we have just as bad condition on 1st

Avenue South and these problems could help perhaps in getting Federal money for the sewer program for which we have filed.

Councilman Kniceley reported a problem of the parking at the park, at the upper end of the Park is a picnic area and parking is limited in this particular area, it gets out of hand especially during softball and league season.

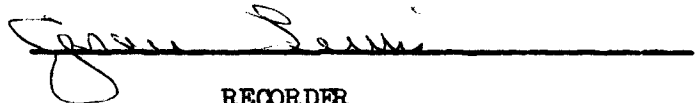
No parking signs were erected last year but it did not go good. He says no reason why we could not have angle parking for 16 to 18 parking spaces but if it can not be policed properly the Park Board will close the gate from cars going into the Park area.

The Mayor said parking had been eliminated from inside the Park at one time, and that he felt that the Park Board will have to do so again. Councilman Kniceley was concerned about the people picnicing and have to carry their food all the way into the Park. The Mayor said he thought it would be alright to allow cars in the area to unload, but the cars should be parked on the parking lot outside park. The Mayor expressed his feelings on parking inside the park as being hazardous. He went on to say the reason for stopping parking at previous time was due to the fact that the Insurance Company objected parking cars inside the Park.

There being no further business and the agenda having been completed, the meeting was recessed.



MAYOR



RECORDER

April 11, 1972

City Council met in recessed session April 11, 1972.

Members present were: W. W. Alexander; Mayor, Grace Lewis; Recorder, Dr. R.V. Allen, E. L. Goodwin, Harry M. Graves, Dr. L. I. Hoke, Kenneth K. Kniceley, Hugo D. Tidquist and Kenton L. Williamson.

The assessed valuation figures from the Assessor of Kanawha and Putnam Counties, Levy Estimate forms and reconciliation Sheets of City Funds through March 31, 1972 were presented to Council.

The Recorder explained to Council the Levy rates being used for the Levy Estimate 1972-1973.

The Mayor explained the amount allocated in item number 10, 17, 22 and 45, new equipment for all departments, that it will be necessary for the new council to purchase new equipment over a 36 month period and the figures in the foregoing items are payments on principal and interest for one year.

The Council was told that an effort had been made to give all employees a 5 percent increase, however, the Budget would not balance and it had been necessary to go to a \$ 15.00 across the board increase for all regular employees.

In answer to Councilman Allen's question on the reduction of Receipts of the 2% Utilities, the Recorder informed that our allocations figures had been too high in our current Budget, that she did not feel we would collect as much as we had allocated, therefore, a lower figure had been set for the 1972-73 Budget, pointing out that there is a possibility that more money might be collected due to an increase of utilities.

The Recorder told Council that she wanted to feel free to make changes of any items where they saw fit. In answer to Councilman Grave's question on what the City rents, he was informed it was rent collected from Sanitary Board.

In answer to Councilman Allen's question on the Policemen's Pension Fund being

LEGAL ADVERTISEMENT

CITY OF NITRO — MUNICIPAL COUNCIL LEVY ESTIMATE

STATE OF WEST VIRGINIA
COUNTIES OF KANAWHA and PUTNAM
MUNICIPALITY OF NITRO, To-wit:

At a recessed session of the council of the municipality of Nitro held in the council chambers thereof, in the city building on the 11th day of April 1972, there were present W. W. Alexander, Mayor; Grace Lewis, Recording Officer, and Dr. R. V. Allen, Dr. L. I. Hoke, Hugo D. Tidquist, Kenneth K. Kniceley, Kenton L. Williamson, E. L. Goodwin and Harry M. Graves, Jr., 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 members of the council of said municipality.

CURRENT REGULAR MUNICIPAL PURPOSES

ESTIMATE

(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.

Cash Balance on hand (Estimated)	\$ 17,000.00
Balance in Hands of Sheriff (Estimated)	7,000.00
Redemption and Sale Delinquent Land	1.00
Police Fines and Costs	9,500.00
Civic Benefits Association	18,000.00
Rents - Buildings	420.00
Taxes (Other than Property Taxes)	139,255.00
Fees	197,265.00
Licenses	5,250.00
Permits	1,200.00
Miscellaneous	3,500.00
Total Estimated Receipts	\$ 398,391.00

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	1,000.00
Salary of Councilmen	2,400.00
Salaries of Assistants and Clerks	11,000.00
Salaries of Chief and eight Police	70,000.00
New Equipment Police Department	3,000.00
General Expenses Police Department	10,000.00
Policemen's Pension Fund	3,300.00
Salaries and Expenses Feeding Prisoners	10,700.00
Salaries of Chief and six Firemen	44,000.00
New Fire Equipment	7,000.00
General Expenses Fire Department	4,000.00
Firemen's Pension Fund	2,831.00
Salaries Health Commissioner and Employees	1,400.00
General Expenses Health Department	1,100.00
Salaries, Garbage Employees	85,000.00
New Equipment Garbage Department	14,000.00
General Expenses Garbage Department	26,000.00
Buildings Maintenance Salaries and Supplies	863.00
Repairs to City Buildings and Jail	2,400.00
Furniture, Fixtures and Office Machines	1,000.00
Stationery, Office Supplies and Equipment	1,000.00
Postage	2,300.00
Water - Fire Protection, Streets and Sewers	10,000.00
Water - City Building and Other Purposes	300.00
Light for Street Lighting	11,000.00
Light - City Building, Traffic Lights, Etc.	1,500.00
Repairs, Street and Traffic Lights	25.00
Fuel - Heating City Building	1,200.00
Telephone and Telegraph (All Departments)	1,600.00

Parks and Playgrounds, Salaries,

Supplies and Expenses	10,565.00
Planning Commission	275.00
Traveling and Car Expenses of City Officials RIC	300.00
Civilian Defense	800.00
Municipal Building Program	2,000.00
Treasurer Fees	135.00
Library, Salaries, Supplies and Expenses	3,000.00
Social Security	14,000.00
Public Employees Retirement	15,000.00
Contingent Expenses (Mandatory Only)	1,600.00
Dog Pound Expenses	2,300.00
Swimming Pool	16,000.00
A-Total Current Expenses	\$ 492,450.00
Estimated Former Year's Obligations:	
Orders Outstanding	\$ 12,000.00
Estimated total amount outstanding June 30, 1972	\$ 12,000.00
B-Amount of unpaid obligations to be paid from current levy	12,000.00
Total estimated disbursements (A plus B)	504,450.00
Less estimated receipts	\$ 398,391.00
Net amount to be raised by levy	106,059.00
TOTAL RECEIPTS	\$ 504,450.00

CLASS	Assessed Valuation	Rate of Levy Proposed
Number I		
Personal Property	\$ 1,166,000.00	16.25c
Public Utility Property	867,300.00	16.25c
Total Class No. I	2,033,300.00	
Number II		
Real Estate	11,300,609.00	32.5c
Number IV		
Real Estate	5,590,014.00	65c
Personal Property	4,209,190.00	65c
Public Utility Property	2,171,900.00	65c
Total Class No. IV	11,971,104.00	
TOTAL VALUATION	\$25,305,013.00	

MUNICIPAL BOND PURPOSES-INTEREST AND SINKING FUND ESTIMATE

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

Date of Vote	Original Amount of Authorizing Issue	Amount of Bonds Outstanding	Amount Required for Sinking Fund	Interest	Total
7-1-53	\$ 50,000.	\$ 4,000.	\$ 4,000.	\$ 120.	\$ 4,120.
5-5-55	95,000.	39,000.	4,000.	1,072.	5,072.
12-16-58	168,000.	129,000.	4,000.	4,837.	8,837.

TOTAL \$ 313,000. \$ 172,000. \$ 12,000. \$ 6,029. \$ 18,029.
Delinquent Taxes and Exonerations Estimated at 10% . . \$1803.00
Total Amount to be Raised by a Levy of Taxes 19,832.00
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:

CLASS	Assessed Valuation	Proposed Rates	Taxes Levied (Whole Dollars)
Number I			
Personal Property	1,166,000.00	2.5¢	292.00
Public Utility Property	867,300.00	2.5¢	217.00
Total Class No. I	2,033,300.00		509.00
Number II Real Estate	11,300,609.00	5¢	5,650.00
Number IV Real Estate	5,590,014.00	10¢	5,590.00
Personal Property	4,209,190.00	10¢	4,209.00
Public Utility Property	2,171,900.00	10¢	2,172.00
Total Class No. IV	11,971,104.00		11,971.00

Telephone and Telegraph (all Departments)	2,500.00
Legal Publications	3,000.00
Insurance on City Building and Property	400.00
Premiums on Policemen's and Official Bonds	2,000.00
Election Expenses	1,500.00
Attorneys' Fees, Court Costs and Damages	2,000.00
Salaries, Engineering Department	2,000.00
General Expense, Engineering Department	28,000.00
Salaries and Wages all Street Employees	3,000.00
New Equipment Street Department	8,655.00
Materials, Supplies and Expenses, Street Department	500.00
Maintenance of Sewers, Salaries and Supplies	1,200.00
Construction of New Streets, Sidewalks and Sewers	2,000.00
Workmen's Compensation Premiums	650.00
Audit by Tax Commissioner	50.00
Refunding Erroneous Payments	22,000.00
Watershed - Recreation	

TOTALS \$25,305,013.00 18,130.00

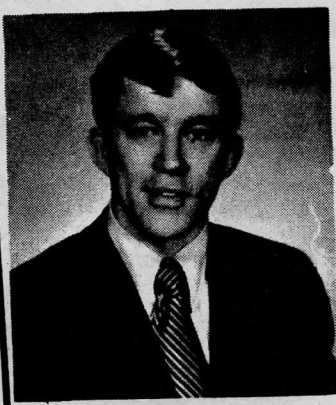
STATE OF WEST VIRGINIA,
COUNTIES OF KANAWHA and PUTNAM
MUNICIPALITY OF NITRO, TO-WIT:

I, Grace Lewis, Recording Officer of said municipality, do hereby certify that the foregoing are true copies from the record of orders made and entered by the council of said municipality on the 11th day of April, 1972.

Given under my hand this 12th day of April, 1972.

Signed: Grace Lewis
Recorder - Treasurer
(Official Title)

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Kanawha County

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AMMONIA NITRATE	per ton		\$65.00
10-20-20 FERTILIZER	per ton		\$88.00
10-10-10 FERTILIZER	per ton		\$68.00
12½ GAUGE HEAVY BARB WIRE	roll	\$12.40	
13½ GAUGE BARB WIRE SPECIAL	roll	\$10.50	
16 GAUGE BARB WIRE	roll	\$9.90	
METAL GATES	4 ft., 8 ft., 10 ft., 12 ft., 14 ft., 16 ft.		
ONION PLANTS	ONION SETS		
SEED POTATOES			

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sufficient, the Recorder said no it would not, that we had not put enough money in that item, nor the Firemen's Pension Fund. The Recorder suggested then taking \$600.00 from Item 25, Repairs to Jail and City Buildings, lowering that figure to \$2,400.00. Putting additional \$300.00 in Item 12 and \$300.00 in Item no. 17.

In answer to the question on Item 48, Construction of New Streets and sewers it was pointed out that the payments on street assessments come from this item.

Councilman Allen asked a question regarding the Watershed Recreation, what would this entail. The Mayor explained it would allow for three employees plus a small amount of expenses and the employees would be full time, 12 months a year.

Councilman Hoke moved, seconded by Councilman Williamson, to accept Levy Estimate. Upon a vote motion carried., and all members proceeded to sign the Levy Estimate copies, as follows:

STATE OF WEST VIRGINIA,
COUNTIES OF KANAWHA AND PUTNAM,
MUNICIPALITY OF NITRO, TO-WIT.

At a Recessed session of the council of the municipality of Nitro, held in the council chambers thereof, in the City building on the 11th day of April, 1972, there were present : W. W. Alexander; Mayor, Grace Lewis; Recording Officer, and L. I. Hoke, Kenneth K. Kniceley, Kenton L. Williamson, Hugo D. Tidquist, Ray V. Allen, E. L. Goodwin, and Harry M. Graves, Jr., members of the Council of the said municipality.

In accordance with Section 14, Article 8, Chapter 11 of the West Virginia Code as amended, the Council proceeded to make an estimate of the amounts necessary to be raised by levy of taxes for the current fiscal year, and doth determine and estimate the several amounts to be as follows:

CURRENT REGULAR MUNICIPAL PURPOSES ESTIMATE

ESTIMATED RECEIPTS:

(1) The amount due and the amount that will become due and collectible from every source during the fiscal year, EXCEPT FROM THE LEVY OF TAXES to be made for the year.

	ESTIMATED RECEIPTS PRECEDING YEAR	ESTIMATED RECEIPTS CURRENT YEAR
1. Cash Balance on Hand	57,054.00	17,000.00
2. Balance in Hands of Sheriff	6,850.00	7,000.00
3. Redemption & Sale, Delinquent Land	1.00	1.00
4. Police Fines and Cost	12,000.00	9,500.00
5. Civic Benefits Association	18,000.00	18,000.00
7. Rents - Building	420.00	420.00
8. Taxes:	95,300.00	100,000.00
Gross Sales	95,300.00	100,000.00
Utilities 2%	30,784.00	20,000.00
Amusement	1,005.00	1,005.00
Franchise	11,000.00	11,000.00
Consumer Sales (Liquor)	15,000.00	18,000.00
Domestic Animals	200.00	250.00
9. Fees:		
Electrical License	400.00	500.00
Plumbing License	300.00	350.00
Municipal Service	137,000.00	159,000.00
Swimming Pools	15,000.00	15,000.00
Library	100.00	100.00
Service Fees	15.00	15.00
Accident Reports		300.00
Watershed Recreation		22,000.00
10. License		
Special	700.00	750.00
General	4,000.00	4,500.00
11. Permits		
Buildings	900.00	1,000.00
Sewer	100.00	200.00
12. Miscellaneous:	3,500.00	3,500.00
TOTAL	399,629.00	398,391.00
Current Levy	101,910.00	106,059.00
TOTAL RECEIPTS	501,539.00	504,450.00

ESTIMATED CURRENT EXPENDITURES

1. Salary of Mayor	8,100.00	8,100.00
2. Salary of Recorder	7,200.00	7,200.00
3. Salary of Treasurer	1.00	1.00
4. Salary of Police Judge	2,400.00	2,400.00
5. Salary of City Attorney	1,000.00	1,000.00
7. Salary of Councilmen	2,400.00	2,400.00
8. Salaries of Assistants and Clerks	9,000.00	11,000.00
9. Salaries of Chief and 8 Police	68,000.00	70,000.00
10. New Equipment Police Dept.	3,000.00	3,000.00
11. General Expense Police Dept.	8,500.00	10,000.00
12. Policemen's Pension Fund	3,000.00	3,300.00
13. Salaries and Expenses Feeding Prisoners	10,500.00	10,700.00
14. Salaries of Chief and 6 Firemen	43,000.00	44,000.00
15. New Equipment Fire Dept.	2,500.00	7,000.00
16. General Expenses Fire Dept.	4,000.00	4,000.00
17. Firemen's Pension Fund	2,465.00	2,831.00
18. Salaries Health Commissioner and Employees	1,400.00	1,400.00
20. General Expenses Health Department	1,100.00	1,100.00

21. Salaries Garbage Employees	66,600.00	85,000.00
22. New Equipment Garbage Dept.	9,100.00	14,000.00
2. General Expense - Garbage Dept.	26,000.00	26,000.00
2. Buildings Maintenance Salaries and Supplies	863.00	863.00
25. Repairs to Jail and City Bldg.	3,000.00	2,400.00
26. Furniture, Fixtures and Office Machines	1,000.00	1,000.00
27. Stationery, Office Supplies and Equipment	1,000.00	1,000.00
28. Postage	2,300.00	2,300.00
29. Water - Fire Protection, Streets and Sewers	10,000.00	10,000.00
30. Water - City Building and Other Purposes	300.00	300.00
31. Light for Street Lighting	11,000.00	11,000.00
32. Light - City Building Traffic Lights, Etc.	1,500.00	1,500.00
33. Repairs, Street and Traffic Lights	25.00	25.00
34. Fuel - Heating City Building	1,200.00	1,200.00
35. Telephone and Telegraph (All Departments)	1,600.00	1,600.00
37. Legal Publications	2,500.00	2,500.00
38. Insurance on City Building and Other property	3,000.00	3,000.00
39. Premiums on Policemens' and official Bonds	400.00	400.00
40. Election Expenses	2,000.00	2,000.00
41. Attorney's Fees, Court Costs and Damages	1,500.00	1,500.00
42. Salaries, Engineering Dept.	2,000.00	2,000.00
43. General Expense, Engineer Dept.	2,000.00	2,000.00
44. Salaries and Wages all Street Employees	28,000.00	28,000.00
45. New Equipment, Street Dept.	4,000.00	3,000.00
46. Materials, Supplies and Expenses, Street Dept.	9,000.00	8,655.00
47. Maintenance of Sewers, Salaries and Supplies	500.00	500.00
48. Construction of New Streets, Sidewalks and Sewers	1,200.00	1,200.00
49. Workmens' Compensation Premiums	2,000.00	2,000.00
50. Audit by Tax Commissioner	650.00	650.00
51. Refunding Erroneous Payments	50.00	50.00
52. Watershed Recreation	10,000.00	22,000.00
53. Parks and Playgrounds, Salaries Supplies	10,565.00	10,565.00
54. Planning Commission	275.00	275.00
55. Traveling and Car Expenses of City Officials	300.00	300.00
56. Civilian Defense	100.00	-----
Municipal Building Program	2,000.00	2,000.00
58. Treasurers Fees	135.00	135.00
59. Library Salaries, and Expenses	3,000.00	3,000.00
60. Social Security	13,000.00	14,000.00
60A. Public Employees Retirement	14,000.00	15,000.00
61. Contingent Expenses (Mandatory Only)	1,000.00	1,000.00
62. Dog Pound Expenses	2,300.00	2,300.00
63. Swimming Pool	16,000.00	16,000.00
64. RIC	800.00	800.00
65. Dues to League	210.00	-----
66. Watershed Recreation Facilities	56,000.00	-----
A- TOTAL CURRENT EXPENSES	501,539.00	492,450.00
Estimated Former Year's Obligations:		
Orders outstanding	12,000.00	
B. Amount of unpaid obligations to be paid from current levy		12,000.00
Total estimated disbursements (A & B)		504,450.00
Less estimated receipts brought forward from page E-5	398,391.00	
Net amount to be raised by levy page E-8	106,059.00	
TOTAL RECEIPTS:		504,450.00

CURRENT LEVY

Municipalities may levy up to and including the following rates;

	Class I	Class II	Class IV
Current Rates	12.5¢	25¢	50¢

If a special election succeeds, a municipality, in addition to its current rates, may levy up to the following additional rates;

	Class I	Class II	Class IV
Excess Levy Rates	6.25¢	12.5¢	25¢

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 \$ 106,059.00 and to provide for said amount the following levies are proposed to be laid on eachone Hundred dollars valuation of each class of property, viz.

Sixteen and One Quarter Cents (16.25¢) on Class No. I property,
 Thirty-two & One half Cents (32.5¢) on Class No. II property,
 Sixty-five Cents (65¢) 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	1,116,000.00	10 + 6.25	16.25¢	1,895.00
Public Utility Property	867,300.00	10 + 6.25	16.25¢	1,409.00
Total Class No. I	2,033,300.00			3,304.00
Number II				
Real Estate	11,300,609.00	20 + 12.5	32.5¢	36,727.00
Number IV				
Real Estate	5,590,014.00	40 + 25	65¢	36,335.00
Personal Property	4,209,190.00	40 + 25	65¢	27,360.00
Public Utility Property	2,171,900.00	40 + 25	65¢	14,117.00
Total Class No. IV	11,971,104.00			77,812.00
TOTALS	25,305,013.00			117,843.00
Less Delinquent Taxes and Exonerations Estimated at 10%				11,784.00
Net amount to be raised by Levy				106,059.00

MUNICIPAL BOND PURPOSES - INTEREST AND SINKING FUND
ESTIMATE

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

Date of Vote Authorizing Issue	Original Amount of Issue	Amount of Bonds Outstand	Amount Required for sinking Fund	Interest	Total
7-1-53	50,000.	4,000.	4,000.	120.	4,120.
5-5-55	95,000.	39,000.	4,000.	1,072.	5,072.
12-16-58	168,000.	129,000.	4,000.	4,837.	8,837.
Totals	313,000.	172,000.	12,000.	6,029.	18,029.

Delinquent Taxes and Exonerations Estimated at 10%	1803.
Total Amount to be Raised by a Levy of Taxes	19,832.

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, via:

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

Two and One half cents	(2.5¢)	on Class No. I property,
Five cents	(5¢)	on Class No. II property,
Ten cents	(10¢)	on Class No. IV property,

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

Class	Assessed Valuation	Proposed Rates	Taxes Levied (Whole Dollars)
Number I			
Personal Property	1,166,000.00	2.5¢	292.00
Public Utility	867,300.00	2.5¢	217.00
Total Class No. I	2,033,300.00		509.00
Number II			
Real Estate	11,300,609.00	5¢	5,650.00
Number IV			
Real Estate	5,590,014.00	10¢	5,590.00
Public Utility	2,171,900.00	10¢	2,172.00
Personal Property	4,209,190.00	10¢	4,209.00
Total Class No. IV	11,971,104.00		11,971.00
TOTALS	25,305,013.00		18,130.00

Chapter 6, Article 9, Section 2

List below all municipal on deposit:

March 31, 1972

Saving Accounts: Nitro Firemen's Pension or Relief Fund	23,348.55
Nitro Policemen's Pension or Relief Fund	14,976.55

Other:

City of Nitro "Community Park Fund"	4,074.08
City of Nitro "Recreational Revenue Fund"	388.13
City of Nitro "Operation and Maintenance Fund"	254.16
Nitro Police Fund	584.91

Councilman Hoke moved, seconded by Councilman Allen, the meeting be adjourned.



MAYOR



RECORDER

April 18, 1972

The City Council met in regular session Tuesday, April 18, 1972.

There were present: W. W. Alexander; Mayor, Grace Lettis; Recorder, Dr. R.V. Allen, Harry M. Graves, Jr., E. L. Goodwin, Kenneth K. Kniceley, Hugo D. Tidquist and Kenton L. Williamson, member of City Council. Councilman L. I. Hoke being absent.

The meeting was called to order by W. W. Alexander, Mayor.

The Reverend Leroy Beyer of the Holy Trinity Catholic Church gave the invocation.

Councilman Kniceley moved, seconded by Councilman Goodwin, the minutes for April 4 and April 11, 1972 be approved. Upon a vote motion carried.

Councilman Goodwin moved, seconded by Councilman Graves, the Financial Statement for the month of March 1972 be approved. Upon a vote motion carried.

The Mayor and Council discussed repairing of Second Avenue, which was progressing favorably. However, a petition signed by a number of property owners of 26th Street was presented. The petition relates to cracks across the pavement of said street and property owners think the street has been damaged by the contractor on the water line installation. During the time of installation a lot of heavy equipment was driven over the street. In answer to Councilman Allen's question of when 26th Street was resurfaced, the Recorder after checking records, reported 1953.

The cracks in pavement begin about three fourths down the street from Second Avenue, at the beginning of the slope in the street and the cracks are about 30 to 40 feet apart.

Councilman Tidquist told Council he and Jess Gandee, Engineer, had gone over most of Second Avenue job, also checked 26th Street, that perhaps a sealer could be used on the cracks. The Engineer would send a written report to the Mayor.

Councilman Tidquist also reported checking the curbs and some places damaged were about a foot long.

There was no discussion on the traffic problem on 24th, 25th, 26th and 27th Streets.

Councilman Goodwin read the following ordinance to Council for their consideration, ordinance prepared by the Special Committee Building and Collecting Taxes.

ORDINANCE NO. _____

INTRODUCED IN COUNCIL _____

ADOPTED BY COUNCIL _____

AN ORDINANCE REGULATING OCCUPANCY AND USE
OF BUILDINGS AND PROPERTY. CONTRACTORS LICENSE
AND OR CONTRACTING PERMITS WITHIN THE CITY OF
NIRO.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE
CITY OF NIRO, WEST VIRGINIA.

SECTION 1: DEFINITIONS

For the purpose of this ordinance is to regulate the use of buildings and property to conform with the Zoning Ordinances and the inspection of the fitness of the Buildings and property for the occupancy requested.

To regulate contractors who do work in the City to have their work inspected to conform with all City codes.

SECTION 2: OCCUPANCY PERMIT

An occupancy permit must be obtained before any building or property can be occupied for any purpose. Permit must specify use of the building or property if use is changed a new permit must be obtained.

SECTION 3. INSPECTION INSPECTIONS TO BE MADE WITH THE FOLLOWING CRITERION

- A. Electrical Safety
- B. Heating Plant (Venting)
- C. Fire Hazards
- D. Sanitary facilities, if serviced by City sewers (they must be used.)
An approved septic system must be used if City sewers are not available.

- D. Down spouts or drains are not tied into Sanitary sewers.
- F. Be placed on City Services billing list.
- G. All Business and Occupation taxes or other taxes required by the City be paid before a permit is approved. (This includes all previous bills owed the City).

SECTION 4: OCCUPANCY PERMIT COST & FINES

Residential permit \$ 2.00. Fines up to \$ 25.00. Permits and inspection are still required even after occupancy or use of property. Any corrections required must be made or additional fine can be imposed up to five (5) times the original fine.

Business permit \$ 20.00. Fines up to \$ 100.00. Permits and inspection are still required even after occupancy or use of property. Any corrections required must be made or additional fine can be imposed up to five (5) times the original fine.

Industrial permit \$ 50.00. Fines up to \$ 250.00. Permits and inspection are still required even after occupancy or use of property. Any corrections required must be made or additional fine can be imposed up to five (5) times the original fine.

SECTION 5 CONTRACTORS LICENSE OR PERMITS

Each person or company engaged in the business or occupation of: Pest Control, Installing, Altering, repairing any building or structure, landscaping, grading or changing the present contour of the land, must obtain a license or permit.

SECTION 6: LICENSE OR PERMIT COST & FINES.

The initial fee for a contractors license shall be \$ 50.00 and renewal at \$ 10.00 annually.

The Contractors permit shall be for each individual job and shall be \$ 10.00

Any Contractor failing to secure a license or permit may be fined up to \$ 250.00

Any individual failing to secure a permit may be fined up to \$ 50.00.

Individual as defined here is to mean is doing his own work on his own property or building.

SECTION 7: DEMOLITION OF BUILDING OR STRUCTURE.

For the demolition of any building or structure shall be \$ 4.00. Any permit to demolish any building or structure shall provide that such work shall be completed within a period of thirty (30) days from the date of the issuance thereof, and shall further provide that all rubbish, waste materials and substances, debris, dirt and other litter shall be disposed of or removed from the premises and that the premises be cleared thereof. To secure compliance with this provision, a bond or certified check in an amount to be specified by the Building official not to exceed \$ 500.00, Five Hundred Dollars, shall be required of the person requesting the permit to demolish a building or structure. In determining the amount of the bond or certified check he shall consider the location of the premises, the type of the building or structure to be demolished, the estimated cost of demolishing said building or structure, and all other pertinent facts. After the work has been completed, and upon certification from the Building Official that all rubbish, waste materials and substances, debris, dirt and other litter has been satisfactorily disposed of or removed from the premises, and that the premises are clear thereof, the bond or certified check shall be returned to the holder of the permit; however, should the holder of the permit fail to comply with the provisions hereof and fail to remove rubbish, waste materials and substances, debris, dirt and other litter and fail to leave the premises clear thereof, then the Council may, upon recommendation of the Building Official order said bond forfeited or said certified check cashed by the City Clerk, and shall direct and order that said premises be cleared of any rubbish, waste material and substances, debris, dirt or other litter and shall charge the cost thereof to the holder of the permit. After deducting the cost of removal and other expenses to the City, the remainder of the money shall be returned to the holder of the permit.

SECTION 8 RESPONSIBILITY

It shall be the responsibility of the owner of the property to see that all permits are secured before any work, demolition or property can be occupied.

SECTION 9 - EXAMPLES

Permits must be obtained:

When new buildings are to be occupied.

When use of building or property changes.

When buildings or property is vacated and then occupied by others.

Trailer sales lots, car sales lots or any use of property whether buildings are used on the property or not.

This is in no way covers all examples but is meant to give some idea of the meaning.

Upon question of permit cost - meaning occupancy permit - it was decided to use the word "Occupancy."

Councilman Goodwin moved, seconded by Councilman Allen, the Ordinance be accepted for First Reading. Upon a vote motion carried.

The following amended Estimated Expenses for 1971-72 from the Board of Trustees, Nitro Policemen's Pension or Relief Fund was presented to Council.

AMENDMENT TO EXPENSES FOR 1971-1972

NITRO POICEMEN'S PENSION OR RELIEF FUND

1. Bond for Treasurer	\$ 25.00
2. Back pay on W. C. Post's Retirement	287.00
3. W. C. Post's Retirement	2,952.00
4. C. A. Palmer's Retirement	<u>1,175.79</u>
5. 10% for Investment	4,439.79
	<u>443.98</u>
	4,883.77
6. Withdrawal of J. W. Hall	<u>1,480.92</u>
	6,364.69

T. L. Blasingim, Secretary

Councilman Allen moved, seconded by Councilman Goodwin, the amended Estimate be accepted. Upon a vote motion carried.

The following Estimated Expenses 1972-73 from the Board of Trustees, Nitro Policemen's Pension or Relief Fund was presented to Council.

EXPENSES FOR 1972-1973

NITRO POLICEMEN'S PENSION OR RELIEF FUND

1. Bond for Treasurer	\$ 25.00
2. W. C. Post's Retirement	2,952.00
3. C. A. Palmer's Retirement	4,703.16
4. Salary for Secretary	<u>60.00</u>
	7,740.16
5. 10% for Investments	<u>774.02</u>
	8,514.18

T. L. Blasingim, Secretary

Councilman Goodwin moved, seconded by Councilman Graves, the Statement be accepted. Upon a vote motion carried.

Councilman Allen reported he and Councilman Tidquist had made a survey of central city area intersections. He said it might be a good idea to paint the sign on the pavement, but there were places the paint would not last. They found there are about six signs needed. The people in the area do not think there is a problem. They would continue to check the area.

The Recorder presented letter from the Buckskin Council requesting permission to make solicitations in Nitro from April 17 to May 19, 1972. Councilman Goodwin moved, seconded by Councilman Kniceley, that permission be granted the Buckskin Council. Upon a vote motion carried.

The Recorder presented a petition from the residents of south side of Red Oak Drive, petitioning to be made a part of the city limits by annexation, The Mayor said this was probably brought about due to our request for funds for installation of sewers in adjacent area.

Councilman Goodwin asked if by adding this/^{area}to the sewer lines, would it give us a problem. The Mayor said it could, he went on to say he thought best to have the Engineer check this area out.

Councilman Goodwin moved, seconded by Councilman Tidquist, to have Engineer check out the area of south Red Oak Drive. Upon a vote motion carried.

The Recorder informed Council that at present time one of the firemen is in the hospital, no idea when he can return to work, went on to explain the work schedule of the firemen and explained how their time was computed on their time sheet as approved several years ago by Labor Department. She also explained the firemen tried to take their vacations during the week they had no overtime, some of the men have their vacation time scheduled for the balance of this fiscal year and now with a man off sick, the firemen could not complete their vacation schedule, The Mayor said the Fire Chief had asked if they might carry some of the vacation time into the next fiscal year. In answer to Councilman Graves' question of another sickness, the Mayor said the City would pay time and half.

The Recorder reported to Council one of the officerworkers who has a weeks vacation, and is doubtful if it can be worked into this fiscal year.

Councilman Goodwin moved, seconded by Councilman Allen, to allow firemen to either carry over vacations into first quarter of the new fiscal year or be paid for time and half shift if vacations taken this fiscal year. Upon a vote motion carried.

Mayor Alexander re-appointed Pauline Warner and appointed Tom Waldorf as City Ballot Commissioners.

Councilman Goodwin moved, seconded by Councilman Graves, the appointments be confirmed. Upon a vote motion carried.

Councilman Tidquist introduced Coaches Jon Loftis and Larry McMillian to the Council.

Mr. Loftis told Council he was a member of the Drug Committee of Nitro High School. The school does have a drug problem and the Warehouse was not helping the problem. He went on to say they were not accusing anyone operating the Warehouse being involved but they are sure there is drug passage taking place. The school

has a truancy problem, they have asked the operator not to allow students to stay in the restaurant while school is in session, they know there is not law to enforce this, in most school area there is a hangout for school children, ususally the owner or operators cooperate, but the people at the Warehouse are not and refuse to.

Mr. McMillian said he feels the Warehouse is a place where the kids go to find trouble. Sleepy Hollow is another place, our kids are buying drugs in Nitro. The coaches throught if they approached Council in an effort to stop the business from operating.

The Mayor told them the only way the City can refuse the Warehouse license is to have it declared a nuisance, but in order to do this it will necessitate someone going to Court with proof. The Mayor went onto say there is no doubt in his mind about the drug useage by our young people, and any time he has a teenager in court, on any charge, he tries to get information regarding drug passage and the young people will not talk.'

Mr. Loftis said he had acted as principal of the high school last Friday and at the close of the school day he had suspended 28 students.

Councilman Allen suggested inviting the owner of the Warehouse to the next Council meeting, he personally knew some students are having problems with dope.

Coach Loftis sited one occasion of being called by a member of the Fire Department regarding a number of students that should be in school were hanging around the Warehouse and in checking into this Mr. Loftis noticed several persons who were older then the teenagers suggesting their ages being from 22-24 years old.

Three of the school girls ran into the back of the Warehouse and refused to come out and Mr. Loftis was refused any help in identifying the students. One this occasion he was cursed and called every four letter word that there was and yelling at him continued until he reached the High School building.

Coach McMillian inferred the older people who were frequenting the Warehouse were from W. Va. State College and that they could be passing the dope to students.

Mr. Loftis also told Council that the High School children who you could confide in, say after being in the Warehouse five minutes you can obtain any kind of dope, stressing that we do have a serious problem.

Councilman Kniceley said the word was getting around Nitro was the place and we have a real reputation.

Coach Loftis said during the Wrestling Tournament a couple months ago the Coach from Tridelfhia had asked how the drug problem in Nitro was affecting the Athletic program. Nitro has the name of being number 1 town in the south of West Virginia in drug traffic.

The two coaches told Council students were picked up in the school halls where they passed out and the first period after lunch that there were any number of students passing out and acting abnormal.

Councilman Allen said perhaps if it was made uncomfortable for the operators of the Warehouse that they may want to cooperate.

Coach Loftis also reported a Kanawha County Narcotic Bureau Investigator had a man under serveilance and had one day watched over 100 people go in and out of his house.

Councilman Goodwin asked why there was no action taken then.

In discussion of trying to get the teenagers to tell what they know about the drug and drug passage it was brought out that these youngsters were afraid to talk.

The Mayor told the group that he had spent money of his own trying to get a case but was unsuccessful.

Coach Loftis said Nitro High School was not a mental hospital, they have alot of goodkids and a lot of good ones in the Athletic Department, however, they are deteriorating. Any way they can help the school is willing to cooperate.

It was decided to direct a Police Officer to spend all noon hour in and around the Warehouse.

It was also suggested it would not be a bad idea for members of the City

Council to visit the place now and then.

Councilman Allen mentioned the water problem on 26th Street and 1st Avenue in front of Clarence Watts building, he did not feel the State Road cleaning the basins on 1st Avenue would solve this water problem.

The Mayor said it may be necessary to put in a new sidewalk.

Councilman Allen asked the Mayor the policy of the Sanitation Department replacing street after working on sewers, pointing out Mr. Hilton of the Friendly Bar B.Q. had asked this question of him.

The Mayor said this work was done last summer, they did not make complete repairs but had put some gravel there and this place would be blacked topped.

Councilman Goodwin reported a drainage problem in the Riverdale Acres area, pointing out the problem is created by the State Road and causing a lot of trouble for property owners of 1163 1st Avenue South.

Mayor said he would call Mr. Smith of the Department of Highways regarding this problem.

Councilman Tidquist said he had been asked to bring to Council's attention the loitering of young people on the Jr. High School parking lot. They were drinking and throwing cans and other debris on the ground. The Mayor said he would have the Police check this closely.

There being no further business and the agenda having been completed the Mayor adjourned the meeting.



MAYOR



RECORDER

May 2, 1972

The City Council met in regular session Tuesday, May 2, 1972.

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

The meeting was called to order by W. W. Alexander.

The Reverend James Horton of the First Baptist Church gave the invocation.

Councilman Kniceley moved, seconded by Councilman Williamson, the minutes for April 18, 1972 be approved. Upon a vote motion carried.

In discussion of the repairing Second Avenue, Councilman Kniceley asked when they will finish. The Mayor informed they have a tie in to make.

Councilman Tidquist said they have a tie in on 27th Street, that is the only one they told him about. They are supposed to repave and put black top sometime in June.

Councilman Kniceley said there was a drop off at the end of 2nd Avenue and 1st Avenue. This is where 2nd Avenue joins the State Highway and he asked how long it would be before this was taken care of. The Mayor said probably until they black top 2nd Avenue.

The Recorder read the following letter from Jess Gandee, Engineer, relative to complaint registered at April 18th meeting regarding 26th Street.

Honorable W. W. Alexander, Mayor
City of Nitro, West Virginia 25143

Dear Mayor Alexander:

Pursuant to your request, I, this date, met with Councilman H. D. Tidquist, and together we inspected 26th Street, which Street certain residents allege to have been damaged by the Water Company's contractors while they were working along Second Avenue.

FINDINGS:

Transverse cracks were found to exist at intervals of approximately 30 feet, at only one crack did water meter exist. It was impossible to relate these cracks to any topographic feature such as water meters, gas valves, etc.

The surface estimated to be twenty years old, more or less, is in good condition, discounting the cracks, with the exception of an area offailure of the base approximately 125 feet from the junction of 1st Avenue.

To obtain a comparision of 26thStreet with streets similarly surfaced, ie: Curbs to curb, in the same general area it was found that the condition existing on 26th Street is not unique, similar transverse cracks are to be found on other streets in the area of 26th Street. The cracks on the streets, however, do not occur at the same interval, nor do the cracks on any two streets, conform to any set pattern.

CONCLUSIONS:

It is improbably that the Water Company's contractor can be held responsible for the transverse cracking of 26th Street. The physical evidence does not provide any basis for an opinoin that would support the allegations of the property owners, Assuming such a claim would result in a legal contest; it is my opinion that the claim would be denied, since a similar condition exists on other streets in the same area, which were not subjected to the contractors usage.

Very truly yours,

Jesse B. Gandee

Councilman Tidquist said that the people who live on the street claim the cracks were not in the street before the Contractor from the Water Company stored heavy loads of dirt andused the street for heavy equipment.

It was pointed out that both the Water Company and the Gas Company had put in new lines on this street and regardless of who is responsible for causing the damage to the street, the City of Nitro should see that the street is fixed.

The Mayor asked Councilman Tidquist if he had met with the officials of the Water Company and Gas Company. Councilman Tidquist said he had been waiting for them to call him.

The Recorder reported that Mr. Curtis of the Water Company and Mr. Hart of the Columbia Gas Company had both checked 26th Street.

The Mayor said it would be a good idea for Councilman Tidquist to check the street with these representatives.

Councilman Allen said our City Engineer had given us his opinion, that the claims should be denied. He felt we should give more consideration to this problem as he had talked to the people who live on this street and they are firmly convinced that the Water Company Contractor or Gas Company are responsible for the damage.

Mr. Watts, property owner on 26th Street, said that it was not the Water line that the Water Company put in on their street, he was convinced that it was the heavy equipment that traveled the street that caused this damage. The heavy equipment he was talking about belonged to the Contractor installing the 2nd Avenue Water line. Mr. Watts, also told Council that he was retired and was at home and he knows that the trucks made 30 or 40 trips per day heavily loaded containing sand and gravel and probably weighing 28 hundred pounds per cubic feet.

Mr. Morgan, property owner of 26th Street, told Council he also beleives the heavy equipment are resposible for the breaks in their street. 26th Street was traveled by heavy equipment more than any other street.

It was pointed out these cracks exist between 2609 and 2611.

The Mayor suggested contacting the representatives from Preston Carroll, the contractor, Mr. Dawson, of the West Virginia Water Company, to go over this street and explain to them why the property owners feel the heavy equipment did cause the damge on 26th Street.

Councilman Tidquist reported there were other places that were damaged and presented a letter from Mrs. Wade Null, making a complaing against the Contract Company which put in the water line on 2nd Avenue. Letter stating that "their sidewalk was in top shape until the heavy equipment ran over it. Now it is braken and falling apart. It should be fixed as soon as possible."

Mrs. Null also in her letter mentioned a water meter put in the corner of the walk, has caused the walk to sink and makes it dangerous, stating that someone could trip and fall into the street.

The Mayor said that Preston Carroll Contractor had agreed to take care of any of the damaged places and suggested that these various things be pointed out to the superintendent or District Manager of the West Virginia Water Company.

Councilman Hoke moved, seconded by Councilman Allen, the City of Nitro go on record, the cracked places on 26th Street be investigated further and that the City Engineer give a final O.K. before the City would accept the 2nd Avenue.

job. Upon a vote motion ~~carried~~.

There ~~was~~ no discussion on traffic problem on 24th, 25th, 26th and 27th Streets.

On the matter of the annexation of Red Oak Drive, the Recorder presented to Council a petition from residents of Red Oak Drive stating that they do not want incorporated into the City of Nitro. Petition signed by 32 persons.

The Recorder also read the following letter addressed to the Mayor and Council from Jesse B. Gandee, Engineer.

Gentlemen:

Pursuant to your letter of instruction of April 19, 1972, I looked over the Red Oak Drive beyond the present corporation limits of the City of Nitro.

It is my feeling that the annexation of this area would not be in the best interest of the citizens of Nitro.

Presumably the people residing in the Red Oak Drive area requested annexation for obvious reasons, i.e:

1. Sanitary sewers
2. Fire protection
3. Street maintenance
4. Garbage service
5. Police protection

Of the above listed benefits only one, the construction of a sanitary sewers to serve this area, would create undue expense to the City of Nitro.

To provide sewers, it would be necessary to install a sewage lift station to carry the sewage over the "high ground" at the present corporation limits. It appears to me that no alternative to the construction of a lift station can be found, due to existing topographic conditions in this area.

The probably cost of a lift station of the type that would be required, would be as much as 40,000 complete in place.

Very truly yours,

Jesse B. Gandee

The Council proceeded to discuss this matter and the Mayor stated that another lift station would cost somewhere around 40 thousand dollars.

Councilman Hoke asked how many families this would accomodate. The Mayor said

he beleived around the neighborhood of 32.

In answer to Councilman Tidquist's question if this area were to be incorporated would it necessitate the City to provide such services. The Mayor said yes.

The Mayor asked for Council's action upon this matter since we have the Engineers report and a petition from other residents of Red Oak Drive stating they were not in favor of annexation.

Councilman Kniceley moved, seconded by Councilman Allen, to table this matter of annexation of opposite side of Red Oak Drive.

The Recorder read the following letter filed by the Nitro Ministerial Association.

Gentlemen:

We, the members of the Nitro Ministerial Association, request that action be taken to close the establishment, call "The Warehouse", located on 20th Street next to the fire station in Nitro, as a public nuisance and hazard. The reasons for this request are as follows:

1. There is lack of supervision and concern for the youth both inside and outside, as evidenced by the incident reported to the City Council at their last meeting and the article on the front page of the April 20th issue of the Kanawha Valley Leader.
2. The Warehouse has become a contributing factor in the problem of truancy, as evidenced by the article mentioned above.
3. Youth frequenting the Warehouse void and defecate on the shrubbery and property of St. Paul's Methodist, causing a health hazard for those who attend the Church, especially children attending kindergarten.
4. The Youth make use of the church property for drinking alcoholic beverages, allegedly smoking pot, petting and other sexual acts. These activities also take place in front of the Warehouse.
5. During services held at St. Pauls' excessive noise, obscene and abusive language and use of firecrackers by young people at the Warehouse and around the building have had a disrupting effect on services and meetings.
6. Broken glass, beer cans, bottles in the street, under shrubbery and on the steps of the Church are both hazardous and unsightly. Windows in the Church have been broken by youth frequenting the Warehouse.
7. The Warehouse also provides for young people an opportune place to become involved in the local drug scene.

We do not expect the owner of the Warehouse to be a mother and father to the young people of our community who frequent his establishment. We do expect him to provide the kind of establishment and atmosphere which is conducive to behavior and habits that are acceptable to this community. This, he has not done, nor does he show any intention of doing so. Thus we request this place of business be closed.

We also recommend that the City Council be the guiding force in bringing together civic, school and religious groups to draw up, and carry out a planned program for a community center for the City of Nitro.

Sincerely yours,

The Reverend Kenneth B. Ball
 The Reverend Leroy O. Beyer
 The Reverend Harold M. Goodpaster
 The Reverend James F. Horton
 The Reverend William W. Westlund

The Recorder informed Council, Bob Comstock had been sent an invitation to attend the Council meeting as Council had requested at the April 18th meeting.

Mayor Alexander told Council he had just received a call from Bob Comstock telling him that he would not be attending the meeting upon the recommendation of his Attorney.

Mayor Alexander asked Luke Michael, City Attorney, if he would like to make a statement regarding the foregoing request of the Ministerial Association.

Mr. Michael said he would like to hear from the members of the Ministerial Association first.

The Reverend Leroy Beyer of the Holy Trinity Catholic Church said they wanted legal action taken, that someone has to get behind this problem and push it.

The Reverend James Horton of the First Baptist Church said the owner of the Warehouse had spent 1½ hours with him that afternoon and he expects to be closed up and is waiting to be closed up.

Luke Michael said that the City Council is not going to close the Warehouse unless they do it without his recommendation, going on to state that there is a due process of law that we have to follow and until we can show concrete evidence and have complaints and warrants issued that it is a public nuisance, he can not recommend the closing of this place.

Mr. Michael went on to say that there were times when he himself was afraid to drive down the street by the Warehouse due to the crowds on the street, but that everyone expects the City to take the legal action, the schools and parents, everyone involved expects the City to do everything about it and that you just can not come in before the City Council requesting the City closing a place of business and expect it to be done, you have to have proof.

The Mayor reported that in the last couple weeks there have been some arrests made on inside and outside of the building.

In answer to Reverend Horton's question on the law on a public nuisance, the Mayor said it necessitates proof, you can not do it on hear say, it has to be taken to the Circuit Court and approved to their satisfaction.

Mr. Michael said you have to have a reason and show that there is not supervision and being operated in the proper way. He went on to say that he would file a case within a week if we had the proper grounds to go on.

Reverend Ball told of an incident of a young man outside the Warehouse playing an obscene tape. He had asked the Police to come over, which they had done and brought the boy in with the tape. The boy was questioned by he and the Police Officers and due to the boy being a mental case from the Army he had not pressed charges. The Mayor asked Reverend Ball if the boy had not been put out of the Warehouse when he tried to play the tape inside. Reverend Ball did not recall this coming out of the questioning of the boy. However, the Mayor asked of the Recorder if this was not brought out and she answered yes, the boy had told the Police and Reverend Ball, the proprietor had put him out of the Warehouse when he tried to play the tape inside.

Reverend Ball went on to talk on the sexual acts going on inside the park on the street, the trash on the grounds of the church, the noise while church service was being conducted shooting firecrackers and it seemed to him that this was enough to close the place.

Mr. Michael asked if the owner was responsible for selling fire crackers, no one seemed to know the answer.

1 Reverend Ball said he still seemed to think he was contributing to delinquency of minors.

Reverend Horton said he would like to ask a personal question of Mr. Michael, can you serve as a Counselor, the owner had promised him he would attend this meeting and now because of his Attorney's recommendation he is not here and asked Mr. Michael if he was representing this man.

Mr. Michael stated emphatically he was representing the City of Nitro and he did not know who operated the Warehouse.

Councilman Allen said we do have some obligation and asked of the Mayor what were the arrests that he referred to. The Mayor said the people were arrested for intoxication.

Reverend Ball says the owner permits drunken people in his place of business' and also using foul language.

The Mayor said the Police Officers have checked and they are not selling intoxicating drinks in the Warehouse.

Councilman Allen stated this man can not make a living with what he had in this place of business.

Father Beyer said it is most obvious that a lot of people would like to see this place closed and someone could close it. They are not going to sell dope while the Police Officers are in the area.

Reverend Horton told the Council he had begged a father who's son is on dope and has bought dope in the Warehouse to attend this meeting tonight but the Father was afraid to come because of incrimination. This father has gone to the Warehouse and taken his son out.

The Mayor asked of Reverend Horton if the boy bought the dope from the owner, The answer was that it was not known.

Mr. Michael's advice was if a warrant was secured for contributing to a minor then something could be done.

He was here to represent the City of Nitro, the fact that somebody goes inside intoxicated and is permitted to remain, is not classified as a violation, maybe we should charge the parents. Why do they permit children to go there. It is his opinion the trouble may start at home.

Reverend Ball said young people are greatly influenced by older people and continued that it was evident a number of young people would not be brought in this if not for the older people.

Councilman Allen said maybe it is not the man operating the place.

Reverend Ball said there are a lot of older people who are out of school who are hanging around the place.

The Mayor said there had been special trained officers from Charleston working in this town and they had not been able to get enough to make an arrest.

Mr. Michael wondered if the children on these drugs could not be broken down and make to tell where they obtain it.

The Mayor said children who had been brought in to Court with their parents would not tell a thing.

Reverend Ball asked if law contributing to minors makes it possible to close the Warehouse? He thought the man would have some responsibilities and that they are contributing to minors.

Mr. Michael said the place has to be declared a public nuisance and just because you come here and want the place closed down and we have not enough to go on, the judge would ask the same question that I have asked you but it is not that easily done and that he did not want to cause a suit to be filed against the City of Nitro.

Father Beyer asked if the owner was living up to the requirements of The City License. The Mayor said yes.

Reverend Ball's next question was if it was legal for minors to use pinball machines. Mr. Michael said there was no age limit, the Mayor added if the machines were paying off, that would be some evidence.

Reverend Ball's next question was regarding the toilet facilities, as there is only one.

Mr. Michael said they are required to have two toilets if they were selling beer.

The Mayor said the Police Officers were checking the place closely.

Councilman Allen said he was not in favor of removing our Officers from the place of business but he beleives we are loosing our men from the Department when they are in the Warehouse, they should be on the road.

Councilman Williamson said it seemed to him that the man operating this place could be connected with permitting people who are intoxicated in his place of business and that it was his duty to ask them to leave and if he did not he would be operating an unlawful business.

Mr. Michael advised that all that had to be done was to have one parent get warrant contrbuting to delinquency of minor and it would be processed through Prosecuting Attonrey's Office through an indictment.

Reverend Ball told Council they were not here for any easy way out but they did want legal opinions. They did want the support of Council. He will cooperate and the Ministerial Association will cooperate.

Councilman Hoke said he felt the burden of the whole things lies with the parents.

Reverend Ball said they cannot do anything.

Councilman Hoke said they can clear up things in their own homes with their children.

Reverend Horton referring to the man who had gone to the Warehouse and got his son, he says the man does not want to be publicized and he did not blame



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

CHARLES H. HADEN II
COMMISSIONER

LGR 12:60

NOTICE OF APPROVAL OF THE LEVY ESTIMATE
BY THE STATE TAX COMMISSIONER OF WEST VIRGINIA
TO THE MUNICIPALITY OF NITRO

In accordance with the provisions of Article 8, Chapter 11 of the West Virginia Code, as amended, and contingent upon compliance with the provisions of Article 6, Section 38, of the West Virginia Constitution, I, as State Tax Commissioner of West Virginia, do hereby approve the Levy Estimate for the fiscal year beginning July 1, 1972.

HOWEVER, APPROVAL IS CONDITIONED UPON THE CORRECTION OF THE FOLLOWING DEFICIENCIES:

None.

I find that any levy rates to be imposed in excess of those prescribed by the West Virginia Constitution were legally authorized by a vote of the people.

I find that the proper rates of levy are being used to retire any existing general obligation bond debt, and that such total debt is within the limits prescribed by the West Virginia Constitution and Code.

Given under my hand this 17 day of April 19 72.

A handwritten signature in dark ink, appearing to read "Charles H. Haden II", written over a horizontal line.

TAX COMMISSIONER

him, when we do not do anything. The place is a pest hole of sin, that is what we have.

Dean Miller asked of the Mauor that the fact they had arrested people in the place for intoxication was not something to go on.

Mayor said no, the persons were not minors.

The Mayor told the Ministers that if someone would get some concrete evidence then the Council and our Attorney would give all the help they can.

The Recorder presented notice of approval of the Levy Estimate by State Tax Commissioner of West Virginia, showing no exception or corrections. Said letter to be attached to the minutes of this meeting. Thereupon Councilman Goodwin moved, seconded by Councilman Kniceley, the Levy rates be adopted and Levy Order be passes as follows: Upon a vote motion carried.

STATE OF WEST VIRGINIA,

COUNTY OF KANAWHA AND PUTNAM,

MUNICIPALITY OF NITRO, to-wit:

At a regular session of the Council of the Municipality of Nitro held in the Council Chamber thereof on Tuesday, the 2nd day of May, 1972, present: W. W. Alexander; Mayor, Recording Officer Grace Lewis; L. I. Hoke, Kenneth K. Kniceley, Kenton L. Williamson, Hugo D. Tidquist and Ray V. Allen, E. L. Goodwin and Harry M. Graves, Jr., members of the Council of said Municipality.

CURRENT REGULAR MUNICIPAL LEVY ORDER

The Council having ascertained that the net amount necessary to be raised by a levy of taxes for the current fiscal year for regular municipal purpose will be \$ 117,843.00, according to the estimate made and entered of records on the 11th day of April, 1972, 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 hudnred dollars valuation of each class of

property, viz:

Sixteen and One Quarter cents (16.25¢) on Class No. I property,
 Thirty-two and One Half cents (32.5¢) on Class No. II property,
 Sixtyfive cents (65¢) on Class No. IV property,

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

CLASS	ASSESSED VALUATION	TOTAL RATE OF LEVY	TAXES LEVIED (WHOLE DOLLARS)
Number I			
Personal Property	1,166,000.00	16.25¢	1,895.00
Public Utility	867,300.00	16.25¢	1,409.00
Total Class No. I	2,033,300.00		3,304.00
Number II			
Real Estate	11,300,609.00	32.5¢	36,727.00
Number IV			
Real Estate	5,590,014.00	65¢	36,335.00
Personal Prop.	4,209,190.00	65¢	27,360.00
Public Utility	2,171,900.00	65¢	14,117.00
Total Class No. IV	11,971,900.00		77,812.00
TOTALS	25,305,013.00		117,843.00

MUNICIPAL BOND PURPOSES-INTEREST AND SINKING FUND
 ORDER

The Council having ascertained that the amount necessary to be raised by a levy of taxes for the current fiscal year to pay the interest on and provide a sinking fund for the discharge of the principal of a bond issue of \$313,000.00 will be \$ 18,130.00 according to the estimate made and entered of record on the 11th day of April, 1972 and said estimate having been published as required by law and no one appearing to oppose the same or take exception thereto and the Tax Commissioner having approved the same in writing, it is therefore ordered that said estimate and the rates of levies proposed therein be approved and that the following levies be laid on each one hundred dollars valuation of each class property, viz:

AUTHORIZED RATES

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

Two and One Half cents (\$2.5¢) on Class No. I property,
 Five cents (5¢) on Class No. II property,
 Ten cents (10¢) 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	1,166,000.00	2.5¢	292.00
Public Utility	867,300.00	2.5¢	217.00
Total Class No. I	2,033,300.00		509.00
Number II			
Real Estate	11,300,609.00	5¢	5,650.00
Number IV			
Real Estate	5,590,014.00	10¢	5,590.00
Personal Property	4,209,190.00	10¢	4,209.00
Public Utility	2,171,900.00	10¢	2,172.00
Total Class IV	11,971,104.00		11,971.00
TOTALS	25,305,013.00		18,130.00

The Recorder presented to Council a tentative list of Election Officials to conduct the City Election to be held June 6, 1972.

Pointing out to Council that they may make any changes they thought necessary.

Councilman Williamson presented a list of people's names to be used as Election Officials.

After going over the list and making a couple changes, Councilman Goodwin moved, seconded by Councilman Hoke, the following list be accepted as Election Officials to conduct the City Election June 6, 1972. Upon a vote motion carried.

PRECINCT NO. 22	PUTNAM COUNTY	
Frances Carroll	3818 - 38th St.	Receiving Commissioner
Hazel Townsend	4122 - Third Avenue	Receiving Commissioner
Mildred Woods	3611 - 36th St.	Receiving Commissioner
Mary Michael	112 Bailes Drive	Receiving Clerk
Freda Patton	3969 - 39th St.	Receiving Clerk
Bertha French	4060 - 40th St.	Counting Commissioner
Marie Cochran	91 - 40th St.	Counting Commissioner
Stella O'Gorman	3802 - 38th St.	Counting Commissioner
Florence Mollohan	3813 - 38th St.	Counting Clerk
Ruby Brace	3815 - 38th St.	Counting Clerk

PRECINCT NUMBER 364

Virginia T. Hunter
 Camilla Brown
 Dorothy Kinder
 Nellie Stewart
 Valieda McClanahan
 R. Jerome Collins
 Helen Colcord
 Ray Ellis
 W. P. Miller
 Wanda Ferrell

KANAWHA COUNTY

2511 - 25th St.
 2712 - 27th St.
 102 Brookhaven Dr.
 2411 - 24th St.
 71 North 21st St.
 68 North 21st Street
 7 - 21st Street
 75 North 21st Street
 46 - 21st St.
 66 - 21st St.

Receiving Commissioner
 Receiving Commissioner
 Receiving Commissioner
 Receiving Clerk
 Receiving Clerk
 Counting Commissioner
 Counting Commissioner
 Counting Commissioner
 Counting Clerk
 Counting Clerk

PRECINCT NUMBER 365

Velma Kinder
 Ezella Perry
 Ruth Ann Jones
 Marguarite Grover
 Reba Mathes
 Viola Ragle
 Isabelle Hudnall
 Hilda Kilgore
 Jeanette Oldham
 Ina Hozley

KANAWHA COUNTY

1816 - 18th St.
 22 - 21st St.
 2102 - 21st St.
 1409 - 14th St.
 1612 - 16th St.
 1619 - 16th St.
 1522 - 15th St.
 1534 - 15th St.
 1828 - 18th St.
 1524 - 15th St.

Receiving Commissioner
 Receiving Commissioner
 Receiving Commissioner
 Receiving Clerk
 Receiving Clerk
 Counting Commissioner
 Counting Commissioner
 Counting Commissioner
 Counting Clerk
 Counting Clerk

PRECINCT NUMBER 366

Maxine Woodall
 Myrtle Adkins
 Maomi Williard
 Mable Sigman
 Norma Jean Means
 Ruth Carpenter
 Beatrice Fore
 Travea Hatfield
 Audrey Deeter
 Mrs. Robert Mathews

KANAWHA COUNTY

604 - 6th St.
 1113 - 11th St.
 517 - 5th St.
 1328 - 13th St.
 923 - 9th St.
 1022 - 10th St.
 512 - 5th St.
 810 - 8th St.
 722 - 7th St.
 1020 - 10th St.

Receiving Commissioner
 Receiving Commissioner
 Receiving Commissioner
 Receiving Clerk
 Receiving Clerk
 Counting Commissioner
 Counting Commissioner
 Counting Commissioner
 Counting Clerk
 Counting Clerk

PRECINCT NUMBER 367

Gold Roark
 Dorothy Maruish
 Sadie Wright
 Mable Reinacher
 Ruby Hustead
 Jaent Long
 Eunice Higginbotham
 Shirley Finney
 Thomas Winter
 Mrs. Omar Cunningham

KANAWHA COUNTY

1323 - W. 13th St.
 1427 - W. 14th St.
 104 Layne Ave.
 1229 - W. 12th St.
 2 Main Avenue
 129 Lock Avenue
 1317 - W. 13th St.
 1105 Park Avenue
 1223 Park Avenue
 104 Broadway Avenue

Receiving Commissioner
 Receiving Commissioner
 Receiving Commissioner
 Receiving Clerk
 Receiving Clerk
 Counting Commissioner
 Counting Commissioner
 Counting Commissioner
 Counting Clerk
 Counting Clerk

PRECINCT NUMBER 368

KANAWHA COUNTY

Lucille Callihan	102 Juniper Street	Receiving Commissioner
Virginia Coutler	809 Washington Ave.	Receiving Commissioner
Maire Dye	901 Kanawha Ve.	Receiving Commissioner
JoAnne Goff	910 Dupont Ave.	Receiving Clerk
Joyce Reynolds	911 Kanawha Ave.	Receiving Clerk
Audrey Fields	609 Dupont Avenue	Counting Commissioner
Genieva Luikart	400 Kanawha Avenue	Counting Commissioner
Marjorie Hudnall	103 Juniper Street	Counting Commissioner
Bonnie Jones	200 Juniper Street	Counting Clerk
Helen Britt	804 Dupont Ave.	Counting Clerk

PRECINCT NUMBER 369

KANAWHA COUNTY

Juanita Hastings	1406 - Sattes Circle	Receiving Commissioner
Albina Bonner	1323 Main Avenue	Receiving Commissioner
Mrs. Mark Samples	1326 Main Avenue	Receiving Commissioner
Wanda Collins	1436 Sattes Circle	Receiving Clerk
Wanda Smith	203 Walker Street	Receiving Clerk
Mrs. William Harris	1540 Fenton Circle	Counting Commissioner
Mrs. John H. Shiflett	1307 Main Avenue	Counting Commissioner
Mary Blake	1101 Benamati St.	Counting Commissioner
Edna Beel	1404 Main Avenue	Counting Clerk
Margorie Sales	1358 Valentine Circle	Counting Clerk

PRECINCT NUMBER 370

KANAWHA COUNTY

Vesta Arman	707 Kanawha Avenue So.	Receiving Commissioner
Minnie Jones	821 - 1st Avenue So.	Receiving Commissioner
Nina Reveal	1147 - 1st Avenue So.	Receiving Commissioner
Elizabeth Cloud	707 1st Avenue So.	Receiving Clerk
Amy Yates	712 Michigan Ave.	Receiving Clerk
Frances Johnson	107 Kanawha Ave. So.	Counting Commissioner
Betty Thomas	719 Kanawha Ave. So.	Counting Commissioner
Kathie Eskins	714 Main Avenue	Counting Commissioner
Vivian Wright	1157 - 1st Avenue So.	Counting Clerk
Lucille Caldwell	715 - Kanawha Ave. So.	Counting Clerk

In a discussion of Ordinance relating to Occupancy and use of buildings and property contracts, license, or contracting permits, Mr. Michael informed Council that the caption of the Ordinance must be legally advertised before passage, as it pertains to a fee charge. He suggested the Council go ahead and advertise and complemented the Committee doing a good job on the Ordinance.

Councilman Goodwin said he had one change before the Second Reading and that was to request license fees not be in effect until after the beginning of the fiscal year. With the thought in mind that an Established contractor would not

pay the initial fee that the Ordinance calls for and in discussion it was pointed out that the Contractor must be located within the City limits and does not mean contractor having just a Nitro address and operating outside the City limits.

Councilman Goodwin moved, seconded by Councilman Tidquist, the following Ordinance be accepted for Second Reading. Upon a vote motion carried.

AN ORDINANCE REGULATING OCCUPANCY AND USE OF BUILDINGS AND PROPERTY. CONTRACTORS, LICENSE AND OR CONTRACTING PERMITS WITHIN THE CITY OF NITRO.

Be it ordained by the Common Council of the City of Nitro, West Virginia.

SECTION 1: Definitions:

For the purpose of this ordinance is to regulate the use of buildings and property to conform with the Zoning Ordinance and the inspection of the buildings and property for the occupancy requested.

To regulate contractors who do work in the City to have their work inspected to conform with all City codes.

SECTION 2. OCCUPANCY PERMIT:

An occupancy permit must be obtained before any building or property can be occupied for any purpose. Permit must specify use of the building or property, if use is changed a new permit must be obtained.

SECTION 3 INSPECTION:

- A. Electrical Safety
- B. Heating Plant (Venting)
- C. Fire Hazards
- D. Sanitary facilities, if serviced by City sewers (they must be used). An approved septic system must be used if City sewers are not available.
- E. Down spouts or drains are not tied into Sanitary sewers.
- F. Be placed on City Services Billing list.

G. All B & O Taxes or other taxes required by the City be paid before a permit is approved. This includes all previous bills owed the City.

SECTION 4: OCCUPANCY PERMIT COST AND FINES:

Residential permit \$ 2.00. Fines up to \$ 25.00. Permits and inspection are still required even after occupancy or use of property. Any correction required must be made or additional fine can be imposed up to five (5) times original fine.

Business permit \$ 20.00. Fines up to \$ 100.00. Permits and inspection are still required even after occupancy or use of property. Any corrections required must be made or additional fine can be imposed up to five (5) times the original fine.

Industrial permit \$ 50.00. Fines up to \$ 250.00. Permits and inspection are still required even after occupancy or use of property. Any corrections required must be made or additional fine can be imposed up to five (5) times the original fine.

SECTION 5: CONTRACTORS LICENSE OR PERMITS.

Each person or company engaged in the business or occupation of: Pest Control, Installing, altering, repairing any building or structure, landscaping, grading or changing the present contour of the land, must obtain a license or permit.

SECTION 6: LICENSE OR PERMIT COST & FINES.

The initial fee for a Contractors license shall be \$ 50.00 and renewal at \$ 10.00 annually.

The Contractors permits shall be for each individual job and shall be \$ 10.00

Any contractor failing to secure a permit may be fined up to \$ 50.00.

Individual as defined here is to mean is doing his own work on his own property or building.

SECTION 7 DEMOLITION OF BUILDING OR STRUCTURE.

For the demolition of any building or structure shall be \$ 400 any permit to demolish any building or structure shall provide that such work shall be

completed within a period of thirty (30) days from the date of the issuance thereof, and shall further provide that all rubbish, waste materials and substance, debris, dirt and other litter shall be disposed of or removed from the premises and that the premises be cleared thereof. To secure compliance with this provision, a bond or certified check in an amount to be specified by the Building Official not to exceed \$ 500.00 Five Hundred Dollars, shall be required of the person requesting the permit to demolish a building or structure. In determining the amount of the bond or certified check he shall consider the location of the premises, the type of the building or structure to be demolished, the estimated cost of demolishing said building or structure, and all other pertinent facts.

After the work has been completed, and upon certification from the Building Inspector that all rubbish, waste materials and substances, debris, dirt and other litter has been satisfactorily disposed of or removed from the premises, and that said premises are clear thereof, the bond or certified check shall be returned to the holder of the permit; however, should the holder of the permit fail to comply with the provision hereof and fail to remove rubbish, waste materials, and substances, debris, dirt and other litter and fail to leave the premises clear thereof, then the Council may, upon recommendation of the Building Official order said bond forfeited or said certified check cashed by the City Clerk; and shall direct and order that said premises be cleared of any rubbish, waste materials and substances, debris, dirt and other litter and shall charge the cost thereof to the holder of the permit. After deducting the cost of removal and other expenses to the City, the remainder of the money shall be returned to the holder of the permit.

SECTION 8 RESPONSIBILITY

It shall be the responsibility of the owner of the property to see that all permits are secured before any work, demolition or property can be occupied.

SECTION 9 EXAMPLES

Permits must be obtained:

When new buildings are to be occupied.

When use of building or property changes.

When buildings or property is vacated and then occupied by others.

Trailers sales lots, car sales lots or any use of property whether buildings are used on the property or not.

This in no way covers all examples, but is meant to give some idea of the meaning.

Councilman Goodwin moved, seconded by Councilman Kniceley, the necessary parts of the Ordinance be advertised. Upon a vote motion carried.

Councilman Allen told Council since we have paved 41st Street, he thought no heavy trucks should be allowed on the street.

Residents from 41st Street present said it was the heavy trucks that tore up the street. It was suggested that a weight limit be put on the sign.

Councilman Allen moved, seconded by Councilman Goodwin, that signs be erected on 41st Street prohibiting trucks in excess of 8 thousand pounds. Upon a vote motion carried.

Councilman Williamson brought up the matter of a sunken place on Washington Avenue and Ivy Street. Mrs. John Kraft, the person who had made the complaint presented a diagram to Council showing how the street is sinking. It is only possible to use one side going from Washington to Dupont. Also pointing out such problems as the sidewalk in the 800 block, cars parked on both sides of street making it possible for only one car to go through. Asking if a bulldozer could not be used in this area in order that they might fill in the alley and the only way they have of getting out is by the use of Ivy Street if weather permits. She said they could use the alley, but people objected to it and there is no other way for them to get to their garage.

Councilman Hoke said Ivy Street had been on the paving list but it was deleted as the people did not want it paved.

Mrs. Kraft also pointed out in putting up the stop signs the stop sign had been erected at another place and they could use one at the corner of the street.

She stated further she was in favor of paving Ivy Street.

Councilman Tidquist said he was still receiving complaints from people on 15th Street regarding the water and debris coming from the hill.

Councilman Tidquist told Council he had checked the request made by Walls American Service Station who has a dusk to dawn light in front of the place of business and would like to move this light to the rear of the building as a flood light and asked the City to install a street light in front of his place of business on 1st Avenue.

Councilman Tidquist moved, seconded by Councilman Allen, that a street light be ordered installed in front of Walls American Service Station. Upon a vote motion carried.

Councilman Kniceley pointed out to Council a street light was needed at 10th Street and 2nd Avenue, pointing out he felt everyone knew why the street light was needed. Thereupon, Councilman Kniceley moved, seconded by Councilman Tidquist to request a 35 hundred mercury vapor light be installed at 10th Street and 2nd Avenue. Upon a vote motion carried.

Councilman Tidquist reported to Council he had received complaint on resurface on 14th Street where the new black top, installed recently, was crumbling.

Councilman Kniceley said he had also received complaints of 11th Street and 14th Street paving.

Councilman Allen said he had received complaint and checked the streets, and the material put down pulled right off the curb, it is no higher than the aggregate that was used.

Councilman Tidquist pointed out a place in front of A. F. Whaples on 14th Street where water comes through the curb. The Mayor said this place had existed for 22 years and seemed to be an under ground spring and the street had had number of pot holes in it but no holes where the water seeps through.

Councilman Goodwin said he did not think the Contractor rolled the black top enough.

It was pointed out the paving program would need to be completely checked out before acceptance.

Vernon Casebolt in making an announcement that he was a candidate for Council for Ward Number Three, told Council in talking to a few people that he had a touchy question.

The people have brought to his mind the desire the City use voting machines in the City Election.

This is their question and he feels like in wanting to be their representative that the Council strongly consider this question.

Mayor Alexander informed that Nitro is located in two Counties, Kanawha County has approved the use of voting machines and the Putnam County Court has never approved the use of voting machines.

He has had the advise of three different Attorneys during Elections that until such time as the County of Putnam Approves the use of voting machines that the City of Nitro can not use voting machines in that particular Precinct. Further he didnot think the people had any worry with the type of persons who are picked to conduct an Election and that we have to go by the Permenant Registration Laws of W. Va.

Councilman Allen said he would check the law out with the Secretary of State regarding the use of machines in Putnam County.

Mayor Alexander introduced Cadet Troop No. 466. Their leader told Council, attending Council meeting was requirement to get their badge.

Residents from 41st Street complained of Childers Motor Sales taking possession of 41st Street and suggested Council make the street one way.

Councilman Hoke said he preferred a petition requesting this.

Other residents of 41st Street complained of water running from the Childers Garage into their street, the water contains oil and debris and this is tracked into their homes.

Councilman Hoke informed Council the Nitro Taxi Company keeps their cars on one side of 19th Street causing a hazard. He proposed a letter be written to Nitro Taxi Company giving them 24 hours to clear the street or a \$ 5.00 fine be imposed for cars unammned on 19th Street.

Councilman Allen seconded by motion. Upon a vote motion carried.

Mayor Alexander suggested checking the legality on this matter with the City Attorney.


The Residents of 41st Street complained of the same problem, that at times there are 14 to 15 cars belonging to Childers Motor Sales, parked without license on 41st Street and that there are no places for residents to park.

Mr. Bill Wilson suggested the are between the railroad tracks and the highway be graded and used for parking. The Mayor informed Mr. Wilson that this property belongs to the Department of Highway and he does not feel we can get permission for this.

There being no further business and the agenda having been completed, Councilman Hoke moved the meeting be recessed.



Mayor



Recorder

May 9, 1972

The City Council met in recessed session Tuesday, May 9, 1972.

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

The Recorder presented petitions of nomination of candidates for Election to be held June 6, 1972.

MAYOR

Roger A. Cooke	2002 - 20th St.
William D. "Bill" Gibson	1302 Valentine Circle
Donald R. Mellert	1318 - W. 13th St.
Bennie L. Savilla	4033 - 40th St.

The Recorder informed Council that she did hold another petition for nomination for Mayor from a person who did not pay the filing fee and she did not wish to mention the name as the least said is soonest mended and she did not wish to embarrass the man or his family. Councilmen Agreed.

The Recorder told Council she had a letter from Charles O. Agee, asking that his name be withdrawn as a candidate for Mayor due to previous commitments to his Company and asked for a motion that Mr. Agee be reimbursed the \$ 10.00 filing fee. Thereupon Councilman Kniceley moved, seconded by Councilman Williamson, Mr. Agee's letter be accepted and directed he be refunded the \$ 10.00 filing fee. Upon a vote motion carried.

RECORDER

Rosilea Gundiff	2925 - 29th St.
Dolly Priddy Dodson	208 Walker St.
Tom "Bucky" Melton	2819 - 28th St.

COUNCIL AT LARGE

Dr. R. V. Allen	2177 - 21st St.
Richard A. "Richie" Cline	1331 Main Avenue
Norma Johnston	3102 - 31st St.
Robert R. "Bob" Mattox	1405 Sattes Circle
Dean Miller, Minister	2 Smith Street
Keith E. Priddy	1527 - W. 15th St.
Hugo D. Tidquist	1109 Park Avenue

COUNCILMAN WARD NUMBER ONE

Joe W. Javins	4120 - Third Avenue
Jacqueline "Jackie" Mallett	2507 - 25th St.
Kermit L. Thompson	3953 - 39th St. East
James B. White	233 Brookhaven Dr.

COUNCILMAN WARD NUMBER TWO

Albert Franklin "Sonny" Harmon	1807 - 18th St.
Paul R. Hill	615 - 6th St.
James E. "Jim" Landers	724 - 7th St.

COUNCILMAN WARD THREE

Vernon Casebolt	307 Kanawha Avenue
Kenton L. Williamson	1003 Washington Avenue

The Recorder presented a note from John W. Cox, 316 Dupont Avenue, who had filed for Councilman Ward Three, stating his desire to have his name removed from the list.

Thereupon Councilman Goodwin moved, seconded by Councilman Kniceley, to accept Mr. Cox's note and directed he be refunded his \$ 10.00 filing fee. Upon a vote motion carried.



STATE OF WEST VIRGINIA
OFFICE OF THE SECRETARY OF STATE
CHARLESTON 25305

JOHN D. ROCKEFELLER IV
SECRETARY OF STATE

May 5, 1972

Dr. R. V. Allen
21 77th 21st Street
Nitro, West Virginia

Dear Dr. Allen:

This will confirm our telephone conversation of Wednesday, May 3, 1972. With respect to your inquiry whether or not it is permissible for voting machines to be used in the city of Nitro elections, I call your attention to Section 29 of Article 4 of Chapter 3 of the Election Laws of West Virginia which follows:

"The county court of any county which has adopted the use of voting machines is hereby authorized to make such machines available to any municipality in, or partly in, such county for use in the elections conducted by such municipality, and the use of voting machines by such municipality shall be upon such terms and conditions as may be agreed upon between the county court and the municipality."

Thus, it would appear that the Kanawha county court is authorized to make its

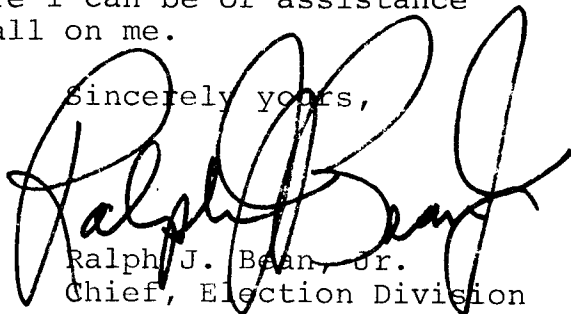
OFFICE OF THE SECRETARY OF STATE

Dr. R. V. Allen
May 5, 1972
Page 2

voting machines available to the city of Nitro for use in the elections conducted by the city of Nitro upon such terms and conditions as may be agreed upon between the county court of Kanawha county and the municipality of Nitro.

If in the future I can be of assistance to you, please do call on me.

Sincerely yours,

A large, stylized handwritten signature in black ink, appearing to read "Ralph J. Bean, Jr.".

Ralph J. Bean, Jr.
Chief, Election Division

RJBJ/dcr



COUNCIL WARD FOUR

William A. "Bill" Burford

1169 - 1st Avenue

E. L. "Chub" Goodwin

103 Cleveland Avenue

Harry Anthony Hechesky

202 Hillside Drive

Thomas B. Lilly

1504 Fenton Circle

After the members of Council had personally examined each and every petition, Councilman Goodwin moved, seconded by Councilman Williamson, the petitions be accepted and certified, that each candidates name be placed on the Ballot, for the City Election to be held June 6, 1972. Upon a vote motion carried.

Councilman Allen presented to Council the following information secured from Ralph J. Bean, Jr., Chief Election Division of the Office of Secretary of State.

Dear Dr. Allen:

This will confirm our telephone conversation of Wednesday, May 3, 1972.

With respect to your inquiry whether or not it is permissible for voting machines to be used in the City of Nitro elections, I call your attention to Section 29 of Article 4 of Chapter 3 of the Election Laws of West Virginia which follows:

"The county court of any county which has adopted the use of voting machines is hereby authorized to any municipality in, or partly in, such county for use in the elections conducted by such municipality, and the use of voting machines by such municipality shall be upon such terms and conditions as may be agreed upon between the county court and the municipality:"

Thus, it would appear that the Kanawha County Court is authorized to make its voting machines available to the City of Nitro for use in the elections conducted by the City of Nitro upon such terms and conditions as may be agreed upon between the county court of Kanawha county and the municipality of Nitro.

If in the future I can be of assistance to you, please do call on me.

Sincerely yours,

Ralph J. Bean, Jr.
Chief, Election Division.

The Mayor said this information is exactly what he has been told previously. We can use the machines in Nitro in Kanawha County section, but In Putnam County we cannot. Putnam County has not adopted the use of voting machines and they can not be used thereuntil they are adopted.

Councilman Allen voiced his opinion that the City Council has authority of the Election and If Council desired to use machines, they could use them, that he would certainly get a decision from Putnam County. The Mayor said that Wednesday following last Council meeting, he had talked with Jack Pauley regarding the City using the voting machines and had been told the County only had eight extra machines which were being held in case of broken down machines in the Primary, May 9, 1972 and due to any litigation on recounts coming out of May 9th Primary, that the voting machines in Kanawha County would not be available for City of Nitro, June 6, 1972 Election.

Mr. Pauley's interpretation of the law regarding the Counties use of machines was same as the Mayor had just stated.

Councilman Allen said he would like to have a letter to this affect and if machines are available, that we use them.

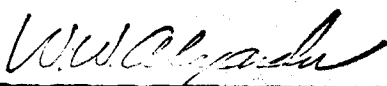
It is not his intention to say anyone working in an Election is dishonest. Councilman Allen said he would like a motion to the affect that if a voting machine can be used in Kanawha County, they use them. Mayor Alexander contended that Putnam County has to adopt the use of machines before we can use them in that County.

Councilman Allen said his interpretation from Mr. Bean was that this is the prerogative of the City Council,,this is strictly a City Election.

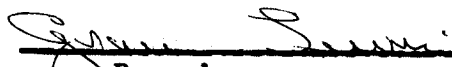
The Mayor said it still has to be conducted under State Election laws.

Councilman Allen read the last paragraph on page 2 of Mr. Beans letter. He also said if they were available to use that he thought we should use them.

There being no further business the Mayor adjourned the meeting.



Mayor



Recorder

May 16, 1972

The City Council met in regular session Tuesday, May 16, 1972.

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

The meeting was called to order by W. W. Alexander.

The Reverend James Horton of the First Baptist Church gave the invocation.

Councilman Goodwin moved, the last paragraph on page 15 of the minutes May 2nd meeting be corrected to read "Any established Contractor located within the City limits of Nitro and has been in business for two or more years can continue to do contracting by paying \$ 10.00 renewal fee beginning July 1, 1972."

Motion seconded by Councilman Kniceley, Upon a vote motion carried.

Councilman Goodwin moved, seconded by Councilman Kniceley, the minutes for May 2 as corrected and May 9, 1972 be approved. Upon a vote motion carried.

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

Mayor Alexander said since Councilman Tidquist is out of town due to death in family, we will not have a discussion on the repairs to Second Avenue.

There was no discussion on the traffic problem on 24th, 25th, 26th and 27th Streets.

With regard to Ordinance of Occupancy and Use of Building and Property, Mr. Michael, the Attorney, pointed out the Ordinance needs a few revisions before being advertised and since it will not become effective until July 1, 1972, we will delay discussing the matter until June 16, 1972 meeting.

There was no discussion on the cracks on 26th street, as the Mayor said he did not believe Mr. Tidquist had had an opportunity to meet with the Contractor of the West Virginia Water Company.

The following letter was read to Council from Donald R. Mellert.

Addressed to Miss Grace Lewis; Recorder, Nitro, W.Va.

As of this day, May 15, 1972, I am withdrawing my name from the list of candidates running for Mayor of the City of Nitro, by reason of employment opportunity elsewhere. This would eliminate my availability as full time Mayor.

Signed: Donald R. Mellert
1318 W. 13th St.
Nitro, W.Va. 25143

Councilman Hoke moved, seconded by Councilman Graves, Donald R. Mellert's name as candidate nominated for Mayor June 6, 1972 be removed from the Ballot. Upon a vote motion carried.

The Recorder read the following replacements for the Voting Precincts in Nitro.

PRECINCT NUMBER 22, PUTNAM COUNTY

Bertha French replacing Freda Patton as Receiving Clerk.

Geneveive Pottorff replacing Bertha French as Counting Commissioner.

PRECINCT NUMBER 364, KANAWHA COUNTY

Georgiana Ashford replacing Dorothy Kinder as Receiving Commissioner.

May Sampson replacing Wanda Ferrell as Counting Clerk.

PRECINCT NUMBER 365, KANAWHA COUNTY

Edna Nelson replacing Halda Kilgore as Counting Commissioner.

PRECINCT NUMBER 366, KANAWHA COUNTY

Dimples Matthews replacing Mable Sigman as Receiving Clerk.

Ruth Rice replacing Beatrice Fore as Counting Commissioner.

Leslie Frazier replacing Treva Hatfield as Counting Commissioner.

John Womack, Jr. replacing Dimples Matthews as Counting Clerk.

PRECINCT NUMBER 367, KANAWHA COUNTY

Reba Lewis replacing Dorothy Maruish as Receiving Commissioner.

PRECINCT NUMBER 368, KANAWHA COUNTY

Nancy Hill replacing Marie Dye as Receiving Commissioner.

JoAnne Addison replacing Joycle Reynolds as Receiving Clerk.

PRECINCT NUMBER 369, KANAWHA COUNTY

Marjorie Sales replacing Juanita Hastings as Receiving Commissioner.

Sadie Lykins replacing Albina Bonner as Receiving Commissioner.

Eva Rangos replacing Mrs. William Harris as Counting Commissioner.

Karen Sales replacing Edna Teel as Counting Clerk.

Betty Medley replacing Marjorie Sales as Counting Clerk.

PRECINCT NUMBER 370, KANAWHA COUNTY

Margaret Owsley replacing Frances Johnston as Counting Commissioner.

Ollie Hancock replacing Vivian Wright as Counting Clerk.

Councilman Goodwin moved, seconded by Councilman Graves, the foregoing Election Officials be appointed as replacements to conduct the City Election to be held June 6, 1972. Upon a vote motion carried.

Mr. Michael informed Council the Engineer's Report on the street paving was not complete and asked Council to recess this meeting in order that we could go in session when the report is completed.

The Recorder read the following letter from Jack Pauley, Clerk of Kanawha County Court, under date of May 12, 1972 to the Council.

Dear Mayor Alexander:

In answer to your telephone request on May 2nd as to the availability of voting machines for your City Election to be held on June 6, 1972, please be advised that there will not be any machines available at that time. As you know all of our machines were in use for the Primary Election. The Canvass of the machines will take at least two weeks to complete. The law required that they remain locked for seven days after the completion of the Canvass. This will tie up all machines until too late to prepare any for your election.

I am sorry that we cannot supply with machines for this election. Perhaps we will be able to in future elections.

Yours truly,

Jack Pauley, Clerk of the County Court.

The Mayor told Council he talked by phone with Mr. Pauley and Also Mr. Ralph Bean of the Secretary of State Office. Both being of the same opinion, we could use voting machines in Kanawha County but not in Putnam County.

Ben Savilla asked to be heard. He informed Council that Jack Pauley, Clerk of the Kanawha County Court, had come out with the statement that voting machines could be made available by the Shoupe Company. He, (Mr. Savilla) had contacted the representative of the Shoupe Company and the machines can be made available to Nitro and that he is willing to pay all the cost above the normal City Election cost to have the use of the machines and that he would pay the money in advance for the voting machines.

The Mayor said he did not believe even if the voting machines were available to Kanawha County Precincts, that we would have time to do anything about it. Time was the factor.

Mr. Savilla said if it was a matter of cost he would pay that too.

The Mayor asked Mr. Savilla if he thought these 80 people selected to serve as Election Officials were dishonest people.

Mr. Savilla said no, but he was familiar with procedures. One or two in each precinct could do the trick by the use of unmarked ballots. Give them to him in the same position and he could show you.

The Mayor pointed out the people who have been appointed to serve on the City Election Boards are honest people and it is up to the Council.

Mr. Savilla suggested one of the Council members put it in action.

Councilman Williamson said he thought these people are honest. They would still be in charge of the machines and we will still have to depend on them. It did not make a lot of difference to him, however, several people have voiced their opinion.

Councilman Williamson asked Vernon Casebolt if he was interested in the use of voting machines.

Mr. Casebolt said he was interested in a fair election, if we can get the voting machines, they have been used in Nitro High School Student Council Elections and he thought if we can get them, use them.

Councilman Williamson asked Dean Miller his opinion.

Mr. Miller's answer was in possible use the voting machines.

Councilman Hoke asked if Jack Pauley, Clerk of County Court, is not the man in charge and that we had the letter from him stating that we could not get them and what we have here is heresay.

The Mayor said he beleived the voting machines would have to come through the County Clerk's Office and the law is all we have to go by.

Mr. Savilla said in a tape recorded session, Mr. Pauley had agreed to this transaction. He is the man who proposed the Shoupe Mfg. Co. and if that he, Mr. Savilla, would get the voting machines then he would furnish the technicians for the Election.

Mr. Michael said he had not checked anything further after the City received letter from Mr. Pauley, County Clerk, saying the machines were not available for Kanawha County and if Mr. Pauley has changed his opinion he had not notified the City, we do not know anything about it.

Mr. Savilla wanted to know why the fight.

Mr. Pauley has said we could use voting machines.

The Mayor said he didn't care what anybody said, we have Mr. Pauley's letter that he can not furhish machines.

Mr. Savilla said this was new information.

The Mayor replied Mr. Pauley had not contacted the City Government.

The Mayor said Council would have to back up and request notices be sent to people serveing on the Election Boards, the ones thatwould not be used.

Councilman Kniceley asked how many people this would be.

The Recorder informed five people on each Board.

Councilman Williamson said he would like to make a motion, if voting machines are available and can be used, do so. Going on to say there is so much controversy that almost everyone he talked to would like to use voting machines in the Election, and that he would like to have machines if it were not too late.

Councilman Allen said if there is some doubt about this we should persue it and have it clerified. He would second the motion.

The Mayor said if the City used them, they must make agreement with the County Clerk that furnish the voting machines.

Mr. Savilla said he was sure that you will be able to get his opinion. Mr. Savilla said the interpretation according to tape recorded interview, any municipality that lies in two counties and one county has voted the approval of use of voting machines, that Municipality would use voting machines in all Precincts or two counties.

The Mayor said that is not the law, that both Mr. Bean of the Secretary of State's Office and Mr. Pauley, County Clerk, had told him that we could use voting machines in Putnam County.

Mr. Savilla said he hadn't heard Mr. Pauley say this.

The Mayor said further it is up to Council to make this decision.

The Recorder told Councilman Williamson his motion was not complete. Mr. Williamson wanted to know why.

The Recorder said the advice we had received that machines could only be used in Kanawha County.

Councilman Williamson then asked that his motion read, if voting machines are available and can be used in the Kanawha County precincts, that we do so and paper ballots be used in Putnam County precinct.

Councilman Allen said before he seconds his motion, again he wanted to make it clear he did not have any objection to anyone who had been selected to work in the poles.

Councilman Williamson said he did not have any objections either.

Councilman Hoke asked how we go about the preparation of the Ballots, we would have two types of voting and do we know how to go about preparing for both of them, and how is it going to be done.

The Mayor said that we would prepare the ballots in two different ways, one for the machines and one for paper ballots for the Putnam County precinct.

Councilman Kniceley asked about the people who had been notified to serve as Election Officials, what do we do about that.

The Mayor told Council that it would be up to them as to the names that comes off the Election Boards.

In answer to Councilman Kniceley's question on the fee, the Recorder informed they are paid \$ 10.00.

In answer to Councilman Goodwin's question on the number of voting machines it would take, the Mayor said it would take 20 machines for Kanawha County, as you have several large precincts.

In answer to Councilman Hoke's question on the cost of machines, the Mayor said a \$ 40.00 for voting machines and the cost of technicians.

Councilman Hoke asked if there would be a need of one technician for each voting machines or one technicians for each precinct.

The Mayor said he did not know how many they would need.

Councilman Kniceley said he thought the people who had been appointed and if not being used should be paid, as we have already asked them to work.

Councilman Hoke said he would like a guarantee on the voting machines.

The Mayor said he was not an Attorney, but if was his opinion that we must make agreement with the County Clerk.

Mr. Michael said this was his opinion.

Mr. Savilla said he would write a check for \$ 400.00 right now.

Councilman Kniceley said we must be absolutely sure we do not mess up the Election.

Councilman Hake said it did not make any difference about the voting but the Council has worked up the Boards and set up the provision and that it will necessitate letting some people off if we use the machines and we do not have authority from any body else. We have a statement from our Attorney and as far as he knows it is not legal.

The Mayor asked for vote on the motion on the floor.

Those voting in favor of the motion were Councilman Allen and Williamson.

Voting against the motion were Councilman Goodwin, Graves, Hoke and Grace Lewis; Recorder.

Councilman Kniceley abstained. Motion defeated.

In a discussion on the Watershed, the Mayor informed Council that the Watershed would probably be completed sometime in June.

There is one thing that has been holding it up and that is Blake Creek Road which is to be raised in one section.

The lake being filled would not have any effect on the road. There would have to be a 25 year frequency flood for the water to get across this section of the road. However, the Soil Conservation Engineer feel that it would be possible in case of a 25 year frequent flood the water to cross this section of the road and this is the reason they have held up in filling the lake.

This section of the road is to be raised by the Department of Highways.

The Mayor said that there is one thing he would like to bring out at this point. It is important that the people of Nitro know this. He has been told that someone has made a statement that if the City had not built the Watershed this money could have gone to build a youth center. He feels that the people who are putting out this information are either badly misinformed or lying. However, it is his opinion that some are lying and others are just misinformed. He wanted it clearly understood that the money used in the Watershed could not have been used for any other purpose. The watershed money came through the Federal Government.

under House Bill 565, it is flood protection money.

Some people are giving this information to persons who are new in town and persons who do not know any better. Some of the people know that it is crystal clear this money could not have been used for anything else other than flood protection and he feels the people of Nitro should know this.

Councilman Allen asked if they were going to move the dirt from the slip. He did not think they core drilled. The Mayor said yes, the core drilled for the dam and that is evidently a spring on the hill that has caused this problem. It will have to be taken care of before Soil Conservation Engineers will accept the project.

The Recorder presented to Council a copy of an Ordinance passed by City of Charleston which had been mailed to her relating to the possession of hypodermic syringes, sale of hypodermic syringes, and destruction of used or discarded hypodermic syringes.

Councilman Hoke moved, seconded by Councilman Williamson, this matter be tabled until next meeting in order that Council would have time to study this Ordinance. Upon a vote motion carried.

Mr. Casebolt said he had not heard the rumor of the Watershed, and he was sure that anybody that had said this, that any candidate for office would have put him straight.

Mr. Miller said he had not heard the rumor either. It is ridiculous.

There being no further business and the agenda having been completed, Councilman Hoke moved, the meeting be recessed.


MAYOR


RECORDER

May 31, 1972

The City Council met in recessed session Wednesday, May 31, 1972.

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

Mayor Alexander called the meeting to order.

The Engineer's Report was presented to Council on the Paving Program as follows:

CITY OF NITRO
Project No. 1-71

May 23, 1972

Engineer's Report

Resurfacing - United One

Eleventh Street - First Avenue to Second Avenue
Twelfth Street - Second Avenue to Third Avenue
Fourteenth Street - Second Avenue to Third Avenue
Seventeenth Street - First Avenue to Second Avenue
Forty-First Street - First Avenue to Second Avenue
Cleveland Avenue - West Virginia Route 25 to Michigan Ave.

SIDEWALK REPAIR - UNIT TWO

Second Avenue - Between Twenty-First and Twenty-Second Street
Twenty-First Street - Between Bank Street and Wintz 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 aforementioned streets, all situate within the limits of the City of Nitro, Kanawha and Putnam Counties, West Virginia, was Eighteen Thousand, Four Hundred, SeventySix Dollars and Twenty-eight Cents *18,476.28.)

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 Superior Paving Company, the low bidder; that the description of the lots and lands and the amount assessed against each of the said owners and the property abutting, bounding and fronting upon said streets, are hereinafter correctly shown; that the amounts, including all related expenses, have been charges, 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

by: Jesse B. Gandee
Project Administrator

ELEVENTH STREET

Beginning with its intersection with First Avenue, to the intersection of Second Avenue.

SOUTH SIDE - ELEVENTH STREET

<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>
Mildred Hill	Lot No. 1104	99.12	3.51806	348.71
J. R. Sizemore Lena Sizemore	Lot No. 1106	40.00	3.51806	140.72
Otmer Withrow Lucy Withrow	Lot No. 1108	45.00	3.51806	158.31
TOTALS SOUTH SIDE				647.74

NORTH SIDE - ELEVENTH STREET

Ray Harper Edna Mae Harper	Lot No. 1101	71.76	3.51806	252.46
Rosalee Wandling(Life Estate) Guy Kelley	Lot No. 1103	40.00	3.51806	140.72
Othal O. Harris Norma J. Harris	Lot No. 1105	40.00	3.51806	140.72
James B. Coon Virginia F. Coon	Lot No. 1107	45.00	3.51806	158.31
TOTALS NORTH SIDE				692.21

ELEVENTH STREET

Beginning with its intersection with Second Avenue to its intersection with Third Avenue.

SOUTH SIDE - ELEVENTH STREET

P. R. Rhodes, aka Pharozina Rhodes Janet Pignato George W. Rhodes Cynthia Bibbee Pearl McCutchen Lorena Rhodes Mearl Davis	Lot No. 1112	45.00	3.51806	158.31
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<u>NAME OF OWNER</u>	<u>LOT NUMBER OR DESCRIPTION</u>	<u>FRONT FOOTAGE ASSESSED</u>	<u>COST PER FRONT FT.</u>	<u>TOTAL ASSESSMENT</u>
Nitro Realty Company	Lot No. 1114	40.00	3.51806	140.72
Ernest Franklin Allen, Jr.	Lot No. 1116	40.00	3.51806	140.72
Viola Ragle	Lot No. 1118	40.00	3.51806	140.72
Quentin Lemuel Miller Mary Ellen Miller	Lots No. 1120 and 1122	80.00	3.51806	281.44
Glen D. Jividen Bertha M. Jividen	Lot No. 1124	40.00	3.51806	140.72
Charles O. Harrison	Lot No. 1128	40.00	3.51806	140.72
Charles O. Harrison	Lot No. 1130	40.00	3.51806	140.72
Kenneth F. Miller Janet A. Miller	Lots Nos. 1132 & 1134	76.00	3.51806	267.38
TOTALS SOUTH SIDE				1,692.17

NORTH SIDE - ELEVENTH STREET

Nitro Properties, Ltd.	Lot No. 1111	45.00	3.51806	158.31
Frank D. Adkins Myrtle Adkins	Lot No. 1113	40.00	3.51806	140.72
Otmer E. Landers Ruby K. Landers	Lot No. 1115	40.00	3.51806	140.72
Boyd C. Wears	Lot No. 1117	40.00	3.51806	140.72
Boyd C. Wears	Lot No. 1117	40.00	3.51806	140.72
Walter C. Tiffner Dorothea Tiffner	Lot No. 1121	40.00	3.51806	140.72
Charles S. Raynes Jessie L. Raynes	Lot No. 1123	40.00	3.51806	140.72
Norman T. Williams Mary Jo Williams	Lot No. 1125	40.00	3.51806	140.72
Jack Landers Lesta Landers	Lot No. 1127	40.00	3.51806	140.72
Linnie Rhodes	Lot No. 1129	40.00	3.51806	140.72

<u>NAME OF OWNER</u>	<u>LOT NUMBER OR DESCRIPTION</u>	<u>FRONT FOOTAGE ASSESSED</u>	<u>COST PER FRONT FT.</u>	<u>TOTAL ASSESSMENT</u>
Thomas Harvey Sanders Irene Lois Sanders	Lots Nos. 1131 and 1133	77.82	3.51806	273.78
TOTALS NORTH SIDE				1,698.57
TOTAL - ELEVENTH STREET				4,730.69

<u>TWELFTH STREET</u>				
Beginning at its intersection with Second Avenue to its intersection with Third Ave.				
<u>SOUTH SIDE - TWELFTH STREET</u>				
William Preston Gandee	Lot No. 1214	45.00	3.43993	154.80
Billy P. Gibson Mildred M. Gibson	Lot No. 1216	40.00	3.43998	137.60
Ernest W. Hedrick Shirley J. Hedrick	Lot No. 1218	40.00	3.43998	137.60
James D. Sargent Mary Jane Sargent	Lot No. 1220	40.00	3.43998	137.60
James D. Sargent Mary Jane Sargent	Lot No. 1222	40.00	3.43998	137.60
Darrell Ray Jividen Mary Susan Jividen	Lot No. 1224	40.00	3.43998	137.60
Virgil D. Noffsinger Margaret V. Noffsinger	Lot No. 1226	40.00	3.43998	137.60
Ronnie Lou Faulkner Marjorie A. Faulkner	Lot No. 1228	40.00	3.43998	137.60
William Russell Buchanan Imogene Ruth Buchanan	Lot No. 1230	40.00	3.43998	137.60
Ronie R. Frazier Katherine V. Frazier	Lot No. 1232	40.00	3.43998	137.60
Ralph J. Linville Hazel V. Linville	Lot No. 1234 and 5 Ft. of Lot no. 1236	45.00	3.43998	154.80
Mabel Higginbotham	Part of Lot No. 1236	57.62	3.43998	198.20
TOTALS SOUTH SIDE				1,746.20

NORTH SIDE - TWELFTH STREET

Lemma Realty Co., Inc.	Lot No. 1215	45.00	3.43998	154.80
Lemma Realty Co., Inc.	Lot No. 1217	40.00	3.43998	137.60
Lemma Realty Co., Inc.	Lot No. 1219	40.00	3.43998	137.60
Paul L. Janey Mary Z. Janey (Life Estate)	Lot No. 1221	40.00	3.43998	137.60
Paul L. Janey Mary Z. Janey (Life Estate)	Lot No. 1223	40.00	3.43998	137.60
Nitro Properties, Ltd.	Lot No. 1225	40.00	3.43998	137.60
Nitro Properties, Ltd.	Lot No. 1227	40.00	3.43998	137.60
Nitro Properties, Ltd.	Lot No. 1229	40.00	3.43998	137.60
Nitro Properties, Ltd.	Lot No. 1231	40.00	3.43998	137.60
Gerald Sayre Juanita Sayre	Lot No. 1233	40.00	3.43998	137.60
Bessie Boggess	Lot No. 1235	40.00	3.43998	137.60
Charles Albert Jones Lille B. Jones	Part of Lot No. 1237	34.00	3.43998	116.95
Leroy Miles Iris M. Miles	Part of Lot No. 1237	32.05	3.43998	110.25
TOTALS NORTH SIDE				1,758.00
TOTALS - TWELFTH STREET				3,504.20

FOURTEENTH STREET

Beginning with its intersection with Second Avenue to its intersection with Third Avenue

Ada Gay Post	Lot No. 1415	50.00	3.37795	168.90
Henry Softley	Lot No. 1417	50.00	3.37795	168.90
Henry Softley	Lot No. 1419	50.00	3.37795	168.90
Maurine A. Davis aka Alice M. Davis	Lot No. 1421	50.00	3.37795	168.90
Andrew E. Leurant Alamodie E. Leurant	Lot No. 1423	50.00	3.37795	168.90
George William Trout Mary Frances Trout	Lot No. 1425	50.00	3.37795	168.90
Charles W. Hawes Helen M. Hawes	Lot No. 1427	50.00	3.37795	168.90

<u>NAME OF OWNER</u>	<u>LOT NUMBER OF DESCRIPTION</u>	<u>FRONT FOOTAGE ASSESSED</u>	<u>COST PER FRONT FT.</u>	<u>TOTAL ASSESSMENT</u>
A. F. Whaples Melva A. Whaples	Lot No. 1429	50.00	3.37795	168.90
Andrew J. Ice Gladys B. Ice	Lot No. 1431	50.00	3.37795	168.90
Andrew J. Ice Gladys B. Ice	Lot No. 1433	50.00	3.37795	168.90
Dartel SHDE Carper Launa E. Carper	Lot No. 1435	62.69	3.37795	211.75
TOTALS NORTH SIDE				1,900.75
<u>SOUTH SIDE - FOURTEENTH STREET</u>				
Roshelena Fransworth Hanes Kanawha Banking & Trust Co., Trustee	Lot No. 1416	50.00	3.37795	168.90
Henry W. King	Lot No. 1418	50.00	3.37795	168.90
L. F. Trout Mabel Trout	Lot No. 1420	50.00	3.37795	168.90
L. F. Trout Mabel Trout	Lot No. 1422	50.00	3.37795	168.90
Foy A. Silman Lydia L. Silman	Lot No. 1424	50.00	3.37795	168.90
W. W. Alexander	Lot No. 1426	50.00	3.37795	168.90
Mayseel Ranson Hill	Lot No. 1428	50.00	3.37795	168.90
Thelma Jamison Miller Ada T. Jamison (Life Estate)	Lot No. 1430	50.00	3.37795	168.90
Stanley Lawrence Smith Margie Elizaveth Smith	Lot No. 1432 & westerly part of Lot No. 1434	82.00	3.37795	276.98
Vernice Ezekiel Townsend Opal S. Townsend	Easterly part of Lot No. 1434 and Lot No. 1436	75.51	3.37795	255.06
TOTALS SOUTH SIDE				1,883.24
TOTAL FOURTEENTH STREET				3,783.99

SEVENTEENTH STREET

Beginning with its intersection with First Avenue to its intersection with Second Avenue.

NORTH SIDE - SEVENTEENTH STREET

<u>NAME OF OWNER</u>	<u>LOT NUMBER OR DESCRIPTION</u>	<u>FRONT FOOTAGE ASSESSED</u>	<u>COST PER FRONT FT.</u>	<u>TOTAL ASSESSMENT</u>
Bennett R. Burgess Jean W. Burgess	Lot No. 1701	55.00	3.94191	216.80
G. C. Alderson	Lot No. 1703	50.00	3.94191	197.10
Ray W. Boggess	Lot No. 1705	50.00	3.94191	197.10
Violet B. DeMoss	Lot No. 1707	50.00	3.94191	197.10
Elizabeth B. Robbins	Lot No. 1709	50.00	3.94191	197.10
Charles A. Smith Garnet Lee Smith	Lot No. 1711	50.00	3.94191	197.10
W. H. Jividen Zelma R. Jividen	Lot No. 1713	50.00	3.94191	197.10
E. O. Kiner	Lot No. 1715	50.00	3.94191	197.10
TOTALS NORTH SIDE				1,596.50

SOUTH SIDE - SEVENTEENTH STREET

George Witt Thelma Witt	Lot No. 1702	47.57	3.94191	187.52
John H. Caldwell Reva E. Caldwell	Lot No. 1704	50.00	3.94191	197.10
D. J. Lett Anne Lett	Lot No. 1706	50.00	3.94191	197.10
Caroline Hudnall	Lot No. 1708	50.00	3.94191	197.10
S. L. White Eva G. White	Lot No. 1710	50.00	3.94191	197.10
Lemna Realty Co., Inc.	Lot No. 1712	50.00	3.94191	197.10
Lemna Realty Co., Inc.	Lot No. 1714	50.00	3.94191	197.10
Elsie C. Alderson	Lot No. 1716	50.00	3.94191	197.10
TOTALS SOUTH SIDE				1,567.22
TOTAL SEVENTEENTH STREET				3,163.72

FORTY-FIRST STREETS

Beginning with its intersection with First Avenue to its intersection with Second Avenue.

NORTH SIDE - FORTY-FIRST STREET

<u>NAME OF OWNER</u>	<u>LOT NUMBER OR DESCRIPTION</u>	<u>FRONT FOOTAGE ASSESSED</u>	<u>COST PER FRONT FT.</u>	<u>TOTAL ASSESSMENT</u>
Leased Stations, Inc.	Parcel	27.23	3.77129	102.70
Leased Stations, Inc.	Part of Lot No. 4125	150.00	3.77129	365.70
Andrew J. Board Virginia C. Board	Part of Lot No. 4125	50.00	3.77129	188.56
Charles O. Brown Virginia Rose Brown	Lot E of the Resubdivision of Pt. of Lot No. 4125	50.00	3.77129	188.56
Leroy P. Boggess, Jr. Rena L. Boggess	Lot F of the Resubdivision of Pt. of Lot 4125	50.00	3.77129	188.56
James Hollis Totten, Sr. Alma B. Totten	Lot No. 4115	50.00	3.77129	188.56
Chancey W. Johns Ruth L. Johns	Lot No. 4117	50.00	3.77129	188.56
William C. Hicks	Lot No. 4119	50.00	3.77129	188.56
William C. Hicks Ruth B. Hicks	Lot No. 4121	50.00	3.77129	188.56
Joseph D. Thomas Gloria M. Thomas	Lot No. 4123 & part of Lot No. 4123½	38.50	3.77129	145.21
James S. Frazier	Part of Lot 4123½	26.00	3.77129	98.06
TOTALS NORTH SIDE				2,231.59

SOUTH SIDE - FORTY-FIRST STREET

Childers Realty Co.	Lot No. 4100	90.00	3.77129	339.43
O. R. Childers	9.08 acre tract	60.00	3.77129	226.29
O. R. Childers	Lot No. 4108	50.00	3.77129	188.56
Childers Realty Co.	Lot No. 4110	50.00	3.77129	188.56
Roger Paul Cochran Sharon Sue Thornton	Lot No. 4112	50.00	3.77129	188.56
Mary E. Dorsey	Lot No. 4114	50.00	3.77129	188.56
Issac E. Hall Ethel M. Hall	Lot No. 4116	50.00	3.77129	188.56

<u>NAME OF OWNER</u>	<u>LOT NUMBER OR DESCRIPTION</u>	<u>FRONT FOOTAGE ASSESSED</u>	<u>COST PER FRONT FT.</u>	<u>TOTAL ASSESSMENT</u>
Theo Rhodes	Lot No. 4118	50.00	3.77129	188.56
Bethalee B. Brewer	Lot No. 4120	50.00	3.77129	188.56
TOTALS SOUTH SIDE				1,885.64
TOTAL FORTY-FIRST STREET				4,117.23

CLEVELAND AVENUE

Beginning with its intersection with State Route No. 25, to its intersection with Michigan Avenue.

WEST SIDE - CLEVELAND AVENUE

<u>NAME OF OWNER</u>	<u>LOT NUMBER OR DESCRIPTION</u>	<u>FRONT FOOTAGE ASSESSED</u>	<u>COST PER FRONT FT.</u>	<u>TOTAL ASSESSMENT</u>
Mervin Stanley Gibson Ruth G. Gibson	Pt. Lt. 39, Sec. 1 Riverdale Acres	72.35	2.70215	195.50
Leon B. Daugherty Lillian M. Daugherty	Pt. Lt. 40, Sec. 1 Riverdale Acres	65.03	2.70215	175.72
Zelma F. Drenen	Pt. Lt. 40, Sec. 1, Riverdale Acres	50.32	2.70215	135.97
Durward R. Angell Charlotte Angell	Lot 40-A, Riverdale Acres	115.35	2.70215	311.69
TOTALS WEST SIDE				818.88

EAST SIDE - CLEVELAND AVENUE

Hazel Cogar Hallie Cogar	Pt. Tract 4, Sec. 1 Riverdale Acres	57.00	2.70215	154.02
E. L. Goodwin Suzanne Goodwin	Pt. Tract 5, Sec. 1, Riverdale Acres	90.00	2.70215	243.20
Donald D. Donohoe Violet F. Donohoe	Tract 6 and 10 ft. of Tract 5, Riverdale Acres	80.50	2.70215	217.52
A. Bruce Campbell Fannie Elizabeth Campbell	Tract 7, Sec. 1, Riverdale Acres	100.00	2.70215	270.22
TOTALS EAST SIDE				884.96
TOTAL CLEVELAND AVENUE				1,703.84

SIDEWALK ASSESSMENTSECOND AVENUE

Between 21st Street and 22nd Street.

EAST SIDE

<u>NAME OF OWNER</u>	<u>LOT NUMBER OR DESCRIPTION</u>	<u>FRONT FOOTAGE ASSESSED</u>	<u>COST PER FRONT FT.</u>	<u>TOTAL ASSESSMENT</u>
Holman Motor Sales, Inc.	Pt. Plot 15	22.00	14.9546	329.00
TOTAL SECOND AVENUE				329.00

TWENTIETH STREET

Between Bank Street and Wintz Street.

NORTH SIDE

James A. Marrs	Corner of Bank and 20th	48.00	15.9350	764.87
Jean Ann Marrs	Street'			
TOTAL TWENTIETH STREET				764.87

Jesse Gandee, The Engineer, explained to Council the difference in the Budget Prices, pointing out that in some places it was a fraction over and in others a fraction under.

In explanation of the sidewalk on 20th Street it was explained that more sections had to be taken out because of the undermining underneath.

Councilman Tidquist said the curb at this place was also sinking.

Councilman Goodwin moved, seconded by Councilman Williamson, to accept the Engineer's Report on the Street Paving Program. Upon a vote motion carried.

Councilman Hoke moved, seconded by Councilman Goodwin, the Council meet June 20, 1972 at 8:00 P.M. for the purpose of revisions or corrections on any changes in the Engineers Report. Upon a vote motion carried.

The Mayor explained to Council the Kanawha County Court had agreed to purchase the quipment for a Sanitary Landfill to serve the western section of Kanawha County. The amount approximately \$81,000.00. Property has been secured for the landfill approximately 350 acres of land and should last for at least 10 years land filling.

It was been figured out that the cost for the City of Nitro will be \$ 2.50 per ton.

Each City will pay on the cost of operation at the present time and as of right now there are three cities involved, Nitro, St. Albans, and Dunbar.

We have figured our portion of the amount to amount to \$180.00 a week. If there should be outside haulers using the landfill then the cost per ton could be reduced.

This program should save the City of Nitro 15 to 16 thousand dollars a year on equipment and up keep of equipment and hauling of dirt.

The Regional Development Authority will operate this program, with the Mayor of each town acting as Advisors. He also said there was a possibility So. Charleston may come into the program.

In answer to Councilman Kniceley's question on the location of landfill, the Mayor said it was a mile and half from center of town.

In answer to Councilman Allen's question on when the operation would go into affect, the Mayor said hepefully within 30 days.

Councilman Allen asked what would we do with our present land fill?

The Mayor said this could still be used for tree limbs and the like to fill it up and that all garbage will be taken to the proposed landfill.

The Mayor also told Council the Health Department has already approved the program.

Councilman Goodwin moved, seconded by Councilman Kniceley, the following resolution be adopted. Upon a vote motion carried.

The Recorder presented the following persons as replacements on the Election Official Board for Council's approval.

Precinct 364, Joan Willard will replace Valieda McGlanahan As Receiving Clerk.

Precint 365, - Hazel Sharp will replace Marguarite Grover as Receiving Clerk.

Precinct 366 - Ruth Carpenter will replace Mazine Woodall as Receiving Commissioner.

Phyllis Raynes will replace Ruth Carpenter as Counting Commissioner.

Councilman Goodwin moved, seconded by Councilman Tidquist, the foregoing persons be approved as Election Officials to serve in the City Election to be held June 6, 1972. Upon a vote motion carried.

There being no further business at this time, Councilman Hoke moved, the Council in recessed. Upon a vote motion carried.



MAYOR



RECORDER

June 5, 1972.

The City Council met in recessed session, June 5, 1972.

There being present: W. W. Alexander; Mayor, Grace Lewis; Recorder, E. L. Goodwin, Harry M. Graves, Jr., Dr. L. I. Hoke, Kenneth K. Kniceley, and Hugo D. Tidquist, members of Council. There being absent Councilmen Allen and Williamson.

Mayor Alexander called the meeting to order.

The Recorder presented the following persons as replacements on Election Boards for Council's approval.

Precinct 368 - Evelyn Shepherd replacing JoAnne Goff as Receiving Clerk.

Precinct 369 - Albina Bonner replacing Marjorie Sales as Receiving Commissioner.

Precinct 370 - Delores Graley replacing Kathie Eskins as Counting Commissioner.

Councilman Kniceley moved, seconded by Councilman Graves, the foregoing Election Officials be approved. Upon a vote motion carried.

The Recorder read the following letter to Council.

Dar Mayor Alexander:

It was a pleasure to meet with you last week to discuss the sewage problems of your community.

As realted at that time, I was certain that the 180 day Notice be forthcoming. However, I have been able to arrange the release of federal monies without the necessity of a hearing.

I had the Municipal Grants Section review the application. There are still requirements that have not been fulfilled. Your Consulting Engineer, Mr. Robert Anderson, is in receipt of the letter asking for these additional items. As soon as they are completed, I assure you the grant will be forthcoming.

I urge you to get Mr. Anderson to comply with the requirements as soon as possible, as it will be to the advantage of Nitro to do so.

Agains, it was a pleasure to meet with you. If you have any questions, feel free to call.

Sincerely yours,

Ann Joseph, Attorney, Enforcement
Division

There being no further business at this time, Councilman Hoke moved the meeting recessed.

W. W. Alexander

MAYOR

Grace Lewis

RECORDER

June 12, 1972

The City Council met Monday, June 12, 1972. Members of the Council present: W. W. Alexander; Mayor, Grace Lewis; Recorder, Dr. R. V. Allen, Harry M. Graves, Jr. Dr. L. I. Hoke, Hugo D. Tidquist and Kenton L. Williamson. Councilman E. L. Goodwin and Kenneth K. Kniceley absent.

Mayor W. W. Alexander called the meeting to order;

Councilman Allen resolved the Council into a Board of Canvassers to canvas the City Election held June 6, 1972, motion seconded by Councilman Tidquist. Upon a vote motion carried.

The Recorder laid before the Board the ballots, tally sheets and certificate of results for Precinct 22, Putnam County. The Board proceeded to canvas said ballots by counting the ballots voted without unfolding same, and tabulated the following:

Number of ballots destroyed	0
Number of ballots remaining not voted	324
Number of ballots voted	587
Number of challenged ballots	4

1. George Kelly Cook - 4111 - 1st Avenue North - not on Poll Books.
2. Richard Lee Townsend - 4122 Third Avenue - He is registered but not on the Poll Books.
3. Jerry Michael Polley - 4123 - Third Avenue - He is registered but not on the Poll Books.
4. Carmen Marie Townsend - 4122 - Third Avenue - She is registered but not on the Poll Books.

Luke Michael said it was up to Council. The Mayor said the only thing we have to go by is that they are not on the books.

Luke Michael said they should give more information on the registration cards. It should show the date on the card.

Luke Michael also said if they registered late, that is a good reason why they could not be counted, it has to be 30 days prior to Election.

Councilman Allen said they did register and it would show the date on their registration card.

Luke Michael said he didn't think you have the right to go into this, on a recount that is a different thing.

Councilman Allen said he guessed in the realm of law we can not do anything about it. There is nothing we can say if their name is not on the books. If there is a recount, these kids can bring in their cards.

The certificate of results was read as follows:

MAYOR

Roger A. Cooke	236
William D. "Bill" Gibson	256
Bennie L. Savilla	93

RECORDER

Rosilea Gundiff	76
Dolly Priddy Dodson	141
Tom "Bucky" Melton	354

COUNCILMAN AT LARGE

Dr. R. V. Allen	300
Richard A. "Richie" Gline	216
Norma Johnston	140
Robert R. "Bob" Mattox	188
Dean Miller, Minister	237
Keith E. Priddy	231
Hugo D. Tidquist	268

COUNCIL - FIRST WARD

Joe W. Javins	198
Jacqueline "Jackie" Mallett	84
Kermit L. Thompson	193
James B . White	103

The ballots were then sealed in a new envelope and each member of the Board wrote his name across the place where said envelope was sealed.

The Recorder laid before the Board the ballots, tally sheets, and certificate of results for Precinct 364, Kanawha County. The Board proceeded to canvas said ballots by counting the ballots voted without unfolding same, and tabulated the following:

Number of ballots destroyed	0
Number of ballots remaining not voted	not ascertained
Number of ballots voted	564
Number of challenged ballots	3

1. Norvell E. Morton - 216 Easter Road - not on Poll Books.
2. Parson - moved into another precinct, moved from 2307 to 3115 - 31st St.
3. Rita Shingleton - not in the registration books, had a card but said lost.

Ascertain from the number of ballots sent down. Councilman Hoke moved, seconded by Councilman Graves, the four challenge ballots not be opened and read at this time. Upon a vote motion carried.

Councilman Tidquist said he felt that they should consider these votes that were registered in Precinct 22 but were not on the Poll Books.

The Recorder said in order to do this, a motion would have to be made to have the motion recalled.

Councilman Hoke said the majority carried it.

The certificate of results was read as follows:

MAYOR

Roger A. Cooke	294
William D. "Bill" Gibson	217
Bennie L. Savilla	41

RECORDER

Rosilea Cundiff	33
Dolly Priddy Dodson	145
Tom "Bucky" Melton	373

COUNCIL AT LARGE

Dr. R. V. Allen	287
Richard A. "Richie" Cline	269
Norma Johnston	39
Robert R. "Bob" Mattox	235
Dean Miller, Minister	200
Keith E. Priddy	295
Hugo D. Tidquist	252

COUNCIL - FIRST WARD

Joe W. Javins	144
Jacqueline "Jackie" Mallett	37
Kermit L. Thompson	114
James B. White	248

The ballots were then sealed in a new envelope and each member of the Board wrote his name across the place where said envelope was sealed.

The Recorder laid before the Board the ballots, tally sheets, and certificate of results for Precinct 365, Kanawha County. The Board proceeded to canvas said ballots by counting the ballots voted without unfolding same, and tabulated as follows:

Number of ballots destroyed	0
Number of ballots remaining not voted	136
Number of ballots voted	297
Number of challenged ballots	3

1. May Hill Young - name not on Poll Books.
2. Martha Belinda Duncan - name not on Poll Books.
3. William Paul Gillispie - name not on Poll Books.

No action taken by Canvassing Board.

The certificate of results was read as follows:

MAYOR

Roger A. Cooke	152
William D. "Bill" Gibson	127
Bennie L. Savilla	12

RECORDER

Rosilea Cundiff	10
Dolly Priddy Dodson	60
Tom "Bucky" Melton	222

COUNCILMAN AT LARGE

Dr. R. V. Allen	150
Richard A. "Richie" Cline	154
Norma Johnston	13
Robert R. "Bob" Mattox	127
Dean Miller, Minister	85
Keith E. Priddy	152
Hugo D. Tidquist	156

COUNCILMAN - SECOND WARD

Albert Franklin "Sonny" Harmon	58
Paul R. Hill	137
James E. "Jim" Landers	89

The ballots were then 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, tally sheets, and certificate of results for Precinct 366, Kanawha County. The Board proceeded to canvas said ballots by counting the ballots voted without unfolding same, and tabulated as follows:

Number of ballots destroyed	0
Number of ballots remaining not voted	105
Number of ballots voted	290
Number of challenged ballots	3

1. Peggy Matheny - changed address two months prior to Election, moved from Kanawha to Putnam County.
2. Donald W. Stuart - name not on Poll Books.
3. Elsie Hively - name not on Poll Books.

No Action taken by Canvassing Board.

The certificate of results was read as follows:

MAYOR

Roger A. Cooke	115
William D. "Bill" Gibson	149
Bennie L. Savilla	20

RECORDER

Rosilea Cundiff	12
Dolly Priddy Dodson	96
Tom "Bucky" Melton	172

COUNCILMAN AT LARGE

Dr. R. V. Allen	165
Richard A. "Richie" Cline	101
Norma Johnston	27
Robert R. "Bob" Mattox	94
Dean Miller, Minister	129

KEITH E. PRIDDY	115
Hugo D. Tidquist	164

COUNCILMAN - SECOND WARD

Albert Franklin "Sonny" Harmon	13
Paul R. Hill	147
James E. "Jim" Landers	116

The ballots were then sealed in a new envelope and each member of the Board wrote his name across the place where said envelope was sealed.

The Recorder laid before the Board the ballots, tally sheets, and certificate of results for Precinct 367, Kanawha County. The Board proceeded to canvas said ballots by counting the ballots voted without unfolding same, and tabulated as follows:

Number of ballots destroyed or spoiled	9
Number of ballots remaining not voted	252
Number of ballots voted	575
Number of challenged ballots	2

1. James M. Adkins - 124 Main Avenue, moved to 19 Main Avenue. Not in Poll Books.
2. Paul J. Cline - holds a registration card dated May 11, 1972, not valid in this Election.

No action taken by Canvassing Board.

The certificate of results was read as follows:

MAYOR

Roger A. Cooke	259
William D. "Bill" Gibson	290
Bennie L. Savilla	23

RECORDER

Rosilea Cundiff	20
Dolly Priddy Dodson	169
Tom "Bucky" Melton	386

COUNCILMAN AT LARGE

Dr. R. V. Allen	297
Richard A. "Richie" Cline	241
Norma Johnston	29
Robert R. "Bob" Mattox	208
Dean Miller, Minister	279
Keith E. Priddy	276
Hugo D. Tidquist	308

COUNCILMAN THIRD WARD

Vernon R. Casebolt	287
Kenton L. Williamson	151
Glyde Willard	125
Curtis Willard	1

The ballots were then sealed in a new envelope and each member of the Board wrote his name across the place where said envelope was sealed.

The Recorder laid before the Board the ballots, tally sheets, and certificate of results for Precinct 368, Kanawha County. The Board proceeded to canvas said ballots by counting the ballots voted without unfolding same, and tabulated the following:

Number of ballots destroyed	0
Number of ballots remaining not voted	not ascertained
Number of ballots voted	324
Number of challenged ballots	3

1. Goldie F. Criner - name not in the Poll Book.
2. Myrtle May Laton - name not in the Poll Book.
3. Hazel Little - Name not in the Poll Book, voter has changed her address but not received her new card.

No action taken by Canvassing Board.

The certificate of results was read as follows:

MAYOR

Roger A. Cooke	121
William D. "Bill" Gibson	187
Bennie L. Savilla	11

RECORDER

Rosilea Cundiff	3
Dolly Priddy Dodson	133
Tom "Bucky" Melton	183

COUNCILMAN AT LARGE

Dr. R. V. Allen	170
Richard A. "Richie" Gline	124
Norma Johnston	19
Robert R. "Bob" Mattox	145
Dean Miller, Minister	158
Keith E. Priddy	120
Hugo D. Tidquist	164

COUNCILMAN - THIRD WARD

Vernon Casebolt	150
Kenton L. Williamson	104
Clyde Willard	56

The ballots were then sealed in a new envelope and each member of the Board wrote his name across the place where said envelope was sealed.

The Recorder laid before the Board the ballots, tally sheets, and certificate of results for Precinct 369, Kansas County. The Board proceeded to canvas said ballots by counting the ballots voted without unfolding same, and tabulated the following:

Number of ballots destroyed	0
Number of ballots remaining not voted	not ascertained
Number of ballots voted	479
Number of challenged ballots	10

1. Mary L. Brown - Name not on Poll Books.
2. Cloyus M. Fink - Name not on Poll Books.
3. Albert Flanagan - Name not on Poll Books.
4. Howard E. Martin - Name not on Poll Books.
5. Shirley M. Martin - Name not on Poll Books.
6. Annabelle Perkins - Name not on Poll Books.
7. Calvin L. Brown - name not on Poll Books.
8. James Stover - Name not on Poll Books.
9. Evelyn Jane Goodpaster - Name not on Poll Books.
10. Harold M. Goodpaster - Name not on Pool Books.

No action taken by Canvassing Board.

The certificate of results was read as follows:

MAYOR

Roger A. Cooke	164
William D. "Bill" Gibson	284
Bennie L. Savilla	25

RECORDER

Rosilea Cundiff	20
Dolly Priddy Dodson	215
Tom "Bucky" Melton	235

COUNCILMAN AT LARGE

Dr. ^{at} R. V. Allen	268
Richard A. "Richie" Cline	193
Norma Johnston	25
Robert R. "Bob" Mattox	194
Dean Miller, Minister	221
Keith E. Priddy	166
Hugo D. Tidquist	264

COUNCILMAN - FOURTH WARD

William A. Bill" Burford	31
E. L. "Chub" Goodwin	126
Harry Anthony Heckesky	18
Thomas B. Lilly	291

The ballots were then sealed in a new envelope and each member of the Board wrote his name across the place where said envelope was sealed.

The Recorder laid before the Board the ballots, tally sheets, and certificate of results for Precinct 370, Kanawha County. The Board proceed to canvas said ballots by counting the ballots voted without unfolding same, and tabulated the following:

Number of ballots destroyed	0
Number of ballots remaining not voted	not ascertained
Number of ballots voted	172
Number of challenged ballots	1

1. Ruth Maxine Scanthos - name not on the Poll Books.

No action taken by Canvassing Board.

MAYOR

Roger A. Cooke	73
William D. "Bill" Gibson	78
Bennie L. Savilla	18

RECORDER

Rosilea Cundiff	28
Dolly Priddy Dodson	48
Tom "Bucky" Melton	93

COUNCILMAN AT LARGE

Dr. R. V. Allen	77
Richard A. "Richie" Cline	84
Norma Johnston	24
Robert R. "Bob" Mattox	74
Dean Miller, Minister	61
Keith E. Priddy	74
Hugo D. Tidquist	70

COUNCILMAN - FOURTH WARD

William A. "Bill" Burford	29
E. L. "Chub" Goodwin	69
Harry Anthony Heckesky	06
Thomas B. Lilly	65

The ballots were then sealed up in a new envelope and each member of the Board wrote his name across the place where said envelope was sealed.

The totals for each candidate for Office were then read as follows:

MAYOR

Roger A. Cooke	1414
William D. "Bill" Gibson	1588
Bennie L. Savilla	243

RECORDER

Rosilea Cundiff	202
Dolly Priddy Dodson	1007
Tom "Bucky" Melton	2018

COUNCILMAN AT LARGE

Dr. R. V. Allen	1714
Richard A. "Richie" Cline	1382
Norma Johnston	316
Robert R. "Bob" Mattox	1265

Dean Miller, Minister	1370
Keith E. Priddy	1429
Hugo D. Tidquist	1646

COUNCILMAN - FIRST WARD

Joe W. Javins	342
Jacqueline "Jackie" Mallet	121
Kernit L. Thompson	307
James B. White	351

COUNCILMAN - SECOND WARD

Albera Franklin - Sonny" Harmon	71
Paul R. Hill	284
James E. "Jim" Landers	205

COUNCILMAN - THIRD WARD

Vernon R. Casebolt	437
Kenton L. Williamson	255
Glyde Willard	181

COUNCILMAN - FOURTH WARD

William A. "Bill" Burford	60
E. L. "Chub" Goodwin	195
Harry Anthony Heckealy	24
Thomas B. Lilly	356

A motion by Councilman Hoke to accept the certification of the Results of the City Election held June 6, 1972, seconded by Councilman Tidquist. Upon a vote motion carried.

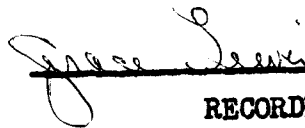
Councilman Williamson moved, seconded by Councilman Tidquist, to pay all expenses of the Election. Upon a vote motion carried.

Councilman Hoke moved, seconded by Councilman Graves, the Canvassing Board be dissolved. Upon a vote motion carried.

Councilman Hoke moved, seconded by Councilman Allen, to adjourn the meeting at 11:00 P.M., June 12, 1972.



MAYOR



RECORDER

June 20, 1972

The City Council met in regular session Tuesday, June 20, 1972.

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

Mayor Alexander called the meeting to order.

Councilman Kniceley moved, seconded by Councilman Goodwin, the minutes for May 16, 1972, May 31, 1972, June 5, 1972 and June 12, 1972 be approved. Upon a vote motion carried.

Councilman Kniceley moved, seconded by Councilman Hoke, the Financial Statement for the month of May, 1972 be approved. Upon a vote motion carried.

Copies of the Revision of Budget for the current year 1971-72 were studied by members of the Council.

The Recorder called attention to Item 52, Watershed, explaining the figure contained the one \$10,000.00 Saving Certificate that would not need to be cashed, however, that it was necessary to include it in this item.

Councilman Hoke moved, seconded by Councilman Goodwin, the Revision of Budget for the year July 1, 1971 to June 30, 1972, be accepted. Upon a vote motion carried.

In discussion of the repair work on Second Avenue, the Mayor said the Contractor promised that this work would be done in June, but it was not complete and that a lot of the repair work had not been taken care of. He pointed out the one particular place in front of the Baptist Church, which needs to be taken care of.

Councilman Tidquist said none of the repair work on the curbs had been taken care of.

The Mayor agreed and pointed out that it was most necessary that the New Administration see that all repair work be done before the job was accepted.

In discussion of the Traffic Problem on 24th, 25th, 26th and 27th Streets,

Councilman Allen asked that 41st Street be incorporated in the list, explaining he had received a petition from 41st Street Residents and he will make a study of this.

In discussion of the Ordinance pertaining to Occupancy and Use of Building and Property, Councilman Goodwin stated since Mr. Michael has some changes to make on the Ordinance and that Councilman Allen has all the rough drafts, that he would like to table this matter.

In discussion of revisions and corrections to the Street Assessment Rolls, the Recorder pointed out we have two revisions to make.

Lot Number 1105 - 11th Street, assessed to Othal O. Harris and Norma J. Harris changed to John M. McCallister and Balcus V. McCallister.

On Lots 1128 and 1130, the name changed from Charles O. Harrison to Warren T. Harrison and Norma G. Harrison.

The Recorder informed Council that notice had been given as requested by Law to the Property Owners of the property abutting upon the streets and portions thereof pursuant to Paving Ordinances and had been published in the Kanawha Valley Leader, a newspaper of general circulation in the City of Nitro.

She tendered to Council the Publisher's Affidavit and Certificate of Publication of said notice.

Councilman Goodwin moved, seconded by Councilman Kniceley, the Publisher's Affidavit and Certificate of Publication as above mentioned, he received and made a part of the minutes of this meeting by actual inclusion therein. Upon a vote motion carried, all members voted in the affirmative.

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:

NOTICE OF LEVY OF PAVING ASSESSMENTS

CITY OF NITRO

Notice of Levy of Paving Assessments, Grading assessments, curbing assessments, draining assessment, sidewalk assessment, for the permanent improvement of certain streets and ways, in the City of Nitro, both Putnam and Kanawha County, West Virginia, against property abutting on Cleveland Avenue, beginning with its intersection with State Route 25, to its intersection with Michigan Avenue: Eleventh Street, beginning with its intersection with First Avenue to its intersection with Third Avenue: 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: Forty-First Street, beginning with its intersection with First Avenue to its intersection with Second Avenue:

Sidewalks - Second Avenue east side walk between 21st Street and 22nd Street: Twentieth Street, between Bank Street and Wintz Street:

By virtue of an ordinance adopted by the Common Council of the City of Nitro, West Virginia, on the 24th day of August, 1971, providing for the permanent improvement of the above named streets and ways 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, 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 streets 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 cost 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 or parcels of record in the Office of the Clerk of the County Court, Kanawha and Putnam Counties, West Virginia, and reference is hereby made to said maps and deeds for a more complete description.)

CLEVELAND AVENUE

Beginning with its intersection with State Route No. 25, to its intersection with Michigan Avenue.

WEST SIDE - CLEVELAND AVENUE

<u>NAME OF OWNER</u>	<u>LOT NO. OR DESCRIPTION</u>	<u>FRONT FOOTAGE ASSESSED</u>	<u>COST PER FRONT FT.</u>	<u>TOTAL ASSESSMENT</u>
Mervin Stanley Gibson Ruth G. Gibson	Pt. Lot, 39, Sec. 1 Riverdale Acres	72.35	2.70215	195.50
Leon B. Daugherty Lillian M. Daugherty	Pt. Lt. 40, Sec. 1, Riverdale Acres	65.03	2.70215	175.72
Zelma F. Drennen	P.t Lot 40, Sec. 1 Riverdale Acres	50.32	2.70215	135.97
Durward R. Angell Charlotte Angell	Lot 40-A, Riverdale Riverdale Acres	115.35	2.70215	311.69
TOTALS WEST SIDE				818.88

EAST SIDE - CLEVELAND AVENUE

Hazel Cogar Hallie Cogar (Life Estate)	Part Tract 4, Sec. 1 Riverdale Acres	57.00	2.70215	154.02
E. L. Goodwin Suzanne Goodwin	Prt. Tract 5, Sec. 1 Riverdale Acres	90.00	2.70215	243.20
Donald D. Donohoe Violet F. Donohoe	Tract 6 and 10 ft. of Tract 5, Riverdale Acres	80.50	2.70215	217.52
A. Bruce Campbell Fannie Elizabeth Campbell	Tract 7, Sec. 1, Riverdale Acres	100.00	2.70215	270.22
TOTALS EAST SIDE				884.96
TOTAL CLEVELAND AVENUE				1,703.84

ELEVENTH STREET

Beginning with its intersection with First Avenue, to the intersection of Second Avenue.

SOUTH SIDE - ELEVENTH STREET

Mildred Hill	Lot No. 1104	99.12	3.51806	348.71
J. R. Sizemore Lena Sizemore	Lot No. 1106	40.00	3.51806	140.72
Otmer Withrow Lucy Withrow	Lot No. 1108	45.00	3.51806	158.31
TOTALS SOUTH SIDE				647.74

NORTH SIDE - ELEVENTH STREET

Fay Harper Edna Mae Harper	Lot No. 1101	71.76	3.41806	252.46
Rosalee Wandling (Life Estate) Guy Kelley	Lot No. 1103	40.00	3.51806	140.72
Othal O. Harris Norma J. Harris	Lot No. 1105	40.00	3.51806	140.72
James B. Coon Virginia F. Coon	Lot No. 1107	45.00	3.51806	158.31
TOTALS NORTH SIDE				692.21

ELEVENTH STREET

Beginning with its intersection with Second Avenue to its intersection with Third Avenue.
SOUTH - SIDE - ELEVENTH STREET

<u>NAME OF OWNER</u>	<u>LOT NO. OR DESCRIPTION</u>	<u>FRONT FOOTAGE ASSESSED</u>	<u>COST PER FRONT FT.</u>	<u>TOTAL ASSESSMENT</u>
P. V. Rhodes, aka Pharozina Rhodes Janet Pignato Georee W. Rhodes Cynthia Bibbee Pearl McCutchen Lorena Rhodes Mearl Davis	Lot No. 1112	45.00	3.51806	158.31
Nitro Realty Co.	Lot No. 1114	40.00	3.51806	140.72
Ernest Frankling Allen, Jr.	Lot No. 1116	40.00	3.51806	140.72
Viola Ragle	Lot No. 1118	40.00	3.51806	140.72
Quentin Lemuel Miller Mary Ellen Miller	Lots No. 1120 and 1122	80.00	3.51806	281.44
Glen D. Jividen Bertha M. Jividen	Lot No. 1124	40.00	3.51806	140.72
Guy Jividen	Lot No. 1126	40.00	3.51806	140.72
Charles O. Harrison	Lot No. 1128	40.00	3.51806	140.72
Charles O. Harrison	Lot No. 1130	40.00	3.51806	140.72
Kenneth F. Miller	Lot No.s 1132 and 1134	76.00	3.51806	267.38
TOTALS SOUTH SIDE				1,692.17

NORTH SIDE - ELEVENTH STREET

Nitro Properties, Ltd.	Lot No. 1111	45.00	3.51806	158.31
Frank D. Adkins Myrtle Adkins	Lot No. 1113	40.00	3.51806	140.72
Otmer E. Landers Ruby K. Landers	Lot No. 1115	40.00	3.51806	140.72
Boyd C. Wears	Lot No. 1117	40.00	3.51806	140.72
Boyd C. Wears	Lot No. 1117	40.00	3.51806	140.72
Walter C. Tiffner Dorothea Tiffner	Lot No. 1121	40.00	3.51806	140.72
Charles S. Raynes Jessie L. Raynes	Lot No. 1123	40.00	3.51806	140.72
Norman T. Williams Mary Jo Williams	Lot No. 1125	40.00	3.51806	140.72
Jack Landers Lesta Landers	Lot No. 1127	40.00	3.51806	140.72
Linnie Rhodes	Lot No. 1129	40.00	3.51806	140.72
Thomas Harvey Sanders Irene Lois Sanders	Lots No. 1131 and 1133	77.82	3.51806	273.78
TOTALS NORTH SIDE				1,698.57
TOTAL ELEVENTH STREET				4,730.69

TWELFTH STREET

Beginning at its intersection with Second Avenue to its intersection with Third Avenue.
SOUTH SIDE - TWELFTH STREET

William Preston Gandee	Lot No. 1214	45.00	3.43998	154.80
Billy P. Gibson Mildred M. Gibson	Lot No. 1216	40.00	3.43998	137.60
Ernest W. Hedrick Shirley J. Hedrick	Lot No. 1218	40.00	3.43998	137.60
James D. Sargent Mary Jane Sargent	Lot No. 1120	40.00	3.43998	137.60
James D. Sargent Mary Jane Sargent	Lot No. 1222	40.00	3.43998	137.60
Darrall Ray Jividen Mary Susan Jividen	Lt. No. 1224	40.00	3.43998	137.60

<u>NAME OF OWNER</u>	<u>LOT NO. OR DESCRIPTION</u>	<u>FRONT FT. ASSESSED</u>	<u>COST PER FRONT FT.</u>	<u>TOTAL ASSESSMENT</u>
Virgil D. Noffsinger Margaret V. Noffsinger	Lot No. 1226	40.00	3.43998	137.60
Ronnie Lou Faulkner Marjorie A. Faulkner	Lot No. 1228	40.00	3.43998	137.60
William Russell Buchanan Imogene Ruth Buchanan	Lot No. 1230	40.00	3.43998	137.60
Ronie R. Frazier Katherine V. Frazier	Lot No. 1232	40.00	3.43998	137.60
Ralph J. Linville Hazel V. Linville	Loy no. 1234 & 5 Ft. of Lot No. 1236	45.00	3.43998	154.80
TOTALS SOUTH SIDE				1,746.20
<u>NORTH SIDE - TWELFTH STREET</u>				
Lemma Realty Co., Inc.	Lot No. 1215	45.00	3.43998	154.80
Lemma Realty Co., Inc.	Lot No. 1217	40.00	3.43998	137.60
Lemma Realty Co., Inc.	Lot No. 1219	40.00	3.43998	137.60
Paul L. Janey Mary Z. Janey (Life Estate)	Lot No. 1221	40.00	3.43998	137.60
Paul L. Janey Mary Z. Janey (Life Estate)	Lot No. 1223	40.00	3.43998	137.60
Nitro Properties, Ltd.	Lot No. 1225	40.00	3.43998	137.60
Nitro Properties, Ltd.	Lot No. 1227	40.00	3.43998	137.60
Nitro Properties, Ltd.	Lot No. 1229	40.00	3.43998	137.60
Nitro Properties, Ltd.	Lot No. 1231	40.00	3.43998	137.60
Gerald Sayre Juanita Sayre	Lot No. 1233	40.00	3.43998	137.60
Bessie Boggess	Lot No. 1235	40.00	3.43998	137.60
Charles Albert Jones Lillie B. Jones	Part of Lot No. 1237	34.00	3.43998	116.95
Leroy Miles Iris M. Miles	Part of Lot No. 1237	32.05	3.43998	110.25
TOTALS NORTH SIDE				1,758.00
TOTALS- TWELFTH STREET				3,504.20

FOURTEENTH STREET

Beginning with its intersection with Second Avenue to its intersection with Third Ave.

NORTH SIDE - FOURTEENTH STREET

<u>NAME OF OWNER</u>	<u>LOT NO. OR DESCRIPTION</u>	<u>FRONT FOOTAGE ASSESSED</u>	<u>COST PER FRONT FT.</u>	<u>TOTAL ASSESSMENT</u>
Ada Gay Post	Lot No. 1415	50.00	3.37795	168.90
Henry Softley	Lot No. 1417	50.00	3.37795	168.90
Henry Softley	Lot No. 1419	50.00	3.37795	168.90
Maurine A. Davis aka Alice M. Davis	Lot No. 1421	50.00	3.37795	168.90
Andrew E. Leurant Alamodie E. Leurant	Lot No. 1423	50.00	3.37795	168.90
George William Trout Mary Frances Trout	Lot No. 1425	50.00	3.37795	168.90
Charles W. Hawes Helen M. Hawes	Lot No. 1427	50.00	3.37795	168.90
A. F. Whaples Melva A. Whaples	Lot No. 1429	50.00	3.37795	168.90
Andrew J. Ice Gladys B. Ice	Lot No. 1431	50.00	3.37795	168.90
Andrew J. Ice Gladys B. Ice	Lot No. 1433	50.00	3.37795	168.90
Daniel H. Carper Launa E. Carper	Lot No. 1435	62.69	3.37795	211.75
TOTALS NORTH SIDE				1,900.45

SOUTH SIDE - FOURTEENTH STREET

Rosehelena Fransworth Hanes Kanawha Bank & Trust Co., Trustee	Lot No. 1416	50.00	3.37795	168.90
Henry W. King	Lot No. 1418	50.00	3.37795	168.90
L. F. Trout Mabel Trout	Lot No. 1420	50.00	3.37795	168.90
L. F. Trout Mabel Trout	Lot No. 1422	50.00	3.37795	168.90
Foy A. Silman Lydia L. Silman	Lot No. 1424	50.00	3.37795	168.90
W. W. Alexander	Lot No. 1426	50.00	3.37795	168.90

<u>NAME OF OWNER</u>	<u>LOT NO. OR DESCRIPTION</u>	<u>FRONT FT. ASSESSED</u>	<u>COST PER FRONT FT.</u>	<u>TOTAL ASSESSMENT</u>
Maysel Ranson Hill	Lot No. 1428	50.00	3.37795	168.90
Thelma Jamison Miller Ada T. Jamison (Life Estate)	Lot No. 1430	50.00	3.37795	168.90
Stanley Lawrence Smith Margie Elizabeth Smith	Lot No. 1432 & westerly part of Lot No. 1434	82.00	3.37795	276.98
Vernice Ezekiel Townsend Opal S. Townsend	Easterly part of Lot No. 1434 and Lot No. 1436	75.51	3.37795	255.06
TOTALS SOUTH SIDE				1,883.24
TOTAL FOURTEENTH STREET				3,783.99

SEVENTEENTH STREET

Beginning with its intersection with First Avenue to its intersection with Second Avenue.

NORTH SIDE - SEVENTEENTH STREET

Bennett R. Burgess Jean W. Burgess	Lot No. 1701	55.00	3.94191	216.80
G. C. Alderson	Lot No. 1703	50.00	3.94191	197.10
Ray W. Boggess	Lot No. 1705	50.00	3.94191	197.10
Violet B. DeMoss	Lot No. 1707	50.00	3.94191	197.10
Elizabeth B. Robbins	Lot No. 1709	50.00	3.94191	197.10
Charles A. Smith Garnet Lee Smith	Lot No. 1711	50.00	3.94191	197.10
W. H. Jividen Zelma R. Jividen	Lot No. 1713	50.00	3.94191	197.10
E. O. Kinder	Lot No. 1715	50.00	3.94191	197.10
TOTALS NORTH SIDE				1,596.50

SOUTH SIDE - SEVENTEENTH STREET

George Witt Thelma Witt	Lot No. 1702	47.47	3.94191	187.52
John H. Caldwell Reva E. Caldwell	Lot No. 1704	50.00	3.94191	197.10
D. J. Lett Anne Lett	Lot No. 1706	50.00	3.94191	197.10
Caroline Hudnall	Lot No. 1708	50.00	3.94191	197.10

<u>NAME OF OWNER</u>	<u>LOT NO. OR DESCRIPTION</u>	<u>FRONT FT. ASSESSED</u>	<u>COST PER FRONT FT.</u>	<u>TOTAL ASSESSMENT</u>
S. L. White Eva G. White	Lot No. 1710	50.00	3.94191	197.10
Lemma Realty Co., Inc.	Lot No. 1712	50.00	3.94191	197.10
Lemma Realty Co., Inc.	Lot No. 1714	50.00	3.94191	197.10
Elsie G. Alderson	Lot No. 1716	50.00	3.94191	197.10
TOTALS SOUTH SIDE				1,567.22
TOTAL SEVENTEENTH STREET				3,163.72

FORTY-FIRST STREET

Beginning with its intersection with First Avenue to its intersection with Second Avenue.

NORTH SIDE - FORTY-FIRST STREET

Leased Stations, Inc.	Parcel	27.23	3.77129	102.70
Leased Stations, Inc.	Part of Lot No. 4125	150.00	3.77129	365.70
Andrew J. Board Virginia G. Board	Part of Lot No. 4125	50.00	3.77129	188.56
Charles O. Brown Virginia Rose Brown	Lot E of the Resubdivision of Part of Lot No. 4125	50.00	3.77129	188.56
Leroy P. Boggess Rena L. Boggess	Lot F of the Resubdivision of Pt. of Lot No. 4125	50.00	3.77129	188.56
James Hollis Totten, Sr. Alma B. Totten	Lot No. 4115	50.00	3.77129	188.56
Chancey W. Johns Ruth L. Johns	Lot No. 4117	50.00	3.77129	188.56
William C. Hicks	Lot No. 4119	50.00	3.77129	188.56
William C. Hicks Ruth B. Hicks	Lot No. 4121	50.00	3.77129	188.56
Joseph D. Thomas Gloria M. Thomas	Lot No. 4123 & pt. of Lot No. 4123½	38.50	3.77129	145.21
James S. Frazier	Part of Lot 4123½	26.00	3.77129	98.06
TOTALS NORTH SIDE				2,231.59

SOUTH SIDE - FORTY-FIRST STREET

Childers Realty Co.	Lot No. 4100	90.00	3.77129	339.43
O. R. Childers	9.08 acre tract	60.00	3.77129	226.29
O. R. Childers	Lot No. 4108	50.00	3.77129	188.56

Childers Realty Co.	Lot No. 4110	50.00	3.77129	188.56
Roger Paul Cochran Sharon Sue Thornton	Lot No. 4112	50.00	3.77129	188.56
Mary E. Dorsey	Lot No. 4114	50.00	3.77129	188.56
Isaac E. Hall Ethel M. Hall	Lot No. 4116	50.00	3.77129	188.56
Theo Rhodes	Lot No. 4118	50.00	3.77129	188.56
Bethalee B. Brewer	Lot No. 4120	50.00	3.77129	188.56
TOTALS SOUTH SIDE				1,885.64
<u>TOTALS FORTY -FIRST STREET</u>				4,117.23

SIDEWALK ASSESSMENT

Second Avenue

Between 21st Street and 22nd Street.

EAST SIDE

Holman Motor Sales, Inc. Pt. Plot 15	22.00	14.9546	329.00
TOTAL SECOND AVENUE			329.00

TWENTIETH STREET

Between Bank Street and Wintz Street.

NORTH SIDE

James A. Marrs Jean Ann Marrs	Corner of Bank and 20th Street	48.00	15.9350	764.87
TOTAL TWENTEITH STREET				764.87

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 thereinabove 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 20th day of June, 1972, at 8:00 o'clock P.M. the owner of 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 20th day of June, 1972, 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 20th day of June, 1972, 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 TWICE SUCCESSIVE WEEKS, COMMENCING WITH THE ISSUE OF THE 8TH DAY OF JUNE, 1972 AND ENDING WITH THE ISSUE OF THE 15TH DAY OF JUNE 1972, AND WAS POSTED AT THE COURT HOUSE OF KANAWHA COUNTY ON _____, 1972.

MANAGER,

KANAWHA VALLEY LEADER

Subscribed and sworn to before me this 16th day of June, 1972.

James Jefferies

Notary Public for Kanawha
County, West Virginia

My Commission expires August 28, 1972.

Councilman Tidquist pointed out he did not find the sidewalk installed on 23rd Street in the Assessment Rolls.

The Mayor informed that this sidewalk had been rejected by the Engineer, therefore it was not included in the Assessment Rolls.

Councilman Tidquist moved, seconded by Councilman Williamson, the following resolution be adopted. Upon a vote motion carried.

A RESOLUTION ASSESSING ABUTTING PROPERTY AND THE OWNERS THEREOF WITH THE COST OF THE PERMANENT IMPROVEMENT OF CLEVELAND AVENUE, BEGINNING WITH ITS INTERSECTION WITH STATE ROUTE No. 25, TO ITS INTERSECTION WITH MICHIGAN AVENUE: ELEVENTH STREET, BEGINNING WITH THE INTERSECTION WITH FIRST AVENUE TO ITS INTERSECTION WITH THIRD AVENUE: 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: FORTY-FIRST STREET, BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE TO ITS INTERSECTION WITH SECOND AVENUE: SIDEWALKS - SECOND AVENUE EAST SIDE WALK BETWEEN 21st STREET AND 22nd STREET: TWENTIETH STREET, BETWEEN BANK STREET AND WINTZ STREET.

Whereas, the Council of the City of Nitro on the 24th day of August, 1971, adopted an Ordinance for the permanent improvement of Cleveland Avenue, beginning with its intersection with State Route 25, to its intersection with Michigan Avenue; Eleventh Street, beginning with the intersection with First Avenue to its intersection with Third Avenue; 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; Forty-First STREET, beginning with its intersection with First Avenue to its intersection with Second Avenue; Sidewalks - Second Avenue East Side between 21st Street and 22nd Street; Twentieth Street, between Bank Street and Wintz Street, all in the City of Nitro, Kanawha and Putnam Counties, West Virginia, by grading, paving, draining and other-

wise improving the same and further providing for the assessment of the abutting property and owners thereof for the total cost of such improvement; and,

WHERE AS, 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 16th day of May, 1971, and fully set out in its minutes; and,

WHEREAS, it appears to the Council, independently of said Engineers' Report, that the permanent improvement has been completed in accordance with the ordinance 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, Kanawha County and Putnam Counties, 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 of said owners or those who may be owners thereof and interested persons that they might appear before Council in session on the 20th day of June, 1972 at 8:00 P.M. to move the revision or correction of such proposed assessment, and on or after the said date Council might proceed finally to lay said assessments.

NOW, THEREFORE, BE IT RESOLVED 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

Printer's Fee \$

BOOK 12
after pg. 304

AFFIDAVIT OF PUBLICATION

State of West Virginia,

County of Kanawha, to-wit:

I, M & Buster, 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 twice
successive weeks, commencing with the issue of the 8th
day of June, 1972 and ending with the
issue of the 15th day of June, 1972.
and was posted at the Court House of Kanawha County on
, 19

Manager,

Kanawha Valley Leader.

Subscribed and sworn to before me this 16th day of
June, 1972

James Jeffers
Notary Public for Kanawha County, West Virginia.

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

NOTICE OF LEVY OF PAVING ASSESSMENTS

CITY OF NITRO

NOTICE OF LEVY OF PAVING ASSESSMENTS, GRADING ASSESSMENTS, CURBING ASSESSMENTS, DRAINING ASSESSMENTS, SIDEWALK ASSESSMENTS, FOR THE PERMANENT IMPROVEMENT OF CERTAIN STREETS, AND WAYS, IN THE CITY OF NITRO, BOTH PUTNAM AND KANAWHA COUNTY, WEST VIRGINIA, AGAINST PROPERTY ABUTTING ON CLEVELAND AVENUE, BEGINNING WITH ITS INTERSECTION WITH STATE ROUTE NO. 25, TO ITS INTERSECTION WITH MICHIGAN AVENUE: ELEVENTH STREET, BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE TO ITS INTERSECTION WITH THIRD AVENUE: 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: FORTY FIRST STREET, BEGINNING WITH ITS INTERSECTION WITH FIRST AVENUE TO ITS INTERSECTION WITH SECOND AVENUE: SIDEWALKS - SECOND AVENUE EAST SIDE BETWEEN 21st STREET AND 22nd STREET: TWENTIETH STREET, BETWEEN BANK STREET AND WINTZ STREET:

By virtue of an ordinance adopted by the Common Council of the City of Nitro, West Virginia, on the 24th day of August, 1971, providing for the permanent improvement of the above named streets and ways 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, 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 or parcels of record in the Office of the Clerk of the County Court, Kanawha and Putnam Counties, West Virginia, and reference is hereby made to said maps and deeds for a more complete description.)

CLEVELAND AVENUE

Beginning with its intersection with State Route No. 25, to its intersection with Michigan Avenue.

WEST SIDE - CLEVELAND AVENUE

Name of Owner	Lot Number or Description	Front Footage Assessed	Cost Per Front Foot	Total Assessment
Mervin Stanley Gibson Ruth G. Gibson	Pt. Lt. 39, Sec. 1, Riverdale Acres	72.35	2.70215	195.50
Leon B. Daugherty Lillian M. Daugherty	Pt. Lt. 40, Sec. 1, Riverdale Acres	65.03	2.70215	175.72
Zelma F. Drennen	Pt. Lt. 40, Sec. 1, Riverdale Acres	50.32	2.70215	135.97
Durward R. Angell Charlotte Angell	Lot 40-A, Riverdale Acres	115.35	2.70215	311.69
TOTALS WEST SIDE				818.88

EAST SIDE - CLEVELAND AVENUE

Hazel Cogar Hallie Cogar (Life Estate)	Part Tract 4, Sec. 1, Riverdale Acres	57.00	2.70215	154.02
E. L. Goodwin Suzanne Goodwin	Pt Tract 5, Sec. 1, Riverdale Acres	90.00	2.70215	243.20
Donald D. Donohoe Violet F. Donohoe	Tract 6 and 10 feet of Tract 5, Riverdale Acres	80.50	2.70215	217.52
A. Bruce Campbell Fannie Elizabeth Campbell	Tract 7, Sec. 1, Riverdale Acres	100.00	2.70215	270.22

TOTALS EAST SIDE 884.96

TOTAL CLEVELAND AVENUE 1,703.84

KEY LEADER
ADVERTISEMENT

JUNE 18, 1972

LEGAL ADVERTISEMENT

LEGAL ADVERTISEMENT

Name of Owner	Lot Number or Description	Front Footage Assessed	Cost Per Front Foot	Total Assessment
Frank D. Adkins Myrtle Adkins	Lot No. 1113	40.00	3.51806	140.72
Otmer E. Landers Ruby K. Landers	Lot No. 1115	40.00	3.51806	140.72
Boyd C. Wears	Lot No. 1117	40.00	3.51806	140.72
Boyd C. Wears	Lot No. 1117	40.00	3.51806	140.72
Walter C. Tiffner Dorothea Tiffner	Lot No. 1121	40.00	3.51806	140.72
Charles S. Raynes Jessie L. Raynes	Lot No. 1123	40.00	3.51806	140.72
Norman T. Williams Mary Jo Williams	Lot No. 1125	40.00	3.51806	140.72
Jack Landers Lesta Landers	Lot No. 1127	40.00	3.51806	140.72
Linnie Rhodes	Lot No. 1129	40.00	3.51806	140.72
Thomas Harvey Sanders Irene Lois Sanders	Lots Nos. 1131 and 1133	77.82	3.51806	273.78

TOTALS NORTH SIDE 1,698.57

TOTAL - ELEVENTH STREET 4,730.69

TWELFTH STREET

Beginning at its intersection with Second Avenue
to its intersection with Third Avenue.

SOUTH SIDE - TWELFTH STREET

Name of Owner	Lot Number or Description	Front Footage Assessed	Cost Per Front Foot	Total Assessment
William Preston Gandee	Lot No. 1214	45.00	3.43993	154.80
Billy P. Gibson Mildred M. Gibson	Lot No. 1216	40.00	3.43998	137.60
Ernest W. Hedrick Shirley J. Hedrick	Lot No. 1218	40.00	3.43998	137.60
James D. Sargent Mary Jane Sargent	Lot No. 1220	40.00	3.43998	137.60
James D. Sargent Mary Jane Sargent	Lot No. 1222	40.00	3.43998	137.60
Darrell Ray Jividen Mary Susan Jividen	Lot No. 1224	40.00	3.43998	137.60
Virgil D. Noffsinger Margaret V. Noffsinger	Lot No. 1226	40.00	3.43998	137.60
Ronnie Lou Faulkner Marjorie A. Faulkner	Lot No. 1228-	40.00	3.43998	137.60
William Russell Buchanan Imogene Ruth Buchanan	Lot No. 1230	40.00	3.43998	137.60
Romie R. Frazier Katherine V. Frazier	Lot No. 1232	40.00	3.43998	137.60
Ralph J. Linville Hazel V. Linville	Lot No. 1234 & 5 feet of Lot No. 1236	45.00	3.43998	154.80
Mabel Higginbotham	Part of Lot No. 1236	57.62	3.43998	198.20

1,746.20

NORTH SIDE - TWELFTH STREET

Lemna Realty Co., Inc.	Lot No. 1215	45.00	3.43998	154.80
Lemna Realty Co., Inc.	Lot No. 1217	40.00	3.43998	137.60
Lemna Realty Co., Inc.	Lot No. 1219	40.00	3.43998	137.60
Paul L. Janey Mary Z. Janey (life estate)	Lot No. 1221	40.00	3.43998	137.60
Paul L. Janey Mary Z. Janey (life estate)	Lot No. 1223	40.00	3.43998	137.60
Nitro Properties, Ltd.	Lot No. 1225	40.00	3.43998	137.60
Nitro Properties, Ltd.	Lot No. 1227	40.00	3.43998	137.60
Nitro Properties, Ltd.	Lot No. 1229	40.00	3.43998	137.60
Nitro Properties, Ltd.	Lot No. 1231	40.00	3.43998	137.60
Gerald Sayre Juanita Sayre	Lot No. 1233	40.00	3.43998	137.60
Bessie Boggess	Lot No. 1235	40.00	3.43998	137.60
Charles Albert Jones Lillie B. Jones	Part of Lot No. 1237	34.00	3.43998	116.95
Leroy Miles Iris M. Miles	Part of Lot No. 1237	32.05	3.43998	110.25

1,758.00

TOTALS NORTH SIDE

3,504.20

TOTAL - TWELFTH STREET

FOURTEENTH STREET

Beginning with its intersection with Second Avenue
to its intersection with Third Avenue.

NORTH SIDE - FOURTEENTH STREET

Name of Owner	Lot Number or Description	Front Footage Assessed	Cost per Front Foot	Total Assessment
Ada Gay Post	Lot No. 1415	50.00	3.37795	168.90
Henry Softley	Lot No. 1417	50.00	3.37795	168.90
Henry Softley	Lot No. 1419	50.00	3.37795	168.90
Maurine A. Davis aka Alice M. Davis	Lot No. 1421	50.00	3.37795	168.90
Andrew E. Leurant Alamodie E. Leurant	Lot No. 1423	50.00	3.37795	168.90
George William Trout Mary Frances Trout	Lot No. 1425	50.00	3.37795	168.90
Charles W. Hawes Helen M. Hawes	Lot No. 1427	50.00	3.37795	168.90
A. F. Whoples Melva A. Whoples	Lot No. 1429	50.00	3.37795	168.90
Andrew J. Ice Gladys B. Ice	Lot No. 1431	50.00	3.37795	168.90
Andrew J. Ice Gladys B. Ice	Lot No. 1433	50.00	3.37795	168.90
Daniel H. Carper Launa E. Carper	Lot No. 1435	62.69	3.37795	211.75

1,900.75

TOTALS NORTH SIDE

ELEVENTH STREET

Beginning with its intersection with First Avenue, to the intersection of Second Avenue.

SOUTH SIDE - ELEVENTH STREET

Name of Owner	Lot Number or Description	Front Footage Assessed	Cost Per Front Foot	Total Assessment
Mildred Hill	Lot No. 1104	99.12	3.51806	348.71
J. R. Sizemore Lena Sizemore	Lot No. 1106	40.00	3.51806	140.72
Otmer Withrow Lucy Withrow	Lot No. 1108	45.00	3.51806	158.31
				647.74
TOTALS SOUTH SIDE				

NORTH SIDE - ELEVENTH STREET

Fay Harper Edna Mae Harper	Lot No. 1101	71.76	3.51806	252.46
Rosalee Wandling (Life Estate) Guy Kelley	Lot No. 1103	40.00	3.51806	140.72
Othal O. Harris Norma J. Harris	Lot No. 1105	40.00	3.51806	140.72
James B. Coon Virginia F. Coon	Lot No. 1107	45.00	3.51806	158.31
				692.21
TOTALS NORTH SIDE				

ELEVENTH STREET

Beginning with its intersection with Second Avenue to its intersection with Third Avenue.

SOUTH SIDE - ELEVENTH STREET

Name of Owner	Lot Number or Description	Front Footage Assessed	Cost Per Front Foot	Total Assessment
P. V. Rhodes, aka Pharozina Rhodes Janet Pignato George W. Rhodes Cynthia Bibbee Pearl McCutchen Lorena Rhodes Mearl Davis	Lot No. 1112	45.00	3.51806	158.31
Nitro Realty Company	Lot No. 1114	40.00	3.51806	140.72
Ernest Franklin Allen, Jr.	Lot No. 1116	40.00	3.51806	140.72
Viola Ragle	Lot No. 1118	40.00	3.51806	140.72
Quentin Lemuel Miller Mary Ellen Miller	Lots No. 1120 and 1122	80.00	3.51806	281.44
Glen D. Jividen Bertha M. Jividen	Lot No. 1124	40.00	3.51806	140.72
Guy Jividen	Lot No. 1126	40.00	3.51806	140.72
Charles O. Harrison	Lot No. 1128	40.00	3.51806	140.72
Charles O. Harrison Kenneth F. Miller Janet A. Miller	Lot No. 1130 Lots Nos. 1132 and 1134	40.00 76.00	3.51806 3.51806	140.72 267.38
				1,692.17
TOTALS SOUTH SIDE				

NORTH SIDE - ELEVENTH STREET

Nitro Properties, Ltd.	Lot No. 1111	45.00	3.51806	158.31
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RTISEMENT

LEGAL ADVERTISEMENT

LEGAL ADVERTISEMENT

TOTAL FORTY-FIRST STREET

4,117.23

SIDEWALK ASSESSMENT

SECOND AVENUE

Between 21st Street and 22nd Street.

EAST SIDE

Name of Owner	Lot Number or Description	Front Footage Assessed	Cost Per Front Foot	Total Assessment
Holman Motor Sales, Inc.	Pt. Plot 15	22.00	14.9546	329.00
TOTAL SECOND AVENUE				329.00

TWENTIETH STREET

Between Bank Street and Wintz Street.

NORTH SIDE

James A. Marrs Jean Ann Marrs	Corner of Bank and 20th Street	48.00	15.9350	764.87
TOTAL TWENTIETH STREET				764.87

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 20th day of June, 1972, 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 20th day of June, 1972, 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 20th day of June, 1972, 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

OFFICIAL NITRO CITY ELECTION RESULTS

OFFICE	ELECTED	CANDIDATE	FIRST WARD		SECOND WARD		THIRD WARD		FOURTH WARD		TOTALS
			PRECINCT 22	364	PRECINCT 365	366	PRECINCT 367	368	PRECINCT 369	370	
MAYOR		Roger A. COOKE	236	294	152	115	259	121	164	73	1,414
	*	William D. "Bill" GIBSON	256	217	127	149	290	187	284	78	1,588
		Bennie L. SAVILLA	93	41	12	20	23	11	25	18	243
RECORDER		Rosilea CUNDIFF	76	33	10	12	20	3	20	28	202
		Dolly Priddy DODSON	141	145	60	96	169	133	215	48	1,007
	*	Tom "Bucky" MELTON	354	373	222	172	386	183	235	93	2,018
	*	Dr. R. V. ALLEN	300	287	150	165	297	170	268	77	1,714

COUNCIL AT LARGE		Richard A. "Richie" CLINE	216	269	154	101	241	124	193	84	1,382
		Norma JOHNSTON	140	39	13	27	29	19	25	24	316
		Robert R. "Bob" MATTOX	188	235	127	94	208	145	194	74	1,265
		Dean MILLER, Minister	237	200	85	129	279	158	221	61	1,370
	*	Kelth E. PRIDDY	231	295	152	115	276	120	166	74	1,429
	*	Hugo D. TIDQUIST	268	252	156	164	308	164	264	70	1,646
COUNCIL 1ST WARD		Joe W. JAVINS	198	144							342
		Jacqueline "Jackie" MALLETT	84	37							121
		Kermit L. THOMPSON	193	114							307
	*	James B. WHITE	103	248							351
COUNCIL 2ND WARD		Albert Franklin "Sonny" HARMON			58	13					71
	*	Paul R. HILL			137	147					284
		James E. "Jim" LANDERS			89	116					205
COUNCIL 3RD WARD	*	Vernon CASEBOLT					287	150			437
		Kenton L. WILLIAMSON					151	104			255
		Clyde WILLARD					125	56			181
COUNCIL 4TH WARD		William A. "Bill" BURFORD							31	29	60
		E. L. "Chub" GOODWIN							126	69	195
		Harry Anthony HECHESKY							18	6	24
	*	Thomas B. LILLY							291	65	356

HELD OVER !!!

Kanawha Valley LEADER

SPECIAL

1 YEAR \$3.35 -PER -YEAR
SUBSCRIPTION TAX INCLUDED

REGULAR PRICE \$5.15 PER YEAR

2-YEARS ... \$5.50 NEW OR RENEWAL 4-YEARS ... \$10.45

**THIS
SPECIAL
OFFER**

**GOOD UNTIL
JUNE 30**

ONLY !!!

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NAME

ADDRESS

(Street or R. F. D.)

(City - State)

(Zip Code)

New () Renewal ()

() - Years @ \$

JUNE 15, 1972

KANAWHA VALLEY

LEGAL ADVERTISEMENT

LEGAL ADVERTISEMENT

LEGAL ADVE

SOUTH SIDE - FOURTEENTH STREET

Rosehelena Fransworth Hanes Kanawha Banking & Trust Co., Trustee	Lot No. 1416	50.00	3.37795	168.90
Henry W. King	Lot No. 1418	50.00	3.37795	168.90
L. F. Trout Mabel Trout	Lot No. 1420	50.00	3.37795	168.90
L. F. Trout Mabel Trout	Lot No. 1422	50.00	3.37795	168.90
Foy A. Silman Lydia L. Silman	Lot No. 1424	50.00	3.37795	168.90
W. W. Alexander	Lot No. 1426	50.00	3.37795	168.90
Maysel Ranson Hill	Lot No. 1428	50.00	3.37795	168.90
Thelma Jamison Miller Ada T. Jamison (Life Estate)	Lot No. 1430	50.00	3.37795	168.90
Stanley Lawrence Smith Margie Elizabeth Smith	Lot No. 1432 & westerly part of Lot No. 1434	82.00	3.37795-	276.98
Vernice Ezekiel Townsend Opal S. Townsend	Easterly part of Lot No. 1434 and Lot No. 1436	75.51	3.37795	255.06

TOTALS SOUTH SIDE	1,883.24
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TOTAL FOURTEENTH STREET	3,783.99
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SEVENTEENTH STREET

Beginning with its intersection with First Avenue to
its intersection with Second Avenue.

NORTH SIDE - SEVENTEENTH STREET

Name of Owner	Lot Number or Description	Front Footage Assessed	Cost Per Front Foot	Total Assessment
Bennett R. Burgess Jean W. Burgess	Lot No. 1701	55.00	3.94191	216.80
G. C. Alderson	Lot No. 1703	50.00	3.94191	197.10
Ray W. Boggess	Lot No. 1705	50.00	3.94191	197.10
Violet B. DeMoss	Lot No. 1707	50.00	3.94191	197.10
Elizabeth B. Robbins	Lot No. 1709	50.00	3.94191	197.10
Charles A. Smith Garnet Lee Smith	Lot No. 1711	50.00	3.94191	197.10
W. H. Jividen Zelma R. Jividen	Lot No. 1713	50.00	3.94191	197.10
E. O. Kinder	Lot No. 1715	50.00	3.94191	197.10

TOTALS NORTH SIDE	1,596.50
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SOUTH SIDE - SEVENTEENTH STREET

George Witt Thelma Witt	Lot No. 1702	47.57	3.94191	187.52
John H. Caldwell Reva E. Caldwell	Lot No. 1704	50.00	3.94191	197.10
D. J. Lett Anne Lett	Lot No. 1706	50.00	3.94191	197.10
Caroline Hudnall	Lot No. 1708	50.00	3.94191	197.10
S. L. White	Lot No. 1710	50.00	3.94191	197.10

Eva G. White				
Lemma Realty Co., Inc.	Lot No. 1712	50.00	3.94191	197.10
Lemma Realty Co., Inc.	Lot No. 1714	50.00	3.94191	197.10
Elsie C. Alderson	Lot No. 1716	50.00	3.94191	197.10

TOTALS SOUTH SIDE				1,567.22
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TOTAL SEVENTEENTH STREET				3,163.72
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FORTY-FIRST STREET

Beginning with its intersection with First Avenue to its intersection with Second Avenue.

NORTH SIDE - FORTY-FIRST STREET

<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>
Leased Stations, Inc.	Parcel	27.23	3.77129	102.70
Leased Stations, Inc.	Part of Lot No. 4125	150.00	3.77129	365.70
Andrew J. Board Virginia C. Board	Part of Lot No. 4125	50.00	3.77129	188.56
Charles O. Brown Virginia Rose Brown	Lot E of the Resubdivision of Part of Lot No. 4125	50.00	3.77129	188.56
Leroy P. Boggess, Jr. Rema L. Boggess	Lot F of the Resubdivision of Part of Lot No. 4125	50.00	3.77129	188.56
James Hollis Totten, Sr. Alma B. Tott en	Lot No. 4115	50.00	3.77129	188.56
Chancey W. Johns Ruth L. Johns	Lot No. 4117	50.00	3.77129	188.56
William C. Hicks	Lot No. 4119	50.00	3.77129	188.56
William C. Hicks Ruth B. Hicks	Lot No. 4121	50.00	3.77129	188.56
Joseph D. Thomas Gloria M. Thomas	Lot No. 4123 & part of Lot No. 4123½	38.50	3.77129	145.21
James S. Frazier	Part of Lot 4123½	26.00	3.77129	98.06
TOTALS NORTH SIDE				2,231.59

SOUTH SIDE - FORTY-FIRST STREET

Childers Realty Co.	Lot No. 4100	90.00	3.77129	339.43
O. R. Childers	9.08 acre tract	60.00	3.77129	226.29
O. R. Childers	Lot No. 4108	50.00	3.77129	188.56
Childers Realty Co.	Lot No. 4110	50.00	3.77129	188.56
Roger Paul Cochran Sharon Sue Thornton	Lot No. 4112	50.00	3.77129	188.56
Mary E. Dorsey	Lot No. 4114	50.00	3.77129	188.56
Isaac E. Hall Ethel M. Hall	Lot No. 4116	50.00	3.77129	188.56
Theo Rhodes	Lot No. 4118	50.00	3.77129	188.56
Bethalee B. Brewer	Lot No. 4120	50.00	3.77129	188.56

TOTALS SOUTH SIDE				1,885.64
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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 next 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 certificates 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 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 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 amounts 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 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 thereby.

FOURTH: The Mayor and the City Recorder are hereby authorized to issue, sign and deliver the assessment lein certificates against the several lots in accordance with the provision 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, Putnam County, West Virginia, and 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 names of each lot or land owner mentioned therein.

CLEVELAND AVENUE

Beginning with its intersection with State Rt. 25, to its intersection with Michigan Avenue.

WEST SIDE - CLEVELAND AVENUE

<u>NAME OF OWNER</u>	<u>LOT NO. OR DESCRIPTION</u>	<u>FRONT FOOTAGE ASSESSED</u>	<u>COST PER FRONT FT.</u>	<u>TOTAL ASSESSMENT</u>
Mervin Stanly Gibson Ruth G. Gibson	Pt. Lot 39, Sec. 1 Riverdale Acres	72.35	2.70215	195.50
Leon B. Daugherty Lillian M. Daugherty	Pt. Lot 40, Sec. 1 Riverdale Acres	65.03	2.70215	175.72
Zelma F. Drennen	Pt. lt. 40, Sec. 1, Riverdale Acres	50.32	2.70215	135.97
Durward R. Angell Charlotte Angell	Lot 40-A, Riverdale Acres	115.35	2.70215	311.69
TOTALS WEST SIDE				818.88

EAST SIDE - CLEVELAND AVENUE

Hazel Cogar Hallie Cogar (Life Estate)	Part Tract 4, Sec. 1 Riverdale Acres	57.00	2.70215	154.02
E. L. Goodwin Suzanne Goodwin	Pt. Tract 5, Sec. 1 Riverdale Acres	90.00	2.70215	243.20

<u>NAME OF OWNER</u>	<u>LOT NO. OR DESCRIPTION</u>	<u>FRONT FOOTAGE ASSESSED</u>	<u>COST PER FRONT FT.</u>	<u>TOTAL ASSESSMENT</u>
Donald D. Donohoe Violet F. Donohoe	Tract 6 and 10 feet of Tract 5, Riverdale Acres	80.50	2.70215	217.52
A. Bruce Campbell	Tract 7, Sec. 1	100.00	2.70215	270.22
TOTALS EAST SIDE				884.96
TOTAL CLEVELAND AVENUE				1,703.84

ELEVENTH STREET

Beginning with its intersection with First Avenue, to the intersection of Second Avenue.

SOUTH SIDE - ELEVENTH STREET

<u>NAME OF OWNER</u>	<u>LOT NO. OR DESCRIPTION</u>	<u>FRONT FOOTAGE ASSESSED</u>	<u>COST PER FRONT FT.</u>	<u>TOTAL ASSESSMENT</u>
Mildred Hill	Lot No. 1104	99.12	3.51806	348.71
J. R. Sizemore Lena Sizemore	Lot No. 1106	40.00	3.51806	140.72
Otmer Withrow Lucy Withrow	Lot No. 1108	45.00	3.41806	158.31
TOTALS SOUTH SIDE				647.74

NORTH SIDE - ELEVENTH STREET

Ray Harper Enda Mae Harper	Lot No. 1101	71.76	3.51806	252.46
Rosalee Wanlding (Life Guy Kelley Estate)	Lot No. 1103	40.00	3.51806	140.72
John M. McCallister Balcus V. McCallister	Lot No. 1105	40.00	3.51806	140.72
James B. Coon Virginia F. Coon	Lot No. 1107	45.00	3.51806	158.31
TOTALS NORTH SIDE				692.21

ELEVENTH STREET

Beginning with its intersection with Second Avenue to its intersection with Third Avenue.

SOUTH SIDE - ELEVENTH STREET

SOUTH SIDE - ELEVENTH STREET

<u>NAME OF OWNER</u>	<u>LOT NO. OR DESCRIPTION</u>	<u>FRONT FOOTAGE ASSESSED</u>	<u>COST PER FRONT FT.</u>	<u>TOTAL ASSESSMENT</u>
P. V. Rhodes, aka Pharozina Rhodes Janet Pignato George W. Rhodes Cynthia Bibbee Pearl McCutchen Lorena Rhodes Mearl Davis	Lot No. 1112	45.00	3.51806	158.31
Nitro Realty Co.	Lot No. 1114	40.00	3.51806	140.72
Ernest Franklin Allen, Jr.	Lot No. 1116	40.00	3.51806	140.72
Viola Ragle	Lot No. 1118	40.00	3.51806	140.72
Quentin Lemuel Miller Mary Ellen Miller	Lots No. 1120 and 1122	80.00	3.51806	281.44
Glen D. Jividen Bertha M. Jividen	Lot No. 1124	40.00	3.51806	140.72
Guy Jividen	Lot No. 1126	40.00	3.51806	140.72
Warren T. Harrison Norma G. Harrison	Lot No. 1128	40.00	3.51806	140.72
Kenneth F. Miller Janet A. Miller	Lots No. 1132 and 1134	76.00	3.51806	267.38
TOTALS SOUTH SIDE				1,692.17

NORTH SIDE - ELEVENTH STREET

Nitro Properties, Ltd.	Lot No. 1111	45.00	3.51806	158.31
Frank D. Adkins Myrtle Adkins	Lot No. 1113	40.00	3.51806	140.72
Otmer E. Landers Ruby K. Landers	Lot No. 1115	40.00	3.51806	140.72
Boyd C. Wears	Lot No. 1117	40.00	3.51806	140.72
Boyd C. Wears	Lot No. 1117	40.00	3.51806	140.72
Walter C. Tiffner Dorothea Tiffner	Lot No. 1121	40.00	3.51806	140.72
Charles S. Raynes Jessie L. Raynes	Lot No. 1123	40.00	3.51806	140.72
Norma T. Williams Mary Jo Williams	Lot No. 1125	40.00	3.51806	140.72

<u>NAME OF OWNER</u>	<u>LOT NO. OR DESCRIPTION</u>	<u>FRONT FOOTAGE ASSESSED</u>	<u>COST PER FRONT FT.</u>	<u>TOTAL ASSESSMENT</u>
Jack Landers Lesta Landers	Lot No. 1127	40.00	3.51806	140.72
Linnie Rhodes	Lot No. 1129	40.00	3.51806	140.72
Thomas Harvey Sanders Irene Lois Sanders	Lots No. 113 and 1133	77.82	3.51806	273.78
TOTALS NORTH SIDE				1,698.57
TOTAL - ELEVENTH STREET				4,730.69
<u>TWELFTH STREET</u>				

Beginning at its intersection with Second Avenue to its intersection with Third Avenue.
SOUTH SIDE - TWELFTH STREET

William Preston Gandee	Lot No. 1214	45.00	3.43998	154.80
Billy P. Gibson Mildred M. Gibson	Lot No. 1216	40.00	3.43998	137.60
Ernest W. Hedrick Shirley J. Hedrick	Lot No. 1218	40.00	3.43998	137.60
James D. Sargent Mary Jane Sargent	Lot No. 1220	40.00	3.43998	137.60
James D. Sargent Mary Jane Sargent	Lot No. 1222	40.00	3.43998	137.60
Darrell Ray Jividen Mary Susan Jividen	Lot No. 1224	40.00	3.43998	137.60
Virgil D. Noffsinger Margaret V. Noffsinger	Lot No. 1226	40.00	3.43998	137.60
Ronnie Lou Faulkner Marjorie A. Faulkner	Lot No. 1228	40.00	3.43998	137.60
William Russell Buchanan Imogene Ruth Buchanan	Lot No. 1230	40.00	3.43998	137.60
Ronie R. Frazier Katherine V. Frazier	Lot No. 1232	40.00	3.43998	137.60
Ralph J. Linville Hazel V. Linville	Lot No. 1234 - & ft. of Lot No. 1236	45.00	3.43998	154.80
Mabel Higginbotham	Part of Lot No. 1236	57.62	3.43998	198.20
TOTALS SOUTH SIDE				1,746.20

NORTH SIDE - TWELFTH STREET

Lemma Realty Co., Inc. Lot No. 1215	45.00	3.43998	154.80
Lemma Realty Co., Inc. Lot No. 1217	40.00	3.43998	137.60
Lemma Realty Co., Inc. Lot No. 1219	40.00	3.43998	137.60
Paul L. Janey Mary Z. Janey (Life Estate) Lot No. 1221	40.00	3.43998	137.60
Paul L. Janey Mary Z. Janey (Life Estate) Lot No. 1223	40.00	3.43998	137.60
Nitro Properties, Ltd. Lot No. 1225	40.00	3.43998	137.60
Nitro Properties, Ltd. Lot No. 1227	40.00	3.43998	137.60
Nitro Properties, Ltd. Lot No. 1229	40.00	3.43998	137.60
Nitro Properties, Ltd. Lot No. 1231	40.00	3.43998	137.60
Gerald Sayre Juanita Sayre Lot No. 1233	40.00	3.43998	137.60
Bessie Boggess Lot No. 1235	40.00	3.43998	137.60
Charles Albert Jones Lillie B. Jones Part of Lot No. 1237	34.00	3.43998	116.95
Leroy Miles Iris M. Miles Part of Lot No. 1237	32.05	3.43998	110.25
TOTALS NORTH SIDE			1,758.00
TOTAL - TWELFTH STREET			3,504.20

FOURTEENTH STREET

Beginning with its intersection with Second Avenue to its intersection with Third Avenue.

NORTH SIDE - FOURTEENTH STREET

Ada Gay Post Lot No. 1415	50.00	3.37795	168.90
Henry Softley Lot No. 1417	50.00	3.37795	168.90
Henry Softley Lot No. 1419	50.00	3.37795	168.90
Maurine A. Davis aka Alice M. Davis Lot No. 1421	50.00	3.37795	168.90

Andrew E. Leurant Alamodie E. Leurant	Lot No. 1423	50.00	3.37795	168.90
George William Trout Mary Frances Trout	Lot No. 1425	50.00	3.37795	168.90
Charles W. Hawes Helen M. Hawes	Lot No. 1427	50.00	3.37795	168.90
A. F. Whaples Melva A. Whaples	Lot No. 1429	50.00	3.37795	168.90
Andrew J. Ice Gladys B. Ice	Lot No. 1431	50.00	3.37705	168.90
Andrew J. Ice Gladys B. Ice	Lot No. 1433	50.00	3.37795	168.90
Daniel H. Carper Launa E. Carper	Lot No. 1435	62.69	3.37795	211.75
TOTALS NORTH SIDE				1,900.75
<u>SOUTH SIDE - FOURTEENTH STREET</u>				
Roshelenena Fransworth Hanes Kanawha Banking & Trust Co.	Lot No. 1416	50.00	3.37795	168.90
Henry W. King	Lot No. 1418	50.00	3.37795	168.90
L. F. Trout Mabel Trout	Lot No. 1420	50.00	3.37795	168.90
L. f. Trout Mabel Trout	Lot No. 1422	50.00	3.37795	168.90
Roy A. Silman Lydia L. Silman	Lot No. 1424	50.00	3.37795	168.90
W. W. Alexander	Lot No. 1426	50.00	3.37795	168.90
Maysel Ranson Hill	Lot No. 1428	50.00	3.37795	168.90
Thelma Jamison Miller Ada T. Jamison(Life Estate)	Lot No. 1430	50.00	3.37795	168.90
Stanley Lawrence Smith Margie Elizabeth Smith	Lot No. 1432 & westerly pt. of Lot No. 1434	82.00	3.37795	276.98'
Vernice Ezekiel Townsend Opal S. Townsend	Easterly part of Lot No. 1434 and Lot No. 1436	75.51	3.37795	255.06
TOTALS SOUTH SIDE				1,883.24
TOTAL FOURTEENTH STREET				3,783.99

SEVENTEENTH STREET

Beginning with its intersection with First Avenue to its intersection with Second Ave.

NORTH SIDE - SEVENTEENTH STREET

<u>NAME OF OWNER</u>	<u>LOT NO. OR DESCRIPTION</u>	<u>FRONT FOOTAGE ASSESSED</u>	<u>COST PER FRONT FT.</u>	<u>TOTAL ASSESSMEN</u>
Bennett R. Burgess Jean W. Burgess	Lot No. 1701	55.00	3.94191	216.80
G. C. Alderson	LotNo. 1703	50.00	3.94191	197.10
Ray W. Boggess	Lot No. 1705	50.00	3.94191	197.10
Violet B. DeMoss	Lot No. 1707	50.00	3.94191	197.10
Elizabeth B. Robbins	Lot No. 1709	50.00	3.94191	197.10
Charles A. Smith Garnet Lee Smith	Lot No. 1711	50.00	3.94191	197.10
W. H. Jividen Zelma R. Jividen	LotNo. 1713	50.00	3.94191	197.10
E. O. Kinder	LotNo. 1417	50.00	3.94191	197.10
TOTALS NORTH SIDE				1,596.50

SOUTH SIDE - SEVENTEENTH STREET

SOUTH SIDE				
George Witt Thelma Witt	LotNo. 1702	47.57	3.94191	187.52
John H. Caldwell Reva E. Caldwell	Lot No. 1704	50.00	3.94191	197.10
D. J. Lett Anne Lett	Lot No. 1706	50.00	3.94191	197.10
Caroline Hudnall	Lot No. 1708	50.00	3.94191	197.10
S. L. White Eva G. White	Lot No. 1710	50.00	3.94191	197.10
Lemma Realty Co., Inc.	Lot No. 1412	50.00	3.94191	197.10
Lemma Realty Co., Inc.	Lot No. 1714	50.00	3.94191	197.10
Elise C. Alderson	Lot No. 1716	50.00	3.94191	197.10
TOTALS SOUTH SIDE				1,567.22
TOTAL SEVENTEENTH STREET				3,163.72

FORTY-FIRST STREET

Beginning with its intersection with First Avenue to its intersection with Second Avenue.

NORTH SIDE - FORTY FIRST STREET

<u>NAME OF WOWNER</u>	<u>LOT NO. OR DESCRIPTION</u>	<u>FRONT FOOTAGE ASSESSED</u>	<u>COST PER FRONT FT.</u>	<u>TOTAL ASSESSMENT</u>
Leased Stations, Inc.	Parcel	27.27	3.77129	102.70
Leased Stations, Inc.	Part of Lot No. 4125	150.00	3.77129	365.70
Andrew J. Board Virginia C. Board	Part of Lot No. 4125	50.00	3.77129	188.56
Charles O. Brown Virginia Rose Brown	Lot E of the Resubdivision of Part of Lot No. 4125	50.00	3.77129	188.56
Leroy P. Boggess, Jr. Rema L. Boggess	Lot F of the Resubdivision of Part of Lot No. 4125	50.00	3.77129	188.56
James Hollis Totten, Sr. Alma B. Totten	Lot No. 4115	50.00	3.77129	188.56
Chancey W. Johns Ruth L. Johns	Lot No. 4117	50.00	3.77129	188.56
William C. Hicks	Lot No. 4119	50.00	3.77129	188.56
William C. Hicks Ruth B. Hicks	Lot No. 4121	50.00	3.77129	188.56
Joseph D. Thomas Gloria M. Thomas	Lot No. 4123 & Part of Lot No. 4123½	38.50	3.77129	145.21
James S. Frazier	Part of Lot 4123½	26.00	3.77129	98.06
TOTALS NORTH SIDE				2,231.59

SOUTH SIDE - FORTY-FIRST STREET

Childers Realty Co.	Lot No. 4100	90.00	3.77129	339.43
O. R. Childers	9.08 acres tract	60.00	3.77129	266.29
O. R. Childers	Lot No. 4108	50.00	3.77129	188.56
Childer Realty Co.	Lot No. 4110	50.00	3.77129	188.56
Roger Paul Cochran Sharon Sue Thornton	Lot No. 4112	50.00	3.77129	188.56
Mary E. Dorsey	Lot No. 4114	50.00	3.77129	188.56
Isaac E. Hall Ethel M. Hall	Lot No. 4116	50.00	3.7792	188.56

<u>NAME OF OWNER</u>	<u>LOT NO. OR DESCRIPTION</u>	<u>FRONT FOOTAGE ASSESSED</u>	<u>COST PER FRONT FT.</u>	<u>TOTAL ASSESSMEN</u>
Theo Rhodes	Lot No. 4118	50.00	3.77129	188.56
Bethalee B. Brewer	LotNo. 4120	50.00	3.77129	188.56
TOTALS SOUTH SIDE				1,885.64
TOTAL FORTY - FIRST STREET				4,117.23

SIDEWALK ASSESSMENT

SECOND AVENUE

Between 21st Street and 22nd Street.

EAST SIDE

Holman Motor Sales, Inc. Part Plot 15	22.00	14.9546	329.00
TOTAL SECOND AVENUE			329.00

TWENTIETH STREET

BETWEEN BANK STREET AND WINTZ STREET.

NORTH SIDE

James A. Marrs	Corner of Bank and 20th	48.00	14.9350	764.87
Jean Ann Marrs	Street			
TOTAL TWENTIETH STREET				764.87

The Mayor asked if there were any questions by Council members or persons present.

Councilman Kniceley said he had received numerous complaints on the upper part of 12th Street and 14th Street. The complaints are that the new paving is too porous and asked how long is the guarantee?

The Mayor informed that Maintenance Bond is for two years.

The Engineer, Jesse Gandee, said they had mechanical difficulty and part of it had been hand tamped and they had to bring in a mechanical tamper.

Councilman Kniceley said the people felt while the machines were broken down the blacktop had gotten cold.

It was pointed out that the people living on the recently resurfaced streets, were comparing the streets with 18th Street and other streets that had been resurfaced in recent years and that there is a lot of difference in the paving.

Mr. Gandee said that in 1970 when Second Avenue was resurfaced, we had this same type complaint.

Councilman Kniceley said since the streets seem to be so proous that the people were afraid of freezes and the paving crumbling.

Councilman Kniceley said he would like to go on record and that it show in the minutes of this meeting that these complaints had been registered with the City Council on the streets of 11th, 12th, 14th, and 17th Streets in order that by next spring if anything should go wrong with the Paving, necessary repairs should be done.

Mr. Townsend said there was tar on the curb the full length of Lot Number 1435-14th Street.

One person present said water is oozing up in the pavement already and he thought Superior Paving Company should be responsible.

~~THE MAYOR SAID THAT IF ANYTHING WENT WRONG WITH THE PAVING THAT SUPERIOR PAVING COMPANY IS RESPONSIBLE AND IT WILL BE NECESSARY TO HAVE THEM TAKE CARE OF IT.~~

The Mayor said that if anything went wrong with the paving that Superior Paving Company is responsible and it will be necessary to have them take care of it.

In discussion of the Ordinance relating to possession of hypodermic syringes, sale of hypodermic syringes, and destruction of used or discarded hypodermice syringes,

Councilman Allen moved, seconded by Councilman Goodwin, the Ordinance be tabled indefinitely. Upon a vote motion carried.

The Recorder reported to Council that Mr. Judy of the Appalachian Power Co. had called asking for Council's confirmation and approval of a replacement of a street light on Dupont Avenue, west of Gum Street. He said the old light was damaged and could not be replaced, therefore, the Power Company had installed a 35 lumen on Pole Number 12D158.

Councilman Hoke moved, seconded by Councilman Tidquist, confirming the replacement of the light on Dupont Avenue, west of Gum Street. Upon a vote motion carried.

The Council was presented with two sealed bids on Fleet Insurance Coverage.

Ray W. Ellis, Agent for the Buckeye Union Insurance Company, cost of annual premium - \$2,661.00.

Insurance Exchange, Inc. - Agent for the Buckeye Union Insurance Company, cost

of annual premium \$2,661.00

Councilman Hoke said since the Treasurer of Insurance Exchange, Inc. will be associated with the new City Administration, he did not think we should accept their bid.

Councilman Hoke moved, seconded by Councilman Allen, to award the bid for Fleet Insurance for 1972-73, to Ray E. Ellis, Agent of Buckeye Union Insurance Co., Upon a vote motion carried.

Councilman Tidquist asked if the City bought another piece of equipment, could it be included in this coverage.

The Recorder said yes, by adding it to the list with serial number and model and the City would be charged the price of the coverage for that particular piece of equipment.

Councilman Allen moved, seconded by Councilman Williamson, the City go on record protesting to the Public Service Commission of the request by C & P Telephone Co. for rate increase. Upon a vote motion carried.

The Mayor told Council he had been asked that the City replace a dusk-dawn light in front of 2124 - 21st Street, that the people had been paying for this light for years.

Councilman Graves said the light is needed.

Councilman Tidquist moved, seconded by Councilman Goodwin, to replace dusk-dawn light located in front of 2124 - 21st Street. Upon a vote motion carried.

The Mayor told Council that St. Albans had already approved the Resolution or Agreement between the Regional Development Authority of Charleston - Kanawha

County, and that the town of Dunbar is supposed to do the same. Agreement regarding the Sanitary Landfill located in the Tyler Mountain area, he went on to explain the RDA along with the Mayors of the three towns acting as a Committee will set up the rules and regulations of the Landfill and that Kanawha County Court is supposed to pay \$81,000.00

The cost to the City of Nitro would be on a \$2.50 per ton bases.

This is the first Intergovernmental Agreement in Kanawha County. The agreement was written by John Poffenbarger, City Attorney of Dunbar.

The Mayor asked Council's permission to sign the agreement for the City of Nitro.

Councilman Allen moved, seconded by Councilman Graves, to enter into the Agreement with the other Cities and the Regional Development Authority. Upon a vote motion carried.

This agreement, Made June 20, 1972, by and between the Regional Development Authority of Charleston - Kanawha County, West Virginia Metropolitan Region, hereinafter referred to as the "RDA", a Public corporation organized under Chapter 7, Article 12 of the West Virginia Code, and the Municipality of Dunbar, West Virginia, and the Municipality of Nitro, W. Va., and the Municipality of St. Albans, W. Va., each organized under Chapter 8, Article 2 of the West Virginia Code, hereinafter referred to as "Municipalities",

RECITES:

RDA had been designated by the County Court of Kanawha County, West Virginia as a public agency to promote, develop and advance the economic welfare and environmental growth of the metropolitan region and the various communities therein and to effectuate and promote programs and activities leading to the general improvement of living environment, community or public facilities and services, and did endorse and approve the undertaking by RDA of work leading to a solution of the solid waste disposal problems in its area of jurisdiction.

RDA has obtained leases and right of way for the use of certain tracts of land in Kanawha County for the purpose of operating a sanitary solid waste landfill and its President has been authorized to execute said leases.

The MUNICIPALITIES, through resolution of their Common Councils, have indicated support for the proposed sanitary solid waste landfill and have pledged feasible utilization of said landfill.

The RDA is empowered under the cited statute and Chapter 8, Article 4A of the West Virginia Code to construct, operate, maintain and/or enlarge municipal public works including landfill or other garbage disposal systems, hereinafter called "Landfill"

RDA intends to establish and operate a landfill upon said leased tracts of land as a public, not-for-profit service facility, said landfill to be operated primarily from service fees collected for the privilege of depositing of garbage, rubbish or solid waste at said facility.

RDA recognizes and acknowledges the essentially of the participation of the MUNICIPALITIES in the economic feasibility of the Landfill and accords to the Mayors of said MUNICIPALITIES the function of policy formulation, establishment of service fees, and general advisory supervision of the landfill, said Mayors to constitute an Advisory Board for the Landfill establishment and operation.

NOW THEREFORE THIS AGREEMENT WITNESSES: That in consideration of the recitals it is mutually agreed that:

1. RDA shall do whatever is necessary to proceed toward the establishment and operation of the landfill, said landfill to be established primarily for the service of municipal wastes emanating from within the municipal corporations, and additionally, as a recognized public need, RDA shall allow the secondary use of the landfill for wastes originating from unincorporated areas.
2. RDA hereby recognizes the Mayors of the MUNICIPALITIES as an Advisory Board to establish operational and management policy, set the amount of service fees, and to function in a general overseership capacity for the landfill; such policies shall be set forth in writing from time to time.
3. RDA recognizes that certain capital improvements made on the tracts prior to the execution of said leases by a municipality signator to this Agreement constitutes a contribution of value to the landfill, and fair compensation should be allowed for this investment.
4. The service fee to all users for the privilege of depositing garbage and

waste material at the landfill is established herewith initially at \$2.50 (Two Dollars and Fifty Cents) per ton and it is expressly agreed that said service fee may be adjusted from time to time by the Advisory Board as experience and/or exigencies in the operation of the landfill may justify.

5. RDA AND THE MUNICIPALITIES recognize that additional Kanawha County Municipalities may, from time to time, desire to join with RDA in the use and operation of the landfill, and RDA and the MUNICIPALITIES SHALL permit such additional municipalities to so join by a procedure similar to that followed in achieving this AGREEMENT, whereupon the Mayor of said joining municipality shall become a member of the Advisory Board.

6. RDA and the MUNICIPALITIES herein agree to establish and operate the landfill in a manner to improve and protect the environment, and; to the most feasible extent, shall conform with and abide by the official regulations of the West Virginia State Health Department pertaining to solid waste landfill establishment and operation.

7. RDA AND THE MUNICIPALITIES may each, separately or severally terminate this Agreement, provided first, that written notice of such intended terminations shall be delivered to all signators not less than 60 days prior to the intended date of termination.

WITNESS THE FOLLOWING SIGNATURES:

REGIONAL DEVELOPMENT AUTHORITY OF
CHARLESTON - KANWAHA COUNTY, WEST
VIRGINIA METROPOLITAN REGION.

BY: _____
(President)

CITY OF ST. ALBANS, W. VA.

BY: _____
(MAYOR)

CITY OF NITRO, WEST VIRGINIA

(MAYOR)

CITY OF DUNBAR, W. VA."

BY: _____
(MAYOR)

Mayor Alexander went on to say he thinks this is a good move on the part of all concerned. He thinks perhaps there will be another Landfill in the eastern part of the County in the area of Elk. We have hopes this Landfill will be in operation in the next six weeks.

There needs to be some large equipment bought, however, Dunbar and St. Albans have agreed to use their equipment until the new equipment is in.

The Mayor said that all three towns have some space that is still useable as Landfill and their plans are to keep these areas for bad weather, when it would be too risky to haul to the new Landfill. Adding that he thinks this will possibly save the people of Nitro a lot of money.

The Council members were presented with the following Resolution:

WHEREAS, the Council of the City of Nitro is concerned that the United States of America appears to be facing an energy shortage of serious proportions; and

WHEREAS, the energy requirements of the citizens of the said city of Nitro are presently being served by public utilities pursuant to franchise ordinances heretofore enacted by this Council; and

WHEREAS, the Council has familiarized itself with the Action Program proposed by the Columbia Gas System, Inc., the parent company of Columbia Gas of West Virginia, Inc. the utility holding the present gas franchise in the City of Nitro, and the Council believes that the said Action Program, if followed and carried into effect, will assist in the alleviation of the shortage of natural gas;

NOW THEREFORE, IT BE RESOLVED BY THE COUNCIL OF THE CITY OF NITRO, THAT the said Council endorses the several points of the aforesaid Action Program in principle, and it is further resolved that a copy of this resolution be sent to Congressman John M. Slack, Jr. and U. S. Senator Robert C. Byrd, and U. S. Senator Jennings Randolph.

The Mayor asked Mr. Olaf Walker of Columbia Gas to explain this matter to Council.

Mr. Walker in addressing Council said he was sure they all realized the impact of restriction in the Valley, there is a gas shortage. The American people have to realize that we can not take advantage of the energy. The nation is in the

beginning stages of energy crises, which is increasing unless the public realizes the problem and urges the Government to cooperate with Industries, which could go to a disaster as early as 1973-74.

Low cost energy is passed, energy of all forms must rise cost wise and we must practice conservation of energy.

The Columbias Gas have made up a program and the thing we can do as a user and tax payer is to write to Senate and Representatives to promote and support the Action Program to help correct the National Energy Crises.

The Columbias Gas Company will welcome the Support of everyone.

There are 40 million gas consumers and Columbias Gas supplies about 10 percent.

Councilman Hoke asked Mr. Walker if it were not true that a new home would not be serviced by Columbia Gas.

Mr. Walker said this was not true in the State of West Virginia, however, it was true in Virginia.

Councilman Tidquist asked if this had been gradually coming on. Mr. Walker said this has been creeping upon us since 1954.

Councilman Goodwin moved, seconded by Councilman Kniceley, the foregoing Resolution be adopted and accepted by the City Council. Upon a vote motion carried.

Mayor Alexander informed Council the dedication of the Watershed will be held Tuesday, June 27, 1972 at 2:00 P.M. The Tyler Mountain Bus Company is running a shuttle service from the High School to the Watershed and that the people can park their cars on the back part of Kroger Parking Lot.

The Watershed Commission will meet Wednesday night to complete plans and agenda.

The Contractor is shoving the job and hopefully will have the recreation area ready by July 4, 1972.

The lake has been stocked with 10 thousand fish by the Soil Conservation Service, and they plan to bring in more.

He went on to inform Council that the lake could have been filled with water by this time, however, the Soil Conservation Service has a ruling that the valve can

not be turned if there is a chance that the road could be covered.

The valve has not been turned, however, a make shift valve has been put on. The Department of Highway has approved the repair to the Blakes Creek Road and are accepting Bids for this work.

The Recorder presented to the Council a Journal of the City of Nitro. She explained to Council that when we moved into this Building she personally saw that this book was placed in a safe and clean place, explaining further that it was the First Journal of the City of Nitro, dated April 1932, in her father's handwriting. She asked Council's permission to take the book with her when she left Office June 30, 1972.

Councilman Williamson moved, seconded by Councilman Goodwin, to grant Miss Lewis permission to take the City Journal with her on June 30, 1972.

There being no further business and the agenda having been completed, Councilman Hoke moved the meeting adjourned. SINE DIE

W. Williamson
MAYOR

G. Lewis
RECORDER

Thurgood Tidquist
Kenton L. Williamson
W. Hoke
R. Owen
Samuel K. Kinsley
Edward L. Goodwin
Harry M. Graves Jr

THE CITY COUNCIL MET IN SESSION, WEDNESDAY, JULY 5, 1972 at 8:00 P.M.

PRESENT WERE: W.D. GIBSON, MAYOR; TOM MELTON, RECORDER; HUGO TIDQUIST, DR. R.V. ALLEN, KEITH PRIDY, VERNON CASEBOLT, JAMES B. WHITE, PAUL HILL, THOMAS LILLY, COUNCILMEN.

THE MEETING WAS CALLED TO ORDER BY THE HONORABLE MAYOR WILLIAM D. GIBSON.

THE MINUTE BOOK WITH THE MINUTES OF THE LAST MEETING WAS PASSED TO THE NEW CITY COUNCILMEN, IN ORDER TO BECOME INFORMED OF THE HAPPENINGS OF THE LAST COUNCIL MEETING. THE MINUTES HAD BEEN APPROVED BEFOREHAND BY THE OUTGOING ADMINISTRATION. MAYOR GIBSON OFFERED TO MAKE COPIES AVAILABLE TO ANYONE DESIRING.

A COPY OF THE LETTER OF RESIGNATION BY TOM BLASINGIM AS ACTING CHIEF OF POLICE WAS PRESENTED AND ACCEPTED BY THE MAYOR. MR. BLASINGIM HAS ACCEPTED AN OPPORTUNITY OF BECOMING A DETECTIVE IN VIRGINIA.

SWORN IN AS ACTING POLICE CHIEF IMMEDIATELY UPON RECEIVING MR. BLASINGIM'S RESIGNATION WAS LIEUTENANT DANA F. JOHNSTON WITH OVER TWELVE YEARS EXPERIENCE ON THE POLICE FORCE. THE MAYOR REQUESTED APPROVAL OF COUNCIL TO CONFIRM THE APPOINTMENT OF DANA F. JOHNSTON AS ACTING POLICE CHIEF, EFFECTIVE JULY, 1, 1972.

COUNCILMAN WHITE ASKED WHAT THE SALARY WAS. MR. TOM MELTON, RECORDER, WAS ASKED TO BRING IN THE RECORDS AND CONFIRM THE SALARY. MR. MELTON REPLIED THERE WOULD BE \$17.00 PER MONTH DIFFERENCE IN THE PROMOTION FROM LIEUTENANT TO ACTING POLICE CHIEF, A MOTION WAS MADE BY VERNON CASEBOLT TO ACCEPT DANA F. JOHNSTON AS ACTING CHIEF OF POLICE. SECONDED BY COUNCILMAN TIDQUIST. ALL VOTED IN FAVOR. MOTION CARRIED.

MAYOR GIBSON SAID IT HAD BEEN CUSTOMARY IN THE PAST FOR THE CITY RECORDER TO ACT AS TREASURER AT A SALARY OF \$1.00 PER YEAR. MAYOR GIBSON ASKED FOR A MOTION TO ACCEPT TOM MELTON, RECORDER TO THIS APPOINTED POST.

COUNCILMAN CASEBOLT MADE THE MOTION AND IT WAS SECONDED BY COUNCILMAN WHITE. THE MAYOR NOTED THAT THE RECORDER AS WELL AS HIMSELF IS BONDED FOR \$3500.00 COUNCILMAN CASEBOLT'S MOTION WAS VOTED UPON AND APPROVED.

MAYOR GIBSON NOTED THAT IN THE PAST, THE MAYOR HAD SERVED AS MUNICIPAL JUDGE. BUT THAT HE WAS RELINQUISHING THAT POSITION AND ALL SALARY CONNECTED THERETO TO DENNIS R. VAUGHAN, JR ATTORNEY, WHOM HE HAD SWORN IN TO FILL SAID POSITION.

COUNCILMAN PRIDY ASKED IF IT WAS BY ORDINANCE THAT THE MAYOR HELD THE POSITION OF MUNICIPAL JUDGE. MR. VAUGHAN SAID HE BELIEVED THE MAYOR PRESIDED ONLY IF HE SO DESIRED.

EMERGENCY BULLETIN #1
ATTENTION BROOKHAVEN RESIDENTS

June 28, 1972

This is not another Garden Club announcement! It is a serious attempt to bring to your attention a situation which responsible people among us feel can be no longer ignored. Anathy to the problems has been the rule, but the problems are becoming intensified rapidly and the ALARM must be sounded now! That is the intent of this BULLETIN.

Our Community, once a quiet, happy and cleanly-kept suburban area, has been infiltrated by undesirable elements and if this situation is allowed to continue further, for certain the high value of our properties will shrink! And the price in human values is incalculable!

Drugs are openly peddled among our older youth! Loud cars and noisy, speeding automobiles are a constant nuisance unchecked day and night. Thieving is uncontrolled. Property is being damaged and destroyed by marauding teenagers. No household is secure.

How long will it be before all of these things get to the younger, highly impressionable children of yours and mine? Impressions are being made right now. ~~Make no mistake about this. It is too late for kids to ride their bikes about the streets and to be out alone. It once wasn't this way.~~

Count on the cost of doing nothing! The investment here there is an investment of \$100,000.00. If we do nothing for the next year, making a total investment of \$200,000.00. This kind of investment doesn't pay dividends. It only costs more to live and there is simply no way to make for the community and watch our Community deteriorate. At this very hour, the reputation of being a drug-using hippie town, a favorite place to run wild, out of control, disregarding law and order and disregarding the rights to peace and security in their own homes. Think about it! And no estimate can be made in the price paid for erosions already made in community morality.

ACTION: Watch your children closely to see that they do not fall victims to drug pushers. One or two live right among us! And they are known!

CALL THE FOLLOWING AND LAY IT ON THE LINE TO THEM. DO IT NOW!

The Governor	:348-2000	State Police Supt.	:348-2251	Mayor	:755-3521
Attorney General	:348-2021	County Sheriff	:348-6510	City Police	:755-3531

If each household floods these authorities with complaints, possibly some action and control will be instituted and our community can be restored to its former status as a highly respected, respectable, place to live and rear our families. It was once known as "Prestige Community." Let's put it back there.

Don't fool yourself. These problems involve you personally, whether you like it or not. Once our community has eroded sufficiently to make people dissatisfied, then wholesale exit will begin by the real families at whatever price they feel is necessary to sell and it is at this point that our property values begin to decline.

Turn your backs to this situation and let the problems go away. Getting involved in community action and action with each other is the only way out. It may be difficult but nothing ever came in this world, except disaster and destruction. The easiest thing to do is to sit idly by and watch our community fall apart. Get involved! For your own sake! For your children's! And for us all!

SOME CONCERNED CITIZENS

(Since the expense of this is privately borne, the distribution is necessarily limited. Please pass this on to your neighbors who may not receive it. If you desire to further duplicate this for additional distribution, please do so.)

COUNCILMAN PRIDDY SAID IT MIGHT BE A PROBLEM IF IT IS BY ORDINANCE. CHIEF JOHNSTON SAID HE KNEW OF NO SUCH ORDINANCE. COUNCILMAN PRIDDY SAID HE WOULD BE GLAD TO SEE IT DONE BUT WOULD LIKE TO SEE IT LEGAL. IT WAS DECIDED THAT HUGO TIDQUIST WOULD GET A COPY OF THE W. VA. CODE AND CHECK IT OUT. MAYOR GIBSON SAID IF HE WERE OFF-BASE HE WOULD CHANGE IT. COUNCILMAN WHITE ASKED WHERE MR. VAUGHAN LIVES, SAYING HE BELIEVED THERE WERE TOO MANY OUTSIDERS. THE MAYOR REPLIED HE WAS FROM ST. ALBANS, BUT PRACTICED LAW WITH THE FIRM OF WATT, KESSINGER, MCKITTRICK AND VAUGHAN, ATTORNEYS AT LAW, 2602 FIRST AVENUE, NITRO.

IT WAS DECIDED SINCE MUNICIPAL COURT IS TO BE HELD THIS COMING FRIDAY NIGHT, JULY 7, 1972, THAT THE MAYOR SHOULD HOLD COURT UNTIL IT'S DECIDED WHETHER THE MAYOR ACTING AS MUNICIPAL JUDGE IS BY CHOICE OR ORDINANCE.

MAYOR GIBSON WITHDREW HIS REQUEST TO APPOINT MR. VAUGHAN AND WILL ACT AS MUNICIPAL JUDGE UNTIL LEGALLY DOCUMENTED.

AS CITY ATTORNEY, MAYOR GIBSON SAID HE HAD SELECTED AND SWORN IN MR. JAMES KESSINGER, FROM THE LAW FIRM OF WATTS, KESSINGER, MAKITTRICK, AND VAUGHAN, AND STATED THAT MR. KESSINGER IS PRESENTLY CITY JUDGE FOR THE CITY OF ST. ALBANS, MAYOR GIBSON ASKED FOR APPROVAL OF MR. KESSINGER AS CITY ATTORNEY. COUNCILMAN LILLY ASKED IF THERE MIGHT BE A CONFLICT OF INTEREST WITH MR. VAUGHAN ACTING AS MUNICIPAL JUDGE AND MR. KESSINGER ACTING AS CITY ATTORNEY, BOTH BEING FROM THE SAME LAW FIRM. MR. VAUGHAN SAID HE COULD SEE NO CONFLICT. COUNCILMAN PRIDDY SAID HE COULD CONCEIVABLY SEE A CONFLICT, WITH BOTH BEING ON THE SAME LAW FIRM. MR. VAUGHAN SAID THEIR LAW FIRM WOULD HAVE NO BUSINESS WITH THE CITY, SO HE COULD SEE NO PROBLEM.

IT WAS RECOGNIZED THAT THE APPOINTMENT OF MR. VAUGHAN AS MUNICIPAL JUDGE HAD BEEN TABLED TO RESOLVE LATER, THAT THE QUESTION NOW WAS FOR THE CITY ATTORNEY POSITION.

COUNCILMAN ALLEN MOVED SECONDED BY COUNCILMAN LILLY TO ACCEPT MR. KESSINGER AS CITY ATTORNEY UPON A VOTE THE MOTION CARRIED UNANIMOUSLY. HIS APPOINTMENT IS RETROACTIVE JULY 1, 1972. MAYOR GIBSON THEN INTRODUCED THE NEW ADMINISTRATION.

MAYOR GIBSON REQUESTED REPORT ON WATERLINE INSTALLATION. COUNCILMAN TIDQUIST REPORTED THAT SECOND AVENUE REPAVING WAS SUPPOSED TO BE IN JUNE, BUT WAS NOT. SOME OF THE DELAY

COULD BE DUE TO THE RAIN. IT HAD BEEN RECOMMENDED THE SIDEWALK AND CURBING BE COMPLETED BEFORE BLACKTOP PUT ON. REPAIRS ARE NEEDED ALL ALONG SECOND AVENUE. COUNCILMAN TIDQUIST

SAID IT HAD BEEN DECIDED AT THE LAST COUNCIL MEETING TO BRING THIS NEED OF REPAIR TO THE ATTENTION OF THE CONTRACTORS, BUT DID NOT KNOW IF THIS HAD BEEN DONE. MAYOR GIBSON SAID HE WOULD BRING THIS MATTER TO THE ATTENTION OF THE CITY ENGINEER.

COUNCILMAN TIDQUIST SAID HE HAD BEEN CALLED BY RESIDENTS OF FORTY-FIRST STREET ABOUT THE PAVING OF THE INTERSECTION OF SECOND AVENUE AND FORTY-FIRST STREET. WHEN PAVING 41st STREET THE PAVING CREW APPARENTLY PAVED ON ACROSS SECOND AVENUE AND THE PROPERTY OWNERS ARE BEING ASSESSED TWICE. THE PROPERTY OWNERS CONTACTING COUNCILMAN TIDQUIST WERE MR. JOE THOMAS AND MR. JAMES FRAZIER. THE MAYOR SAID HE WOULD HAVE THE CITY ENGINEER LOOK INTO THE SITUATION AS SOON AS POSSIBLE.

MAYOR GIBSON ASKED FOR A TRAFFIC REPORT. COUNCILMAN ALLEN REQUESTED ONE MORE WEEK TO COMPLETE A STUDY. ALLEN SAID ELEVEN OUT OF FOURTEEN RESIDENTS SIGNED A PETITION TO MAKE 41st STREET ONE-WAY, AND THAT THERE IS REALLY ONLY ROOM FOR ONE-WAY TRAFFIC.

MAYOR GIBSON SAID HE HAD RECEIVED COMPLAINTS ABOUT SECOND AVENUE TRAFFIC BELOW 31st STREET BEING TOO FAST, ESPECIALLY AROUND 36th STREET, AND SAID THERE HAD BEEN A COUPLE OF ACCIDENTS IN THE BAD CURVES. A THREE WAY STOP SIGN AT 36th STREET AND 2nd AVENUE WAS SUGGESTED. THE TRAFFIC COMMITTEE WILL LOOK INTO IT.

MAYOR GIBSON PASSED OUT HIS PROPOSED COMMITTEES WITH THE UNDERSTANDING THAT THE APPOINTMENTS DID NOT HAVE TO BE APPROVED BY COUNCIL.

MAYOR GIBSON STATED THAT APPOINTMENTS COULD BE WITHDRAWN AND SUBSTITUTED IF DESIRED.

MAYOR GIBSON STATED THAT HERETOFORE MINUTES OF THE PAST MEETINGS HAD BEEN PASSED OUT IMMEDIATELY PRIOR TO COUNCIL MEETINGS, AND IN THE FUTURE INTENDS TO WORK DILIGENTLY AT SENDING TO THE COUNCILMEN, THE MINUTES OF THE PREVIOUS MEETING ALONG WITH THE AGENDA FOR THE UP COMING MEETING IN TIME TO BE STUDIED IN ORDER TO BE BETTER PREPARED FOR THE MEETING.

VOTING MACHINES, COUNCILMAN CASEBOLT SAID FOR THE PAST SIXTEEN YEARS THE CITY HAD BEEN APPROACHED TO USE VOTING MACHINES. HE SAID THERE HAD BEEN LOTS OF EXCUSES SUCH AS NONE AVAILABLE...., TOO EXPENSIVE, NOT LEGAL BECAUSE THE CITY IS IN TWO COUNTIES. COUNCILMAN CASEBOLT SAID THESE ARE NOT EXCUSES, AND PROPOSED VOTING MACHINES TO BE USED IN ALL PRECINCTS WITH EQUAL REPRESENTATION AT THE POLES FROM EACH SIDE. HE SAID THERE IS A LETTER FROM THE SECRETARY OF STATE AND NO REVISION OF ORDINANCE IS NEEDED. COUNCILMAN CASEBOLT SAID HE BELIEVES ALL CANDIDATES SHOULD HAVE A SAY IN WHO WORKS IN THE ELECTIONS.

COUNCILMAN LILLY SUGGESTED THAT COUNCILMAN CASEBOLT MAKE TWO SEPARATE PROPOSALS IN ORDER TO AVOID FUTURE COMPLICATIONS THAT COULD ARISE FROM COMBINING THE TWO.

COUNCILMAN CASEBOLT MADE A MOTION TO USE VOTING MACHINES IN ALL CITY ELECTIONS. COUNCILMAN ALLEN SECONDED.

COUNCILMAN PRIDY ASKED THE COST FACTOR. CASEBOLT SAID IT WOULD BE LESS, BECAUSE THERE WOULD BE A NEED FOR ONLY HALF AS MANY WORKERS.

THE MAYOR ASKED FOR A VOTE ON THE MOTION MADE BY COUNCILMAN CASEBOLT. ALL APPROVED. THE MOTION CARRIED.

EMERGENCY BULLETIN #1, BROOKHAVEN, DATED JUNE 28, 1972 AND UNSIGNED WAS PRESENTED BY MAYOR GIBSON AND READ BY SHARON PENNINGTON, SECRETARY: (attached)

COUNCILMAN WHITE VOUCHERED THE LETTER WAS CIRCULATED THROUGHOUT BROOKHAVEN. MAYOR GIBSON ASKED IF COUNCILMAN WHITE BEING FROM BROOKHAVEN WOULD CHAIR A COMMITTEE ALONG WITH OTHER CITIZENS FROM THROUGHOUT NITRO. POLICE CHIEF JOHNSTON STATED THE PROBLEM IS NOT AN ISOLATED ONE, BUT IS THROUGHOUT NITRO. JOHNSTON SAID HE HAD A LONG DISCUSSION WITH LOUIS MARINO AND TOM HARTLEY RESIDENTS FROM BROOKHAVEN, AND BELIEVES WITH THE COOPERATION OF CITY, HIS POLICE DEPARTMENT WILL BE ABLE TO BREAK-UP THE PROBLEM, WITHOUT THE HELP OF A COMMITTEE, AND ASKED THAT HIS DEPARTMENT BE GIVEN A CHANCE AT LEAST UNTIL NEXT COUNCIL MEETING. HE WAS PERMITTED THE OPPORTUNITY. IN REFERENCE TO LOUD MOTORCYCLES, CHIEF JOHNSTON SAID THERE IS AN ORDINANCE AGAINST LOUD AND EXCESSIVE NOISE, BUT WHAT IS CONSIDERED LOUD AND EXCESSIVE HAS TO BE LEFT UP TO THE DISCRETION OF THE POLICE OFFICER.

COUNCILMAN LILLY ASKED IF ANYTHING WOULD BE MADE AVAILABLE IN REFERENCE TO AN ORDINANCE. MAYOR GIBSON STATED THAT HE WAS NOT BROUGHT IN BY THE PREVIOUS ADMINISTRATION AND SHOWN AROUND, AND HASN'T HAD TIME TO READ THE ORDINANCE.

CHIEF JOHNSTON SUGGESTED THE ORDINANCE BE BROUGHT UP TO DATE AND A COPY MADE AVAILABLE AS SOON AS POSSIBLE. COUNCILMAN LILLY SUGGESTED HAVING ATTORNEYS TO UP-DATE ORDINANCE.

MAYOR GIBSON ANNOUNCED ANYTHING IN CITY HALL WILL BE OPEN TO THE PUBLIC. SAID THERE WOULD BE NO MILITARY SECRETS ABOUT THE CITY OF NITRO, AND EVERYONE WOULD BE WELCOME.

COUNCILMAN WHITE SAID THERE ARE SERIOUS DRAINAGE PROBLEMS IN BROOKHAVEN, THAT THE PAST ADMINISTRATION DIDN'T ADDRESS PROPERLY. BUT, NOW THERE IS A NEW PROBLEM WITH STORM SEWERS AND ASKED WHAT OBLIGATION THE CITY OF NITRO HAD TO THAT PROBLEM. THE QUESTIONS AROUSE IF

THE STORM SEWERS ARE ADEQUATE AND WHAT IF ANY RESPONSIBILITY BELONGS TO THE BUILDERS?

IT WAS DECIDED THE IMMEDIATE PROBLEM IS TO UNSTOP STORM SEWERS IN BROOKHAVEN. THE PROBLEM WILL B E TURNED OVER TO THE CITY ENGINEER.

THE MAYOR HAS NOT YET APPOINTED A NEW CITY ENGINEER DUE TO THE FACT THAT HE HAD DONE CONSIDERABLE SEARCHING TO FIND OUT IF JESS GANDEE HAD RESIGNED, OR INTENDED TO. MAYOR GIBSON SAID HE WOULD SEND OUT SOMEONE FROM THE CITY SANITARY BOARD IF AT ALL POSSIBLE BEFORE THE NEXT COUNCIL MEETING.

MAYOR GIBSON READ A LETTER THAT HE HAD SENT TO MR. KELLY CASTLEBERRY DECLINING AN INVITATION TO AN IMPORTANT MEETING AT THE KANAWHA COUNTY COURT HOUSE WITH REGARDS TO THE REGIONAL INTERGOVERNMENTAL COUNCIL. THE MEETING WAS SCHEDULED FOR THIS NIGHT OF COUNCIL MEETING. MAYOR GIBSON EXPLAINED WHAT THE MEETING WAS TO INCLUDE AS HE UNDERSTOOD IT. THE FEDERAL AND STATE GOVERNMENTS ARE WORKING ON DISPOSING OF WASTE. CHARLESTON HURRICANE, ST. ALBANS AND DUNVAR AND NITRO WOULD DUMP ALL OF THEIR WASTE INTO ONE CENTRAL LOCATION, POSSIBLY ON A BARGE, AND PERHAPS SHIP IT TO CHARLESTON WHERE IT WOULD BE PUT INTO A VERY HOT FURNACE, THE END RESULT WOULD BE A GAS FORMING FROM THIS WASTE WHICH COULD BE SOLF FOR FURTHER USE.

COUNCILMAN ALLEN SAID THE CITY HAD ALREADY COMMITTED ITSELF WITH DUNBAR, AND ST. ALBANS ON A LANDFILL AT TYLER MOUNTAIN AND THOUGHT WE FIRST SHOULD FOLLOW THROUGH WITH THAT PLAN BEFORE JUMPING INTO ANOTHER.

MAYOR GIBSON COMMENTED THAT UPON THE RECENT TOUR THE CITY COUNCILMEN TOOK WITH HIM TO EXAMINE THE CITY LANDFILLS, ETC., THEY FOUND THE ROAD TO THE PRESENT DUMPING AREA IN EXTREMELY BAD CONDITION. THE TRUCKS ARE DRAGGING AND CAUSING A LOT OF DAMAGE WHICH IN TURN KEEPS TRUCKS IN MAINTENANCE, CAUSING DELAYS IN SERVICE THAT THE CITIZENS ARE PAYING FOR AND SHOULD RECEIVE. THE MAYOR SUGGESTED THE ROAD SHOULD BE UP GRADED AND HE HAD BEEN IN TOUCH WITH A LOCAL FIRM WHICH HAS B RESIDUE THAT WOULD BE USED TO REPAIR ROADS, THAT THEY ARE WILLING TO SUPPLY AND LOAD ONTO OUR TRUCKS AT NO COST TO THE CITY.

MAYOR GIBSON SAID HE KNEW WHERE HE COULD HIRE A TRUCK AND DRIVER AT \$50.00 PER DAY, AND A BULLDIZER IS AVAILABLE AT THE SIGHT TO SPREAD THE RESIDUE. THE MAYOR ASKED FOR APPROVAL. SAID HE COULD SEE NO CHOICE BUT TO UP-GRADE THE ROAD.

COUNCILMAN CASEBOLT ASKED TO SEE A COPY OF THE BUDGET. CASEBOLT SAID HE FELT BEFORE SPENDING MONEY ON THAT DUMPING AREA, THE CITY SHOULD FIRST TAKE CARE OF THE DUMP IN

THE RESIDENTIAL AREA IN THE EAST END, BECAUSE IT IS UNSIGHTLY AND SMELLS. COUNCILMAN

CASEBOLT ASKED IF ANYONE KNEW WHY THE WORK HAD BEEN STOPPED ON SAID DUMP.

COUNCILMAN LILLY ASKED THE STATE OF THE DUMP TRUCKS AND IF THERE WAS A PREVENTATIVE MAINTENANCE SCHEDULE. THERE IS APPARENTLY NO PREVENTATIVE MAINTENANCE SCHEDULE, THEY JUST REPAIR THEM AS THEY BREAK DOWN.

MAYOR GIBSON ANNOUNCED THAT HE HAD BEEN IN TOUCH WITH CAPT. RONALD WILSON WITH COMPANY "D" ARMY NATIONAL GUARD OF ST. ALBANS AND THEY ARE AVAILABLE TO DONATE TRUCKS AND DRIVERS TO

HAVE A CITY-WIDE CLEAN-UP. COUNCILMAN HILL MADE A MOTION THAT ARRANGEMENTS BE MADE TO HIRE THE TWO TRUCKS AND DRIVERS TO HAUL THE RESIDUE TO REPAIR THE ROAD TO THE DUMP IN AN EFFORT TO PREPARE FOR THE CITY-WIDE CLEAN-UP. COUNCILMAN LILLY SECONDED THE MOTION. TOM MELTON SUGGESTED A MAXIMUM NUMBER OF DAYS TO BE SET TO COMPLETE THE JOB, LIKE TO OR THREE DAYS. COUNCILMAN CASEBOLT QUESTIONED HOW MANY LOADS PER DAY COULD BE DUMPED AND SPREAD.

MAYOR GIBSON ASKED FOR A VOTE ON THE MOTION MADE BY COUNCILMAN HILL. UPON A VOTE THE MOTION CARRIED.

COUNCILMAN TIDQUIST SUGGESTED THE MAYOR DISCUSS THIS VOLUNTEER CLEAN-UP WITH CITY EMPLOYEES, AND ASK THEIR APPROVAL OF SUCH A PROJECT, AND LET THEM WORK ON SAID DAY ALSO. MAYOR GIBSON REPLIED HE WOULD HOLD A MEETING WITH CITY EMPLOYEES AND WITH THEIR APPROVAL WOULD CONTACT CAPT. WILSON AND SCHEDULE THE CLEAN-UP TO BEGIN AT 9:00 SATURDAY, JULY 8, 1972. THE MAYOR SAID HE WOULD HAVE TO ASK FOR CITIZENS TO VOLUNTEER TO LOAD TRASH. COUNCILMAN LILLY SAID HE WOULD BE HAPPY TO LOAD HIS, AND ANY OR ALL OF HIS NEIGHBORS, JUST TO CLEAN-UP THE CITY.

TOM MELTON, RECORDER, WAS ASKED BY MAYOR GIBSON TO READ A LETTER FROM THE JUNIOR DEPT. OF THE WOMANS CLUB OF NITRO, ASKING FOR A PROCLAMATION TO MAKE THE WEEK OF JULY 19th JUNIOR WOMANS CLUB WEEK. MAYOR GIBSON MADE THE PROCLAMATION AND OFFERED TO COOPERATE WITH THE WOMANS CLUB IN ANY WAY POSSIBLE.

MAYOR GIBSON ASKED IF IT WOULD BE POSSIBLE TO HAVE CITY EMPLOYEES OR OTHER PERSONS TO PAINT AND FIX THE MAYORS OFFICE TO MAKE IT PRESENTABLE. COUNCILMAN CASEBOLT SAID IN HIS TOUR OF THE CITY BUILDING THERE WERE ONLY TWO ROOMS THAT WERE PRESENTABLE, THE COUNCIL CHAMBER AND POLICE ROOM, AND SUGGESTED THE MAYORS OFFICE BE NOT JUST PAINTED, BUT PANELED

AND CEILINGS LOWERED

COUNCILMAN ALLEN SAID MONEY WAS ALLOCATED IN THE BUDGET FOR RENOVATION OF THE CITY BUILDING.

COUNCILMAN CASEBOLT ASKED IF ANYONE KNEW OF A CITY EMPLOYEE WHO WAS QUALIFIED TO DO THE JOB.

ALLEN ASKED TOM MELTON TO GET A COPY OF THE BUDGET IN ORDER TO SEE JUST HOW MUCH MONEY WAS AVAILABLE. THE BUDGET ALLOCATED \$2400.00 FOR JAIL AND CITY BUILDING RENOVATIONS.

LILLY MADE A MOTION THAT CASEBOLT INVESTIGATE ON BIDS FOR RENOVATIONS AND REPORT BACK.

COUNCILMAN ALLEN SECONDED. NO MORE DISCUSSION, MOTION CARRIED.

TOM MELTON REFERRED TO A LETTER HE WAS SENDING MR. BILL ALLEN IN REGARD TO A TELEPHONE INCREASE RATE WHICH THE PUBLIC SERVICE COMMISSION HAD CANCELLED, IN PART. THE TELEPHONE COMPANY SAID THEY WOULD REFUND THE CITIZENS OF NITRO. THERE BEING CONFUSION CONCERNING THE PUBLIC UTILITY TAX, COUNCILMAN ALLEN SUGGESTED IT BE TABLED UNTIL MORE INFORMATION COULD BE MADE AVAILABLE.

MAYOR GIBSON ASKED FOR AN EXECUTIVE SESSION WITH THE NEW CITY ATTORNEY, MR. JAMES KESSINGER BEFORE ADJOURNMENT.

COUNCILMAN CASEBOLT ASKED WHEN THE COUNCIL COULD BRING UP PERSONAL PROBLEMS OF THE PEOPLE, SUCH AS A FALLEN SEWER LINE IN HIS WARD THAT LEFT A HOLE BIG ENOUGH FOR A SMALL CHILD TO FALL INTO. MAYOR GIBSON REPLIED AS QUICKLY AS POSSIBLE.

COUNCILMAN HILL ASKED FOR A DISCUSSION OF A TWO PARTY SYSTEM. COUNCILMAN ALLEN ASKED THE COUNCIL FIRST TO ACQUIRE A W. VA. CODE AND SEE WHAT WOULD BE INVOLVED, AND THEN PRESENT IT TO COUNCIL. COUNCILMAN LILLY STATED IT WOULD BE COMPLETELY CHANGING OUR PRESENT FORM OF GOVERNMENT. COUNCILMAN TIDQUIST REQUESTED A STUDY BE MADE TO SEE WHAT WOULD BE INVOLVED.

COUNCILMAN CASEBOLT SUGGESTED MAKING COUNCILMAN HILL CHAIRMAN OF A CHARTER COMMITTEE. THE CITY ATTORNEY, MR. KESSINGER, STATED IT WAS QUITE INVOLVED AND DIFFICULT. MR. KESSINGER SAID THERE WAS A CODE IN HIS OFFICE WHICH HE WOULD MAKE AVAILABLE FOR READ ANYTIME.

COUNCILMAN WHITE MADE A MOTION THAT A STUDY BE MADE CONCERNING CHANGING THE CITY GOVERNMENT TO A TWO-PARTY SYSTEM AND THE MOTION WAS SECONDED BY COUNCILMAN CASEBOLT. THE VOTE WAS UNANIMOUS AND THE MOTION CARRIED.

AN EXECUTIVE SESSION WAS HELD IMMEDIATELY FOLLOWING THE REGULAR SESSION OF COUNCIL, MR. JAMES KESSINGER, CITY ATTORNEY, MAYOR GIBSON, THE RECORDER AND ALL COUNCILMEN WERE PRESENT.

DURING THE EXECUTIVE SESSION, COUNCILMAN CASEBOLT MOVED AND COUNCILMAN LILLY SECONDED THE MOTION TO APPOINT MR. JIM CREWDSON AS MUNICIPAL JUDGE. UPON A VOTE THE MOTION CARRIED. MEETING ADJOURNED.

Wm. D. Gibson

MAYOR

Tom Nelson

RECORDER

SPECIAL SESSION - COUNCIL MEETING, JULY 12, 1972 - 7:00 p.m.

PRESENT WERE: William D. Gibson; Mayor, Tom Melton; Recorder, Vernon Casebolt, Paul Hill, Tom Lilly, Hugo Tidquist, James White; councilmen.

Others Present: Mr. Ben Howatt and Mr. Mike Russell.

The meeting was called to order and conducted into Special Session by Mayor Gibson. The order of business was to ask the council to consider endorsing the Resolution concerning the West Virginia Regional Resource Recovery Center.

Mr. Ben Howatt, who is an expert on gasification, gave a complete description of the proposed disposal of solid waste material by recycling it into gas, after it has been collected from the Recovery Centers in the Charleston Area.

It was the consensus of opinion of the Council that this type of solid waste disposal would save the City of Nitro money as compared to the existing means. Land is getting scarce for landfills and the Resource Recovery Centers would be more sanitary.

Mr. James B. White made a motion, seconded by Hugo Tidquist, that the council ask Mayor Gibson to sign the Resolution for the West Virginia Regional Resource Recovery Center. There being no further questions, the Council carried the motion unanimously. (A copy of the Resolution is attached.)

Motion was then made by Thomas Lilly, and duly seconded by Vernon Casebolt, that the meeting be adjourned.

Tom Melton

RECORDER

William D. Gibson

MAYOR

7/1972

TRAFFIC COMMITTEE

Dr. R. V. Allen, Chairman
Paul Hill
James White
Hugo D. Tidquist

POLICE COMMITTEE

Thomas Lilly, Chairman
William Gibson
Paul Hill

SANITATION & HEALTH COMM.

Dr. R. V. Allen, Chairman
Vernon Casebolt
Keith Priddy
Paul Hill

RECREATION COMMITTEE

Vernon Casebolt, Chairman
Paul Hill
James White
Hugo D. Tidquist

STREET SIGN COMMITTEE

James White, Chairman
Vernon Casebolt
Hugo Tidquist

GARBAGE COMMITTEE

Paul Hill, Chairman
Dr. R. V. Allen
William Gibson

SWIMMING POOL COMMITTEE

Hugo Tidquist, Chairman
Thomas Lilly
William Gibson

BUILDING & PLANNING COMM.

Paul R. Hill, Chairman
Vernon Casebolt
James White

DRUG COMMITTEE

Dr. R. V. Allen
Hugo Tidquist
James White

FIRE DEPT. COMMITTEE

Vernon Casebolt, Chairman
Hugo Tidquist
Paul Hill
James White

ANNEXATION COMMITTEE

Paul Hill, Chairman
Dr. R. V. Allen
James White

STREET COMMITTEE

Thomas Lilly, Chairman
Dr. R. V. Allen
Paul Hill
James White

STREET LIGHT COMMITTEE

Keith Priddy, Chairman
James White
Paul Hill

STREET NUMBERING COMMITTEE

James White, Chairman
Keith Priddy
Vernon Casebolt

DOG POUND COMMITTEE

Keith Priddy, Chairman
Vernon Casebolt
James White

FINANCE COMMITTEE

Thomas Lilly, Chairman
Dr. R. V. Allen
Hugo Tidquist
William Gibson

LIBRARY COMMITTEE

Vernon Casebolt, Chairman
Paul Hill
Dr. R. V. Allen

Special Session - CITY COUNCIL MEETING - July 12, 1972, 6:00 p.m.

William D. Gibson; Mayor, Tom Melton; Recorder,
PRESENT WERE: Dr. R. V. Allen, Vernon Casebolt, Paul Hill, Thomas Lilly, Hugo Tidquist,
James B. White; Councilmen.

OTHERS PRESENT: Mr. Ted Burns, Project Engineer and Mr. Dixie Shreve.

The Meeting was called to order and declared to be in session by Mayor Gibson. The order of business was that of making Mayor Gibson the Contracting Officer for the Blakes Creek-Armour Creek Watershed.

Discussion took place concerning how the project was funded, and if money was in the current budget. The Mayor informed the Council that the Government paid approximately 80 percent, and Nitro was responsible for approximately 20 per cent of the money for the watershed project.

The question was also raised, by Councilman White, as to whether or not Nitro was in any serious financial difficulty at this time. The answer was no at this point.

Motion was made by Vernon Casebolt that council appoint Mayor Gibson as Contracting Officer of the Blakes Creek-Armour Creek Watershed. There being no questions on this motion, it was seconded by Dr. R. V. Allen. A vote was taken by raising their right hand for affirmative. The motion was carried unanimously.

Money for funding the watershed was again brought up by Councilman White. It was pointed out, by Dr. Allen, that plant donations were in turn for police and other special services from Nitro which amounted to \$28,000.00 annually. Council was told that the City of Nitro recently received an advance of \$56,000.00 which was not really a donation from the plants, but actually revenue in advance. Instead of getting \$28,000. from the plants annually, the City of Nitro will receive \$18,000.00 annually for the next few years due to the advancement for the watershed project.

Question was again raised as to whether or not Nitro had the approximate six thousand five hundred (\$6,500.00) Dollars to meet the also informed by Dr. Allen that this money must be paid almost immediately or otherwise the city could be faced with a late payment penalty.

Mayor Gibson suggested that Mr. Hoffman, the Contractor for the watershed, take the Council on a tour at the shed site and explain in detail what has been done on the project. Mr. Hoffman is willing to meet with the Council at any time.

Dr. Allen mentioned the fact that Mr. Ted Burns and Mr. Shreve told him more tonight than he had been told in four (4) years. Mr. Burns is very cooperative and is not a spokesman for anyone. He is only operating in the capacity of Project Engineer. He said Bill Gibson has it all in his hands.

Aside from the watershed meeting Mr. James White asked if there could be an expense sheet projection made up so it would be known what to expect from month to month. This would be especially helpful since the receipts vary from time to time.

Mayor Gibson felt this was a good thing to do and was in favor of this projected expense sheet.

There was no further business on this item for Special Session the meeting was moved adjourned by Dr. Allen, and duly seconded by Mr. James White.

William D. Gibson
MAYOR

Tom Melton
RECORDER

July 18, 1972

The City Council met in regular session, Tuesday, July 18, 1972 at 8:00 p.m. Those present were: W. D. Gibson, Mayor; Tom Melton, Recorder; Hugo Tidquist; Dr. R.V. Allen; Keith Priddy; Vernon Casebolt; James B. White; and Paul Hill.

The meeting was called to order by the Honorable William D. Gibson, Mayor, at 8:00 p.m.

The Mayor asked if there were any corrections to the minutes of the last meeting. Councilman Priddy made a motion that the minutes be approved and the motion was seconded by Casebolt, voted upon and carried.

The Mayor stated that each Councilman had a copy of two sets of minutes..one being the special Session of July 12, 1972 called at 6:00 p.m. This meeting, he added, concerned the Armour Creek Watershed. He asked if each Councilman had had a chance to review these, then asked if there were any corrections. Councilman Priddy asked if there was a completion date and the Mayor replied that it should be within about 45 days if we have good weather. These minutes were also approved by unanimous vote.

The Mayor then brought to the attention of the Council the minutes of the Special Session, of July 12, 1972 called at 7:00 p.m., concerning the gasification project. The Mayor asked if there were any questions concerning these minutes. There were none and these minutes were unanimously approved.

The Mayor stated that there was nothing new to report on the waterline installation and that he is working closely with Mr. Gandee. Councilman Tidquist suggested that this installation should be completed before school starts to avoid traffic problems. Councilman Allen recommended that the Mayor contact Preston Carroll to get an answer on this right away. The Mayor replied that he will have a detailed report and, hopefully, will have this matter taken care of as soon as possible.

The Mayor asked for a report on traffic problems from Councilman Allen on 24th, 25th, 26th, and 27th Streets. Councilman Allen stated that the best thing to do is to delay this until the paving is completed. Also, he commented that it is very difficult to get out at 24th Street. He added that the members of the Traffic Committee should look at this problem as well as the Chief and make a report. He further stated that with parking on both sides of the street, there is not sufficient room for two cars to pass.

Councilman Casebolt made a motion to table this problem until the Chief and the Committee have a chance to investigate this and get a report back. The motion was seconded by Councilman White and unanimously carried.

Responding to a request from the Mayor for a report on 41st Street, Dr. Allen said that he had received a petition from 41st Street that from 1st Avenue to 2nd Avenue be made one-way. Eleven out of fourteen people signed this petition. Councilman Allen made a motion that first the City enforce the present law stating that no heavy trucks be allowed on 41st Street.

The Mayor asked the Committee to check this situation and he would contact Mr. Gandee and have him check this out and, in the meantime, it would be left on the Agenda as an open item.

The Mayor stated that the intersection of 36th Street and 2nd Avenue is to be handled in the same way.

The Mayor said that Councilman Tidquist had been removed, at his own request, from some of the committees; therefore, the Mayor distributed revised copies of the Committee Lists. (attached)

The Mayor introduced Mr. William Allen from the C & P Telephone Company. Mr. Allen explained that the C & P must refund part of a utility tax passed on to the customer, which had not been approved. The Telephone Company, he explained, is without authority to make this refund directly to the customer. Mr. Allen asked the council for this authority. Councilman White asked how much money was involved. Mr. Allen stated that for a private line it was \$8.90 and now it is \$8.55 or a reduction \$35¢. The Phone Company is required to refund 2 % of the 35¢ which amounts to .007¢ - which will amount to 8¢ refund on a private line. He stated that the Phone Company will refund it all in one month, August.

Councilman White made a motion that the C & P be given the authority and Councilman Allen seconded it. The motion was unanimously carried.

The Mayor asked Councilman Casebolt for a report on the trash pickup. Councilman Casebolt thanked Mr. Blake and his staff of the Kanawha Valley Leader for their fine editorial. He, also, thanked the Daily Mail and Gazette for their coverage, stating that the National Guard helped and deserved the publicity. He added thanks to the many citizens who helped with this pickup on Saturday and Sunday morning.

The Mayor extended his personal thanks to all the newssmedia, the National Guard, the citizens and everyone connected with this pickup. Councilman Casebolt stated that they had picked up 174 five-ton truckloads, thereby saving the City approximately \$2,000.00 by this effort.

Regarding Emergency Bulletin #1 Brookhaven, Councilman White reported that for the past two weeks, he had been talking with people in Brookhaven and that certainly Brookhaven is a nice place to live and is not deserving of the nasty remarks made in the Emergency Bulletin. He stated that there has been one police call in the last week. Councilman White expressed hope that the Gazette would give a little coverage and let people know that Brookhaven is a good community without having any really serious problems. He added that any bad publicity that the police received was unjustified. Lieutenant Johnston added that the Bulletin was blown out of proportion and that the few gripes that were real had been taken care of and the situation is clearing up quite rapidly. The Mayor asked Councilman White about the storm sewers in Brookhaven being cleaned out. Councilman White replied that there were, indeed, a lot of happy people because of the recent efforts on the part of the City.

Under New Business, the Mayor introduced two speakers who would speak on Secondary Sewage Treatment. They were Mr. Robert Hayne and Mr. Robert Anderson. Mr. Anderson, Engineer for the Sanitary Board, spoke first. He stated that in recent years, there has been a notification by the Federal Government for all of West Virginia to build sewage treatment plants or extend facilities to secondary treatment to a point of 91 percent perfection. Nitro did not answer these requests and finally was told it would receive a citation from the Federal Government, and there was even some talk of an injunction. He added that a Federal Government representative came in recently and had a conference with the former Mayor Alexander and they decided that if Nitro would proceed this would be held in abeyance.

He further stated that we have made application to the Economic Pollution Control Administration in Philadelphia who will make a grant of 33% on some portions of the sewer system and the secondary treatment. There is another Federal organization in Pittsburgh that will make additional grants and under recent legislation by the State of West Virginia it states they will make grants...the total grant might be as much as 80 or 85%. Some sewer extensions Nitro may have to make itself.

Mr. Anderson stated that all of the information has been sent into Philadelphia. We should be getting notice soon from EPA as to what sections they will participate in.

Mr. Anderson had maps showing to what extent EPA would participate. Former Mayor Alexander was to have delivered papers and copies of these maps to the City Recorder. Tom Melton, City Recorder, confirmed that these papers were in the safe.

Mr. Anderson added that EPA limits its participation to interceptor sewers. Also, he pointed out that both agencies, HUD and EPA will not participate in pump stations, at the same time.

Mr. Anderson further stated that construction is to begin August 15, 1973.

Something is to be considered, however, which they have refused to consider, and that is the time it takes to get in and out of the Public Service Commission. A study must be made to decide how much increase in rates is needed, etc. Currently, it takes about eight months to get in and out of PSC. The sewers have yet to be designed..only the preliminary drawings have been made. There may be small extensions that Nitro wants to make.

Mr. Anderson explained that Nitro must maintain outstanding payments on its bonds. The Sinking Fund Commission, as of the last 48 hours says that Nitro is very healthy as far as bonds are concerned...all obligations are being met. We could get our application into the Sinking Fund or into the PSC by July 30.

Mr. Anderson further explained that HUD will participate in a six-house sewage system...EPA will not.

The Mayor asked for the date of application to EPA and date of corrected application. Mr. Anderson answered that the original was dated February 15, 1972 and supplementary information was sent in June, 1972. He stated that we haven't applied to HUD yet because we won't know what to apply for with HUD until we have finalized with EPA. EPA has guaranteed us that the grant will be forthcoming. Mr. Anderson read a letter from Miss Joseph verifying this. She is the Federal Representative who had recently talked with the former Mayor Alexander.

Councilman Casebolt stated that some Nitro Park residents wanted to know if there was any possibility of connecting onto this service. Mr. Anderson answered that it is sometimes unwise to go outside the city limits because you must draw the line somewhere. On the other hand, he said Nitro could go into an agreement on this if there were only a few houses and it would not get out of hand.

The Mayor asked Mr. Hayne to discuss the Industrial Park sanitary needs. Mr. Hayne stated that it is better to design the sanitary needs of Industrial Park to connect with the City of Nitro system. Mr. Hayne informed the group that Alexander in a letter to Angus Payton in November, had stated that Nitro would accept sewage from the Industrial Park. Mr. Hayne has just submitted to the Attorney to submit to Nitro City Council and the Sanitary Board for the formal connection of sewer and application of rates, etc. to permit this to transpire in a legal point of view.

Dunbar is an example of a municipality agreeing to treat outside sewage.

Mr. Hayne stated that the Industrial Park will go through the Collins property to connect with the Nitro sewer system. The Putnam County Development Authority is the only entity with which Nitro will be involved, he pointed out.

A Petition is being circulated to form a Public Service District in Putnam County. They would install their own sewage treatment plant. They would insist that it tie into Nitro, again just as in Dunbar. Mr. Hayne, at this point, said he would recommend this. The benefits he stated would be to Nitro, as Nitro would treat their sewage and charge a fee for doing so. If the sewer will be overloaded in view of these anticipated additions, it would be proper now for Mr. Anderson to adjust this in his plans.

Only domestic wastes will be received into the Nitro sewage system from the Industrial Park in accordance with regulations. Mr. Anderson, in answer to the Mayor's question, said that no industrial wastes whatsoever are supposed to be going into the Nitro Sewage Treatment Plant, and tests should be made to determine if this is, indeed, a fact.

Mr. Anderson explained that the primary sewer system has a capacity of 10,000 and the secondary will be for 12,500.

Mr. Anderson added that the plant was in pretty poor shape operation-wise the last time he visited.

The Mayor said that he understood there is more money after this application is approved, then through HUD with a new application, then the Governor or State of West Virginia has approximately three million dollars set aside. Mr. Hayne said he talked with Chuck Steele, the Governor's Administrative Assistant, and that Steele would be in Philadelphia on Thursday to iron out procedures to meet moneys put up by EPA. Normally, the basic grant from EPA is 33 %, if the State puts up 25% of the cost, then EPA will put up an additional 25%, thus, making 80% approximately. Mr. Hayne said that he told Mr. Steele that Nitro is of the highest priority... 25% finding from the State should be in line. The application has been filed with the Regional Council, and Federal-State Relations has approved the Nitro project. Preliminary discussions should be taking place with HUD.

The Mayor thanked Mr. Hayne and Mr. Anderson for doing such an outstanding job in explaining this project.

The Mayor explained that we are operating our Police Department without a Captain, with one Lieutenant, Mr. Dana Johnston; one Sergeant, Mr. Paul McCoy, and a patrolman who has met all necessary qualifications to be Sergeant, Mr. Kenneth Webb. The Police Civil Service has requested that we promote Johnston to Captain, McCoy to Lieutenant and Webb to Sergeant.

Councilman Casebolt made a motion to promote these men, Councilman Priddy seconded the motion.

However, at this point, Councilman Hill asked that this be tabled for the timebeing. Some discussion followed with Councilman Hill explaining that he was not objecting to the promotions but rather to the manner in which this was handled.

The Mayor called for a vote and all voted in favor except Councilman Hill, who abstained.

Councilman Priddy mentioned that at the Dairy Queen at 36th Street there had been a gathering of teenagers and a lot of bad language was being used. Lieutenant Johnston responded that he had received no complaints from citizens. Councilman Priddy said he had suggested this to some of the people who had complained to him.

Councilman Casebolt said the Fire Department had asked him to present the following names to the council for approval of these gentlemen to serve as volunteer firemen: Frank Grover, David Means, Robert Melton, Harvey Collins, Bob Higginbottom, Cecil Lemma, Herbert Smith, James Fred Sampson, and Dewey King. Councilman Allen made a motion that the Council approve these men and the motion was seconded and all voted in favor, except Tom Melton, Recorder, who abstained due to a relative being on the list.

Councilman Tidquist asked the members of the Council to visit the swimming pool either collectively or individually, and observe the conditions there.

The Mayor said that he had been approached by a Nitro businessman regarding the two hour parking, which has not been enforced.

Lieutenant Johnston agreed with the Mayor, that after proper notification to the public, this two-hour parking would be enforced.

Councilman Casebolt stated that he would like to propose an ordinance that would cost the residents of Nitro \$5 per load to have roofing or remodeling debris picked up or let them come in and get a permit and haul it themselves.

Councilman Priddy suggested that perhaps this would be incorporated into the Building Permit which is required for remodeling.

After some discussion, it was agreed that the books would be checked to see what the present ordinance is with regard to a \$5.00 service fee. Mr. Kessinger is going to check on this.

Councilman Casebolt made a motion to open the Main Street dump on Saturday mornings from 8:00 a.m. to 12:00 noon, to all citizens of Nitro with a city employee present at all times to supervise. Councilman White seconded the motion and it was unanimously carried.

A Hillside Drive resident, Mr. Harry Anthony Hechesky, brought a complaint to the attention of the council. He informed the Council that he is a member of the Hillside Drive Homeowners Improvement Association, and that further they have hired a lawyer to correct the littering problem which has developed after the property between First Avenue and Hillside Drive was sold to businesses. He complained that some of these businesses have piled trash in back of the building thereby dropping drastically the value of Hillside Drive homes.

The Council asked the City attorney, Mr. Kessinger, to check into this matter and report back.

Councilman Allen made a motion to adjourn, it was seconded by Councilman Casebolt. The meeting adjourned at 10:28 p.m.


MAYOR


RECORDER

by:DW

August 1, 1972

The regular session of the Nitro City Council Meeting was called to order on August 1, 1972 at 8:00 P. M. by Mayor W. D. Gibson.

Those present were: W. D. Gibson, Mayor; Tom Melton, Recorder; Hugo Tidquist; Keith Priddy; Vernon Casebolt; James B. White; Paul Hill; and Thomas B. Lilly.

The Mayor asked if there were any corrections to the minutes. There were none. Councilman Casebolt made a motion that the minutes be approved, and Councilman White seconded the motion, which unanimously carried.

Regarding the waterline installation and paving, the Mayor informed the Council that he had talked with Robert Dawson of the West Virginia Water Company and, also, the Superintendent of the West Virginia Paving Company, Mr. Billy Mayse. Both of these men told the Mayor they would proceed with the recapping of Second Avenue, in the near future. Mr. Mayse said that they would prefer to put a test on this line around the vicinity of the Moose Club first, then they could be relaxed about going ahead and putting the final cap on it. The Mayor emphasized to both of these men that school is starting very soon and they understood this and stated that they would make every effort to get this work done. They also informed the Mayor that they will go over the curbs and do the job right, then do the capping.

Councilman Tidquist stated that he thought they should be doing the repair work right now in order to get this paving completed before school starts.

Councilman White asked the Mayor if he felt these men were really sincere in stating that they would get this work done. The Mayor replied that he felt, after talking with these men, they were sincere.

Councilman Casebolt asked why they couldn't go ahead and test this now. The Mayor replied that he talked with Mr. Dawson today (August 1, 1972) and he said that he would personally see that this work would get done.

Councilman White asked if we have any legal grounds to force this work completed. Mr. Kessinger stated that this could be done if an unreasonable amount of time is involved.

Councilman Lilly suggested that we should wait until the testing is done and he asked the Mayor to see if we could get the firm commitment from them.

The Mayor stated that he would relay these messages to Mr. Mayse and Mr. Dawason.

Regarding 24th, 25th, 26th and 27th Streets, Councilman White informed the group that he went last week and made a house to house canvass to see what the people wanted. The majority want those streets one-way. He added that Dr. Allen has this information to add to his, but it appears that the people do want these streets one-way. There were: 19 yeses; 6 nos, 7 undecided; and 17 not at home. Councilman White assured the Council that he would go back and get those people who weren't home. He did not get a chance to get to 41st Street. We, hopefully, will make a recommendation at the next Council Meeting.

A discussion was held regarding the recent automobile accident at the intersection at 2nd Avenue and 36th Street. After discussing various ways of correcting this situation, Councilman Casebolt made a motion that this intersection be made a 3-way Stop. Councilman Priddy seconded the motion and it was unanimously carried.

Mr. Gene Williams gave a report on the trash pick-up. He stated that one truck will start in Brookhaven on the first work day of the month and another truck will start on the old County Road at River Dale Acres on the first work day of the month, working its way down toward Walker Street. The pick-up men will keep a written record of their schedule so that predicting dates of pick-ups will be accurate. Mr. Williams added that we are going back to a once-a-month basis.

Mr. Williams stated that we have a few street signs in inventory but no "STOP" signs at the present time, but that he will check into getting these signs right away.

A letter to the City of Nitro from Mr. R. M. Smith of Machinery, Inc., was circulated to the Councilmen. This letter regarded an estimate for repairs to Case 45 dozer, which was in the amount of \$5,070.03. Mr. Williams stated that he felt this was too much money to spend on this piece of equipment.

Councilman Casebolt mentioned that he knew of some surplus equipment in Norfolk and that he will report back later when he has more information.

Councilman Priddy, also, informed the Council that he had a friend who had bought a dozer at Elkview for \$1,400.00.

Councilman Casebolt asked about the equipment at the dump. Mr. Williams stated that the dozer with a ten-foot blade broke down.

Councilman Hill inquired as to whether we have funds allocated for a new dozer.

Councilman Casebolt replied that we have \$14,000 for the Garbage Department - New Equipment, which is not broken down into specific amounts.

A discussion followed on the feasibility of paying \$1,000 monthly rental for a dozer, on the rental-purchase plan.

Councilman Lilly commented that if we go into gasification with Charleston, we will not need a bull dozer, so that to purchase at this time would be unwise.

Mr. Williams stated that we have a \$3,00 (when new) hoe which is rusting down, which if sold, could be sold to an individual. He added that Mr. Jerry Angel would like to have first choice on it. This man offered to take it and fix it for nothing if we would let him use it for a time.

Councilman White stated that if we can get \$1,000 for it, he would be in favor of selling it.

Councilman Casebolt made a motion that Mr. Williams check this out and if we can get \$1,000 for it, let us know then we'll decide. Councilman White seconded the motion and it was unanimously carried.

The Mayor stated that the State is going to auction some dump trucks, pick-up trucks, rollers, etc., and that we would like to go look at them. The Mayor added that he checked and we would get no special rates or discounts due to being a municipality.

The auction will take place on August 12, 1972.

Councilman Casebolt suggested that we send Mr. Williams and a city mechanic to look at this equipment and determine if it's worth buying.

After some discussion, it was decided that Mr. Williams, the machanic, and

could go inspect the trucks before the sale.

Mr. Tidquist read a progress report from Mr. Williams from July 1 through the 31st, on trash pick-up, cleaning, repairing, etc.

Councilman Casebolt complimented Mr. Williams on a fine job, well done.

Mr. Denver Rawlings gave a report on the volunteer firemen. He stated that we have gotten back the original volunteer firemen and these men have had quite a bit of training and that there has been a big improvement. There will be, he added, a better relationship with these men.

Because the firemen are paid a certain number of hours straight time and a certain number of hours time and a half, if they aren't careful which days they choose for their vacation, they must sacrifice this one-half time pay. Councilman Casebolt confirmed this fact and said he had made an indepth study and it would not cost the City one cent more to permit these men to take their vacation one week at a time, one firemen at a time without this restriction. He put this statement in the form of a motion and it was seconded by Councilman Hill and it was unanimously carried.

Councilman Casebolt stated that on the 14th, 15th, 16th and 17th of August, Marshall University is having a fire school. He recommended, for discussion, that we send the off-duty firemen to this school, paying them for their 8 hours' straight time, if they go.

Mr. Rawlings commented that firemen don't make enough as it is, and men who have other jobs can't go. He suggested we send at least two men, and perhaps three.

Councilman White made a motion that we send three men and approve paying their salaries, plus their expenses. Councilman Hill seconded the motion and it was unanimously carried.

Councilman Casebolt presented his report on City Hall repairs. He stated that the Mayor's office needs remodeling, explaining that the office will be split into two sections, the smaller area serving as the Secretary's office. The ceiling will be lowered, lights, air conditioning, furnace ducts would all have

to be re-arranged, carpeting, etc.

He requested and received three sealed bids from the folling firms: Landers Heating and Plumbing; C. D. Hill, Sr.; and Kanco Corporation.

Mr. Kessinger opened the bids and they were as follows:

Landers	\$2,168.00
C. D. Hill, Sr.	2,255.38
Kanco Corp.	2,584.60

Councilman Tidquist made a motion that the lowest bid be accepted. Councilman Hill seconded the motion.

At this point, Councilman Priddy asked if perhaps these bids shouldn't have been publicly advertised. Mrs. Blake, from the Kanawha Valley Leader, stated that bids had been advertised in the past and that they had always run for two consecutive weeks.

Councilman Tidquist withdrew his motion that the lowest bid be accepted, until the legality of this matter is cleared up.

Councilman Casebolt objected strongly to this motion, pointing out that these bids had already been received and opened and that "the word is out".

The checking of the previous minutes, which stated that Councilman Casebolt was to "investigate bids and report back."

Councilman Lilly made a motion that this matter be tabled and ask Mr. Kessinger to clear this up and report back. Councilman White seconded this motion and it was carried.

Mr. Kessinger reported on the Hillside Drive complaint, stating that he had contacted the attorney representing the residents of Hillside Drive, asking that he indicate his position. Their attorney had not done so. Mr. Kessinger has looked into this situation personally and has made a trip to Hillside Drive and is in complete understanding and symphy with the complaints. Mr. Kessinger reiterated, however, that the Hillside Drive attorney has not, as yet, cooperated. Mr. Harry Anthony Hechesky stated that their attorney would contact Mr. Kessinger this week and the two lawyers could go ove to Hillside Drive together, hopefully, to resolve this problem.

Mr. Hechesky explained that they do want to know exactly what zoning this Hillside Drive area is in. The Councilmen, the City Recorder, Mr. Kessinger, and Hillside Drive residents looked at city maps and at the Zoning Ordinances for the City of Nitro. Councilman Casebolt made a motion that this matter be tabled until the next meeting, with Mr. Olaf Walker being invited.

Councilman Casebolt withdrew this motion, recommending that it be put on the Agenda as an open item.

Councilman Priddy stated that he has received complaints from the 700 Block of Kanawha Avenue that stray dogs have been dropped there. The men will be called to pick up these dogs and this matter will be resolve.

He also received a request for a street light to be placed at the corner of Lock Street and Layne Avenue, and he recommended that this be done.

Councilman Casebolt made a motion that the recommendation be accepted. Councilman White seconded the motion, and it was unanimously carried.

Councilman Hill stated that recently a house had been lost due to fire on 18th Street Hill and he asked that Mr. Rawlings speak on this and give his recommendations as to what we need in the future.

Mr. Rawlings informed the Council that the closest hydrant is at the bottom of 18th Street Hill. He stated that this house would have burned anyway, because it had such a good start prior to our being notified.

Councilman Casebolt suggested a study be made to see where hydrants are needed and get them all at one time. Councilman Lilly further suggested that the costs of this be reported, at the same time.

Councilman Hill added that 18th Street needs a "Stop" sign at the top of the hill.

Councilman Casebolt asked what could be done about used refrigerators being left standing on a lot in the 1100 Block of Main Avenue. People have been complaining of this and it is a very dangerous hazard for young children.

Mr. Kessinger was asked to check into this and report back.

Councilman Casebolt stated that he has received complaints from residents in

1100 Block of Main Avenue due to excessive car parking from a nearby restaurant.

People cannot get out of their driveways without pulling completely across the street. Also, it has been reported that after closing hours, there are people congregating, drinking beer, and making loud noises, etc. What can be done to stop this, Councilman Casebolt asked Mr. Kessinger?

Mr. Kessinger replied that excessive noise is a violation and that the Police Department could handle this. He added that the parking situation should be looked into by the Traffic Committee.

Councilman Casebolt recommended that the Traffic Committee check this out during the evening hours. Tom Melton added, preferably on the weekends, to which Councilman Casebolt agreed.

Councilman Casebolt reported that on the east side of Dunlap Service Station on Main Avenue, is an unfinished building that has had nothing done to it since early spring.

Councilman Casebolt added that the dirt has been piled ten feet high and the weeds have grown in it, and behind this is a big drop-off which has a basement wall ten to fourteen feet high.

Mr. Kessinger recommended that the owner first be contacted to see what his intentions are.

Councilman Tidquist further recommended that the City Building Inspector check this out and we get back to this at the next meeting.

Councilman Hill made a motion that the eyesore, the smokestack base, behind the Junior High School and 19th Street Road, be destroyed.

Councilman Casebolt seconded and motion was unanimously carried.

Councilman Lilly inquired as to what the City's ordinances are regarding people who do not cut the grass and weeds on their property, thereby creating community eyesores.

In response to this question, Mr. Kessinger stated that he has not had time to come into City Hall and go over all of the ordinances. He graciously offered the use of his copying machine in his office at the same cost to the City as he pays

for copies. He invited Tom Melton to bring the ordinances to his office and run off copies for each of the Councilmen and one for Mr. Kessinger, so that he could go over the laws when it is necessary.

Councilman Casebolt stated that at the corner of Dupont and Ivy Street there is a chug hole and it needs immediate attention.

Councilman White added that at 40th Street where it connects to 62, the berm is very high, and he inquired as to whom we should contact about this, the County or the State. The Mayor said he would be glad to take care of this.

Councilman Priddy recommended that the Council support the Nitro Community School Program, and Councilman Hill seconded the motion.

At this point, Dolly Withrow, a member of the Nitro Junior High Community School Advisory Council, read a press release, explaining the Community School concept.

Councilman's Priddy's motion was unanimously carried.

Councilman Casebolt suggested, that no donation be offered until the City receives a letter requesting a contribution.

The Mayor distributed a copy of a letter from Mr. Robert Y. Hayne, Appalachian Engineers, Inc. to the Mayor, regarding the number of trailer units to be in the Collins Trailer Park. This letter is dated July 20, 1972 and is attached to the minutes.

Councilman Priddy moved that the meeting be adjourned, and Councilman White seconded the motion, and the meeting was adjourned at 10:25 P. M.


MAYOR
RECORDER

by:DW

August 15, 1972

347

The Nitro City Council met in regular session, Tuesday August 15, 1972 at 8:00 P.M.

Those present were: W. D. Gibson, Mayor; Tom Melton, Recorder; Dr. R. V. Allen; Hugo Tidquist; Paul Hill; Thomas Lilly; James White; Keith Priddy and Vernon Casebolt.

The meeting was called to order by The Honorable William D. Gibson.

The Mayor asked if there were any corrections to the minutes of the last meeting. Councilman Casebolt brought to the attention of the council that there were two corrections. The first one on page 341, the sentence should have read "Mr. Williams stated that we have a \$3,000.00 (when new) hoe which is rusting down." The second correction on page 345, sentence should have read, "Councilman Casebolt stated that he has received complaints from residents in the 1000 Block of Main Avenue." Having made the corrections Councilman Casebolt made a motion that the minutes be approved, and Councilman White seconded the motion, which was unanimously carried.

Regarding the paving of Second Avenue, the Mayor informed the council that the W. Va. Water Company was to start paving at noon yesterday but was forced to suspend because of rain, according to the Mayor much progress has been made toward getting ready to start work on the paving such as streets have been cleaned, man-holes raised, etc.

A petition was presented by Mayor Gibson from 15 residents on 28th Street requesting Council to contact either the W. Va. Water Company or the Contractor to repair the street and lawns that had been damaged by the installation of the utility line. It was not determined who was responsible, the Gas Company or the Water Company, however it was believed that P. J. Hughes did the installation of the utility line. Dr. Allen suggested that Mayor Gibson contact all firms involved in the installation so that needed repairs can be made.

A second petition was presented to the Council from residents on 41st Street

asking that the street be made one way. Councilman White presented results of a survey indicating that over-all the number of residents favor making the street one way. Councilman Casebolt made a motion that 41st Street be made one way from 1st to 2nd Avenue to 40th Street. To be effective as soon as Gene Williams, Street Crew Superintendent, can erect the signs. Councilman White seconded the motion and it was unanimously carried.

The traffic problem on 24th, 25th, 26th, and 27th Street was once again discussed. Dr. R. V. Allen, Chairman of the Traffic Committee, told council that making streets in the 24th - 28th Street area one way from 2nd Avenue would complicate access to 1st Avenue. It was agreed that entering 1st Avenue from those streets was a tremendous problem and traffic on 1st Avenue in a continuous flow made it difficult to enter. Residents of the four streets were not in complete agreement as to one way traffic and merchants on 1st Avenue generally opposed it. Councilman Lilly pointed out that this could cut out revenue for the merchants.

Councilman Casebolt recommended installing Stop Lights on 1st Avenue at 19th and 40th Streets. Councilman Priddy pointed out that since 1st Avenue is a State Highway the State Department of Highways would have to issue permission for the city to install traffic lights. Councilman White presented results of a survey indicating that over all the number of residents favor making the streets one way. Twenty two of fifty residents were definitely in favor of such a move while nine others said they would be satisfied with whatever solution was decided upon. A motion was made by Councilman Casebolt that this traffic problem be tabled until more information about traffic light installation can be obtained. Dr. Allen seconded the motion and all Councilmen voted in favor.

Mayor Gibson announced that Superintendent Gene Williams has brought to his attention that the City desperately needs a dump truck. He pointed out a new heavy duty truck would cost approximately \$12,000.00. Mr. Williams has located a 1967 Ford truck for \$3,000.00, if the city chooses to purchase it or \$250.00 a month if the truck is leased. Councilman Lilly made a motion to purchase the truck. Councilman Casebolt seconded the motion. It carried by all Councilman voting in favor.

Aug 15,

Nitro Police Department

Nitro, West Virginia 25143
Phone 755-3531

August 23, 1972

Torch Mobile Home Sales
1st Avenue South
Nitro, West Virginia 25143

Dear Sir:

Nitro City Council met Tuesday, August 15, 1972 at
8:00 P. M.

It is the opinion of the Council that there has been
an encroachment by Torch Mobile Homes into the residentially
zoned Hillside Drive area.

Mr. Olaf K. Walker, Chairman of the Planning and Zoning
Commission, stated that it was the intent of the Commission
that both sides of Hillside Drive be zoned residential.

The City of Nitro is hereby notifying Torch Mobile Homes
that they are in violation of the Zoning Ordinance and further
expansion in the area mentioned above would compound the
violation.

Thank you for your cooperation.

Sincerely,

Dana Johnston
Police Chief

CITY OF NITRO
NITRO, WEST VIRGINIA 25143

WM. D. (BILL) GIBSON
MAYOR

755-3521

JERRY T. MELTON
RECORDER-TREASURER

December 4, 1972

Mr. James Kessinger
Attorney at Law
95 Main Avenue
St. Albans, W.V. 25177

Dear Mr. Kessinger:

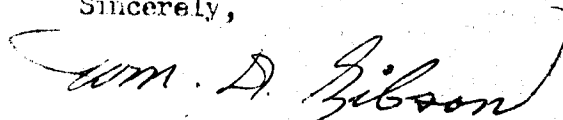
Re: Torch Mobile Homes
Violation of Zoning Ordinance

Please find attached a copy of three (3) letters regarding the above subject. Also enclosed is a copy of the minutes of the Council Meeting held August 15, 1972.

As of this date, Torch Mobile Homes has done nothing to correct this situation.

We will await your advice on this matter.

Sincerely,



William D. Gibson
Mayor

db

Enclosures

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23

24

25

PETITION

We, the undersigned, being residents of 28th St. and/or 2nd ave. of Nitro, W. Va., do hereby respectfully petition the city of Nitro, through its Mayor and its city council to see that West Virginia Water Co. or Preston-Carroll, who ever is respond sible, repair 28th st from 1st. to and encluding 2nd. ave. Repairs consisting of road patching and repairing of yards.

NAME-ADDRESS

Hubert C. Smith
John O. Gould
James F. Sampson
E. H. Harmon SR
Wm. Miller
John W. Laughlin
Matthew E. Will
Edward E. Neel, Sr.
Donald M. Neel
Ed. F. Clark
Charles R. Gunders
John O. Gould
John H. Gunders x 700 2nd St
Dr. A. J. Blaud
Mrs Virginia Weston

2814 28th Street Nitro
2811 28th St Nitro
2805-28th Nitro
2805-28th Nitro
2806-28th Nitro
2810-28th Nitro
2808-28th Nitro
2807-28th Nitro
2813-28th Nitro
2820-28th Nitro
2803 28th Nitro
2809 28th Nitro
2801-28th St.
2819-28th St

OK

1000 1000 1000

1000 1000 1000

1000 1000 1000

1000 1000 1000

Mr. Williams reported trash pick-up had been accomplished City wide.

Another pick-up will be done and he estimated that by mid-September a regular schedule will be established and then published so citizens will know when to place their trash out.

When asked by Councilman ^{Carroll} ~~Lilly~~ why the Smith Street Landfill was not open last Saturday, Mr. Williams explained that the worker failed to report for duty and other workers had already been assigned to another job. A notice was posted that the trash be taken to the lower dump but apparently was not seen by some citizens.

Mr. Olaf K. Walker, Chairman of the Planning and Zoning Commission, appeared before council to try and clear up the long-disputed zoning of Hillside Drive. He reported to council that zoning was done in Nitro in 1959. Since that date the only zoning that has been done is the newly annexed areas of Brookhaven and Riverdale Acres, also the new district mobile homes courts.

Mr. Walker explained that it was the intent of the Commission that both sides of Hillside Drive be zoned residential. In March, 1959 both the planning Commission and Council acted to zone that area. Through some misunderstanding, however, a map drawn up by the city engineer erroneously designated one side of Hillside Drive as B-1 (business) and council approved the ordinances, including the faulty map. *Councilman Priddy made a motion that "The intent of the Planning and Zoning Committee should be accepted. Motion was Seconded and Carried by an unanimous Vote."*

Mr. Walker went on to explain in 1970 the zoning law was "submitted to the city attorney for advisement and the decision was that business be allowed along Rt. 25 but not on Hillside Drive. In October, 1970 the city attorney recommended that a Board of Appeals be appointed."

"It is the opinion of the Committee that there has been an encroachment by business into the residentially zoned Hillside Drive and Torch Mobile Homes be notified that are in violation of the zoning law."

Since there is no Board of Appeals, Councilman Lilly suggested one be ~~appointed~~ ^{appointed} by council, consisting of five members. Councilman Lilly further suggested that

Mayor Gibson be appointed as a committee of one toward supplying names for consideration, and information consisting of maps etc. should be placed in the vault for safe keeping and the subject be tabled until a discussion is reached by the Board of Appeals. Councilman Priddy made a motion that the suggestion be accepted and Councilman Casebolt seconded. The motion carried by an unanimous vote was carried.

Councilman Lilly reported that a traffic engineer of the State Department of Highways has requested the Mayor write the Department asking that Rt. 25 from Cleveland Avenue to the bridge be made a "no passing zone". It is the engineer's opinion a no passing zone in that section would be more effective than lowering the speed limit. Sargent Webb of the Nitro Police Department was asked if the Department still used radar in apprehending speeders. "Radar equipment is in use every day", he replied. Councilman reported complaints of excessive speeding on 2nd Avenue. Councilman Casebolt made a motion that speed signs be erected at both ends of Park Avenue. Councilman Priddy seconded the motion. It was unanimously carried by the Council.

Councilman Casebolt reported that one of his constituents, an elderly woman of limited income was unable to pay a service fee, therefore was refused garbage pick-up. Councilman Lilly brought the reminder that all citizens on limited income were eligible for a reduced service fee by merely coming to City Hall.

Mrs. Clara S. Walker, Secretary and Treasurer of the Sanitary Board, in a letter dated July 5, 1972, notified the members of the Sanitary Board, the Mayor and Council that she was retiring as of August 31, 1972. Constance Joan Stevens of Nitro, a 1958 graduate of Nitro High School and who also attended business college in Charleston was appointed to replace Mrs. Walker.

Councilman Allen stated that the only time the Council was supposed to enter into affairs of the Sanitary Board was when it involved a rate increase. He further stated that a rate increase would most likely be requested in the near future.

Further discussion of Tom's Appliance who is in violation of an ordinance prohibiting deposit of closed refrigerators in out door areas easily accessible to children. It was decided that the Police Chief will be sent to the scene to inform the owner the will have until September 1, 1972 to either remove the doors from the appliance or move them inside. It was pointed out that he has been three years in violation.

At this point Councilman Paul Hill made a motion that the meeting be adjourned. Dr. R. V. Allen seconded the motion, and the meeting was adjourned at 10:30 P. M.

Wm. D. Gibson
Mayor

Tom Melton
Recorder

by:EF

September 5, 1972

The Nitro City Council met in regular session, Tuesday September 5, 1972 at 8:00 P. M.

Those present were: William D. Gibson, Mayor; Tom Melton, Recorder; Dr. R. V. Allen, Vernon Casebolt, Paul Hill, Thomas Lilly, Keith Priddy, Hugo Tidquist, and James White.

The meeting was called to order by The Honorable William D. Gibson.

The Mayor asked if there were any corrections to the minutes of the last meeting. Councilman Keith Priddy referred to page 349, center of page, "Mr. Walker explained that it was the intent of the Commission that both sides of Hillside Dr. be zoned residential." At this point Councilman Priddy said he had made a motion that "the intent of the Commission be accepted." After a discussion as to how this correction be made, Mr. Kessinger, City Attorney, said "the end of the paragraph should be amended to read " Councilman Keith Priddy made a motion that "the intent of the Planning and Zoning Committee should be accepted. Motion was seconded and carried by an unanimous vote. Councilman Lilly pointed to another correction on page 349, paragraph two, "Councilman Casebolt, not Councilman Lilly, asked why the Smith Street Landfill was not open last Saturday. Having made the corrections, Councilman Casebolt made a motion that the minutes be approved as corrected. Councilman Lilly seconded the motion. It was unanimously carried.

Councilman Tidquist stated that some spots in the paving of Second Avenue are unsatisfactory, he went on to say that the W. Va. Water Company has yet not repaired the curbing but has promised that a three inch curb will be constructed in certain areas along with curb repairs. A suggestion was made by Councilman Tidquist that Mayor Gibson contact Mr. Dawson of the Water Company since the commitment was made to Mayor Gibson and ask that something be done about getting the project finished.

Street Superintendent Gene Williams announced that trash pick up was moving along fine and he had no further report. Councilman Casebolt complimented Mr. Williams on the fine job that was being done. All Councilmen were in complete agreement.

Mayor Gibson announced that a telephone call received from Mr. Olaf Walker, Chairman of the Planning and Zoning Commission informing the Council that a Zoning Board of appeals had been appointed December 7, 1971, effective for three years. Members appointed were: E. Robert Hamilton, G. C. Alderson, John M. McDougal, Harry Russell and Kermit Tompson. Mayor Gibson presented a copy of a letter sent to Torch Mobile Homes, dated August 24, 1972, signed and delivered by Chief of Police Dana F. Johnston, informing them they were in violation of the Zoning Ordinance. The next step according to the Mayor is for Torch Mobile Homes or anyone concerned to appeal to the Planning and Zoning Board of Appeals.

The unfinished building on Main Avenue is to be an Office Building, Mr. Fred Pauley told Councilman Hill. Construction is at a standstill at present time awaiting delivery of steel and reinforced 4x8 concrete slabs that had to be on a special order. Councilman Hill said that due to a water problem, Mr. Pauley said that a double floor was installed in the basement. Also that his insurance company had contacted the family of the child who had fallen and broken an arm and the matter has been in the process of being settled.

Councilman Casebolt reported that the owner of the appliance business on Main Avenue had cooperated with city's request and the refrigerators and stoves have been removed.

The traffic problem in the 1000 block of Main Avenue has not been resolved and was referred to City Attorney James Kessinger to check city ordinance as to footage private property owners can paint for a private driveway entrance.

A motion was made by Councilman White that two street lights be installed on Norwood Drive the newly developed section of Brookhaven. The motion was seconded by Councilman Casebolt and voted unanimously by the Council. Councilman White will obtain the pole numbers and report same to City Hall.

A second motion was made by Councilman White that a Dead End Street Sign be erected in the same area, the motion was seconded by Councilman Casebolt and it was carried by an unanimous vote. Councilman Casebolt went on to suggest that the sign be placed at the foot of the street so people could see it before going up the hill.

Councilman Hill announced that he had received several calls regarding burned out street lights. Mayor Gibson said the Appalachian Power Company told him many of the lights had been shot out. It was suggested that Councilman Priddy, Chairman of the Street Light Committee, contact Appalachian Power Company and see if this matter could receive immediate attention.

Councilman Hill reported that he has received complaints about much needed repairs on 6th, 7th, and 8th Streets. These streets have been deteriorating for two or three years. Councilman Tidquist suggested the City Engineer could look into this matter. Mr. Williams said he had checked into the situation and the problem is caused by the defective mixture of cement which has been made worse by freezing water. Councilman Allen said "we took it out of the paving program because of water coming off of the hill."

Councilman Hill reported complaints of trains blocking entrances to the plant roads. After much discussion it was suggested that City Attorney James Kessinger be assigned to check the city ordinance as to legal time allotment in such circumstances. Councilman Lilly mentioned that the railroad crossing at Michigan Avenue needs to be repaired. This section is hazardous to residents in that area, it was pointed out that no maintenance has been done by the Penn. Central Railroad for the past 10 to 15 years. It was suggested that they either make repairs or give up the right-of-way. Mayor Gibson referred this to City Attorney to be checked out and report back to the Council at the next meeting.

Councilman Lilly stated that when East Sattes Elementary School was closed, school children in Fenton Circle and Sattes Circle were transferred to Baker and West Sattes School. This Councilman Lilly said, necessitated children crossing Center Street or Bridge Street as often referred to. This Street, according to state surveys is most dangerous because of adverse conditions, fog, and enforcing traffic regulations can not be done satisfactorily. One child has been struck by a car trying to cross the four-lane highway near the bridge, and police guards were removed after a policeman was almost struck by a car. Councilman Lilly went on to say that four residents, two on each side of the bridge would possibly offer the city a three-foot right of way between Sattes Circle and Fenton Circle. The walk way would need paving and a light under the bridge. Councilman Lilly went on to say he would discuss this with the Street Committee and recommend it be brought up at the next Council Meeting.

Councilman Lilly said complaints have been made about high weeds, garbage accumulation and rats. He recommended each Councilman submit a list from his ward listing the lots that needed to be cleaned off. Enforcement of the ordinance pertaining to the cutting of weeds on empty lots and accumulation of debris on any premises was reviewed and was reviewed and Council decided complete enforcement of the ordinance.

Councilman Priddy ask the Mayor if a Councilman was supposed to be on the Park Committee. The Mayor answered "yes". I will appoint one!

Councilman Casebolt asked that the Street Committee check into two situations, one at Dogwood Street and the other one on Kanawha Avenue. It is possible that there is a water pocket under the street causing difficulty at these locations. He went on to add that a street light was needed at Kapok and Washington Street, this was referred to the committee.

Councilman Keith Priddy ask the mayor if he knew when the road was going to be raised at the watershed. The Mayor said that the money was the big item of concern. The original amount that was promised by the Department of Highways was not enough to do the job. The final low bid by the Contractor exceded the estimate by about \$4,300.00. The Kanawha County Court has promised \$2,600.00 and I am trying to get the State Dept. of Highways to pay the difference. Mayor Gibson also expressed concern about the area not having any lights and was very difficult to properly police. The Mayor explained that to the best of his knowledge the land was in the name of the Kanawha County Court and the City of Nitro. He had received a letter from Kanawha County Court advising him to bring the ten boats out of the watershed area. He informed the Council that he had them stored in the City garage.

Councilman Priddy questioned the Mayor about the Watershed Commission. The Mayor said the Watershed Commission was responsible at the outset for getting the project started and arranging for Federal money.

The future development of the recreational facilities and the way the area would be managed would be up to the Council and the Parks and Recreational Commission.

In regard to the sewer Councilman Lilly reported that he would like to be brought up to date on the sewer problem. He has received calls from several citizens asking "Was the allotment reclined because of administration change. Councilman Lilly told Council that he has informed the callers "that the City of Nitro had to meet certain requirements, in the engineering field, in legal forms and stipulations and the money would not be allocated offically until the city meets all requirements and obligations. This has not been done yet." Mayor Gibson stated that he had made a trip to the regional office in Philadelphia accompanied by two engineers and a representative of the Regional Intergovernmental Council and an all out effort is being put forth to expedite the citys part in the situation.

A letter addressed to Mayor Gibson from Ann Joseph, Attorney, Legal Branch Enforcement Division of the United States Enviornmental Protection Agency, dated August 15, 1972 stated that the Charleston Gazette published an article shortly before the Mayor was elected saying a letter had been received by the City of Nitro promising the Community Federal monies for its sewage treatment project. "Unfortunately, this was a misrepresentation of fact. A grant offer from this agency is contingent upon a communitys meeting certain important requirements. At that time and the time of this writing Nitro has not yet fulfilled their duties." Ann Joseph said. It was suggested that the letter from Ann Joseph be made a part of the minutes.

Mayor Gibson reported to Council that he had attended an all day hearing before the Public Service Commission regarding bus schedule changes proposed by the Kanawha Valley Transportation Authority. In the proposed schedule Nitro would be without bus service from 9:00 A. M. to 4:55 P. M. The Mayor protested such curtailment of bus service pointing out that Nitro was expanding rapidly, and had many new business and a new industrial park development underway and bus service for workers, and citizens, and its present population was a necessity.

Councilman Allen made a motion the meeting be adjourned. Councilman White seconded the motion, it was unanimously carried.

Wm D. Gibson
MAYOR

Tom Nelson
RECORDER

The Nitro City Council met in regular session September 19, 1972 at 8:00 P.M. Those present were: William D. Gibson, Mayor; Tom Melton, Recorder; Councilmen: Dr. R. V. Allen; Vernon Casebolt; Paul Hill; Keith Priddy; Hugo Tidquist and Thomas Lilly.

The invocation was delivered by The Reverend Leroy Beyer.

Mayor Gibson ask if there were any corrections to the minutes of the September 5th Council Meeting. Councilman Hill stated that he had one correction on page 354. He had received complaints about much needed patch-work on 6th and 7th Streets. He would like 16th Street studied by the City Engineer. After the minutes had been amended Councilman Casebolt made a motion that they be approved. Councilman Priddy seconded, it was carried by the council.

Councilman Tidquist announced that the W. Va. Paving Company would send someone down this week, weather permitting, to start the curbing on 2nd Avenue, also they would sand in some rough spots. He went on to say they should have it done by the next Council Meeting.

Regarding trash pick-up, Superintendent Gene Williams informed council that a day by day schedule has been given to Mrs. Blake of the Kanawha Valley Leader which will be published in Thursdays newspaper. Councilman Casebolt remarked that the comment from the people through out the City is they are well pleased with the trash pick-up. There has been a tremendous improvement. Mayor Gibson said "all of the credit should go to Mr. Williams and his good men."

Councilman Hill reported on the basement of the unfinished building on Main Avenue. He has checked and they are going up with the building, concrete slabs are in place. Mayor Gibson said he had talked with the owner of the crane and had ask him if he would be kind enough to take his crane over to the "dungeon" and tear down the massive piece of concrete. The man indicated he would do this if the city could locate a headache ball.

City Attorney James Kessinger was not present to report on traffic problems and their legalities resulting from business around the 1000 block of Main Avenue. Councilman Casebolt reported that he had noticed that one resident could not park in front of his house because cars were parked bumper to bumper. Dr. Allen pointed out that this was a business district. Mayor Gibson added that there was not ample parking for the restaurant in question. Councilman Priddy pointed out that it was required by the latest Zoning and Ordinance Law to have one parking place for every four seats. Councilman Lilly pointed out this was still a matter for the City Attorney to act upon.

Mayor Gibson said the train problem at the plant crossing would also have to wait for Mr. Kessinger to advise the council as to how long a train is allowed to stop traffic.

Councilman Lilly stated that two property owners on Fenton Circle and one property owner on the other side of the bridge on Sattes Circle were agreeable to a trial arrangement for the walk-way under the Nitro-St. Albans Bridge so the children will not have to cross the heavily traveled highway. He recommended that a path be cleared and a small section of fence be moved back about three feet, to which Mr. Earl Benton owner of the fence has agreed to. No other improvements such as paving, lighting or black topping will be done until this walkway has proven satisfactory. He went on to say he would like to add to this recommendation that a letter be sent to Mr. Benton releasing him of any libility connected with the property. Councilman Priddy made a motion that the council accept Mr. Lilly's recommendation. Councilman Casebolt seconded, the council voted all in favor.

Mayor Gibson announced that letters had been issued regarding cutting of weeds on vacant lots. The people have been very receptive and each letter that is sent out is

listed in a log book with the name, address and phone number. Councilman Priddy pointed out that at the top of the ordinance page it does state vacant lot. Councilman Lilly suggested that each Councilman check his ward periodically and make a report as to the lots that needed attention.

Regarding the problem on Kanawha Avenue and Dogwood Street, Councilman Lilly said he had checked this out and found that water is coming from somewhere and washing away the back yard of a property owner and undermining the corner of his house. Councilman Lilly recommended that Superintendent Williams check this out immediately and do whatever necessary to correct this situation. Councilman Casebolt entered a motion that Councilman Lilly's recommendation be accepted. Councilman Tidquist seconded the motion and it was voted unanimously in favor of. Councilman Priddy ask if the City had the equipment to do this? Councilman Lilly said " we have the facilities and personnel to do this and hopefully can report back at the next Council Meeting.

Councilman Lilly went on point out that in the 200 block of Kanawha Avenue a section of land under the Street is settling resulting from work done by Sanitary Department some time ago. It seems that a sanitary pipe goes through this section and comes to a dead-end, thus causing a leak or a loose connection. A motion was made by Councilman Casebolt that this situation along with the problem in the 800 block of Kanawha Avenue be checked out by Mr. Williams. Councilman Tidquist seconded. It was carried unanimously.

Councilman Allen entered a motion that the July 1972 financial statement be accepted. Councilman Casebolt seconded. All members voted in favor.

Under new business Councilman Casebolt has received complaints from citizens in the 700 block of Kanawha Avenue and the South side of Washington Avenue about stray dogs barking and keeping people awake at night. It was decided that Mrs. Frazier call the Humane Officer and see if this problem could be resolved.

Councilman Casebolt referred to a problem on Broadway Avenue behind the city dump. It has been reported that this has become a haven for teenagers taking drugs and sniffing glue, also later on in the evening older youths have all night beer parties. Councilman Casebolt made a motion that a No Trespassing Sign be placed on the East and West side of the dump and the Nitro Police Department patrol the sight. Councilman Priddy seconded and it was carried by an unanimous vote.

Councilman Casebolt ask about a stop light on 19th Street. Mayor Gibson said he had talked with Mr. Jones of the Department of Highways in an effort to get a couple of traffic lights and although he had made no promises he was very receptive to my request.

Councilman Tidquist reported that he has received a call regarding school buses traveling on Second Avenue instead of First Avenue. It was suggested that Mayor Gibson call the Kanawha County School Board Garage in St. Albans and ask if this situation could be corrected. Mayor Gibson assured the council that he would fullfill the request.

The Nitro City Group Insurance plan accepted in 1969 with a three year rate guarantee has expired. Because of the tremendous rate increase, Nitro City Employees requested that a new carrier be selected. Bids were taken from several insurance companies. Blue Cross and Blue Shield was chosen by the employees. Councilman Lilly made a motion that Blue Cross and Blue Shield be accepted. It was seconded by Councilman Casebolt and voted unanimously.

Councilman Hill made a motion to give the City Employees Christmas Day off as a paid holiday. Councilman Casebolt seconded the motion, much discussion followed, each Councilman along with the Mayor made it clear that they were in favor of the employees having Christmas off with pay, however it was recommended by Dr. Allen that this should be studied by the finance committee and consideration of all legal holidays be made.

Councilman Hill requested that a report be ready by the finance committee by the

next Council Meeting. Councilmen Allen and Lilly said the finance committee had been spending a lot of hours in an effort to get a clear picture of the city's finances.


The city is faced with many pressing problems and priorities will have to be established. However, it was finally agreed upon that they would put forth much effort to have a report by Thanksgiving. Councilman Hill withdrew his motion and agreed to wait for a later discussion.

Councilman Hill requested that the city purchase uniforms, rain clothing and boots for twenty one city crewmen. Councilman Lilly recommended that a committee be appointed with Councilman Hill as Chairman. This was agreeable with all councilmen and the Mayor.

Councilman Priddy told council that he had gone to Appalachian Power Company and talked to Mr. Jones, Regional Manager for Appalachian, and explained to him that the City of Nitro was not getting the street light service that it is paying for. He went on to say that unless some solution can be worked out this matter will have to be taken before the Public Service Commission. Because a large number of the street lights have not been in operation Councilman Priddy suggested an adjustment be made in the monthly statement. It was reported that the next day after Councilman Priddy talked with Mr. Jones some of the street lights were checked. Councilman Casebolt made a suggestion earlier that if the pole number was given when the light was reported out of order it would speed up service.

Mayor Gibson stated that when he took office July 1, 1972 he ask Mr. Chester O. Williams, C.P.A. to verify all bank balances, check books, etc. A statement for \$75.00 was sent for Mr. Williams services. "I will gladly pay for this myself" stated Mayor Gibson "if the council wishes me to do so." Councilman Casebolt made a motion that this be paid for by the City. Councilman Lilly seconded the motion and all members voted unanimously. Councilman Priddy ask if there were any discrepancies found, Mayor Gibson replied "Mr. Williams did not audit the books he just got a birds eye view of everything."

Councilman Casebolt made a motion the meeting be adjourned. Councilman Tidquist seconded, it was voted all in favor.


Mayor


Recorder



Nitro City Council Meeting - October 3, 1972

The Nitro City Council met in regular session, Tuesday, October 3, 1972 at 8:00 p.m. Those present were: William D. Gibson, Mayor; Tom Melton, Recorder; Councilman at large Dr. R. V. Allen; Councilman at large Keith Priddy; Councilman at large Hugo Tidquist; Councilman Vernon Casebolt; Councilman Paul Hill; Councilman Thomas Lilly; Councilman James White and City Attorney James Kessinger.

The Reverend James Horton delivered the invocation.

Mayor Gibson asked if there were any corrections to the minutes of the last meeting. Councilman Priddy made a motion that the minutes be accepted. Councilman Casebolt seconded the motion. All Council voted in favor.

Mayor Gibson asked if there were any corrections or questions regarding the August financial statement. Councilman White asked if withholding tax were paid on monthly basis, the answer from Mr. Melton was no. Having no further questions or corrections Councilman Casebolt made a motion that the financial statement be accepted. Councilman Allen seconded the motion. The vote was carried unanimously.

Councilman Tidquist reported that paving and curbing on 2nd Avenue was almost completed by the West Virginia Water Company. There is still some curbing to be done from 19th Street to 27th Street. He informed the Council that the reason the curbing was not uniform was because much of the work was done by hand instead of machinery. Discussion followed regarding the curbing in front of the First Baptist Church on 2nd Avenue. According to Dr. R. V. Allen there had been a curb in front of the church before the paving of the street was started. It was also brought to the attention of the Council that a portion of 2nd Avenue was sunken in. This could be hazardous during freezing weather remarked Dr. Allen. Councilman Casebolt said he could not remember the street being like this before the heavy equipment was brought over it. It was suggested that Supt. Gene Williams check on this situation.

Dr. R. V. Allen reported that he had received a phone call bringing to his attention that the parking lot at the Moose Club still needs work done on it. It was the opinion of the Council that the West Virginia Water Company be asked to come back and remedy this matter at once.

Referring back to 2nd Avenue, Dr. Allen suggested that no parking marks be erected on 2nd Avenue and 23rd Street to enable Day School Mothers to let their children out in front of the Baptist Church and the Roman Catholic Church. Mr. Williams said he would take care of this matter.

Councilman White mentioned that he had received two or three complaints from residents on 28th Street regarding heavy trucks. It is the opinion of the residents that the Contractors of this heavy equipment should make the repairs. Mayor Gibson said two utility companies had checked this out. Dr. Allen remarked that he also had received calls of this nature from residents on 26th and 27th Streets.

Supt. Gene Williams reported that trash pick-up throughout the city was moving along as scheduled. The street signs that have been requested have also been erected.

Councilman White asked why residents that live in Pine Grove Addition were not getting garbage service. Mr. Williams said the road to this section was in much need of repair due to the slide in the road and the city's garbage trucks could not

travel over it. Councilman Priddy wanted to know if residents were paying for this service, Mr. Williams replied, "No, they are not."

Complaints from residents on 23rd Street where Cohen's trash has been blown about was discussed by the Council. Supt. Williams said, "Trash is picked up there every day, a larger box would help the situation." Police Chief Johnston pointed out that scavengers cause most of the littering.

As to the construction of an office building being built on Main Avenue, Councilman Hill told the Council that construction was going on, scaffolds were in, some windows were in place and he believed there was ample parking space. Councilman Casebolt suggested that the rear of the building needs some attention. He suggested that Supt. Gene Williams check the drains, apparently a damaged sewer is allowing water to wash property away in the area.

It was agreed that Councilman Casebolt and Mr. Williams investigate the cause of the excessive washing away of property at Kanawha Avenue and Dogwood Street. The street crew has been unable to work on this due to heavy rains the past week, they will resume work as soon as weather permits.

City Attorney James Kessinger recommended that a letter be sent to the Penn. Central Railroad advising them that an ordinance exists prohibiting the blocking of a crossing for more than five minutes. Councilman Priddy expressed concern that in the event of an emergency a train blocking the crossing could prevent necessary vehicles from getting through to the West side of town. The Council agreed to follow Mr. Kessinger's recommendation.

Police Chief Johnston reported good progress on the weed and debris problems on vacant lots but he said, "There is a long way to go." Councilman Priddy asked if the city had been forced to clean off any lots because the owner refused to cooperate. Chief Johnston said no. He went on to say a log book is kept so that next spring vacant lot owners can be notified of the city ordinance and penalties if they fail to comply.

Chief Johnston recommended that the speed limit on motorcycles in unpaved alleys be lowered to 10 miles an hour. The present 25 miles per hour is hazardous in his opinion. Councilman Allen remarked that a new ordinance would have to be written. Councilman Priddy made a motion that Chief Johnston's recommendation be accepted and a new ordinance be written. Councilman Hill seconded the motion. All Council voted in favor except Councilman Casebolt, his vote was "nay." Chief Johnston asked if he could have Councilman Casebolt's reason for his negative vote. Councilman Casebolt replied that he thought this was a personal situation between neighbors and no law had been broken. If it were a matter of motorcycles causing damage to property or violating the law, then he would be in favor of the Council taking action. A citizen in the back of the room asked how many complaints the Police Department had received concerning speeding motorcycles in alleys. Police Chief Johnston replied, "Not meaning to cut you off short, but this is police business. Chief Johnston went on to say that many garages and gates opened up into the alleys and over a period of years, they had encountered many problems in different areas of the city due to excess speeding.

Police Chief Johnston made another recommendation for motorists to park their cars in one direction, according to the traffic patterns. He asked that drivers park on their right hand side, thus making parking uniform and erasing the danger of crossing lanes of traffic to get cars back onto the highways. Chief Johnston stated that by correcting this situation it would lessen the amount of automobile accidents and provide more safety for our citizens. Councilman Priddy made a motion to accept this recommendation and a new ordinance be written in regard to parking. Councilman Casebolt seconded the motion. All Council voted in favor except Councilman Lilly. His reason was it might cause problems in areas where Sub-Divisions are laid off in circles.

A stronger city law should be established regarding assaulting of a Police Officer. Within the past two weeks two officers have been hurt in the line of duty, said Chief Johnston. City Attorney Kessinger remarked that the city ordinances covered "Obstruction of an officer in the line of duty." When bodily harm was inflicted, a warrant should be issued and that the case would go to the Circuit Court. Mr. Kessinger was asked to check this out and report back to the Council.


Items of new business, Councilman Hill would like a Beauty Shop Sign in the 13th Street Area checked. It was reported that the sign was too low and obstructing traffic.

Councilman Casebolt made a motion that Mayor Gibson and Mr. Kessinger get together on the cost in an effort to up-date the city ordinances so each Councilman might have a copy. Councilman White seconded the motion, all Council voted in favor.

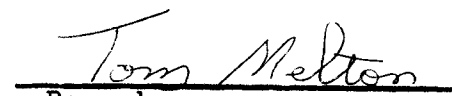
Councilman Priddy asked if the city had a "fly-ash" ordinance? He recommended that this be checked and find out who is responsible to cover this when it is used.

Mr. Brogan of Bailes Drive wanted to know if speed limit signs could be placed on his street, because of children playing. It was decided that the Traffic Committee put the street under study.

Dr. Allen made a motion that the meeting be adjourned. Councilman Casebolt seconded the motion. It was carried by all.



 Mayor



 Recorder

NITRO CITY COUNCIL MEETING

October 17, 1972

The regular meeting of the Nitro City Council was held at the Nitro City Hall, October 17, 1972; with Mayor W. D. Gibson, Recorder Tom Melton, City Attorney James Kessinger, and all Councilmen in attendance. The meeting was called to order by the Honorable Mayor Gibson.

Approval of the Minutes: Councilman Vernon Casebolt moved that the minutes be approved. Councilman Tidquist seconded the motion. The motion passed by a showing of hands vote. All Council voted in favor.

Financial Report: Mayor Gibson asked if there were any questions or corrections to the September Financial Statement. There were none. Councilman Casebolt made a motion that they accept them, Councilman White seconded, and the motion was unanimously carried.

Mr. Sam Lee, Principal of Nitro Junior High School and co-ordinator of the Nitro Community School Program, appeared before the Council giving an account of the tremendous success of the Community School Program. "Actually, the Community School is composed of two programs," he said, "One is supported by the Kanawha County Adult Education and the other program is supported by funds raised by citizens in the community of Nitro. It takes about \$1,500 to put on a six week term. There are twenty different activities. Classes meet on Tuesday and Thursday evenings at the Nitro Junior High School. Classes are offered to attract the preschoolers, elementary, Junior High Students, and Adults. However, according to Mr. Lee, "We have apparently failed to offer enough classes or instructions in what would be attractive to the high school youth." He asked for suggestions and assistance from Council Members. Councilman Priddy, Councilman Casebolt, and Mayor Gibson serve on the Community School Advisory Council, and they were in complete agreement that this program has been proven very successful and a great asset to our Community. Councilman Priddy made a motion that the Council vote on a donation of \$100 for this program. Councilman White suggested a \$200 donation would not be too much. All Council voted in favor of a \$200 donation. Councilman Casebolt made mention that an additional \$35 donation would be given from the Parks and Recreation Commission, upon the collection of a light bill from the State Softball Tournament. During the recent softball tournament it was decided that money collected for use of the lights would be given to the Community School Program. Councilman White went on to ask Mr. Lee if he had any suggestions about what more the Council might do to help out. Mr. Lee replied, "Just support the program, come visit the Community School, either on Tuesday or Thursday night, help by donating some of your time, we need a City Police Patrol Car to browse around in the area of the school on the nights that classes are in session. This help would be very much appreciated." Mayor Gibson assured Mr. Lee that the Nitro City Council would be very receptive to his needs and requests.

Councilman Tidquist wanted to know if a definite date had been set up for the remaining street, sidewalk, and curb repairs. Mayor Gibson said he had been in touch with Mr. Mayse and Mr. Fuqua of the Preston Carrol Corporation, and no definite date was promised, but he had every reason to believe it would be soon.

Councilman Tidquist announced that the repair of paving in the Blackwood Street area remained the same. Mayor Gibson said a new water line had to be installed in the street before repairs would be made on the Blackwood Street area.

Councilman Hill had nothing further to report on the unfinished building on Main Avenue. He stated as near as he can tell this situation is being corrected. Councilman Casebolt suggested the subject be omitted from the agenda in the future. He further stated that the sewer, broken in two places, behind the building under construction has been corrected by the City Employees.

Traffic Problems resulting from business around the 1000 block of Main Avenue was tabled until the next Council Meeting.

Councilman Thomas Lilly, Chairman of the Street Committee, reported that work to correct the Kanawha Avenue and Dogwood Street situation would be started Thursday morning by the City Employees. The erosion problem might be caused by a loose joint in the sewer system causing the bell to break loose, but not certain at this point stated Mr. Lilly.

Nitro City Police Chief Dana F. Johnston remarked that the \$5 penalty for overtime was too high in his opinion. He recommended an amendment to the ordinance be made changing the fine to \$1 if paid within 24 hours. After 24 hours the fine should be increased to \$2. A discussion followed, Dr. Allen suggested a violator should be given 48 hours in which to pay the \$1 fine and \$2 after 48 hours.

Councilman White made a motion that Dr. Allen's recommendation be accepted. Councilman Casebolt seconded. All of the Council Members voted unanimously in favor. The subject of speeding on paved side streets and paved alleys was tabled until a later date.

Councilman Priddy made a motion that the date for "Trick or Treat" night be set by the Council as Monday, October 30 from 7:00 p.m. until 9:00 p.m. It was decided that no age limit be set. Councilman Hill seconded the motion. The motion was carried by a unanimous vote.

Mrs. Boggs and Mrs. Reynolds, of Bailes Drive appealed to the Council asking that the speed limit be lowered to 15 miles per hour, and traffic signs be erected on their street. They also asked that tree limbs and shrubbery along the roadway be cut to enable motorists to be cautious of the narrow street. Councilman Casebolt suggested a 15 miles per hour speed limit be honored. Some discussion took place as to the practicability of a 15 miles per hour speed limit. After the discussion, Councilman Casebolt made a motion that the speed limit be reduced to 15 miles per hour; it was seconded by Councilman White, and the motion was carried unanimously. Mrs. Boggs and Mrs. Reynolds also requested another street light on Bailes Drive. This will be checked out by the Street Light Committee and a report will be given at the next Council Meeting. In regard to a water problem on Bailes Drive, Mayor Gibson said he would ask Mr. Gene Williams, Supt. of the Street Department, to check on this matter.

Councilman White announced that a survey team from the Governor's Highway Safety Administration has checked the city and suggested that 87 stop signs be placed throughout the city at needed places. Reflectorized Stop signs, including pole, hardware, cost \$20 each. Federal funding will pay for 50% of this if the city wishes to purchase these signs. Councilman White said he would like to make a motion that the City take advantage of this offer and buy the 87 signs.

Councilman Casebolt seconded the motion. All members voted in favor.

Councilman Hill remarked that he has received calls from concerned citizens of his ward who reside on the hill section between 2nd and 3rd Avenues, asking the Council to delete these streets from an ordinance now being drawn up regarding parking on streets in the line or direction of traffic.

It was noted that this could be hazardous in winter weather. This matter will be considered later when the city Attorney drafts the ordinance. Councilman Hill also reminded Council that 4th and 6th Streets needed to be repaired. Supt. Gene Williams will check this, replied Mayor Gibson, because more street repairs are currently being made.

Councilman Lilly asked that the Council give consideration to building a structure to house the city equipment. He announced that during the winter months, weather will do much damage to this equipment and the mechanic has no place to put the equipment while making repairs and regular maintenance! This matter will be placed in the hands of the Committee. Councilman Lilly went on to add that the up-dating of the Police Department equipment, radar, radio, etc. should also be placed in the hands of the Committee.

Councilman Casebolt reported that the Board of City Park Commissioners have apparently resigned or is inactive. It is the opinion of the Park Committee that ordinance No. 61 be deleted from the city's ordinances. "There is a lot of work to be done and a lot of improvements to be made at the park, he suggested that the duties and responsibilities of the Park Board be given to the City Council's Recreation Committee." Councilman James White agreed with Mr. Casebolt and said the Park Commission was now defunct. Mayor Gibson suggested that City Attorney James Kessinger investigate this request. This will be put on the Agenda for the next meeting.

Councilman Casebolt also brought to the attention of the Council that the living quarters at the Fire Department was without heat. "Last winter the men had to sit in the kitchen with the oven on in order to keep warm." He went on to say, "I would like to make a motion to purchase a wall heater and a door and have them installed by a fireman or the City crewmen, the cost would be approximately \$250." Councilman Priddy seconded the motion. All Council members voted in favor.

Parking problems on Beech Street and Kanawha Avenue were brought to the attention of the City Council by Councilman Casebolt. He asked that the Traffic Committee make a study of this situation and report back to the Council, the second Council Meeting in November.

Councilman Casebolt mentioned requests from residents in East Nitro asking that crushed rocks be placed on Ivy Street. Dr. Allen suggested this be placed in the hands of the Street Committee.

Councilman Priddy reported that he would like for the city crew to check the ditch that runs along 18th Street Hill. It appears that the ditch needs to be opened. Mr. Williams will have his men look at this and then make a report to the Street Committee.

Councilman Dr. R. V. Allen made mention that there was no Park and Recreation Commission Report and no Swimming Pool Report on the September financial statement. He asked that the two reports be presented each month with the usual financial statement.

The next regular Council Meeting will be held Tuesday, November 7, 1972, at 8:00 p.m. A motion for adjournment was made by Dr. Allen, Councilman Casebolt seconded the motion, and all members voted in favor.



Mayor



Recorder

NITRO CITY COUNCIL MEETING

November 7, 1972

The Nitro City Council met in regular session, Tuesday, November 7, 1972. Mayor Gibson called the meeting to order at 8:00 o'clock p.m. Those present were: William D. Gibson; Mayor, Tom Melton; Recorder, Dr. R. V. Allen, Paul Hill, Thomas Lilly, Keith Priddy, Vernon Casebolt, James White, and Hugo Tidquist; Councilmen.

Approval of Minutes - Councilman R. V. Allen moved that the minutes be approved; Councilman White seconded the motion. All Council voted in favor.

Councilman Casebolt reported on the traffic problem resulting from the business around the 1000 block of Main Avenue. He stated that he and Mr. Kessinger went to look at the problem and the side of the street where the driveways had been blocked, had been painted. He requested that the police check from time to time and see that the people respect this. He also stated that the people were pleased. Councilman Casebolt added that they were still looking into the other side of the street.

Councilman Lilly reported on the Kanawha Avenue and Dogwood Street situation. Councilman Lilly said that the city crew had dug out the street and found a water line believed to have been partially busted. As the crew continued to dig the line completely busted. Councilman Lilly further stated that the problem was not caused by the water running off at ground level. Mr. Hayne was called in and in his opinion it was the responsibility of the state. Councilman Lilly added that the engineer was going to check with the state engineers and see if we could pin the responsibility on the State. The Mayor stated that he had talked with the engineer twice. Mr. Hayne has gotten in touch with Mr. Layman Smith and Mr. Joseph Jones of the West Virginia Department of Highways. As far as they can determine, there is no municipal agreement between the state road commission and the City of Nitro since 1954. They are checking deeper to see if they can find an agreement stating that the city took over the drain and responsible for its maintenance. Councilman

Lilly asked that if it hasn't been turned over to the city, then it would be the states responsibility. The Mayor said there is a very good possibility..

Councilman Lilly continued that if we could tie it into the main line that it's still the states responsibility. Right now our cost to repair the road is \$2,500 and if the state assumes the responsibility, they will correct this problem for us.

Councilman Allen asked if there had been other areas where the state has done this.

Councilman Lilly stated that there are some in Charleston and they haven't been turned over, and the state is paying for this. He didn't think that we should pursue looking for others until we got finished with this one. Before we accept we should look and see if there are other similar situations within our city.

Councilman Allen asked if this changed since the highway system was changed.

Councilman Lilly said yes. The Mayor stated that we would stay on top of the problem.

Councilman Keith Priddy reported on the street lights on Bailes Drive. He said that he checked this and found it quite a distance from the last street light.

Councilman Priddy recommended installing a light on Bailes Drive. He further stated that he recommended one across Kapok from the end of Washington Avenue.

Councilman Casebolt made a motion that we accept Mr. Priddy's recommendation and install two lights, one at Bailes Drive and one at Washington and Kapok.

Councilman White seconded the motion; the motion carried unanimously.

Councilman Lilly asked if we were getting any better service of street lights being out. Councilman Priddy replied that he had seen Mr. McCoy replacing lights on Park Avenue. Councilman Casebolt stated that he found 3 lights out, which he reported to the power company, and they fixed them within three days. Councilman Allen asked if the people could call the power company themselves. Councilman Lilly added that there was one out where he lives. Councilman Casebolt stated that the people called the power company but they were ignored. Mayor Gibson said that he had talked with Mr. Bill Jones, who works out of the St. Albans office, and he stated that he would do a routine check and maintenance work each week. Councilman Priddy stated that he must have found out that it was not legal

for him to stop the service. Councilman Allen suggested that a light be installed at 21st Street, toward the waater shed. The fixtures are there on 21st Street. Mayor Gibson added that lights for Brookhaven and also Layne Avenue have been ordered. Councilman Tidquist asked about a stop light at 19th Street. He added that a survey was made and wondered whether any information had been received. Mayor Gibson said that he had talked to Mr. Joseph Jones of the Department of Highways and gave him many reasons why Nitro needed a traffic light to break the traffic flow. Mr. Jones assured the Mayor that he would get to work on it. Councilman Casebolt went on to say that the traffic on 40th Street, coming from Brookhaven was jammed and 40th Street on 1st Avenue. He stated that the people of Nitro wanted these stop lights. Mayor Gibson said that he would get in touch with Mr. Jones again.

Councilman Vernon Casebolt reported on Ordinance # 61. He stated that he would like to have this tabled until the next council meeting.

Councilman Paul Hill reported on the purchase or rental of clothing for several city employees. Councilman Hill stated that he would like to table his previous recommendation where it says clothing for the city employees until after March, when the new budget is drawn up. He further added that he would recommend that council purchase the rain or foul weather gear for the city employees. From Industrial Rubber we can purchase on uniform for \$14.60 without the boot. We would need 21 uniforms. At Standard Glove in Dunbar we can purchase the uniform at \$.75 for the top and \$4.75 for the bottom, and the boot for \$4.50, which comes to \$14.00. The total amount for the uniforms would be \$294. Councilman Lilly mada a motion to purchase the uniforms from Standard Glove. Councilman White seconded the motion. There was some discussion as to whether the city would retain the uniform. Gene Williams, Street Superintendent, stated that they would belong to the city. All Council voted in favor.

Councilman at Large, Dr. Allen, reported on the street problem at the corner of Layne and Boundary Street. Councilman Allen stated that the street has dropped.

He further added that a lady said that the street didn't drop until after the heavy equipment came. Councilman Casebolt stated that he talked to people who live along the street; and when the equipment came, the street started sinking. When the street sunk 6" the city was notified, which was about a year ago in July. Councilman Casebolt stated that the man with whom he talked with, cannot use the front of his house during heavy rains. He further added that it seems the storm sewers are below where the drain comes into the sewer. The man contacted the contractor, who recognized the problem and he said that he would take care of it. Eventually the man moved out on this. Councilman Casebolt stated that he had talked with Gene Williams and he is going to clean out the storm drains. City Attorney James Kessinger asked how long ago did it happen. Councilman Casebolt said it occurred all last spring; on the corner of Boundary and Layne - where Boundary comes out onto Layne. He further added that it has sunk 10" to a foot, and that the city engineer and Mr. Kessinger should check into this before they go dig it up. Mr. Kessinger stated that it sounds like a liability suit. He added that whoever drove the truck may be liable and that you would have to prove negligence.

Councilman Paul Hill reported on the truck for the Garbage Dept. Mayor Gibson stated that the truck is a 1967 and owned by Charles Boggess. The truck was checked out by Gene Williams and the City Mechanic. The price of the truck is \$1,500. Councilman Casebolt made a motion that we purchase the truck. Councilman Lilly seconded the motion. All council voted in favor.

Mayor Gibson stated that he wanted to make two appointments to the Sanitary Board for a period of three years. He added that he would like to replace William Curtis Wood by Mr. Douglas F. Bess of 73 North 21 Street, Nitro. He also appointed Mr. Donald Karnes of 101 Holly Street, Nitro, replacing Mr. Borden Gewin. Councilman Vernon Casebolt made a motion that we accept the appointments; Councilman Tidquist seconded the motion - all council voted in favor.

On the Zoning Board of Appeals, the mayor appointed Mr. Cecil Lemma of 1712 17 Street, Nitro, to serve out the term of the late Mr. Grover C. Alderson.

Councilman Casebolt made a motion to accept the appointment; Councilman Allen seconded the motion - All council voted in favor.

Mayor Gibson stated that we were trying to get money from HUD, EPA, and from the state of West Virginia. The Mayor presented a resolution which needed approval. The resolution reads as follows:

At a meeting of the City Council held November 7, 1972, the Mayor of the said City, William D. Gibson was authorized to proceed immediately with making applications to all Federal and State Agencies for the maximum grants available, or to be available, for the construction of the planned extensions to the sewer system and the construction of secondary sewage treatment facilities.

The Mayor was authorized to provide all information and requirements in connection with said applications.

Tom Melton
City Clerk

William D. Gibson
Mayor

There was some discussion about the letter from Mr. Hayne regarding certain figures. Mayor Gibson added that the figures are estimates and in order to get matching funds, they arrived at these, but are subject to change. A resident engineer has to be on the job to make sure everything is done right. An inspector is necessary too. Councilman Allen made a motion that we authorize the Mayor to act immediately in his efforts to obtain the federal funds by approval of the resolution. Councilman Casebolt seconded - All council voted in favor.

Mayor Gibson brought up the business of selling the old dump truck setting on Main Avenue. Councilman Priddy questioned whether you can sell the without advertising. Councilman Lilly made a motion to sell it for \$150 to the man who wants it. Councilman Casebolt seconded the motion. All voted in favor except Councilman Priddy, who abstained.

Mayor Gibson told council that he sent a copy of the fly ash ordinance to Mr. Lyle Sattes and a letter requesting immediate correction of the situation on First Avenue. He further added that he had sent a letter to the Penn Central Railroad requesting them not to block the railroad crossing for long periods in the future.

Councilman Casebolt asked if the Mayor would appoint a committee to study the priorities for the Federal Revenue Sharing. Councilman Lilly stated that the priorities should be (1) Fire Department, (2) Maintenance Building for city equipment, (3) Garbage and trash trucks. The upgrading of our recreation department was also added. The Mayor appointed a committee but later it was decided that the whole council work on this together. Councilman Casebolt made a recommendation that all council serve; Councilman Hill seconded the motion - all council voted in favor.

Councilman Hill made a motion to give all city employees Thanksgiving and Christmas Day off - with pay. Councilman Lilly seconded the motion. There was some talk about how we would be able to give all firemen and policemen off. Councilman Casebolt made a motion to give as many employees off as possible and pay the rest double time. Councilman Allen seconded the motion and all Council voted in favor.

Councilman Lilly suggested the purchase of a new radar unit for the Police Department at a cost of \$1,000. He further added that several other nearby cities were using this new type. There was discussion about how effective the radar unit would be and if it could pass court test. Police Chief Johnston stated that he thought it would. Councilman Lilly added that it has been to the Supreme Court. Attorney James Kessinger asked if it was the U. S. Supreme Court or the State. Councilman Lilly replied, Not in W.V. Councilman Lilly made the motion

to purchase the radar gun, Councilman Casebolt seconded the motion - all council voted in favor.

Councilman Casebolt moved the meeting be adjourned. Councilman Tidquist seconded - all council voted in favor. Reverend Westlund gave the closing prayer.

Mayor

Tom Melton
Recorder

NITRO CITY COUNCIL MEETING

November 21, 1972

The regular session of the Nitro City Council was held in the Council Chambers November 21, 1972. Those present were: William D. Gibson, Mayor; Tom Melton, Recorder; Councilman at Large Dr. R. V. Allen, Councilman at Large Keith Priddy, Councilmen Vernon Casebolt, Paul Hill, James White, Thomas Lilly and City Attorney James Kessinger. Councilman at Large Hugo Tidquist was absent.

The meeting was called to order at 8:00 p.m. by the Honorable Mayor Gibson. Reverend Bill Westlund gave the invocation.

Approval of the Minutes - Councilman White moved that the minutes be approved. Councilman Casebolt seconded the motion; all Council voted in favor.

Councilman Thomas Lilly reported on the Kanawha Avenue and Dogwood Street situation. He stated that Mr. Hayne is still meeting with the West Virginia Department of Highways, and the state is checking to find out if the line has ever been turned over to the city. He further added that apparently there is no record showing this. He stated that most likely the state of West Virginia will assume the responsibility of the situation.

Councilman Vernon Casebolt reported on Ordinance #61. He stated that last night there was a meeting of the Park Board. He added that one member, Mr. Jim Jones, attended; but the others had legitimate reasons for not coming. Councilman Casebolt further added that Ordinance #61 should be deleted from our records and a new one drawn up. Councilman Thomas Lilly seconded the motion. There was some discussion about doing away with the Park Board now or letting them serve throughout the fiscal year, until July 1. Councilman White stated that in the Park Board meeting last night, the Park Board member wanted a complete overhaul of the Park, and that in his opinion we need a full-time recreation director. He further added that the removal of Ordinance #61 would be a step in the right direction. Councilman Priddy asked that if we do away with it before the new system is ready, what position will this put our Park Board and our Park in. Councilman Casebolt stated that he let Mr. Jones read the ordinance and he stated that this had never been obeyed and that he didn't know there was even an Ordinance #61. He further added that the Park Board had never played any part in operation of the Swimming Pool. Councilman Priddy asked that if we take the ordinance off the books, and something comes up, who would be the governing body. City Attorney James Kessinger stated that the new ordinance has to be repealed. He further stated that a new ordinance has to be read twice. It was suggested that Council table this until a meeting is held in an effort to draw up the new ordinance. Councilman Casebolt withdrew his motion and Councilman Lilly withdrew his second. Mr. Kessinger then explained that he would be willing to meet with the Recreation Committee to consider drawing up another ordinance.

Councilman Allen reported on the street problem at the corner of Layne Avenue and Boundary Street. He stated that he had nothing further to add. Councilman Casebolt stated that heavy equipment is still going over the street. Councilman at Large Allen then added that the problem isn't going to get any better and it will get worse. Councilman Casebolt added that the city engineer should check this problem out. Mayor Gibson agreed to having the engineer check into the problem.

Councilman Casebolt reported on the Teen Land vs Fire Station. He stated that he had talked to Lieutenant King of the Fire Dept. and he said that recently, during

an emergency, a group of teenagers stood in front of the fire station and the truck had difficulty getting out. He further suggested that signs be installed stating no loitering within 100 feet of the fire station. Mayor Gibson asked Sergeant Webb if he had anything to add. Sergeant Webb stated that an ordinance should be adopted making it easier for us to enforce the law in this area. Councilman Casebolt stated that few of the teenagers will walk out in the street and dare you to hit them. Mr. Kessinger suggested installing No Stopping or Standing Between Signs. Councilman White asked when the biggest problem was. Sergeant Webb stated during parties and at night. Mr. Kessinger stated that he would see what he could find out about being able to park and stand in front of the fire station and that he would report at the next Council Meeting. Councilman Casebolt asked to have this tabled and put on the next Council meeting agenda.

Councilman White asked if there was any development on the stop light. Mayor Gibson stated that there were some state road personnel at the 19th Street entrance making a check. Councilman Hill added that they were at 40th Street too. Mayor Gibson stated that he and Chief Johnston were invited to a meeting in Charleston by the Department of Highways; there they discussed traffic problems throughout the town.

Councilman Lilly informed the Council that last week in the Street Department a compressor blew up. He also added that you cannot change the tires on any large equipment, nor can you service them. He added that the motor does not belong to us but to someone else and has been used for several years. It was stated that it would cost \$175 to replace it. Councilman Casebolt made a motion to purchase a compressor for the Street Department. Councilman Hill seconded the motion. All Council voted in favor. Councilman at Large Allen stated that we should repair the compressor and return it to the man who owns it.

Councilman Casebolt asked about the trash accumulation of the people who aren't paying their bills. He added that it is punishing the people around them. Mr. Kessinger read the Municipal Service Fee Ordinance. He then stated that everyone is violating the ordinance who allows this to happen. Council then discussed the delinquent accounts, the piling up of garbage, and weeds grown up on vacant lots. Councilman Casebolt stated that the ordinance which has to do with refrigerators left outside with the hinges still on was not being obeyed. Councilman Lilly stated that if they were moved back out after violation notice was given, then it would be up to the Municipal Judge to decide. Councilman Lilly stated that any property that you see over-grown with weeds, you should get their name and address and bring it in. Mr. Kessinger stated that the adjacent owners should know the person(s) name.

Councilman at Large Keith Priddy asked about the coporated boundaries on 18th St. Hill area. Mr. Priddy stated that the boundaries were 880 feet from Third Ave. or the river ridge, which ever is furthest. There was some discussion about the legibility of the city zoning map. It was stated that it is not clear enough to define the side boundaries. Mr. Kessinger suggested contacting Mr. Burgess and have him draw up a map on a larger scale, so that we can determine the Zoning Areas.

Sergeant Webb stated that he would like Ordinance 13 changed to pattern that of the state ordinance regarding resisting arrest or obstructing an officer. Councilman Casebolt made a motion that Council draft a new ordinance. Councilman White seconded the motion - All Council voted in favor.

Sergeant Webb added that the Dog Ordinance is not clear or strong enough. Councilman Lilly stated that it was like that with most of our ordinances. Mr. Kessinger recommended that there be an Ordinance Committee to study the ordinances. Mr. Kessinger further added that most of the ordinances were taken from the state code several

years ago. Our ordinances were not up dated as the state code was revised.

Sergeant Webb stated that the Police Department felt that they would rather have a week vacation instead of paid holidays. He added that St. Albans gets two weeks extra vacation, plus the regular vacation. Councilman Lilly stated that he would look into it since he was the Chairman of the Police Committee.

Councilman Casebolt made a motion for adjournment. Councilman White seconded the motion - All Council voted in favor.


MAYOR


RECORDER

NITRO CITY COUNCIL MEETING

December 5, 1972

The regular session of the Nitro City Council was held in the Council Chambers December 5, 1972. Those present were: William D. Gibson, Mayor; Tom Melton, Recorder; Councilman at Large Hugo Tidquist, Councilman at Large Keith Priddy, and Councilman at Large Dr. R. V. Allen. Councilmen Paul Hill, Thomas Lilly, Vernon Casebolt, James White, and City Attorney James Kessinger.

The meeting was called to order by the Honorable Mayor William Gibson. Reverend Harold Goodpaster gave the invocation.

APPROVAL OF MINUTES - Councilman at Large Dr. Allen made a motion that the minutes be approved; Councilman Casebolt seconded the motion - All Council voted in favor.

APPROVAL OF FINANCIAL REPORT - Councilman Lilly presented a copy of the financial statement for November along with the daily cash report to Council. He stated that the new sheet attached indicated the monies received and paid daily. He further added that this a new approach toward keeping everyone better informed on our finances; during any given day you may call and see how we stand financially. Councilman at Large Dr. Allen asked how come the general expenses were not broken down to show the expenses. Councilman Lilly added that he is in the process of setting up a procedure by which two or three hours prior to the Council Meetings, all bills will be presented to those on the Finance Committee for approval. He further added that there will be a complete report made to Council for everything spent. Councilman at Large Keith Priddy asked how we would know what expenditures were made. Councilman Lilly stated that if you look at the disbursements, you can find this. He further added that the report would be made at the second Council Meeting of the month because of the time element involved. Councilman at Large Keith Priddy stated that he could not vote to approve the financial report if it did not show where the expenditures were made. Councilman Lilly stated that he comes in two hours before each Council Meeting to go over each check and to make sure that everything is in order. Councilman Casebolt made a motion to approve the Financial Report; Councilman at Large Hugo Tidquist seconded the motion; All Council voted in favor - with the exception of Councilman at Large Keith Priddy, who voted against the approval.

Tom Melton, City Recorder, read the first reading repealing Ordinance Number 61, which reads as follows:


AN ORDINANCE TO REPEAL BOARD OF

PARK COMMISSIONERS

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

An Ordinance to create a Board of Park
Commissioners, for the City of Nitro, West
Virginia, Pursuant to the Authority of
Article 14, Chapter 91, Acts of the Legislature

of West Virginia, as amended and defining the purpose and duties of such Board, recorded as Ordinance enacted on the 16th day of April, 1946, be and the same is hereby repealed.


William D. Gibson, Mayor


Tom Melton, Recorder

Councilman Casebolt stated that the second reading would be at the next Council Meeting. Councilman at Large Dr. Allen made a motion to accept the first reading of the ordinance; Councilman Lilly seconded the motion - All Council voted in favor.

Councilman Casebolt reported on TeenLand vs Fire Station. He stated that some teenagers will stand in the middle of the road and dare you to hit them. He added that this is also true during emergencies; Fire Chief Rawlings agreed with Mr. Casebolt. Councilman Casebolt further added that he would like to have signs put up to give the Police something to act upon. Chief Johnston stated that they tried putting up copies of the Ordinance at TeenLand but they were torn down. Councilman Casebolt stated that the ordinance should either be enforced or we should post signs. There was some discussion among Council as to where to put the signs and the legality of parking near the fire station. It was decided that Council would look into this and perhaps request it on the agenda for the first Council Meeting in January.

Councilman Lilly reported on the street problem at the corner of Boundary Street and Layne Avenue. He stated that the City Engineer is to check the problem out this week. The engineer will determine whether the city can solve it or if it's the contractor's fault. He further added that he should be able to report at the next Council Meeting. Councilman at Large Dr. Allen stated that there had been another complaint; but from another person. Councilman Lilly stated that we have until next spring to file suit against the contractor if it is documented that it is the contractor's fault or responsibility.

Mr. Casebolt reported on the purchase of a new fire truck. He stated that he would like permission to advertise bids for a new fire truck. He added that the firemen have specifications. Councilman Casebolt then read the specifications which reads as follows:

- 1). C-900 Ford or equivalent
- 2). Tilt cab, power steering, and straight air brakes
- 3). 1000 GPM Midship pump or equivalent
- 4). 1000 Gallon capacity tank

- 5). Nothing fancy--want side compartments
- 6). 1500 ft. of 2½" hose
- 7). 600 ft. of 1½" hose
- 8). 2 high pressure reels (shut-off)
- 9). 1 Mounted 500 GPM deluge gun
- 10). All equipment required by the Rating Bureau
- 11). Fiberglass ladders
- 12). 2 New Scot - Air Pacs
- 13). Foam applicator - in line by pass eductor
- 14). Electronic Siren

Captain Rawlings, Fire Chief of the Nitro Fire Department, stated that they have had dealings with Mr. Finley and they are well satisfied with his work and prompt service. Councilman Casebolt stated that Mr. Finley would get a chance to bid on the fire truck. It was discussed among Council as to whether the truck should be gasoline powered or diesel. Councilman Lilly stated that the cost of the truck should not exceed \$40,000. Councilman Casebolt stated that he would have a complete cost sheet by the next Council Meeting.

Councilman at Large Dr. Allen asked when the road is going to be repaired where it is being raised at the Watershed Project. Mayor Gibson stated that Mr. Abbott of the State Department of Highways met along with other people connected with the Watershed Project. The meeting was held four or five days ago. He further added that the Department of Highways will not accept the road in its present condition and that Mr. Hoffman has been notified by both Mr. Abbott and myself (Mayor). Councilman at Large Allen stated that the people living up the hollow are suffering the most. Mayor Gibson stated that there are a lot of loose ends which need to be tied together. He further stated that unless Council forces him, he may be a little reluctant to sign anymore checks. Councilman Lilly stated that we have already spent \$23,945.90 of the City's money out of this budget, and that he would be reluctant to send out anymore checks until this matter is taken care of. Councilman at Large Allen further added that people were dumping trash above the area where the road is being raised, at the Watershed. It was discussed as to where the City limit boundary line was. Mayor Gibson stated that he had requested a map from the Regional Development Authority, to help determine where the boundary line is.

Councilman at Large Keith Priddy asked Council how far you have to take a Sanitary Sewer from the main line. Mayor Gibson stated that the City Ordinance may be in conflict with the Public Commission. Mayor Gibson added that we would go by the City Ordinance. Councilman at Large Priddy asked whose responsibility it was to locate the line. Mr. Kessinger stated that it was the responsibility of the City. Mayor Gibson stated that the Sanitary men have a map that shows where the main line is, but there is another line located where the old bowling alley once was located. He further added that Donald Hoover, a master plumber for St. Albans and Nitro, had been called in. Mr. Hoover stated that there was a line and that it is on the property in question. After a long discussion as to whose responsibility it was to locate the line and how ordinance might

differ from the Public Service Commission, Mr. Kessinger stated that if the man would call him, he would determine which party should run the line.

Councilman Casebolt stated that the garbage is still getting higher and higher at a certain man's house. Councilman White asked if the letter of warning had been sent out since the last Council Meeting. Mayor Gibson stated that no address was given to him. Mayor Gibson further added that two people had been brought to court for ordinance violations, and they both paid fines.

Councilman at Large Hugo Tidquist requested that the bump on Broadway Avenue be repaired, as cars go over the bump at night and some people can't sleep. Mayor Gibson stated that Gene Williams, Street Superintendent, would take care of it.

Councilman Lilly complimented Tom Melton, City Recorder, for doing a fine job in changing from one financial record keeping system to another. He further added that he would like to thank whoever was responsible for the tremendous improvement in the appearance of the Nitro Taxi Stand Business, I must say that we are truly making progress.

Councilman Hill requested that the Traffic Committee study the situation at Bank Street and 20th Street in front of Marrs Jewelry. He recommended that there be a No Left Turn sign posted there. Mayor Gibson stated that he would assign this to the Traffic Committee and request a report at the next Council Meeting. Councilman Hill further added that it is hard to get out of the side streets on the Nitro side of the Nitro - St. Albans Bridge. Councilman Lilly stated that he lived nearby and he had talked to some State Government personnel and there is a possibility that something may be done in the future. He further added that the Traffic Committee could check into this. Brought into discussion by Councilman Paul Hill, Council further discussed the problem of people holding up traffic to cross over the double line to pull in at Cohen's and other stores along 1st Avenue. Mayor Gibson stated that each Councilman should look into the situation and try to come up with a solution. He added that this could either be brought up at the next Council Meeting, or perhaps put on the agenda.

Councilman White stated that there is a new road in Brookhaven called Barrington Road, which needs a street sign, a stop sign or a yield sign, and a street light. Mayor Gibson stated that there was a need for concern and suggested that the Street Sign Committee make a study with a recommendation. Councilman White made a motion to put a street light at the corner of Barrington Road and Brentwood Circle. Councilman at Large Priddy seconded the motion - All Council voted in favor.

Mayor Gibson informed Council that he attended a meeting in Mayor Hutchinson's office along with the Mayors from other nearby communities. The meeting was about erecting a million dollar plant to go in at the Union Carbide Institute Plant at Union Carbide's expense. The nearby towns will be asked to have their garbage hauled there where it will be turned into gases. The residue from the garbage will then be used to make cinder blocks, building or repairing of roads, etc. Union Carbide has also promised the municipalities the residue at no expense to them while the experiment is being made. Mayor Gibson also presented a rough draft of a contract which Union Carbide may at a later time want to negotiate with the various municipalities. Mayor Gibson requested the blessings of the Council on this matter; all Councilmen seemed to be receptive to the request of Union Carbide in their endeavor.

Chief Rawlings of the Nitro Fire Department, stated that as of December 29 he will have completed 20 years of service and that he would like to retire January 31, 1972. He further added that there would be enough time to give the three civil service tests, if and when we desired. One would be for an incoming fireman, one for a fireman to become a lieutenant, and one for a lieutenant to become the Chief of the Fire Department. Mayor Gibson stated that Chief Rawlings has done a wonderful job as fire chief and that he was sorry to see him leave the Fire Department.

Council also stated that the Christmas Decorations, which Mrs. Frazier had made, were very pretty and they added to the appearance of City Hall.

Council decided not to miss a Council Meeting for the holidays. The next regular Council Meeting will be Tuesday, December 19, 1972 at 8:00 p.m.

Before the adjournment of the Council Meeting, Councilman at Large Hugo Tidquist extended his thanks from the Marshall and Tidquist families, for the sympathies extended and the flowers which were sent during the recent death of his sister.

Wm D. Gibson
MAYOR

Tom Melton
RECORDER

NITRO CITY COUNCIL MEETING

December 19, 1972

The regular meeting of the Nitro City Council was held in the Council Chambers December 19, 1972. Those present were: William D. Gibson, Mayor; Tom Melton; Recorder; Councilman at Large Dr. R. V. Allen, Councilman at Large Hugo Tidquist, and Councilman at Large Keith Priddy. Councilmen Paul Hill, Thomas Lilly, James White, Vernon Casebolt, and City Attorney James Kessinger.

The meeting was called to order by the Honorable Mayor William D. Gibson. Father Beyer gave the invocation.

APPROVAL OF MINUTES - Councilman James White moved that the minutes of the last meeting be approved - Councilman Casebolt seconded the motion; All Council voted in favor.

FINANCIAL REPORT - Councilman Lilly informed Council of the November disbursements. He further added that we were in good shape financially. Council had a short discussion before the Council Meeting in which Councilman Lilly went over the Financial Report and explained it to Council.

Tom Melton, City Recorder, read the second reading repealing Ordinance #61. Councilman Lilly made a motion to accept the second reading of the Ordinance. Councilman Casebolt seconded the motion - All Council voted in favor.

Councilman Lilly reported on the street problem at the corner of Kanawha Avenue and Dogwood Street. He stated that the engineer said that the State of West Virginia would assume the responsibility of repairing the situation. Mayor Gibson stated that the State would want the City to sign an agreement whereas, in the future we would be responsible for any and all maintenance work that may be done in connection with the storm drain pipe. He further added that the West Virginia Department of Highways promised Mr. Robert Hayne, Engineer, that they will get to work as soon as possible. There was some discussion among Council as to whether to fill the hole up with gravel or not. Mayor Gibson stated that he would contact the Department of Highways before we put gravel in the hole. He added that this is a hazard and he doesn't like to see it left opened.

Councilman Lilly reported on the street problem at the corner of Boundary Street and Layne Avenue. He stated that the City Engineer looked at the hole and concluded that the earth under one of the slabs was not compacted enough, but it is settled now and it just needs some asphalt poured to even it out. Councilman Casebolt stated that if we blacktop the road it would last only temporarily if the trucks were still allowed to go over it. He further added that he would like to recommend that a weight limit sign be posted. Mayor Gibson stated that in the engineer's opinion we could not fall back on the contractor if there was no weight limit sign there originally. Mayor Gibson further added that heavy trucks would normally drive on a cement street, unless there was a weight limit sign which prohibited doing so. Councilman Casebolt stated that he would like for Mr. Kessinger to draw up an ordinance and bring it to the January 2 Council Meeting. He added that the sign should be put at Boundary Street and Layne Avenue. Mr. Kessinger stated that Council would have to decide what the weight limit should be. Councilman Lilly asked if anyone from the City had talked to the contractor. Councilman Casebolt stated that to his knowledge no one but the

neighbors in that area. He further added that he thought this would be a good approach. Councilman Lilly added that the filling and leveling off of the road should not cause anymore problems. Councilman at Large Dr. Allen asked whether the engineer had talked to the lady on the corner who stuck her broom handle down the hole. Mayor Gibson informed Council that he and Mr. Hayne had been invited inside the Bartoe residence and talked with Mrs. Bartoe, but she did not mention this. Councilman Lilly stated that the drains were not impaired and that there was no sign that a problem of this type existed. Mayor Gibson stated that we should try and do a good job there in the direction of making repairs and if the problem comes up again, we shall attack it again. It was decided that Councilman at Large Hugo Tidquist should contact Mr. Hall, the contractor, and that the Mayor would accompany Mr. Tidquist on the visit. Councilman at Large Dr. R. V. Allen stated that we should check this hole out before we go any further. Mayor Gibson requested that Mr. Williams remove the previous asphalt repair and check to see if a void exist underneath.

Mr. Sam Lee, Principal at Nitro Junior High School, informed Council about the Financial condition of the Community School Program and outlined the purposes of the School. He stated that they have earned money through house to house solicitations, donations from the Jaycee's, Woman's Club, and the Nitro City Council. They also had a Carnival and a Spaghetti Dinner. He added that in all they have collected \$3,250 since July. He added that in registration they collected \$700. He further stated that the payroll is \$1,250, which puts the School \$500 in the hole. There is \$1,700 in the account this evening, but we owe instructors \$1,250. We have \$450 after we pay what we owe. He added that the next session is scheduled to start January 9. Mr. Lee stated that there are four different activities going on at the Junior High on Tuesday and Thursday evenings, they are as follows:

- 1). COMMUNITY SCHOOLS - Supported by donations, solicitations, etc.
- 2). ADULT EDUCATION - Kanawha County pays for the program and puts it on. All they use is the building.
- 3). GED - GENERAL EDUCATION DEGREE; Twenty-five men and women come in to complete their high school education and receive their diplomas.
- 4). TUTORIAL PROGRAM - People such as chemists, college students, and professors come in to teach children in grade school, junior, and senior highs.

Mr. Lee also informed Council how the funds were drained out; such as, free nursery, the Den or recreation room, the supply of basketballs, springs for the trampoline, and the money to pay the instructors. Some people from the Nitro - St. Albans area came to tell how the Community School has helped them. Father Beyer stated that each member takes turn in doing things for the Community School. He suggested that Council come to the Advisory Board Meetings. Mayor Gibson thanked all of the people who came out in behalf of the Community School Program. He stated that he hoped to be able to help more in the future. Councilman White stated that he appreciated what the Community School had done and that he would like to see it continued. He further added that he would like for Council to give as much financial support as possible to Community School. Councilman White made a motion that Council make a donation of \$500. Councilman at Large Priddy asked how we stand financially. Councilman Lilly stated that they would try and work the Community School in somehow on next years budget. Councilman White withdrew his motion. Councilman Lilly suggested that a Committee be organized to study this and perhaps put on the agenda for the next Council Meeting. Father Beyer and Mr. Lee both agreed that this would

give them something more to work with. Father Beyer also said, "If the Community School should for some reason fail, the Ministerial Association would be after the City for a Community type building." Mayor Gibson appointed Councilman White Chairman of the Committee and stated that he could pick anyone he wanted as members to serve. He added that Councilman White may wish to talk with Mr. Lee and gather more facts.

Councilman Casebolt reported on the purchase of a new fire truck. He stated that at the last Council Meeting he had asked permission to submit bids for a new fire truck. He added that the specifications had been typed up and that he had given one to Chief Rawlings, of the Nitro Fire Department. Chief Rawlings stated that he had gotten in touch with the Finley Fire Equipment Company. He then introduced Mr. Bryan Boggs, a representative for the Company. Councilman Hill asked Mr. Boggs about how well the diesel truck started after being cold; and if it would benefit the City to purchase the diesel type truck. Mr. Boggs replied that the diesel was no harder to start than the gasoline operated truck. He added that the filtering system is similar to the oil filter in a car. Councilman White asked Mr. Boggs what the starting time was for a diesel truck. Mr. Boggs stated that it was usually quicker. If the truck is left out in the cold it takes a little longer. Councilman Casebolt stated that another representative told him that the maintenance work on a diesel truck would be a savings to the City. He added that in the future the tubes might clog up - in about 36 months. Mr. Boggs stated that you have to take out the tubes and clean them just like you do spark plugs. Councilman Lilly asked if all the emergency equipment was operated everyday. Chief Rawlings stated that everything is started every morning, and the portable equipment is started every Saturday. Councilman Hill asked if we had any qualified mechanics to service the diesel truck. Mr. Williams stated that the present mechanic could service the truck. Mr. Boggs stated that there was very little difference in the operation of the diesel truck and that there was very little training involved in order to be able to operate a diesel. Councilman Casebolt stated that he would like permission from Council to advertise for bids. Councilman Lilly asked if the specifications in the minutes were the same as the ones he wanted now. Councilman Casebolt stated that they were the same except that they would like a factory installed radio communication system. Mr. Boggs stated that we wouldn't get what we wanted because normally specification sheets were 20 typewritten pages. He added that any company would sit down and help you with the specifications. Councilman White asked how long it would take to get the fire truck. Chief Rawlings stated that it would take about 200 days. There was some discussion among Council as to the large amount of work which had to be completed before making a final decision. Councilman at Large Allen stated that the Fire Committee should get together on this and we should get a fire equipment company to help us. He added that the West Virginia Rating Bureau would probably help us. He added that the Fire Marshall would help us too. Councilman Casebolt stated that he would like this to be put on the agenda for the next Council Meeting.

Councilman at Large Allen reported on the Traffic Problem at Bank Street and 20th Street. He stated that he and Councilman at Large Tidquist watched the traffic there and stated that if there were to be a No Left Turn sign there it would bring all of the traffic coming from Bank Street at Marrs Jewelry onto 1st Avenue, which would be what we want to avoid. He suggested that we leave the situation as it stands. Councilman at Large Tidquist stated that you would be putting the problem from one area to another.

Councilman at Large Allen reported on the traffic congestion resulting from the crossing of the double line on 1st Avenue. He stated that there were many violations of the law on 1st Avenue; such as, backing out of the business, and

crossing the double line to park in front of the businesses. He added however, that in 1½ hours he found about 100 cars backing out onto the highway. Councilman Casebolt stated that anywhere there is angle parking you have to back out onto the highway to get out. Chief Rawlings stated that to his knowledge there has never been a fatality there. He added that the people who live around Nitro know to watch out for cars backing out, but it's the strangers that you have to watch for. He further added that if a "Caution" sign of some type were installed, it may help. Mayor Gibson suggested that this be left in the committee for another two weeks. Mr. Kessinger stated that it is just more convenient to turn left across the double line, but it is not impossible to go around the block.

Councilman White reported on the street sign at the intersection of (A) Brentwood Circle (B) Street sign at Barrington Road. He stated that he has talked to members of the Street Sign Committee; and they agree that this should be tabled until the next Council Meeting, so that a cost estimate can be made and we can see how many signs are needed.

Mayor Gibson read a letter from the Nitro Police Civil Service Commission dated December 16, 1972; which is attached and is to be a part of the minutes. Mayor Gibson stated that he recommended that Patrolman Walters be promoted to Sergeant. Councilman Casebolt made a motion to accept Mayor Gibson's request. Councilman Hill seconded the motion - All Council voted in favor.

Mayor Gibson read a letter regarding sewers, dated December 12, 1972, which he received from Mr. Robert Hayne who is with the Appalachian Engineers, Inc. The letter is attached and is to be a part of the minutes.

Mayor Gibson read a letter regarding sewers dated December 11, 1972, to Mr. Bruce Crawford of the Department of Housing and Urban Development from Mr. Fred B. Grant. The letter is attached and is to be part of the minutes. Mayor Gibson added that he has resubmitted an application for money from HUD. He further added that EPA has made a fairly definite promise that they will come through with a federal grant in the future. He added that Governor Moore has listed Nitro as being in the top sixteen out of thirty-two municipalities being considered for the State share of matching money.

Mayor Gibson stated that 95% of the work recently done inside City Hall had been done by the City Employees. He added that approximately \$200 had been spent toward their wages. He further stated that a few gallons of paint had been donated but the rest was purchased by the City. The Kanawha County Court sent down nine men who worked two weeks cutting brush and did the painting at no cost to the City. Mayor Gibson encouraged all present to tour City Hall.

Mayor Gibson stated that he attended a meeting at 10:00 Saturday morning with Mayor Ramsey of St. Albans and Mayor Poe of South Charleston. They discussed the various dog problems in their cities. He added that the next meeting is scheduled for January 11, 1973, at Mayor Thumm's office. The meeting will also include the Chairmen of the various committees from each city. He further stated that at the meeting they will try to come up with a workable program on dog problems. The various Mayors desire an ordinance which will be uniform in all four municipalities.

Councilman Hill stated that he would like the purchase of a new garbage truck to be put on the January 2 agenda. He added that he had received the specifications and what we would want on the truck. He further added that he had information from J. D. Moore of Cross Lanes; and that Stewart Equipment gave specifications to him and they will send the specifications to J. D. Moore or any place that we want.

348-5195

December 11, 1972

Re: Standard Form 101, Nitro, W. Va.
Project C-64-179

Mr. Bruce Crawford, Program Manager
Department of Housing and Urban Development
Federal Office Building
1000 Liberty Avenue
Pittsburgh, Pennsylvania 15222

Dear Mr. Crawford:

Enclosed is a copy of Standard Form 101 from the City of Nitro, West Virginia, requesting assistance in the construction of sewerage facilities.

Please be advised that under the referenced project this office is currently reviewing an application for a grant based on an estimated eligible project cost of \$306,000. Facilities eligible for participation under our program include intercepting sewers, two pump stations with force mains, and upgrading an existing sewage treatment plant to provide secondary treatment.

By copy of this letter, the City of Nitro is being advised that the Standard Form 101 is being forwarded to your agency for consideration of other grant and loan assistance requested.

Sincerely yours,

Fred B. Grant, P. E.
Chief, Construction Grants Operation Staff

Enclosure

cc: Mr. Edgar Henry
City of Nitro

NITRO POLICE CIVIL SERVICE COMMISSION

DECEMBER 16 1972

THE NITRO POLICE CIVIL SERVICE COMMISSION , UPON A RECEIPT OF A LETTER FROM THE CITY OF NITRO, REQUESTING AN EXAMINATION FOR SERGENT , DID ON THE 16 th DAY OF DECEMBER, GIVE THE EXAM TO PATROLMAN DAVID A. WALTERS.

PATROLMAN WALTERS, HAS COMPLETED POLICE TRAINING SCHOOL AT THE STATE POLICE ACADEMY AND HAS THE REQUIRED TWO YEARS OF SERVICE AS A PATROLMAN.

PATROLMAN WALTERS WAS GIVEN A COMBINATION TEST, CONSISTING OF WRITTEN ANSWERS AND MULTIPLE CHOICE QUESTIONS. HE SCORED VERY HIGH ON THE QUESTIONS AND SHOWED CONSIDERABLE KNOWLEDGE OF HIS JOB.

THE POLICE CIVIL SERVICE COMMISSION RECOMMENDS THAT HE BE PROMOTED TO SERGENT AND COMPLIMENTED FOR COMPLETING THE POLICE SCHOOL.

Paul B. Hill
PAUL B. HILL

JAMES JEFFRIES
James Jeffries

APPALACHIAN ENGINEERS, INC.

301 OTT BUILDING - 215 DUNBAR STREET
CHARLESTON, WEST VIRGINIA
25301

304 343-9211

December 12, 1972

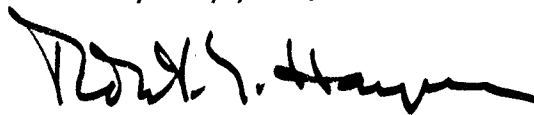
Mayor William D. Gibson
Nitro City Hall
Nitro, West Virginia

Dear Mayor Gibson:

This is to acknowledge receipt of a copy of a letter to you from Jack Whiting regarding submitting preliminary applications to HUD for Sewer Facility Grants. You will recall that we did submit an SF-101 to HUD last August, and this application was turned down by HUD at that time with a suggestion that it be resubmitted at a later date.

We will prepare a resubmission of the SF-101 to meet the May 1, 1973 deadline as set out in Mr. Whiting's letter. We have all of the necessary information in our file for the preparation of the preliminary application.

Very truly yours,



Robert Y. Hayne

RYH:lh

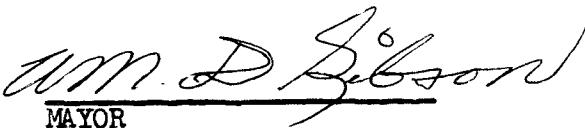
cc: Mr. Jack Whiting
Mr. R. R. Anderson

Mr. Kessinger stated that the normal procedure would be for the City to advertise that they are accepting bids, the Recorder will have the specifications here at City Hall where they can be picked up. There was some discussion among Council about going to other communities to find out the faults if any on their garbage trucks. Mayor Gibson added that it is best to try these trucks out and was of the opinion that most companies would allow you to do this.

Councilman Lilly informed Council that special levy forms have been sent to us. These have to be filled out by January 30, 1973. He added that the amount which needs to be budgeted is \$130,624. Councilman Lilly added that he would like to recommend that Council hold a public meeting at the Nitro Junior High School Auditorium. He further stated that he would like for Council to work with the Kanawha Valley Leader in informing the public of what we will be doing with the Revenue Sharing monies. Councilman Lilly added that we have a set of rules for the first check, a set for the second, and the later rules apply for the next four years. Council discussed whether the people would be better informed at a meeting or by the newspaper. Mayor Gibson favored a public meeting and stated that the meeting should be held early in January. He added that Councilman Lilly would be the Chairman to spearhead the details of the meeting. All Councilmen agreed that this was the proper approach.

Councilman Casebolt handed copies of the ammendment to Ordinance #163 to Council. He stated that we are not collecting the fees from all of the residents in Nitro. Councilman Casebolt informed Council about the paragraphs which he wanted changed. Mr. Kessinger stated that the Ordinance was alright, but that it needed to be enforced.

Council discussed the Ordinance from St. Albans regarding the 1969 edition of the Southern Standard Building Code which they adopted November 1, 1971. Councilman Lilly suggested that a committee be formed and Councilman Casebolt be made Chairman. He added that he should report to Council at the next Council Meeting and make a recommendation. Councilman at Large Allen moved that the meeting be adjourned. Councilman White seconded - All Council voted in favor.


MAYOR


RECORDER

NITRO CITY COUNCIL
MEETING

January 2, 1973

The regular meeting of the Nitro City Council was held in Council Chambers January 2, 1973. Those present were: William D. Gibson, Mayor; Tom Melton, Recorder. Councilman at Large Hugo Tidquist, Councilman at Large Keith Priddy, and Councilman at Large Dr. R. V. Allen. Councilmen Paul Hill, James White, Vernon Casebolt, Thomas Lilly, and City Attorney James Kessinger.

The Honorable Mayor Gibson called the meeting order. Reverend James Arbogast gave the invocation.

APPROVAL OF MINUTES - Councilman at Large Dr. Allen made a motion that the minutes of the last meeting be approved. Councilman Casebolt seconded the motion - All Council voted in favor.

FINANCIAL REPORT - Councilman Lilly read from the daily cash sheet. He informed Council of the Bank Balance. He added that we are in reasonably good shape financially in starting off the new year.

Councilman Casebolt reported on the proposed purchase of a new fire truck. Councilman Casebolt stated that he had called the Rating Bureau and asked them to help us in setting up our specifications. He added that a letter had been sent to the National Fire Protectors Association requesting a pamphlet on fire equipment. He further added that this is what we will draw our specifications from.

Councilman at Large Dr. Allen reported on the Traffic congestion resulting from crossing the double line. He stated that his recommendation would be to have this tabled, because all it requires is the enforcement of the state law. Mayor Gibson asked if the installation of three signs erected in certain areas encouraging people not to back out on the double line would help. Councilman at Large Allen stated that the only violation he saw was the crossing of the double line to go into the parking lot beside Brook's Flower Shop. He added that we should take out the double line there. It was discussed among Council as to whether an Ordinance was needed stating that people should park on the right side of the street only. Council decided that there was no great problem now, since the Christmas traffic was over. Councilman Casebolt made a motion to accept Councilman at Large Dr. Allen's recommendation for a table. Councilman White seconded the motion - All Council voted in favor.

Councilman Paul Hill reported on the purchase of two new garbage trucks. He had in a rough draft form, a list showing detailed information compiled as to the various proposed specifications. Councilman Hill made a motion that advertising for sealed bids be made on two new garbage trucks. He added that the specifications would be at City Hall. Councilman Casebolt second a motion to accept Councilman Hill's recommendations. Councilman at Large Allen asked to see the specifications. He added that we want to make sure the truck will suit the City's needs. He asked Councilman Hill how big of a packer we would need. Councilman Hill recommended 23 yards. Mayor Gibson stated that he talked to Mr. Williams, the Street Superintendent, and he was of the opinion that a 27 yard packer would be hard for the drivers to maneuver in and out of alleys. Councilman at Large Allen said he was on the Committee and it had not been discussed with him. Councilman Hill said it had been discussed in the informal Round

Table Discussion Saturday. Mayor Gibson reminded Council that the motion had been seconded. All Council voted in favor except Councilman at Large Tidquist and Councilman at Large Dr. Allen who voted no.

Councilman Lilly talked to Council about Revenue Sharing. He stated that there would be a public meeting at the Nitro Junior High School Auditorium on Friday, January 12 at 7:00 p.m. The purpose of the meeting is to inform the public on Revenue Sharing and give the public a chance to ask questions. He added that a detailed report has to be at the Tax Department by January 31, 1973. Mayor Gibson requested that all Councilmen participate if possible.

Councilman Casebolt reported on the new Building Code Ordinance. He stated that this had been talked about during the Informal Round Table Discussion and he would like this and the plumbing code put in a Committee and report back to Council the first Council Meeting in February.

Councilman Lilly stated that he had the specification sheet for a new Police Cruiser to replace one we currently have. In the budget we have funds allotted for one Police Cruiser for this fiscal year. He added that the specifications were taken from the last specification sheet when the City purchased a Police Cruiser. Mayor Gibson requested that a photo copy of the specifications be made and passed out to each Councilman; Mayor Gibson's request was fulfilled. Councilman Lilly made a recommendation that the City replace the Police Cruiser. Councilman at Large Allen asked if any consideration was taken to purchase from the State as they buy their cars. He informed Council that purchasing through the State was how the City got the Dodge. He added that it was a saving to the City in purchasing the cruiser this way. Councilman Lilly said this avenue had not been explored. Mayor Gibson suggested that this be put into a Committee for further study until the next Council Meeting.

Councilman at Large Tidquist suggested that the No Right Turn sign on Plant Road either be covered or taken down. He added that it may help relieve the traffic congestion on Plant Road and particularly when there is a train on the track. He added that a person who lives on Park Avenue or who lives in that area have to go through the traffic on Plant Road onto First Avenue and go down West 11th Street to get home. It was discussed among Council as to the time the schools let out and the amount of traffic which would be driving through Park Avenue. Councilman at Large Priddy stated that the No Right Turn sign should either be enforced all the time or taken down. Mayor Gibson stated that both Councilman at Large Priddy and Councilman at Large Tidquist live in that area and should be in a good position to know how the people feel about this. Councilman Casebolt made a motion to accept Councilman at Large Tidquist's recommendation. Councilman at Large Priddy seconded the motion - All Council voted in favor except Councilman Hill who was opposed.

Councilman at Large Tidquist stated that there is a dip on the 800 or 900 block of Washington which may cause a motorist to lose control of his car if he goes over it very fast. Councilman Lilly stated that it has not been determined whether the problem is ours to fix or the states. Mayor Gibson suggested that this be put in the Street Committee. Mayor Gibson informed Council that they had tried recently to buy some hot asphalt, but they were unable to get it. The Mayor advised that he did not intend to neglect the needed street repairs. Councilman Thomas Lilly stated that we have a very limited amount of equipment for use in the area of repairing streets. A pick and a few shovels is just about all that we have. Councilman Lilly said we needed to consider supplying the Department with equipment such as a suitable air compressor, jackhammer, a roller, a salt spreader, and other essential items. Councilman Lilly estimated that \$7,000 to \$9,000 should be set aside in the next budget for this much needed equipment. Councilman Lilly also asked that each Councilman check every street in his ward as to repairs or maintenance needed and a log book on streets needing repairs be kept at the City Hall.

Councilman at Large Tidquist stated that on Kanawha Avenue the people have to park on either side of the street, which makes it hard to get through. He suggested that Ivy Street be paved or graveled in order to have an access road in case of an emergency. Councilman Lilly suggested that the road be made two feet wider. Mayor Gibson suggested that this be put in the same committee.

Councilman Casebolt stated that where Ivy Street crosses Washington Avenue there are large holes in the road which need to be filled.

Councilman Casebolt stated that cars are parking on the 1000 block of Main Avenue again. He added that the Zoning Ordinance states that there has to be one parking space for every four seats. The people who go into the place are blocking driveways in that area. Councilman Casebolt stated that the owners are being warned and asked to move their cars instead of receiving a ticket. The cars are moved but they are back the next night. Mayor Gibson stated that he had no knowledge of this and would discuss the matter with the Police Department.

Councilman Casebolt stated that a Street light is needed on the corner of Dupont Avenue and Fir Street. He added that some boys in that area are trying to break into houses. Councilman at Large Allen said that two houses were recently robbed on his street. Mayor Gibson requested that Councilman at Large Priddy, Chairman of the Street Light Committee investigate the problem and further requested that Mr. Priddy contact Appalachian Power Company regarding a City wide survey in an effort to up-grade all of the lights throughout.

Councilman at Large Priddy stated that he has been contacted by persons concerning a building being erected on a lot behind Ben Franklin Store. Mayor William Gibson stated that he is going by the City Ordinance and he has given a copy of the Ordinance to the property owner. Mayor Gibson stated that there is a line on the man's property. Councilman at Large Priddy stated that he didn't know if the line was adequate and the age of the line is involved too. Mayor Gibson stated that he has talked with two master plumbers, the backhoe operator who dug the foundation, and one other person who stated that they saw a line there on the property. Mayor Gibson further said that the property owner was only surmising this and needed to explore it further. Mr. Kessinger, City Attorney, stated that this is a problem of the Sanitary Board, not the City Council.

Mayor Gibson appointed Mr. James White to the Zoning and Planning Commission, replacing former Councilman E. L. Goodwin.

Councilman at Large Allen made a motion for adjournment. Councilman Casebolt seconded the motion - All Council voted in favor.

William D. Gibson
Mayor

Tom Melton
Recorder

Nitro City Council Meeting
January 16, 1973

The regular session of the Nitro City Council was held January 16, 1973. Those present were: William D. Gibson, Mayor; Tom Melton, City Recorder; Councilman at Large Dr. Allen, Councilman at Large Hugo Tidquist, and Councilman at Large Keith Priddy. Councilmen Paul Hill, James White, Thomas Lilly, Vernon Casebolt, and City Attorney James Kessinger. Reverend James Arbogast gave the invocation.

APPROVAL OF MINUTES - Councilman James White moved that the minutes of the last Council Meeting be approved. Councilman Casebolt seconded the motion - All Council voted in favor.

STATEMENT

APPROVAL OF FINANCIAL REPORT - Councilman Lilly stated that every Councilman had a copy of the December financial report. He further stated that the Finance Committee recommended that the December Financial Report be approved; and made a motion to accept the report. Councilman Casebolt seconded the motion - All Council voted in favor.

Councilman Casebolt reported on the purchase of a new fire truck. He stated that he had talked with some people at the St. Albans Fire Department and that the Fire Department Committee is well pleased with their Fire truck. He passed out two different specification sheets to Council and requested that Council look over them until the next Council Meeting, when a decision can be made on the two. He added that a cover letter will be added requesting bids for both a diesel and gasoline powered truck.

Councilman Hill reported on the purchase of two new garbage trucks. He stated that a detailed list of the specifications have gone out to various companies and that bids will be accepted until 5:00 p.m., Tuesday, February 6, 1973. It was discussed among Council if there was a certain length of time which you had to advertise. Mr. Kessinger, City Attorney, stated that there was no length of time required.

Councilman Lilly reported on the purchase of a new Police Cruiser. He stated that he would like this tabled until the next Council Meeting. Mr. Lilly added that he talked with the State Police and they felt that a purchase for new State Police Cruisers would be made soon.

Councilman at Large Priddy reported on the up-grading of the City street lights. He stated that a request has been made for the Applachian Power Co. to do a survey and as soon as it is completed, recommendations will be made to Council.

Councilman Lilly reported on the street problem in the 800 or 900 block of Washington Avenue. He stated that the problem is where Ivy Street meets Kanawha Avenue. He added that 15 years ago, the West Virginia Department of Highways put in a storm sewer and the problem is almost identical to the problem at the corner of Kanawha Avenue and Dogwood Street. He recommended that the City Engineer check out the problem and make sure the storm sewer belongs to the State. Mayor Gibson stated that the engineer was in earlier and will check into the problem and report back in the near future.

Councilman Lilly reported on the up-grading of Ivy Street. He stated that Ivy Street doesn't appear to be a street or an alley, but a large space between houses. This space was developed back when the other streets were paved and the houses were built. He recommended that this be put in a committee to decide whether to pave the street or build houses there.

Mayor Gibson passed out copies of the special levy sheets for the first reading. He stated that the levy will expire June 30, 1973. He added that the City cannot operate to the fullest and provide prompt efficient service that the people want and

need without continuing the levy. Councilman at Large Dr. Allen made a motion that the first reading be approved; Councilman Lilly seconded the motion - All Council voted in favor. Mayor Gibson informed Council that the voting machines are available for the election. Mayor Gibson further informed Council that this Special Levy is voted on by the Citizens every three (3) years and pointed out it is a continuation of our present rate. 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 VOTERS 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, 1973, 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 (3) years.

Parks and Recreation, \$6,500.00 for each fiscal year for a period of three (3) years.

Firmen's Wages, \$3,000.00 for each fiscal year for a period of three (3) years.

Additional Street Lighting, \$4,000.00 for each fiscal year for a period of three (3) years.

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

Library, \$2,500.00 for each fiscal year for a period of three (3) years.

Fire Hydrant Rental, \$1,000.00 for each fiscal year for a period of three (3) years.

Additional Recreation, \$3,884.00 for each fiscal year for a period of three (3) years.

3. That the total approximate amount for said purpose or purposes if \$36,384.00 for each fiscal year for a period of three years.
4. That the separate and aggregate assessed valuation of each class of taxable property within the municipality of Nitro is as follows:
 Class I, ~~\$1,789,800.00~~ ^{\$1,789,800.00}; Class II, \$10,320,379.00; Class IV, \$10,563,304.00; Aggregate, \$22,673,483.00.
5. That the proposed additional rate of levy in cents on each class of property is as follows: Class I, \$6.25; Class II, \$12.05; Class IV, \$.25.
6. That the proposed years to which the additional levy shall apply are the fiscal years beginning July 1, 1973, July 1, 1974, and July 1, 1975.
7. That the question of such additional levy shall be submitted to vote at a special election, to be held on the _____ day of _____ 1973.
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 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 of 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 the 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, 1973; July 1, 1974; and July 1, 1975; 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	\$3,000.00
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 \$3,884.00

The annual total approximate amount to be expended during the term of this levy is \$36,384.00

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

Mayor Gibson informed Council that the Regional Transportation Authority has invited someone from Nitro to come to their meeting at the Kanawha County Court House. Mayor Gibson stated that he would appreciate it if someone from Council would go to the meeting and represent us. He added that if people do not go to the meeting and voice their opinions, then the bus service could be taken away. Councilman at Large Keith Priddy stated that he would attend the meeting.

Mayor Gibson informed Council that Dr. George Hogshead, a member of the Library Commission, has resigned; and therefore, he would like to appoint Mr. Steve West of 21st Street to fill the vacancy. He added that Mr. West has shown much interest in the Library Commission. Councilman White made a motion to accept the Mayor's appointment; Councilman Casebolt seconded the motion - All Council voted in favor.

Mayor Gibson stated that he had a request from Tom Townsend to be replaced on the Planning and Zoning Commission. Mayor Gibson added that he would like to replace Mr. Townsend with Mr. Dewey Mann of 21st Street, Nitro, to fill an unexpired term. Councilman Casebolt made a motion to accept Mayor Gibson's request. Councilman at Large Tidquist seconded the motion - All Council voted in favor.

Mayor Gibson stated that there is a problem around the Watershed Area with people iceskating on the lake. He added that someone was driving a motorcycle out on the lake causing a very hazardous situation. Council discussed the possibility of letting some of the water out of the lake. They also discussed whose responsibility it was to do something about the problem. Mr. Kessinger stated that the City should either supervise or prohibit iceskating on the lake. Councilman Casebolt stated that the Recreation Committee would look into the problem.

Mayor Gibson stated that he received a letter regarding a grant by the Environmental Protection Agency for \$604,500 to help in the construction of a secondary sewer treatment plant. The document also requests that the governing body, or Council, pass the resolution giving the Mayor the authority to sign the offer and acceptance submitted to the city by the Environmental Protection Agency. Tom Melton, City Recorder, read the Resolution which reads as follows:

RESOLUTION

The Council of the City of Nitro in regular scheduled meeting on January 16, 1973, and upon recommendation of the Sanitary Board does hereby accept the offer of the Environmental Protection Agency to grant \$604,500 to assist with the construction of a secondary sewer treatment plant and other facilities and does hereby authorize and direct William D. Gibson, Mayor, to sign the offer and acceptance submitted to the City by the Environmental Protection Agency dated December 28, 1972.

Certified as to being a copy of the official minutes of the Nitro, W.Va. City Council this _____ day of January, 1973.

City Recorder

WITNESS:

Councilman at Large Allen made a motion to give the Mayor the authority to sign the papers. Councilman Casebolt seconded the motion - All Council voted in favor. Mayor Gibson informed Council that the grant is good even if we do not receive any other grants.

Mayor Gibson stated that we need a new typewriter and requested an IBM. He added that he would like this put in a committee. Councilman Lilly added that some chairs are needed too. Councilman Lilly stated that he and Councilman Hill would check this out and report at the next Council Meeting.

Mayor Gibson informed Council that the Woman's Club of Nitro has made a \$50 donation to the City. He added that they would like the money spent in the area of First Avenue to fill in the low lying areas where shoppers park. Councilman Lilly recommended that the donation be accepted and a thank-you letter be sent to the Woman's Club.

Mayor Gibson stated that Mr. Kessinger has finished about 50% of the work of revising the City Ordinances. Mayor Gibson appointed Councilman Lilly Chairman to help study the ordinances. Mr. Kessinger stated that he would like to meet with the committee next Tuesday in his Nitro Office.

Mayor Gibson stated that the Finance Committee met and came up with the priorities of the first two Revenue Sharing Checks. The list is attached and is to be part of the minutes. Councilman Lilly stated that the priorities for Revenue Sharing will actually release money to be spent in other departments. Councilman at Large Allen made a motion to accept the Levy estimate supplement on Revenue Sharing. Councilman Hill seconded the motion - All Council voted in favor.

Councilman White stated that Estill and Greenlee, which is doing work in the Brookhaven Subdivision, has made a proposal stating that Estill & Greenlee will pay \$14,000 for the storm sewers in that area. The money would be put into an escrow account. He further stated that he would like to make a motion to accept Estill & Greenlee's proposal. Councilman at Large Priddy seconded the motion - All Council voted in favor.

Based on approval of City Attorney. TM
Councilman Paul Hill thanked Mr. Gene Williams, Street Superintendent, for patching the streets. He further stated that he checked the streets in Ward II for street lights and every other street does not have a dusk to dawn street light. Mr. Hill added that he also checked Ward II for street numbering signs; and there are street number signs on First and Second Avenue, which is adequate for Ward II at this time.

Councilman Lilly thanked Tom Melton, City Recorder, for the good job he has done on the Financial Report.

Councilman Casebolt stated that the junk cars are starting to pile up. He stated that the Volkswagen Shop on Main Avenue has car bodies backed up in the alley. He added that Childer's Body Shop on Main Avenue and Dogwood Street has had a wrecked car parked in front of their business house for five weeks. The Taxi Stand is loaded up with old cars again. Councilman Hill stated that the junk cars at the Taxi Stand were moved once, and they can be moved again. Councilman Lilly stated that there is an ordinance covering junk cars, but it needs to be enforced. He added that we should make a request that the cars be moved.

Councilman at Large Priddy stated that there is a dog problem throughout our town. The Dunbar City Attorney is drawing up an Ordinance for all four towns to use, which will make it easier for the humane officer to patrol and enforce the Ordinance in all four towns. Mayor Gibson stated that the Ordinance will be presented to each Council.

Councilman at Large Allen made a motion that the meeting be adjourned. Councilman Casebolt seconded the motion - All Council voted in favor.

Wm. D. Gibson
Mayor

Tom Melton
Recorder