

NITRO CITY COUNCIL MEETING

The regular session of the Nitro City Council was held in Council Chambers February 6, 1973. Those present were: William D. Gibson, Mayor; Tom Melton, Recorder; Councilman at Large Keith Priddy, Councilman at Large Hugo Tidquist, and Councilman at Large Dr. R.V. Allen. Councilmen Vernon Casebolt, Thomas Lilly, Paul Hill, James White, and James Kessinger City Attorney.

The meeting was called to order by the Honorable Mayor William Gibson. Reverend James Horton gave the invocation.

APPROVAL OF MINUTES - Councilman James White stated that he would like a correction made in the minutes on page 4, paragraph 2. The following statement was added: "Based on the approval of Mr. James Kessinger, City Attorney." Councilman at Large Allen made a motion that the minutes of the last Council Meeting with the correction be approved. Councilman Casebolt seconded the motion - All Council voted in favor.

FINANCIAL REPORT - Councilman Lilly read from the daily cash report. He stated that we are in pretty good shape financially; and that the daily cash balance does not include the escrow account from the Watershed Project or the Revenue Sharing checks.

Mayor Gibson passed out copies of the Special Levy Resolution for the second reading, which was read as follows:

NOTICE OF SPECIAL ELECTION FOR ADDITIONAL MUNICIPAL LEVY

TO THE VOTERS OF NITRO, WEST VIRGINIA

TAKE NOTICE

That at a regular meeting of the Council of the City of Nitro, State of West Virginia, held on the 6th day of February, 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 purposes hereinafter set forth, and that an election should be held to increase such levies under the provisions of Section 16, Article 8, Chapter 11 of the Code of West Virginia, as amended, it is hereby ordered:

1. That the purpose 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 purposes 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.

Firemen'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.

Policeman's Wages, \$9,500.00 for each fiscal year for a 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 is \$36,384.00 for each fiscal year for a period of three (3) 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; Class II, \$10,320,378.00; 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 cents; Class II, 12.5 cents; Class IV 25 cents.
6. That the proposed years to which the additional levy shall apply are the fiscal years beginning July 1, 1973, July 1, 1974, and July 1, 1975.
7. That the question of such additional levy shall be submitted to a vote at a special election, to be held on the 24th day of February, 1973.
8. That notice calling such election shall be given by the publication of this order at least once each week for two successive weeks before said election, within fourteen consecutive days next preceding the election, in the Kanawha Valley Leader, a newspaper published therein and of general circulation in the City of Nitro. Printed copies of this order shall also be posted at each place of voting at least ten days before said election. All the provisions of the laws concerning General Election shall apply as far as practicable, except that a separate ballot shall be used at such election when held in connection with any other election.
9. For the purpose of this special levy election, absentee ballots may be applied for, obtained from and returned to the Recorder of the City of Nitro, at the City Building on 20th Street, in Nitro, West Virginia.
10. That the ballot to be used at such election shall be in form as follows:

OFFICIAL LEVY BALLOT
CITY OF NITRO
WEST VIRGINIA
SPECIAL ELECTION

Special election to authorize additional levies for the fiscal years beginning July 1, 1973, July 1, 1974, July 1, 1975, for the following purposes and in the approximate amounts set forth as follows:

Street Maintenance and repairs, the annual approximate amount of	\$6,000.00
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For Parks and Recreation, the annual approximate amount of	\$6,500.00
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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 of 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: Wm. D. Gibson, Mayor

Councilman at Large Dr. Allen made a motion that the second reading of the Municipal Levy be approved. Councilman at Large Priddy seconded the motion - All Council voted in favor. Mayor Gibson stated that the tentative date for the Special Levy Election is Saturday, February 24, 1973. There was some discussion among Council as to whether there would be enough time to advertise the election. Mayor Gibson stated that you had to advertise two weeks prior to the election and place a notice in each precinct 10 days prior to the election. Councilman at Large Allen made a motion that Saturday, February 24, 1973, be accepted as the election day date. Councilman Casebolt seconded the motion - All Council voted in favor.

Councilman Casebolt reported on the Building Code and Plumbing Code. He stated that he would like to keep this in the Committee until the next Council Meeting.

Councilman Paul Hill passed out the bids for the two (2) new garbage trucks. Mayor Gibson stated that Council would go around the table and each Councilman would read his bid. Councilman White stated that the J.D. Moore Company made a bid with an EZ Packer. The two trucks will cost \$24,812.56. Councilman White read a letter from the J.D. Moore Company stating that an amendment was made, deducting the cost of the Hydro EZ Packer to

\$22,562.56. The J.D. Moore Company also made a bid on an International Truck, Pack More, side loader, Model H, and 24 cu.yds. The cost of the two trucks would be \$24,909.00

Councilman Hill reported on a bid from Patrick Plaza Dodge. The bid is for a 24 cu.yd., EZ Packer, Model SL-24. The cost for two (2) trucks is \$21,142.00. Patrick Plaza Dodge also made a bid on a 24 cu.yd., PacMore side loader. The cost is \$21,306.00 for two trucks with packers.

Councilman Lilly reported on a bid from Joe Holland. The bid is for a 24 cu.yd., EZ Packer, side loader. The price is \$21,608.50 for two trucks with packers.

Councilman at Large Tidquist reported on a bid from Truxmore. The bid is for a 23 cu.yd. barrel type. The price is \$25,000.00 for two trucks with packers.

Councilman Casebolt reported on a bid from Harvey Shreve Ford. The bid is for a 24 cu.yd. PacMore, side loader. The price is \$22,098.00. Harvey Shreve Ford also made a bid on a 24 cu.yd., EZ Packer, Model F, the price is \$21,962.00 for two trucks with Packers.

Councilman at Large Priddy reported on a bid from C&O Motors. The bid is for a 24 cu.yd. EZ Packer, side loader, Model CE-6230. The price is \$22,044.86 for two trucks with packers.

Councilman at Large Allen reported on a bid from General Truck Sales. The bid is for a 24 cu.yd., EZ Packer. The price \$23,134.00 for two trucks with packers.

The W.Va. Tractor & Equipment Company gave a bid on two 18 cu.yd., Leach, rear type packers. The cost is \$12,960.00 furnished on your own truck.

Mayor Gibson reported on a bid from Childers Chevrolet. The bid is for two 1973 Chevrolets, and two refuse packers. He added that Childers Chevrolet did not state the cubic inch or the brand. The price is \$22,676.00 for the two units.

Tom Melton, City Recorder, reported on a bid from Bert Wolfe Ford. The bid is for a 24 cu.yd., PacMore, side loader, Model C-700. The price is \$24,874.00 for two trucks with packers.

Councilman Hill stated that the Garbage Department Committee would look over the bids. He added that the Committee would check out the prices and the specifications. Gene Williams, Street Superintendent, asked if any company gave a delivery date. Mr. Kessinger stated that it was not asked for on the specification sheet. Councilman Casebolt made a motion that this be put in a committee and the Committee's recommendation be made at the next Council Meeting. Councilman White seconded the motion - All Council voted in favor.

Councilman Lilly reported on the purchase of a new typewriter and three chairs. He stated that he had looked at many typewriters and equipment for the offices. He recommended that Council go with one IBM typewriter based on the price of \$567.00; three chairs with mats based on the price of \$50 to \$75 for each. Councilman Casebolt seconded Councilman Lilly's recommendation. All Council voted in favor. Mr. James White did not vote, as he works for the IBM Company.

Councilman Lilly reported on the new Police Cruiser; which includes a trade-in of a 1970 Ford Police Cruiser. Mr. Lilly stated that he had checked with the State for the possibility of purchasing a police cruiser when they purchase their State Police Cruisers. He added that in his opinion the horsepower in the State Police Cruisers is too much for our Police Department. He passed out the specifications for the Police Cruiser and recommended that the specifications be approved by Council. The specifications are attached to the minutes and are to be included as part of the minutes. Councilman Lilly made a

motion that the specifications be sent to various companies and sealed bids be received by next Council Meeting. Councilman Hill seconded the motion - All Council voted in favor.

Councilman at Large Keith Priddy reported on the Appalachian Street Light Survey. He stated that the Appalachian Power Co. has not reported on the results as yet. He added, however, that he would try to have a report by the next Council Meeting.

Councilman at Large Priddy reported on the Kanawha Valley Regional Transportation Authority. He stated that a survey of the local Transit System was started in April of 1972 and has just been completed. He added that the Transit Authority is operating under funds from the Federal Government, which expires in August of this year. The tentative plan is for the various municipalities and counties to share in taking over the cost of operating the buses. Our community share would be \$11,200 each year for the next 5 years. He further added that if the plan does not work; then in August, we may be without bus service. Councilman at Large Priddy stated that the decision would be made when the Kanawha County Court reports back to the Kanawha Valley Transportation Authority; they will in turn notify the various communities. Mayor Gibson congratulated Mr. Priddy on the fine report he presented to Council.

Councilman Lilly reported on the Ivy Street and the Kanawha Avenue problems. He stated that letters should be written and sent to the 12 families involved in this problem. The letter should state that a meeting is being held Wednesday, February 14, 1973, at 7:00 p.m., in the Council Chambers. He added that the purpose of the meeting is to find out the course of action these people want taken.

Councilman Lilly reported on the dip which is located on Washington Avenue. He stated that after the meeting a recommendation would be made to Council. Councilman at Large Tidquist stated that the City Engineer should check out the dip before the meeting. Mayor Gibson stated that he would have the City Engineer check out the dip.

Councilman White reported on the Community School. He stated that he met with the Advisory Council of the Community Schools, and Mr. Sam Lee, overseer of the Community School Project. Mr. White added that the Community School Committee recommends that Council make a \$500 donation for the next 6 week term of the Community School. Councilman Casebolt seconded the motion - All Council voted in favor. Councilman Lilly stated that the money would come from the Recreation Fund.

Mrs. Robert Tyson, Secretary of the Community School Advisory Council, gave a report on the possibility of federal monies being made available to our Community School Project. She stated that the monies are available under certain conditions; such as, rural communities on a poor basis. Under Title I, the Cedar Grove Community School qualified. Stonewall Jackson and George Washington high schools, received money through the Rockefeller Foundation because of their racial problems. She added that without a financial basis, it would be impossible for the Community School Program to work. Councilman White stated that all Council is in agreement that Community School is a great program.

Mayor Gibson presented a contract and a resolution with the W.Va. Department of Highways pertaining to the Kanawha Avenue and Dogwood Street situation. The contract states that the W.Va. Department of Highways is willing to move in with the City's permission and make the necessary repairs at their expense, under the guidance of our City Attorney. Mayor Gibson stated that the Department of Highways is asking that Council approve the operating agreement and the proposed resolution. Mayor Gibson added that he has received a letter from Mr. Hayne, who wrote a letter of approval to the City. Mr. Kessinger, City Attorney, read the proposed resolution which is attached

and is to be included as part of the minutes along with the operating agreement. Councilman Casebolt made a motion to give Mayor Gibson permission to sign the agreement and to adopt the resolution. Councilman at Large Priddy seconded the motion - All Council voted in favor.

Mayor Gibson made a suggestion that the Nitro City Council go on record in support of the February 13, Special School Levy Election. He added that it doesn't increase taxes at all. Councilman at Large Allen made a motion to accept Mayor Gibson's suggestion. Councilman at Large Priddy seconded the motion - All Council voted in favor.

Mayor Gibson said, "I received a letter from the Muscular Dystrophy Society asking permission to conduct a Tag Day in the City of Nitro." Councilman at Large Allen made a motion to let the Muscular Dystrophy Society have a Tag Day; Councilman at Large Priddy seconded the motion - All Council voted in favor.

Mayor Gibson stated that he also received a letter from the National Multiple Sclerosis for permission to solicit for funds in the City of Nitro. Councilman at Large Allen made a motion that Mayor Gibson give the National Multiple Sclerosis personnel permission to solicit in the City of Nitro. Councilman Casebolt seconded the motion - All Council voted in favor.

Mayor Gibson requested Council's permission to send a protest letter to Mr. George P. Schultz, Secretary of the Treasury, concerning the adjusted tax figure which they gave us. The figure that they sent us was \$228,336.00. The figure which the West Virginia Tax Department sent the City was \$358,120.00. Mayor Gibson added that the letter asks that the Treasury Department look over the adjusted tax figure again. Councilman at Large Priddy made a motion that Council give Mayor Gibson permission to send the protest letter. Councilman Casebolt seconded the motion - All Council voted in favor.

Mayor Gibson informed Council that he has received information that the Cinema 21 is showing some X-rated movies. The Mayor added that he would like this put in a committee and a study made on this. He further added that he would Councilman Vernon Casebolt to be Chairman of this Committee.

Councilman James White stated that he has been contacted by a member of the Brookhaven Garden Club to inform Council that the Club is planning to enlarge activities in the Bird Sanctuary of the City of Nitro. He added that this deals with the construction of approximately five bird houses throughout Nitro. Mayor Gibson stated that he had received a call regarding the Bird Sanctuary project. After some discussion, all of the Councilmen seemed receptive to the idea.

Councilman at Large Tidquist stated that he would like Council to know the price differences in the two types of air compressors; which are for the Street Department. The cost spread is from \$8,000 to \$14,000. He added that he wanted more time to investigate types and companies.

Councilman Casebolt stated that he would like to make a motion to amend the rules of the Fire Department, which were adopted by Council on February 6, 1968. Councilman Hill seconded the motion. Councilman at Large Priddy asked if this was in conflict with the Civil Service Commission. Mr. Kessinger stated that the Civil Service Commission gives Council an opportunity to amend the rules. All Council voted in favor. The new rules and guidelines are as follows:



FORWARD

The purpose of these rules and regulations is to give all members of the Nitro Fire Department and reserve a clear understanding of their duties and correct conduct in various situations and serve to prevent confusion.

These rules and regulations cannot, nor are they expected to provide a solution to every question or problem which may arise in the Fire Department. It is expected, however, that they will be sufficiently comprehensive to cover either in a specific or general way, the obligations and duties of the members of the fire department.

They are not designed nor intended to limit any member in the exercise of his judgement or initiative in taking the action a reasonable person would take in extraordinary situations. Much by necessity must be left to the loyalty, integrity and descretion of members. To the degree which the individual member demonstrates possession of these qualities in the application of the conscientious discharge of his duty, and to that degree alone will the fire department measure up to the high standards required of the service.

Nothing in these rules or regulations shall be construed as being in conflict with the statutes of the State of West Virginia, City Charter, Civil Service Commission Regulations.

Adopted February 6th, 1973

City Council, City of Nitro, West Virginia.



SECTION I - DEFINITIONS

1. Discipline - Shall mean training which corrects, molds, strengthens, or perfects; a developing by instruction and exercise; cooperative and active obedience to the orders and commands of one's superior officer; rules and procedures established for and to be followed in specific operations or situations.
2. Chief - Shall mean a commanding officer placed in charge of the department.
3. Fire Department Officers - Shall mean all officers of the fire department whose primary duty is fire prevention, fire extinguishment, and fire investigation.
4. Acting Officers - Shall mean those members of the Fire Department who are properly appointed to act in a rank higher than that held by, the member so appointed.
5. Sergeants - Shall mean those members of the Fire Department other than officers.
6. Firemen - Shall mean those members of the Fire Department other than officers.

SECTION II - ORGANIZATION

1. The Fire Department of the City of Nitro may consist of the following officers and members:
 - a. Captain
 - b. Lieutenants
 - c. Sergeants
 - d. There shall be as many firemen as the City Council approves to fill the department.

SECTION III (Chief)

The Chief is the administrative and technical head of the fire department and by authority of the Mayor of the City of Nitro, West Virginia he shall be responsible for the following:



1. Control all activities and operations of the fire department including fire extinguishment, pre-fire planning, fire prevention and fire investigation.
2. Conduct fire-extinguishment operations with primary regard for the protection of life and property.
3. Take proper precautionary measures that the premises on which fires occur are left in such condition; that they will not rekindle and further endanger life or property.
4. Respond to fire alarms and other related emergency calls and deploy fire apparatus and fire department personnel in the most advantageous manner for the control and extinguishment of fire, preservation of life and property.
5. Insure proper management, discipline, and training of the members of the fire department.
6. Establish suitable measures to put into effect the policies, rules and regulations, and procedures necessary for the efficient operation of the fire department.
7. Report to the Mayor and other appropriate authorities any member of the fire department, who by reason of age, disease, accident, or other incompetency, does not, or cannot fully and promptly perform the duties of his position, and recommend the member's retirement from service or other appropriate action.
8. Reprimand, recommend suspension or recommend removal from the service for cause, any member of the fire department in accordance with the laws, rules and regulations administered by the Firemen's Civil Service Commission.
9. Maintain a personnel roster for the purpose of training records, work assignments, annual vacation schedules, etc.



10. Maintain a balance of personnel on work schedules by appropriate assignment, detail or transfers, and schedule annual vacation throughout the year to provide maximum personnel on duty at all time.
11. Hold meetings with his subordinates not less than once each month for the purpose of reporting on training practices, policy matters, working conditions, and other related subjects that may affect the efficiency of the fire department operations.
12. Frequently observe the department operations and see that they are carried out efficiently and in accordance with instructions.
13. Schedule and supervise the training program including pre-fire planning surveys, and department fire prevention inspections.
14. Review official correspondence without delay and take action required and appropriate.
15. Maintain and keep up to date all fire department records required by current instructions.
16. The Chief shall post on the bulletin board, for a period of 30 days, such communications as may require the further attention of the personnel. After this period these communications shall be filed in a convenient place for future reference and shall be kept until their usefulness is past. (one year)
17. The Chief shall be responsible for effectuating policy, rules and regulations, and procedures of the department.

SECTION IV - LIEUTENANTS

1. The position of Lieutenant is one of the utmost importance in the enforcement of discipline and in the maintenance of efficiency. Therefore the Lieutenant will consider it his indispensable duty to be constantly vigilant and while setting an especially good example, require that his command measure up to the standards of departmental requirements.



2. Lieutenants shall respond to all fire alarms and emergency calls as directed, and upon arrival shall assume command until the arrival of a superior officer.

3. Lieutenants shall familiarize themselves with the City of Nitro, including building, streets, fire alarm systems, hydrants, etc.

4. Lieutenants shall use good judgement in the performance of their duties, and at fires, they shall be particularly judicious in laying hose lines, placing ladders, spotting equipment, calling for assistance.

5. Lieutenants shall not permit intoxicated, drinking or otherwise undesirable persons to remain in or about quarters at any time.

Children will not be permitted in quarters unless accompanied by an adult and approved by the officer on duty.

6. Lieutenants shall not permit members to go off duty until properly relieved or until other arrangements have been authorized by their immediate superior.

7. At the change of working shift, Lieutenants shall apprise their command of all orders and department communications received during their previous shift, and shall impart any additional information or instructions deemed necessary for the operation of their shifts.

8. Lieutenants shall require that due caution is exercised when leaving quarters with fire apparatus. Absolute understanding between officers and drivers regarding response procedure and routes must be obtained.

9. Upon arriving at the scene of fire or other emergency he shall immediately determine if additional help is necessary and make the necessary request. He shall be the operations officer and be in complete charge. He shall remain in charge until relieved by a superior officer.



10. He shall report to the Chief immediately any breach of discipline of the men under his command.

SECTION V - TRAINING OFFICERS

1. The training officer shall be under the direction of the Chief of the fire department and he shall be responsible for conducting a comprehensive and continuing training program whenever possible.

SECTION VI - ALL FIRE DEPARTMENT OFFICERS

1. No officer shall tolerate or connive at any violation or evasion of the rules and regulations of the fire department.

2. Fire Department officers shall be just, dignified, and firm in their dealings with subordinates and see that good order and proper discipline is maintained among members of the fire department.

3. When in their judgements any offense committed by a member under their command is sufficiently serious to warrant immediate action, officers shall have the power to temporarily relieve such member of his duties. An immediate verbal report of such action shall be made through channels, followed by proper and well-sustained written charges on which official relief from duty may be made by the Mayor.

4. It shall be their duty to decide questions of doubt on the part of their subordinates relative to the interpretation of regulations or orders, and in sudden emergencies to prescribe the immediate action to be taken.

5. Officers in charge shall keep a log, which will be a complete daily history of the activities and operations of their respective shifts.

6. Officers shall be responsible for correct notation of all verbal



Orders and directions having a general application; and at the time of relief, shall apprise on another of occurrences and happenings incidental to their tour of duty.

7. Officers shall make a prompt verbal report to their superior officer of any unusual occurrence, concerning the department. All such occurrences are to be investigated at once and, when necessary a written report containing facts of the case shall be forwarded to their superior officer.

8. Officers shall preserve, until their purposes have been served, all orders, notices, communications, and records pertaining to the operation of their respective shifts.

9. In the conduct of the business of the fire department, officers shall, if possible, personally and directly administer the affairs with which they are concerned.

10. Officers shall cause all fires to be extinguished with the least possible danger to life and property, prevent unnecessary damage by water or other extinguishing agents, take proper precautions against rekindle and leave the premises in a safe condition, and safeguard against vandalism, pilfering, and looting.

11. Whenever a member of the fire department saves human life at the risk of his own or performs an especially commendable act, the officers under whom the act was preformed shall make a full report on the subject.

13. No fire department officer shall interfere in matters or operations for which another fire department officer of equal rank is responsible, except with the latter's consent, or by order of a superior officer.



14. Derogatory statements or adverse criticism of departmental policy or the departmental activities of other officers will not be tolerated, except in an official written report to the proper authorities.

15. Loitering will not be permitted about quarters to the extent of interfering with the proper functions of the department.

SECTION VII- ACTING FIRE DEPARTMENT OFFICERS

1. Acting fire department officers shall assume the responsibilities and be accorded all the privileges of the office in which they are acting.

2. No acting officer shall alter or annul the standing orders of the regular officer without specific authority of a superior officer.

SECTION VIII- SERGEANTS

1. It is expected that Sergeants will operate and be governed by the same basic rules, regulations and guidelines as the firemen. However it is agreed and understood that Sergeants may be delegated some additional authority and responsibility as determined by the Chief.

SECTION IX - FIREMEN

1. Firemen shall be under the immediate supervision of the officers and shall promptly execute all proper orders given by their officers.

2. They shall extinguish fires and take proper precautions to prevent rekindle thereof.

3. They shall respond to all alarms and emergency calls and perform duties as required.

4. They shall keep apparatus, equipment, tools and their uniforms in a clean and serviceable condition.



SECTION X - GENERAL ORDERS

1. Each member of the fire department shall perform such duties as are assigned him from time to time by his superior officers.
2. Familiarize themselves with and be obedient to the station orders, rules and regulations of the fire department.
3. Attend all fires and alarms and exert their greatest energy and best ability to perform their full duty under any and all circumstances.
4. Exercise due caution to avoid injury to themselves and others and avoid unnecessary damage to or loss of department property.
5. Accord obedience, respect, and courtesy to superior officers and those performing the duties of a higher rank.
6. Be courteous and respectful in their dealings with the public.
7. Promptly notify the senior duty officer of any inability to report for duty at the time required.
8. If relieved from duty under charges, promptly surrender all department property to their superior officer, who will retain such property pending disposition of the case.
9. Immediately report to their superior officer any accident, sickness or injury occurring to themselves while on duty, no matter how trivial.
10. Notify the senior duty officer within 24 hours of any change of address or telephone number.
11. Keep their persons, uniforms, beds and lockers in a neat and clean condition. Persistence in uncleanness or offensive habits will be cause for disciplinary action.
12. Promptly notify their superior officer of all matters coming to their attention affecting the interest and welfare of the department.



13. Participate in drills and other department training activities as directed, be thoroughly familiar with all equipment they may be required to use in the performance of their duties.

14. Suggestions for the improvement of the fire department or well being of the membership when presented through channels will be welcomed and carefully considered.

15. Members making recommendations for changes, alterations, or improvement through channels shall consult with and report in writing to their superior officer who will in turn approve or disapprove suggestions and forward to the Chief of the fire department who will approve or disapprove and then forward to the Mayor and City Council for consideration.

16. Any member having cause to believe that he has been unjustly or unfairly treated may appeal through channels to the Chief or the Mayor and the Civil Service Commission of the Fire Department of the City of Nitro, West Virginia.

17. No member shall, on or off duty, use the uniform, badge, or prestige of the fire department for the purpose of personal gain.

18. No member shall lend his name, as a member of the fire department, to any commercial enterprise.

19. No member shall receive or accept a reward, fee, or valuable gift incidental to the performance of duty, except with the permission of the Mayor and City Council of the City of Nitro, West Virginia.

20. No member shall solicit or accept the personal or financial aid of any subordinate to promote his private interests or those of a superior officer.

21. Members shall not loan, sell, give away, or appropriate to their own use any City or public property, nor shall they pilfer or lie guilty of theft at fires or elsewhere.



22. Members shall avoid political or religious arguments when on duty.
23. No information relative to the business affairs of the fire department shall be furnished persons not connected therewith except as authorized by the Mayor and City Council of the City of Nitro, West Virginia.
24. Members shall not drink intoxicants or gamble in quarters or while on duty.
25. The fire station and apparatus shall be kept clean and properly maintained at all times.
26. Routine cleaning and maintenance shall be the responsibility of all members of the department.
27. Special maintenance assignments not in the scope of routine maintenance shall be assigned and equally divided, by the Chief, to the best qualified persons to perform those duties.
28. Drivers of emergency apparatus when on call shall not exceed 40 miles per hour and upon returning from a call, drivers shall obey all traffic regulations unless another emergency exists at the same time. Red lights, sirens, etc., shall not be used upon return trips to the station.
29. Drivers shall, at all time, drive and operate apparatus in a manner consistent with safety.
30. Drivers shall possess a valid West Virginia operator's license.
31. No person other than a member of the fire department shall be permitted to ride on fire apparatus, except when authorized to do so by the Chief.
32. The fire apparatus shall not be backed into the station or backed up at any time except in an emergency, without a man on the rear platform or standing to the side and rear of the apparatus to safely guide the drivers.



33. It shall be the obligation of the municipality to furnish materials and tools to properly maintain the fire station and equipment.

34. All equipment, apparatus, furniture, etc., necessary to operate a fire station and fight fires and handle other emergencies shall be furnished by the municipality.

35. Vacations and sick pay shall be regulated as to time allotted by the governing body of the municipality.

36. No member shall trade or alternate shift with another member without permission of the Chief.

37. At any time during the day or night that the police department reports conditions necessary to install chains on vehicles they will forthwith be installed on all emergency vehicles.

38. Loud and profane language shall be prohibited.

39. All members will respect the rights and privileges of his fellow members.

40. Horseplay will not be tolerated.

41. Each member of the fire department shall have a physical examination once each year or at a lessor interval if deemed necessary by the City Council, to determine each members physical fitness for duty as a fireman. The cost of the physical examination will be the obligation of the City of Nitro. The physician will be designated by the City of Nitro. Firemen will be expected to take such examinations on their off duty hours.

SECTION XI- DISMISSAL'S SUSPENSIONS AND REDUCTION IN RANK

1. A member may, by the Mayor, be suspended without pay not to exceed 30 days, demoted or reduced in rank for the violation of the written rules and regulations adopted by the City Council of the City of Nitro, West Virginia.



2. Members of the fire department may be discharged or suspended from the fire force for more than 30 days only upon the following grounds:

a. Wilful failure to carry out the direct and lawful order of a superior officer.

b. Reporting to work in an intoxicated condition or the use of intoxicants or narcotics or intoxicating drugs while on duty.

c. Failure to report for duty at the time scheduled without giving notice of the inability to report; provided however, that such failure to report is not caused by sudden illness, accident, or other circumstances beyond his control.

d. Failure to report when directly ordered to do so; provided that member is well and able to carry out his duties; examination and opinion of any physician appointed by the pension board or the City Council shall be conclusive in this regard.

e. Solicitation or acceptance of a bribe.

f. Conviction of a felony or a misdemeanor, other than minor traffic violations.

g. Wilful and repeated violations of the rules and regulations adopted by the City Council, provided however, that repeated violations shall mean the conviction of more than two violations in any one year.

h. Cowardice while on duty.

i. Falsification of records, the making of misleading entries or statements with intent to deceive, or wilful mutilation of any useful fire department record, book, paper, or document.

j. Wrongful or injurious exercise of authority on the part of any member of the fire department.



5



k. Two or more garnishees in effect at the same time, unless accidents, sickness, or something over which members have no control causes members to suffer financial difficulties leading to garnishees.

3. Procedure for dismissal, suspensions and reduction in rank shall be in compliance with statutes of the State of West Virginia and the rules and regulations of the Firemen's Civil Service Commission.

4. These rules and regulations are subject to additions, deletion, or revision as deemed necessary by the City Council of the City of Nitro, West Virginia.

SECTION XII - REPEAL

All rules and regulations or parts thereof in conflict with these rules and regulations are hereby repealed.

SECTION XIII - EFFECTIVE DATE

These rules and regulations shall be in full force and effect on date of passage by the Common Council of the City of Nitro, West Virginia.

Passed this 6th day of February, 1973

Wm. D. Gibson
Mayor

Tom Melton
Recorder



City of Nitro

Precinct 364

Clerk

Clerk

Supply Commissioner

Nitro High School

Garnet Galloway, 2 Blakes Creek Road, 755-2482

Joan Stephens, 111 Brookhaven Drive, 776-2822

Jacqueline Mallett, 2507 25th St., 755-2805

City of Nitro

Book 13

Precinct 368

Clerk

Clerk

Supply Commissioner

Commissioner

Commissioner

West Sattes Elementary School

Loucille Callihan, 192 Juniper St., 755-2475

Evelyn Shepherd, 210 Lee St., 722-3203

Virginia Coulter, 809 Washington Ave., 755-1425

Bonnie Jones, 200 Juniper St., 755-3658

Nell Carney, 801 Dupont Ave., 755-4617

Precinct 369

Clerk

Clerk

Supply Commissioner

Commissioner

Commissioner

West Sattes Elementary School (East End of School)

Wanda Collins, 1436 Sattes Circle, 727-9751

Beatrice Samples, 1326 Main Ave., 727-4207

Marge Sales, 1358 Valentine Circle, 727-1189

Mrs. John Shiflett, 1307 1st Ave., 727-8688

Wanda Smith, 203 Walker St., 727-7801

Precinct 370

Clerk

Clerk

Supply Commissioner

Commissioner

Commissioner

West Sattes Elementary School

Vesta Arman, 707 Kanawha Ave. South, 727-0796

Betty Thomas, 719 Kanawha Ave. South, 727-3919

Sue Goodwin, 103 Cleveland Ave., 727-3780

Rita Shaban, 706 Kanawha Ave. South, 727-0384

Loucille Caldwell, 715 Kanawha Ave. South, 722-3832

Precinct 22

Clerk

Clerk

Nitro-Putnam Elementary School

Freda Patton, 3969 39th St., 755-3687

Hazel Townsend, 4122 3rd Ave., 755-2213

Councilman at Large Allen stated that he received a letter from the Nitro Women's Club concerning a public meeting, Monday, February 19, 1973. The program will be on drug abuse and there will be a question and answer period too. He added that he would like to see Council there to hear the program.

Councilman at Large Allen added that he read where Governor Moore has appointed a man to be in charge of getting rid of junk cars in the state. He further added that he would like to see us try and get rid of some of our junk cars.

Councilman at Large Allen made a motion that the Council Meeting be adjourned; Councilman Casebolt seconded the motion - All Council voted in favor.

Wm. D. Gibson
Mayor

Tom McElton
Recorder

NITRO CITY COUNCIL MEETING

February 20, 1973

The regular meeting of the Nitro City Council was held in the Council Chambers February 20, 1973. Those present were: William Gibson, Mayor; Tom Melton, Recorder; Councilman at Large Dr. R. V. Allen, Councilman at Large Hugo Tidquist, and Councilman at Large Keith Priddy. Councilmen Thomas Lilly, James White, Vernon Casebolt, and City Attorney James Kessinger. Councilman Paul Hill being absent.

The meeting was called to order by the Honorable Mayor William Gibson. Reverend James Horton gave the invocation.

APPROVAL OF MINUTES: Councilman Vernon Casebolt made a motion that the minutes of the last Council Meeting be approved. Councilman at Large Tidquist seconded the motion - All Council voted in favor.

APPROVAL OF FINANCIAL STATEMENT: Councilman Lilly stated that each Councilman received a copy of the January Financial Statement. Councilman Casebolt made a motion to accept the January Financial Statement, Councilman at Large Tidquist seconded the motion - All Council voted in favor.

Tom Melton, City Recorder, passed out a list of the people who will work in the Special Levy Election. He added that he would like to have Council's approval. Mayor Gibson stated that in addition to the levy workers, two ballot commissioners need to be appointed to go to Dunbar and inspect the voting machines. He added that he would like to appoint Mrs. Viola Ragle and Mrs. Velma Kinder as the ballot commissioners. Councilman at Large Allen asked if there were any substitutes on the list. Mayor Gibson stated that there were substitutes. He added that the City is going to use voting machines, which is the first time in the history of Nitro that they have been used in a municipal type election. Councilman at Large Allen asked what the cost is to use the machines. Mayor Gibson stated that the cost is \$75 per machine and that eight machines would be needed. He added that there will be 40 poll workers instead of 80, which was the number used in the paper ballot type elections. Councilman at Large Allen made a motion to accept the list of workers for the Election. Councilman Casebolt seconded the motion - All Council voted in favor.

Councilman Casebolt reported on the Plumbing and Building Code. He stated that the Committee is still working on it. He added that they have in rough form what the City wants, but do not have it in ordinance form.

Councilman at Large Allen reported on the Garbage Truck bids in the absence of Councilman Paul Hill. He stated that we have a bid from Patrick Plaza Dodge. The bid is the lowest one, but there has been some discussion as to whether they fulfill our specifications. He added that Council should contact Patrick Plaza Dodge and get more details about the bid. He further added that we should make sure that we are getting our money's worth. Councilman White asked if it were possible to check out the specifications tonight. Councilman at Large Allen stated that it is costing the City approximately \$350 per week for equipment rental so that the services to the citizens can be kept up. There was some discussion among Council as to what the tonage of the truck should be. Mayor Gibson stated that the specifications called for 2½ Tons but his understanding on the Patrick Plaza Dodge quote the truck as a 2 Ton truck beefed up to a 2½ Ton capacity. Councilman asked who the next highest bidder was.

Councilman at Large Allen stated that he would look it up and let Council know. Mayor Gibson stated that it may be 90 days before delivery could be made and recommended to keep the bids in Committee. Gene Williams, Street Superintendent, stated that the trash is now being picked up in a dump truck, which takes every available man the Street Department has to load the truck. Councilman Lilly asked what the legality of an emergency situation was. Mr. Kessinger stated that if this is an emergency situation, then you do not have to go with the original bid. The question is whether or not this is an emergency situation; and did it arise as a result of a delay in getting out the bids and going through the specifications - or within the last two weeks. He added that this would be a judgement call. Mr. Kessinger further added that if the lowest bidder doesn't meet the specifications, then you would go to the next highest bidder. If none of the bids meet the specifications then you would be in an emergency situation. After some discussion, Council decided to have an emergency session Saturday, February 24, 1973, to go through the specifications.

Councilman Lilly reported on the purchase of a new police cruiser. He stated that there were three bids for the police cruiser. Councilman Lilly reported on a bid from Harvey Shreve Ford. The total price of the car is \$3,580. The date of delivery is 30 to 45 days.

Councilman at Large Tidquist reported on a bid from Childers Chevrolet. The total price of the car is \$3,307.66. The delivery date is 45 days from the day of purchase order.

Councilman Casebolt reported on a bid from Capitol Chrysler - Plymouth. The total price of the car is \$3,339.

Councilman Lilly stated that the Police Department Committee would like an opportunity to review the bids and make a recommendation to Council at the next Council Meeting.

Councilman at Large Priddy reported on the Appalachian Street Light survey. He stated that the Appalachian Power Company has not yet finished the survey. He added that the survey will be completed in time for the budget in case the City would like to go along with up-grading.

Councilman Lilly reported on the Ivy Street and Kanawha Avenue problem. He stated that the Street Committee met with the citizens involved in this problem. He added that he would like this left in the Committee until the next Council Meeting; so that a recommendation can be made to Council.

Mayor Gibson introduced Mr. Robert Anderson, Chairman of the South Charleston Recreational Division. Mr. Anderson reported on the various programs that are used in the So. Charleston Recreational Program and that could be used in the City of Nitro's. One of the programs is free lunches for the children in the recreational program. He informed Council of the various ways personnel is available to the Recreational Program of our Community. He added that the salaries of the persons who work through the NYC Program are already paid. Council seemed very interested in Mr. Anderson's report. Councilman Casebolt stated that he would like Mr. Anderson to meet with the Recreational Committee to help plan a summer recreational program for the City of Nitro.

Councilman at Large Priddy stated that there is a large chug hole on Park Avenue that the water company created, which needs to be repaired. He added that the water company broke through the street to make a repair, but didn't repair the street back as it was. Mr. Kessinger stated that the Water Company must restore the street to its

original condition. He further added that they have a right-of-way through the streets to make a repair to a water line, etc., without notifying the City.

Councilman Priddy asked Council who would make the decision if something should come up concerning the Park, such as, little league and softball schedules. Councilman Casebolt stated that the City does not interfere with the little league schedules or the softball schedules. Councilman at Large Priddy also asked how another softball league could be formed. Councilman Casebolt stated that the league would have to approach the Recreation Committee. Councilman at Large Priddy asked who would have jurisdiction over the Park without the Park Board. Councilman Lilly stated that the Recreation Committee would. There was some discussion among Council as to whether the Recreation Committee could legally make the decisions. Councilman Casebolt stated that there will be some plan drawn up for Council in the near future. Councilman Casebolt added that the Recreation Committee is working on a plan for a summer Recreation Director for the Park and the Watershed Project whenever it is turned over to the City.

Councilman Casebolt stated that he has pictures of a big truck with heavy equipment on it coming down Boundary Street to the back entrance where the new apartment buildings are being built. He added that another truck dumped dirt in the grass across the street from Boundary Street, between the street and the railroad track. Mr. Kessinger asked if Councilman Casebolt could find out who did the damage. Councilman Casebolt stated that he would find out who was responsible. Councilman Casebolt asked Council what the new building is that is being built on Kapok Street and Main Avenue. Councilman Casebolt asked if there would be ample parking space. Councilman at Large Allen stated that there is an apartment complex being built there. Mayor Gibson stated that there will be parking spaces in the front and back of the apartments.

Councilman Casebolt stated that the City has three ordinances to cover the cleaning up of Nitro: 1. Old refrigerators, 2. Vacant lots, and 3. Junk cars. There was some discussion among Council as to the junk cars being on private property. Mayor Gibson stated that these cars have been allowed to accumulate over the years; and they cannot be taken care of immediately. He added that you have to have a place to put the cars. Mayor Gibson stated that the Magic Island Salvage Service is coming to haul away the cars. Mayor Gibson further added that the Police Department is helping get rid of the junk cars as rapidly as possible.

Councilman Casebolt stated that there was a fire on 40th Street the other day and the Firemen needed another truck. The Chief went to a trailer to use their phone but they didn't have one. The Police then came and they called for another truck. Councilman Lilly stated that radio equipment for both the Fire and Police Departments has been ordered. He added that 75% of the money is through Federal Funding and 25% City Funding in order to purchase the radio equipment. Mayor Gibson stated that the Firemen in his opinion should have a portable Walkie-Talkie with them while they're away from the truck.

Councilman Casebolt informed Council that the Fire Department has run out of foam and they need to order about 100 gallons. Mayor Gibson stated that this should be a routine item, and the Fire Department should have requested foam. Mr. Lilly stated that we do not have an organizational chart in the Fire Department. He added that in the next five months there will be an organizational chart in both the Police and Fire Departments.

Councilman Casebolt stated that the Firemen are in need of new bunker clothes; these are what the Firemen wear when fighting fires. He added that they are almost worn out. Mr. Kessinger stated that this is a budgetary item and perhaps should be included in the budget.

Councilman Casebolt thanked Mr. Gene Williams for the fine job he did in cleaning and fixing the streets and alleys. He also commended the acting Fire Chief for the excellent way he handled the situation which he encountered at the high school and later on at the movie theatre, the Cinema 21.

Councilman at Large Tidquist stated that he had information for the street repairing equipment, such as, a jack hammer, air compressor, paving breaker, and backfill tamper. Councilman at Large Tidquist passed out a specification sheet for Council to approve. Councilman at Large Priddy made a recommendation that Council advertise for bids. Councilman at Large Tidquist stated that \$15,000 has been allotted for the street equipment; he added that if the City would spend \$8,000 for the air compressor and attachments, then we could use the remaining \$7,000 for other necessary street equipment. Councilman at Large Allen made a motion to accept the specifications and advertise for bids. Councilman White seconded the motion. All Council voted in favor. Councilman at Large Tidquist stated that the City could get a package deal.

Councilman Lilly stated that he had the specifications for one dump truck and he would like to have Council's approval. He stated that the truck would be for trash pick-up. There was some discussion among Council as to whether or not the truck was needed. Councilman Lilly stated that we need this truck to pick-up the trash of the business houses in the community plus the tremendous amount of trash from the residence. He added that the businesses are getting angry because their trash is not being picked up regularly. Councilman Casebolt made a motion to accept the specifications and advertise for bids. Councilman at Large Allen seconded the motion - All Council voted in favor.

Councilman Lilly informed Council that he had the specifications for another dump truck. He added that the City needs to have about 3,000 truck loads of dirt hauled to the landfill. He added that we have the dirt, but nothing to haul it in. There was some discussion among Council as to the amount of dirt that had to be hauled, gravel for the street repairs, street cleaning, cleaning manholes, and street sign maintenance. Mayor Gibson reminded Council that last Fall the Army Guards had to be called in for two days to help pick up trash and get the City cleaned up. He added that with Spring coming up there will be more trash to pick up. Mayor Gibson stated in order to make prompt trash pick ups; you have to take a truck that is needed to haul the dirt to the landfill or one that is being used elsewhere. Councilman Casebolt made a motion that Council advertise for bids. Councilman at Large Allen seconded the motion - All Council voted in favor.

Councilman at Large Allen stated that he was sorry that no Councilman or Policeman attended the Drug Program at the Nitro Women's Club. Councilman at Large Allen stated that he and Mayor Gibson attended the program and it was a very informative program. Mr. Kessinger stated that he spoke to a group of people about the drug problem and was surprised to learn that most people in Nitro do not appreciate the drug problem they do have. Mr. Kessinger added that he has heard the speaker and he is very interesting. Mr. Kessinger further stated that several Policemen have not attended the State Police Academy yet. Mayor Gibson stated that one Policeman is in the hospital and one is in the State Police Academy School now, which leaves the Police Department understaffed. Mr. Kessinger stated that it would be wise to consider sending a Policeman to the drug seminars, which are held in Charleston.

Mayor Gibson stated that he has received a letter from the American Cancer Society requesting permission to solicit in the City of Nitro for their annual April Crusade. Councilman at Large Allen made a motion to let the American Cancer Society solicit for funds in the City of Nitro. Councilman at Large Tidquist seconded the

City of Nitro

Precinct 364

Clerk

Clerk

Supply Commissioner

Commissioner

Commissioner

Nitro High School

Garnet Galloway, 2 Blakes Creek Road, 755-2482

Joan Stephens, 111 Brookhaven Dr, 766-2882

Jacqueline Mallett, 2507 25th St., 755-1163

Joan Whitt, 111 Brentwood Rd., 776-1163

Mrs. Arthur Kracker, 107 Brentwood Rd., 776-1354

Precinct 365

Clerk

Clerk

Supply Commissioner

Commissioner

Commissioner

Nitro Elementary School

Reba Mathes, 1612 16th St., 755-2633

Velma Kinder, 1816 18th St., 755-3123

Viola Ragle, 1619 16th St., 755-2669

Joyce L. Middleton, 1922 19th St., 755-2883

Mrs. John Perry, 2122 21st St., 755-3133

Precinct 366

Clerk

Clerk

Supply Commissioner

Commissioner

Commissioner

Baker Elementary School (Multi-purpose Room)

Myrtle Adkins, 1113 11th St., 755-1319

Jessie Raynes, 1123 11th St., 755-3525

Norma Jean Means, 923 9th St., 755-5033

Ruth Carpenter, 1022 10th St., 755-2430

Audry Deeter, 722 7th St., 755-5406

Precinct 367

Clerk

Clerk

Supply Commissioner

Commissioner

Commissioner

Baker Elementary School (Multi-purpose Room)

Golda Roark, 1332 W. 13th St., 755-1343

Elouise Simmons, 305 Kanawha Avenue 755-3776

Reba Lewis, 1218 W. 12th St., 755-2168

Carolyn Luker, 1319 W. 13th St., 755-2432

Ceredo Miller, #2 Smith St., 755-4707

Precinct 368

Clerk
Clerk
Supply Commissioner
Commissioner
Commissioner

West Sattes Elementary School

Loucille Callihan, 102 Juniper St., 755-2475
Evelyn Shepherd, 210 Lee St., 722-3203
Virginia Coulter, 809 Washington Ave., 755-1425
Bonnie Jones, 200 Juniper St., 755-3658
Nell Carney, 801 Dupont Ave., 755-4617

Precinct 369

Clerk
Clerk
Supply Commissioner
Commissioner
Commissioner

West Sattes Elementary School (East End of School)

Wanda Collins, 1436 Sattes Circle, 727-9751
Beatrice Samples, 1326 Main Ave., 727-4207
Marge Sales, 1358 Valentine Circle, 727-1189
Mrs. John Shiflett, 1307 1st Ave., 727-8688
Wanda Smith, 203 Walker St., 727-7801

Precinct 370

Clerk
Clerk
Supply Commissioner
Commissioner
Commissioner

West Sattes Elementary School

Vesta Arman, 707 Kanawha Ave., So. 727-0796
Betty Thomas, 719 Kanawha Ave., So. 727-3919
Sue Goodwin, 103 Cleveland Ave., 727-3780
Rita Shahan, 706 Kanawha Ave., So. 727-0384
Loucille Caldwell, 715 Kanawha Ave. So., 722-3832

Precinct 22

Clerk
Clerk
Supply Commissioner
Commissioner
Commissioner

Nitro-Putnam Elementary School

Freda Patton, 3969 39th St., 755-3687
Hazel Townsend, 4122 3rd Ave., 755-2231
Bertha French, 4060 40th St., 755-3158
Stella O'Gorman, 3802 38th St., 755-3432
Florence Mollohan, 3813 38th St., 755-4553

motion - All Council voted in favor.

Mayor Gibson stated that there is a problem at 19th Street and Plant Road. He added that he would like the Chairman of the Street Committee to check this out. Council discussed the problem and the possibility of adding another right lane turning out of Plant Road. Council decided to appoint Councilman at Large Priddy to check out the problem.

Mayor Gibson stated that he would like to appoint Mr. K. K. King acting Fire Chief of the Nitro Fire Department, saying, "Mr. King has been a Lieutenant since about 1957 with about 20 years of service." Councilman at Large Priddy wanted to know if Mr. King would get paid the wages of a Fire Chief. Mayor Gibson replied, "that he felt he should." Mr. Kessinger agreed with Mayor Gibson. None of the Councilmen objected to the appointment.

Mayor Gibson informed Council that he received a phone call from a citizen concerning a weight limit sign that was to be erected on 41st Street about May, 1972, but never was. The Mayor added that he looked this up in the minute book and found that a sign should have been erected on 41st Street. The Mayor added that the sign is going to be put up tomorrow.

Mr. Kraft, a citizen of Nitro, stated that there is a chug hold on Washington Avenue and Juniper Street. He added that he thought there should be a Stop Sign at Washington Avenue and Hickory Street. Mayor Gibson stated that there are 87 Stop Signs on order due to a recent survey and they should be here any day. He said the survey may provide for one there.

Councilman at Large Allen made a motion that the Council Meeting be adjourned. Councilman Casebolt seconded the motion - All Council voted in favor.

Wm. D. Gibson
Mayor

Tom Nelson
Recorder

NITRO CITY COUNCIL MEETING

February 24, 1973

The Nitro City Council met in special session Saturday, February 24, 1973, in the Council Chamber at City Hall.

Mayor William D. Gibson called the meeting to order and declared the purpose of calling a special session was to discuss bids for one Police Cruiser and bids for two new garbage trucks.

Councilman Thomas Lilly, Chairman of the Police Committee reported that three bids had been received, one bid was rejected because it was not complete. Out of the two remaining bids there was one for \$3,339.00 from Capitol Plymouth Chrysler, Inc., and one from Harvey Shreve Ford for \$3,580.00. Councilman Lilly made a motion to accept the lowest bid of \$3,339.00 from Capitol Plymouth Chrysler, Inc. Councilman Vernon Casebolt seconded the motion. At this point Councilman James White asked why the first bid did not meet the specifications. Councilman Lilly replied that some of specifications had been left off, giving an example of a spot light, the cost of a spot light would be \$45.00. Thus causing the bid to be higher. Mayor Gibson announced the chair would entertain a vote to accept the bid from Capitol Plymouth Chrysler, Inc. Dr. Allen asked the delivery date on this automobile, from six to nine weeks, said Councilman Lilly. Much discussion followed about the Chevrolet Cruiser that the Police Department now owns, it was the general feeling of the Council that the Cruiser is in very poor condition and according to Mayor Gibson, the department had experienced difficulties with this particular automobile since it was new. Councilman at Large Dr. R. V. Allen recalled that in years past a letter had been written to the company regarding this matter but nothing was ever resolved. Dr. Allen went on to suggest that out of the three cruisers, that the City now owns, perhaps the cruiser in question could be held in reserve while the City's mechanic attempts to make necessary repairs. Approval was given by a unanimous vote.

Chairman of the Garbage Committee, Paul Hill reported that the Committee had checked with each individual or company that submitted a bid for two new garbage trucks and out of ten bids, Patrick Plaza Dodge did not meet the specification and their delivery date was 90 days. Harvey Shreve Ford had a 2½ Ton truck with a minimum of four or five weeks delivery date; Joe Holland, 60 day delivery date; J. D. Moore 2½ Ton, five to 6 weeks delivery; Bert Wolfe Ford 2½ Ton minimum 30 days delivery date. Truck-More met the specifications almost to the letter, with immediate delivery; Childers Chevrolet did not supply enough information; W.Va. Tractor bid on an 18 cu. yard packer and did not have enough information. General Truck Sales, 70 to 90 days delivery date; C&O had a 625 series a questionable 2½ Ton, with thirty day delivery date.

Councilman Paul Hill said as the Chairman of the Committee, he was making a motion that the City purchase two garbage trucks, complete from Truckmore. Discussion followed pertaining to the two garbage trucks the City now has and their condition. Dr. Allen asked, if the City uses the new dump at Tyler Mountain, and are the garbage trucks that are in use now safe enough to be on the Interstate and able to climb the steep hills going to the area. Councilman Hill Said "In my opinion, no!" Councilman Lilly, Chairman of the Finance Committee pointed out that the City's cost of operation would be less because with the pack more, the trucks could carry 1½ times more loads than the trucks the City now owns. This would call for fewer trips to the dump. Before Discussion continued, Mayor Gibson reminded Council that a motion had been made,

waiting for a second. Councilman Casebolt seconded the motion. Councilman James White asked if there were any legal ramification for not taking the lowest bid from the Company who met the specifications. Mayor Gibson pointed out it clearly stated on the specification sheet that the Council reserved the right to refuse any or all bids. Because of an emergency situation involved, it is important that the City have delivery of the garbage trucks as soon as possible. Councilman Hill pointed out that already it had cost the City approximately \$1,800 for rental of trucks and approximately \$750 additional labor costs. It was mentioned that several phone calls had been received by City Hall regarding garbage pick-up. Mayor Gibson stated that "We are obligated to the citizens of Nitro to give them service and the only way that we can do this is to have equipment that will run." Mayor Gibson went on to entertain a vote that the City of Nitro purchase two 2½ Ton garbage trucks from Truckmore of Richmond, Virginia. All Council members voted in favor of the motion to buy the trucks.

Councilman Casebolt, chairman of the Park and Recreation Committee, asked the Council's approval on three projects pertaining to the City's Park. Nitro Junior High Shop Classes, said Councilman Casebolt, are agreeable to help build some steps, forms, platforms, and walks at the park. The City would provide the materials. Second item for approval, the Committee would like to fabricate or buy two new signs; one small one, to be erected at 19th Street and First Avenue and one larger sign to be posted near the Park area, indicating "this is our recreation area." Third item for approval, the Committee recommended using two of the City's Street employees to do some work up grading the horse shoe pits, volley ball court, and croquet court. The committee feels that these three items should be taken care of in order to get the park ready for opening date. When asked about the lights around the basketball court, Councilman Casebolt said this would also be taken care of, the lights are ready to be installed, it is just a matter of taking them down from the horse shoe ring and putting them up at the basketball court. Councilman Lilly made a motion that the Council approve the recommendations of the Recreation and Park Committee and authorize this work be completed. Councilman Allen seconded the motion. Councilman at Large Keith Priddy asked if these projects would be expensive, Councilman Casebolt said very little cost would be involved, Councilman at Large Tidquist pointed out that the City would buy the materials but the Junior High Shop students would help do the labor.

Councilman James White was asked to read a letter from the manager of the Nitro Merchants Independent Baseball Team.

Councilman Lilly reminded Council that a motion was on the floor and a second made, this should be taken care of before going on with other business. All Council voted to approve the recommendations of the Park and Recreation Department.

Councilman White read a letter from Mr. Mike Beller, Manager of the Nitro Independent Baseball Team. Mr. Beller requested the use of the baseball field during the 36 game schedule from Sunday afternoon at 12:00 p.m., until the double header games are over, and 6:00 p.m. until dark on Thursday afternoon, also Saturday afternoon. Dr. R. V. Allen commented that Mr. Marshall is a very dedicated person. The decision was left up to the Park and Recreation Committee. Councilman Casebolt asked the Committee to meet with him after adjournment, for the purpose of discussing the schedule.

Councilman Casebolt told Council that a Charleston team had been refused the request to use the Nitro Softball court over the Memorial Day weekend. It was the decision of the Committee.

WILLIAM D. GIBSON, MAYOR, TOM MELTON, RECORDER, DR. R. V. ALLEN,
HUGO TIDQUIST, KETIH PRIDDY, VERNON CASEBOLT, JAMES WHITE, THOMAS LILLY,
AND PAUL HILL, MEMBERS THEREOF.

You, and each of you, will please take notice that a Special Meeting
of the Council of the City of Nitro, West Virginia, is hereby called and
will be held in the Council Chamber in the City Hall of said City on
the 24th day of February, 1973, at 4:30 p.m., for the purposes following:

1. To consider and act upon all matters relating to bids on
a police cruiser.
2. To consider and act upon all matters relating to bids on
two garbage trucks.

Respectfully yours,

William D. Gibson
William D. Gibson, Mayor

The foregoing notice is hereby accepted as being both sufficient
and timely:

Ray V. Allen
Keith Priddy

Paul Hill
James B. White
Tom Melton

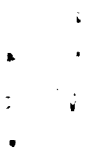
V. Casebolt
Thomas B. Lilly

Hugo H. Tidquist
William D. Gibson

Councilman Paul Hill entertained a motion for adjournment. Councilman at Large Dr. R. V. Allen seconded the motion - All Council voted in favor.

Tom D. Gibson
Mayor

Tom Melton
Recorder



NITRO CITY COUNCIL MEETING

March 6, 1973

The regular meeting of the Nitro City Council was held in the Council Chambers March 6, 1973. Those present were: William Gibson, Mayor; Tom Melton, Recorder; Councilman at Large Dr. R. V. Allen, Councilman at Large Hugo Tidquist, Councilman at Large Keith Priddy being absent. 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 Bill Westlund gave the invocation.

APPROVAL OF MINUTES - Councilman Casebolt made a motion that the minutes of the last Council Meeting be accepted. Councilman White seconded the motion. All Council voted in favor.

APPROVAL OF SPECIAL COUNCIL MEETING MINUTES - Councilman at Large Allen made a motion that the minutes of the February 24, 1973, Council Meeting be approved. Councilman Casebolt seconded the motion - All Council voted in favor.

APPROVAL OF FINANCIAL REPORT - Councilman Lilly, Chairman of the Finance Committee, read from the daily cash sheet. He stated that the bank balance is \$38,067.74 in the general fund, which doesn't include the \$10,000 saving certificate and the revenue sharing monies.

Tom Melton, City Recorder, reported on the Municipal Levy. He stated that he and Mayor Gibson went to the warehouse in Dunbar where the voting machines are stored and canvassed the machines. He stated that the results were the same as they were after the election. Councilman White made a motion to accept the results of the Special Levy Election. Councilman Casebolt seconded the motion - All Council voted in favor. Mayor Gibson thanked all of the citizens who went out to the polls and voted 94% for the levy with only 6% against. This proved that the citizens are cooperating with the governing body.

Councilman Paul Hill, Chairman of the Building and Planning Committee, reported on the Plumbing and Building Codes. He stated that he would like this kept in the Committee for further study. Mr. Hill stated that the ordinance is not ready yet and that the Committee would like Mr. Kessinger's advice. Mr. Kessinger stated that he would plan a meeting.

Mayor Gibson reported on the Appalachian Street Light Survey in the absence of Councilman at Large Keith Priddy. He stated that Mr. Priddy informed him that he doesn't know any more about the survey than he did at the last Council Meeting; but was of the opinion that the Appalachian Power Company is still conducting the survey.

Councilman Thomas Lilly, Chairman of the Street Committee, reported on the Ivy Street and Kanawha Avenue problem. He stated that this is still in a committee for study and would like no further construction made until the Committee makes its report.

Mayor Gibson introduced Mr. Dixie Shreve, who is with the Soil Conservation Service; and Mr. Ted Burns, a government representative and Project Engineer of the Blakes Creek - Armour Creek Watershed Project.

Mr. Shreve informed Council of the various steps that the Project has taken since the project started ten or eleven years ago. He stated that in December of 1961 the original application was made. In November of 1962 the application was approved; in March of 1966 the operation of the project was authorized by Congress. In February of 1969 Work Plan Supplement #1 to the original work plan was added. The supplement stated that the Kanawha County Court would provide financial help in acquiring all land rights and enter in land right agreement. On September 30, 1971, the Soil Conservation Service paid the land right share to the Kanawha County Court. The County Court stated that upon completion of the project, the land rights would be turned over to the City of Nitro for public recreation. Mr. Shreve added that the first supplement to the original work plan deals with the different agreements entered into. In March of 1969 three important documents were entered into: (1) the Land Rights Agreement, (2) Operation and Maintenance Agreement for the dam and recreation facilities. In April of 1969 the Project Agreement was signed. In November of 1969 a Project Agreement was entered into. This was an engineering agreement with a private consulting engineer. In August of 1970 an Agreement was made for the seeding of the dam.

In June of 1971 a work plan supplement #2 was entered into. This supplement deleted the camping facilities from the work plan. This would up date the cost estimate. Councilman White asked why camping facilities was not going to be provided. Mr. Shreve replied that it was decided that the money could be better spent for upgrading the area and it may be a problem to the local people.

In August of 1971 a Project Agreement on the basic recreation agreement was entered into. Also in August of 1971 a third supplement to the original work plan was entered into. This supplement was a relocation clause which was ordered by the Congressional Legislature.

In June of 1972, a Project Agreement was signed for a removal of a slip and the raising of the road.

Mr. Ted Burns reported on the various contracts and the amount of money spent thus far. He stated that Contract BA-1 is for the structure itself (the dam). The total cost includes \$218,702.40. Out of that amount the Soil Conservation Service paid \$180,831.56; and the City of Nitro paid \$37,870.84. The Department of Highways reimbursed the City \$24,000. The cost of seeding the dam was \$10,136.00. The Soil Conservation Service paid \$8,986 and the City paid \$1,150.

Contract BA-2 was for the basic recreational facilities with the B. M. Hoffman Company. Paid to this date is \$185,791.67; the Soil Conservation Service paid \$148,633.34. The City share was \$37,158.33. He added that this contract is not yet complete. Councilman White asked Mr. Burns who drew up the contract and what is to be done by the Contractor. Mr. Burns stated that the agreement is for the basic recreational facilities. The City would install the picnic tables and areas and the service stations. He added that these are standard specifications used in these types of projects. The contract states what is to be done. Councilman Casebolt asked if he would meet later with the City Government to discuss these matters at greater length. The two gentlemen were receptive to the request.

Councilman Casebolt stated that it was his understanding that the Watershed Commission has fulfilled their obligation and that it is the responsibility of Recreation Committee and the City Government to make all future decisions. Mr. Burns stated that he didn't know who would make the decisions, but he believed

that the Watershed Commission would have permission to advise the City on the project. Councilman Casebolt stated that the Work Plan Book stated, that upon completion the watershed will be turned over to the Park and Recreation Department under their direction. Mr. Burns agreed that this was true.

Mr. Burns reported on the bids of the various contracts: BA-1, May 29, 1969 bids were opened; last day of June, 1969 received a notice to proceed with the work. The work was completed September, 1970; BA-2, bids were opened September 20, 1971. Bids received October 12, 1971; BA-3, bids opened August 10, 1972; received bids October 6, 1972. Mr. Burns stated that Contract BA-3 is an agreement for the removal of a slip in the spillway. The agreement pertains to the drainage in the emergency spillway and reseeded. The total amount spent to date excluding land rights and Consulting Engineering Service which was the City's expense, is \$429,306.90. The SCS paid \$344,058.31; the City paid \$85,248.59. The Department of Highway will reimburse the City some money upon completion of the Watershed Project. Councilman Casebolt asked what was going to be done about the road as it isn't up to standards. Mr. Burns stated that the road was completed as present specifications stated, but the weather was too bad and the Department of Highways could not surface the road. The Department of Highways will, however, surface the road in the spring. Councilman Casebolt asked about the dirt still in the spillway. Mr. Burns stated that according to Contract BA-3, the dirt has to be moved. He added that all dirt under the contract was supposed to be moved to raise the road, however, more dirt slipped than was anticipated and the dirt has to be moved some place else.

Mr. Burns stated that there are 16 modifications to the Contract. This raised the contract price \$12,000 on BA-2. He further added that 80% of the project is paid by the SCS, which has not been reimbursed to the City. For every \$1,000 that is spent on the Watershed Project, the City cost is only \$54.

Councilman White asked what the cost would be to move the dirt. Mr. Burns stated that the SCS would cost share on the moving of the dirt, but not out of the Watershed Area.

Mayor Gibson stated that Mr. Hoffman informed him that the dirt could be spread out in a uniform matter in the immediate area. Mr. Burns stated that the dirt could be disposed of in a more logical place. Councilman Casebolt stated that this is still under contract to be turned over to the City and as of now it has not. Mr. Burns stated that the Watershed will be turned over to the City upon the payment to the Kanawha County Court for the land rights. Councilman White asked what rights and responsibilities the City has. Mr. Burns stated that the City is a contracting organization. The City of Nitro has a contract and the SCS has an agreement with the City. Councilman Lilly stated that it would be a matter for the City Attorney to check into.

Councilman White asked who has the responsibility or the right to operate or use the facilities, if the City started a Recreational Program today. Mr. Shreve answered, "Who would stop you." The Court owns the title now and the Court agreed to turn the Watershed over to the City. Mr. Kessinger stated that the County Court has a legal title but the City has an equitable title.

Mayor Gibson stated that he received a letter from Mr. Jones which spelled out what the W.Va. Department of Highways was going to do. Mr. Shreve stated that the Soil Conservation Service will cost share in the moving of the material and the raising of the road. Mr. Burns stated that the agreement includes drainage and re-seeding, which pertains to the slip.

Mr. Shreve reported on the various projects coming up at the Watershed Area.

(1) Supplement plan to the seeding of the dam. This plan is approaching the end of the three year established period and the SCS will not be able to cost share on the seeding of the dam. Mr. Burns stated that the percentage paid by the SCS is 94.6% and the City percentage is 5.4%. (2) A working meeting of the SCS and a representative of the Recreational Committee. During the meeting they will discuss the estimating cost of operating and maintaining the facilities. Councilman Casebolt stated that he understood that there can be no charge for fishing at the Watershed. Mr. Shreve stated that the Department of Natural Resources stocked the lake and they would have the say so as to whether or not to charge for fishing.

Mr. Shreve reported on the Contract modifications, which are: (1) Seeding of the recreational area, (2) The putting of additional gravel on the road. Councilman White asked about the possibility of paving the road. Mr. Shreve stated that this is not in the contract. Mr. Burns stated that there is a possibility of paving the road. Mr. Shreve stated that if the City was interested in paving the road, they should check into it. Mr. Casebolt stated that he drove out the road and could not get to the parking lot. Mr. Burns stated that any new construction takes a year to get to the point where it holds up. Councilman Casebolt stated that when the project was in planning stage, there was to be a back entrance made to the watershed by going through 18th Street. Mr. Shreve stated that there was nothing in the work plan to this effect. Councilman Casebolt asked about lights and a fence to be installed. Mr. Burns stated that the City could cost share on the lights and fence. Mr. Burns further suggested that a meeting be held in which questions of this type could be answered. Councilman Casebolt stated that the meeting would be arranged. (3) The final adjustments according to cost. (4) A possible project agreement on a bronze plaque - placement, cost, share. (5) An operation and maintenance inspection in April of the Watershed Project. A member of Council and the SCS would make the inspection. He further added that an engineer would inspect the spillway.

Mr. Casebolt stated that applications are being taken for a full time recreational director for the City. The man would work through the Recreation Committee and Council.

Mayor Gibson stated that the RDA is working with the Kanawha County Court to have a clean-up campaign during the month of April. He further added that a resolution will be sent to the Regional Development Authority whereby the City would agree to be a part of the trash clean-up campaign. Councilman Casebolt seconded the motion - All Council voted in favor.

Mayor Gibson stated that he received the figures from the Governor's Highway Safety Commission for 145 stop signs and traffic signs, plus the hardware to put up the signs. The total cost of the signs is \$1,087.50. He further added that the Highway Safety Commission will designate where the signs are to be put.

Mayor Gibson stated that in the upgrading of the Police Communication, the City Share will be \$1,021.25 and the Governor's Committee on Crime and Delinquency would pay \$3,063.75. There was some discussion among Council as to the type of equipment that was purchased. Councilman White asked if the old communication system could be used by the Fire Department. Mayor Gibson stated that if the City would do this, we could possibly get in trouble. He further added that the best performance could not be obtained if it were used for the Fire Department. Mayor Gibson stated that the communication system could possibly be used in other City vehicles. This met Council's approval.

Mayor Gibson stated that he would like to put the agreement with the Union Carbide Company pertaining to the trash-to-gas project into the Garbage Department Committee and report at the next Council Meeting or at a later date.

Mayor Gibson informed Council that the Cross Lanes Women's Club would like permission to solicit for ads for a Child's Study Day. Councilman at Large Allen stated that this should be studied in a Committee.

Mayor Gibson stated that he has received complaints concerning rats in the community. Mayor Gibson added that he received a letter from the Kanawha County Health Department, which allows us to tie into the Fly and Mosquito Control Program and a rat elimination program. The participation in the programs would cost the City \$1,250 per year. Councilman Casebolt stated that this would be a fine program to enter into. Councilman Lilly stated that this should be put in a Committee for study.

Mayor Gibson stated that under the direction of Mr. White and the City Attorney, an agreement has been made with Estill and Greenlee; and \$14,000 is in an Escrow Account at the Bank of Nitro to be used in the up-grading of storm sewers in the Brookhaven area. This will enable Estill and Greenlee to develop nine lots.

Mr. Hill stated that the Nitro Taxi Stand is parking junked cars in the street and some cars do not have a license plate. He further added that the cars are using almost all of the parking spaces on 19th Street and Second Avenue. Council discussed the possibility of putting a two hour parking sign on 19th Street. Councilman Hill stated that if someone would have to go to the Doctor's Office there wouldn't be a place to park. After some discussion, Council decided that Councilman Paul Hill and Chief Johnston of the Police Department, would talk to the owner of the Taxi Stand.

Councilman Lilly stated that he would like the work on the unpaved roads in his ward be stopped until sufficient material and equipment is available. He added that he has received numerous complaints about one road being repaired and another road not. He further added that the complaints could be referred to him. Mayor Gibson stated that he would obey his wish. Mayor Gibson asked other Councilmen how they felt about this. Councilman Casebolt stated that you can't please everybody and you have to do what is best. Councilman White stated that he has not received any complaints from his ward and that he was not in a position to say anything. Councilman at Large Allen stated that we are entering a season when there will be a lot of trash to be picked up and the trucks that are available are being used to fix the streets. He further added that in his opinion we should wait for the equipment. Mayor Gibson stated that we have rough materials to fix the streets but do not have the proper equipment. Mayor Gibson further added that he is in favor of having the roads fixed when we have the equipment to do it right and until then we will stop repairs.

Councilman Lilly stated that in August Council agreed to remove the fence under the bridge so that the children could get to West Sattes Elementary School without having to cross the highway. Mayor Gibson stated that the reason the fence was not taken down was that there was some opposition from property owners in doing so. He further added that there would be legal work necessary. Mr. Kessinger stated that he would go with someone and talk to the man whose property the fence is on. He further added that the man should be explained the legal aspects of moving the fence.

Councilman at Large Tidquist stated that he had the specifications for the air compressor and tools. Councilman at Large Tidquist added that he would like bids sent out. Mr. Tidquist further added that the following statement should be added, "These materials or their equivalent must be used." Councilman Casebolt made a motion that the City advertise for bids, Councilman Lilly seconded the motion - All Council voted in favor. There was some discussion among Council as to the closing date for the bids. Council decided on Tuesday, March 20, 1973 at 5:00 p.m.

Councilman Casebolt asked if there was a weight limit sign on any of the City Streets. Councilman at Large Allen stated that there was no limit unless designated. Councilman Casebolt stated there is a Greyhound Bus, which a rock group purchased, parked by the street. This is a hindrance when someone is pulling out of their driveway. He added that the bus has been there approximately six weeks. Mr. Casebolt stated that people who live in that area are complaining. Mr. Kraft, a citizen of Nitro, stated that he didn't know the bus was a hazard until tonight. Mayor Gibson stated that a warrant would have to be signed by a neighbor.

Councilman Casebolt stated that he had the specifications for a Quick Hit Fire Truck to be used to put out small fires such as garbage can fires. Mr. Casebolt added that he would like to recommend that Council advertise for bids to be returned by Tuesday, April 17, 1973, at 5:00 p.m. Councilman at Large Tidquist made a motion to accept Councilman Casebolt's recommendation - Councilman Lilly seconded the motion; All Council voted in favor.

Councilman Casebolt stated that the Recreation Committee is accepting applications for a Park Director.

Councilman at Large Allen asked if any information has been received from the Department of Highways as to when they will start on the Kanawha Avenue and Dogwood Street problem. Mayor Gibson asked Mr. Kessinger, City Attorney, to contact the Department of Highways for more information about the situation.

Councilman at Large Allen stated that a man lost his hubcap on 21st Street when he hit a hole. Doctor Allen asked that the hole be fixed. Mr. Gene Williams, Superintendent of the Street Department stated, "The hole was temporarily fixed today." Mayor Gibson asked Mr. Williams to explain why the asphalt was not available. Mr. Williams replied that the asphalt company had been closed down two weeks while repairing their equipment.

Mr. Kessinger informed Council that he was contacted by Mr. John Planck's attorney concerning some maps. Mr. Planck wants to build a fence across the street. Mr. Kessinger added that Mr. Planck's attorney would like to meet with him and he would like a Councilman to come too.

Councilman at Large Allen made a motion that the meeting be adjourned. Councilman White seconded the motion - All Council voted in favor.

Tom Melton
RECORDER

Wm. D. Gibson
MAYOR

NITRO CITY COUNCIL MEETING

March 20, 1973

The regular meeting of the Nitro City Council was held in the Council Chambers March 20, 1973. 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 Thomas Lilly, James White, Paul Hill, Vernon Casebolt, and City Attorney James Kessinger.

The meeting was called to order by the Honorable Mayor William Gibson. Reverend Bill Westlund gave the invocation.

APPROVAL OF MINUTES: Councilman Casebolt made a motion that the minutes of the last Council Meeting be approved - Councilman at Large Tidquist seconded the motion - all Council voted in favor.

Councilman Casebolt stated that he would like Council to read the first paragraph on the last page. Mr. Casebolt stated that a rock group does not own the bus as he had originally stated, but that a gospel group owns the bus.

APPROVAL OF FINANCIAL STATEMENT: Councilman Lilly, Chairman of the Financial Committee, stated that he would like to make a motion that the Financial Statement for February be approved. Councilman at Large Allen seconded the motion - all Council voted in favor.

Councilman Paul Hill reported on the Trash to Gas Project. He stated that when information was received from Union Carbide, the understanding was that the Project would be at the Institute Plant. Mr. Hill added that an agreement was received from an attorney for Carbide, which stated that the project would be at the Charleston Plant. He further added that since the municipalities of South Charleston and Charleston will supply the refuge, which would be sufficient, the City of Nitro should reject the agreement. He added that in the future the City of Nitro would cooperate in any way possible. Councilman Lilly made a motion that the agreement be tabled. Councilman White seconded the motion - all Council voted in favor.

Councilman Casebolt reported on the bids for the fire truck. He stated that three (3) bids were received for the big fire truck. They are as follows:

Sutphen Fire Equipment Co. - Diesel operated - \$44,360; Gasoline operated - \$42,460. The delivery date is 12 months.

Mack Trucks Inc.: \$40,963. It was not determined whether the bid was gasoline or diesel operated. The delivery date is 175 working days.

American Fire Apparatus Co.: Diesel operated, \$42,689 - Gasoline operated \$41,989. The delivery date is 320 working days after the acceptance of the contract.

Mayor Gibson stated that he would like the specifications for the fire truck to be put in a committee, and give the committee the authority to act. Councilman at Large Priddy said, "That's an awful lot of money for a committee to have the authority to spend." Councilman at Large Allen stated that most municipalities have committees which act on approval of the Council.

Mr. Kessinger stated that the Council can give the committee the authority to do this. Councilman Lilly made a motion that the Committee be given the authority to act on Council's behalf. Councilman Casebolt seconded the motion. All Council voted in favor, with the exception of Councilman at Large Priddy, who opposed the motion and voted not in favor.

Councilman Thomas Lilly reported on the bids for the two dump trucks. They are as follows:

Bert Wolfe: 2 Ton Truck - 73 F600 \$6,573.30, which is the revised bid. 2 1/2 Ton Truck - F750, \$7,589.68. The delivery date is April 20, 1973.

C & O Motors: 2 Ton Truck - CE62003, \$6,905.38. 2 1/2 Ton Truck, CE66803, \$7,474.68. Delivery date is 90 - 120 days.

J. D. Moore, Inc.: 2 Ton Truck - \$6,298.50. 2 1/2 Ton Truck \$7,400.00. Delivery date is 75 days. There is also a quick delivery date on the 2 Ton Truck which is \$6,436.50. The delivery date on this truck is 30 to 35 days.

Harvey Shreve: 2 Ton Truck - \$6,369.00; 2 1/2 Ton Truck \$7,339.00. Delivery date was not stated.

Crown Ford: 2 Ton Truck - \$7,250.00. 2 1/2 Ton Truck - \$9,339.00. Delivery date is May 9, 1973.

Cargill Motors: 2 Ton Truck - 73F600 - \$8,193.00. The selling price is \$6,736.00. 2 1/2 Ton Truck - F750; \$7,687.00. No delivery date was mentioned.

Mayor Gibson recommended that this be put in the Street Committee and this committee be given the authority to act. Mayor Gibson added that he would like to entertain a motion to that affect. Councilman at Large Tidquist made a motion that this be put in the Street Committee, and that the Committee be given the authority to act in the Council's behalf. Councilman at Large Allen seconded the motion - all Council voted in favor, except Councilman at Large Priddy who voted not in favor.

Councilman at Large Hugo Tidquist reported on the bids for the air compressor and tools. The bids are as follows:

<u>Pump Service Co., Inc.</u> :	Air Compressor -	\$4,775.30
	Tools -	727.41
		<u>\$5,502.71</u>

The delivery date is 8 weeks.

The alternate bid is Air Compressor:	\$8,830.65
Accessories:	202.50
	<u>\$9,033.15</u>

Enslow: The price is \$4,650.00. The delivery date is 4 weeks.

Councilman at Large Priddy asked if that was the total cost.

Councilman White stated that the air compressor and tools go with the price.

Ace Equipment Co.: The total cost is \$4,433.35. The delivery date is two weeks. The Company asks that the City pay in cash.

Logan Corporation: 175CFM Air Compressor - \$4,660.00. 150CFM Air Compressor \$3,910.00. The accessories are \$495.00 each.

The delivery date is 30 days.

Machinery Inc.: The total cost is \$6,600. The delivery date is 20 days. The company will loan a machine until the new unit is received.

Rish Equipment: The price for the air compressor and mounting is \$3,890.00 plus \$1,084.36, making a total of \$4,974.36.

The delivery date for Rish Equipment is one to two weeks.
Transervice: The price is \$7,091.27. The delivery date is three weeks after the order is received.

Mayor Gibson stated that he would like to recommend that this be put in the Street Committee and Councilman at Large Tidquist be temporary acting chairman, since he formulated the specifications, if Mr. Lilly would be willing to yield. Councilman Lilly made a motion that Councilman at Large Tidquist be made temporary acting chairman, and that the Street Committee be given the authority to take action. Councilman Casebolt seconded the motion - all Council voted in favor; except Councilman at Large Priddy who opposed.

Councilman at Large Keith Priddy reported on the Appalachian Street Survey. He stated that the Power Company has not completed the survey and that he would like this to be continued at the next Council Meeting.

Councilman at Large Keith Priddy reported on the 19th Street and First Avenue intersection. He stated that an engineer from Fike Chemical is scaling the intersection to see if it is possible to work a third lane in without doing away with the sidewalk. He added that he would like to have the engineer's report to be presented to Council by the next Council Meeting. Mayor Gibson added that we would have to have this cleared by the West Virginia Department of Highways prior to doing any construction.

Mr. Kessinger, City Attorney, reported on the children's cross walk at the end of the bridge. He stated that he, and Mr. Lilly walked through the area and two possible solutions were discovered: (1) The children would walk under the bridge and make a 90° turn to a walkway, which could be built to the top of the bridge, and then the children would walk down the bridge and into Sattes Circle on their way to the elementary school. This solution is most desirable and also the most difficult. Mr. Kessinger added that he would check with the State Road Commission. Mr. Lilly stated that the only obstruction is that there is a small railing; but this could be removed in order for the steps and railway to be made. Councilman Lilly stated that Mr. Earl Benton suggested that the fence could be moved, which is on his property. Councilman Lilly added that this particular solution has not been investigated any further, because if a child would fall on Mr. Benton's property he would be liable. Mr. Kessinger stated he is going to talk with the legal department and the construction department, of the Department of Highways, to see if the work can be done. Mr. Kessinger further added that he would report back at the next Council meeting.

Mr. Kessinger reported on the problem at Planck Drive. Mr. Kessinger stated that he received a certified letter from the legal representative of John and Hazel Planck, indicating their ownership of Planck Drive. The question is whether the city has maintained the area. Mayor Gibson stated that the street has been used by the city to pick up trash and debris. Mr. Keiffer, owner of two lots in the contested area, showed council a map of the area of Planck which was turned over to the city October 15, 1961, and dedicated December 29. Mr. Keiffer also submitted a copy of the deed to his property stipulating the right to a "turn around" on the street. Mr. Keiffer added that after the lots were purchased improvements were made, and nothing was said by Mr. Planck, until the improvements were almost completed. Mayor Gibson stated that it appears to be a turn around.

Mr. Keiffer stated that Mr. Planck asked permission to fence one outlying corner. Mr. Keiffer added that he had no objection; but now Mr. Planck wants to take the whole turn around area. He further added that if a truck would enter the street he would have to turn around in someone's driveway, or back into the school lot, which would be dangerous to the children around the school. He added that Mr. Planck ran the fence on across the turn around. Mayor Gibson recommended that this be put in the Street Committee to be checked out by the committee, and Mr. Kessinger. Mr. Kessinger stated that he met with Mr. Planck and suggested that he not build the fence, but Mr. Planck did the next day ignoring his advice. He further added that a recommendation will be made to Council at the next Council Meeting. Mr. Kessinger also stated that some legal action may have to be taken.

Mr. Kessinger reported on the Kanawha Avenue and Dogwood Street situation. He stated that the Department of Highways will correct the problem as soon as the weather breaks. A certain amount of time is needed to correct the problem. Councilman Lilly stated that the project is very costly, and it has to be a certain temperature in order to start the project. Once the project is started it has to be completed; however it will be completed when weather permits.

Mayor Gibson stated that the City of Nitro has started cleaning up efforts in working with the Regional Development Authority and Governor Moore. Mayor Gibson added that the city has collected several loads of junk and debris. Owners of vacant lots and overgrown areas are being contacted to let them know that we are going to have a clean city. Mayor Gibson further added that the Regional Development Authority has called a meeting for Thursday, March 22, at 9:00 a.m. in the conference room at the Kanawha County Court House. Mayor Gibson stated that he would like a member of Council to attend. Councilman at Large Tidquist stated that he would attend the meeting if at all possible.

Councilman at Large Allen asked if a trash schedule had been set up. Mayor Gibson stated that a new schedule is being made and should be released in the near future. He further added that an advertisement will be put in the newspaper so the citizens of Nitro could know the schedule.

Mayor Gibson stated that there is a rat problem throughout the community; and at the price of \$1,250 per year the Kanawha County Health Department will see that the various areas are taken care of, along with the fly and mosquito service which we have been getting. Councilman at Large Allen asked if better equipment would be used. Councilman Lilly stated that if enough communities participate in the program then better equipment would be purchased. Councilman Lilly made a motion to authorize Mayor Gibson to enroll the City of Nitro in the program. Councilman at Large Tidquist seconded the motion. All Council voted in favor.

Mayor Gibson stated that several complaints had been received concerning heavy trucks driving through Frederick Street next to the Corrie Building. The trucks cannot negotiate the curves on Frederick Street, and the trucks are cutting across the right-of-way. Mayor Gibson requested that a weight limit sign be installed. There was some discussion as to whether the weight limit sign should be installed, and the weight limit. Mayor Gibson stated that the semi-trailer trucks are the type used, and the

Police Department recommended a 4 ton weight limit sign. Mr. Kessinger asked if there would be another way out for the trucks if Frederick Street were blocked. Councilman at Large Priddy stated that the trucks could go out Walker street on the side of the building where the loading dock is. Mayor Gibson stated that this should go into the Traffic Committee and perhaps have a report by the next Council meeting.

Mayor stated that Mrs. Withrow, who operates the nursing home at 2307 23rd Street, would like a "loading zone" sign installed. She has invalids coming in and out, and sometimes they cannot get in front of the nursing home. Mayor Gibson added that he would like this put in the traffic Committee.

Mayor Gibson stated that he had received a complaint from a resident at 1324 Valentine Circle, informing him the street is sagging, which allows water to remain in the area long after the street has dried. Mayor Gibson added that he would like this put into the Street Committee for study, and report at the next council meeting. Councilman Lilly, Chairman of the Street Committee, stated that the committee would study this and report at the next council meeting.

✓ Mayor Gibson stated that he received some information, (which he gave a copy to each Councilman) from the Planning and Zoning Commission and the Zoning Board of Appeals concerning the property at Riverdale Acres which was rezoned for the Dunbar Supply and Sash Company. Mayor Gibson further stated that Council does not take any action concerning the rezoning, but wanted Council to be informed. Mayor Gibson stated that since the Zoning Board took action, an attorney has approached the City and requested that the City abandon and disclaim a certain portion of Michigan Avenue. Mayor Gibson added that he would like this put in the Street Committee. Councilman Lilly recommended that all Council meet in session for any conferences involving this matter. Mayor Gibson stated that he would like all Council together to make a tour of the Michigan Avenue area. Councilman Lilly stated that this should be done and that a recommendation would be made at the next Council Meeting.

Councilman Hill stated that he and Chief Johnston, of the Police Department, talked with Mr. Jefferies of the Nitro Taxi Stand about the cabs being parked on 2nd Avenue and 19th Street. Mr. Jefferies stated that in the future the cabs would not be parked in front of the Doctors' offices and the State Farm Insurance office. Mr. Hill further added that he would like to publicly apologize for saying that some of the cabs were parked in the street without a license plate. Mr. Jefferies states that the cabs are licensed and I will accept this.

Councilman Lilly informed Council of the changes to be made in the Levy Estimate. Page E-7; item 39 is to read 400 instead of 4,000. Item 53 is to be changed from 15,200 to 18,800. Councilman Lilly made a motion that the Levy Estimate for fiscal year 1973-1974 be approved by Council. Councilman Casebolt seconded the motion - All Council voted in favor. Councilman Lilly added that the Levy Estimate has to be signed.

Councilman at Large Tidquist stated that since the opening of the new motorcycle shop on 11 Street, trucks have been parking across from the motorcycle shop close to West 11 Street, which blocks the view of cars pulling out of West 11 Street onto First Avenue. Councilman at Large Allen

stated that we have an ordinance pertaining to this type of situation which should be enforced. He further added that no trouble would be involved in enforcing a sign. Mayor Gibson stated that no action can be taken unless a sign is erected and approved by Council. Councilman Hill stated that he would talk to the owner of the motorcycle shop before any action was taken. Mayor Gibson stated that this should also be put in the Traffic Committee.

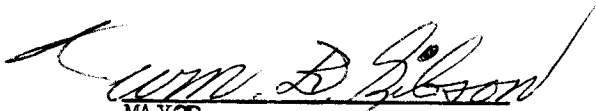
Councilman Casebolt stated that the one way street sign on 3rd Avenue and 31st Street is gone. Mayor Gibson stated that a one way sign will be erected.

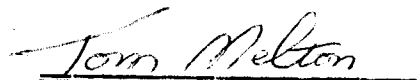
Councilman Casebolt stated that he has talked with Mr. Shreve and will talk to the biologist to see if a meeting could be arranged sometime next week. Councilman Casebolt expressed his appreciation to Mr. Amburgey and Boy Scout Troop 27 for planting approximately 300 trees at the Watershed Area and the City Park. He further added that a beautiful timberline will be formed with the planting of the trees. Mayor Gibson stated that the planting of the trees was under the direction of Mr. Shreve of the Soil Conservation Service. Mayor Gibson complemented Mrs. Frazier, Secretary to Mayor Gibson, and Councilman Vernon Casebolt for coming out to help plant the trees on such a cold and windy day.

Councilman at Large Priddy requested that the Planning and Zoning Commission determine where the corporate limits lie on the hill section of 18 Street. Councilman at Large Priddy also suggested that the Planning and Zoning Commission check out the Occupancy Permit Ordinance. Councilman White, who is a member of the Planning and Zoning Commission, stated that they would check out the corporate limits and the occupancy permit. Mayor Gibson requested that Councilman White keep the members of Council informed on this matter. Council discussed whether or not there was an occupancy ordinance. Mayor Gibson stated that the ordinance was voted on prior to our administration, but Council later decided to table the matter. Mayor Gibson added that he thought this provision was included in the Southern Standard Building Code.

In reference to whether a trailer could be put on the 18th Street hill section, Mr. Kessinger stated that there is a question as to whether or not a mobile home is a mobile home; the wheels are removed and the mobilehome owner does pay real estate taxes. Councilman Lilly stated that a permit has to be obtained in order to construct a home. Mr. Kessinger stated that a mobilehome is not constructed on the lot. Mayor Gibson stated that the matter would be checked out.

Councilman at Large Allen made a motion for adjournment - Councilman White seconded the motion - All Council voted in favor.


MAYOR


RECORDER

NITRO CITY COUNCIL MEETING

April 3, 1973

The regular meeting of the Nitro City Council was held in the Council Chambers April 3, 1973. Those present were: William Gibson, Mayor; Tom Melton, Recorder; Councilman at Large Dr. R. V. Allen, Councilman at Large Hugo Tidquist, and Councilman at Large Keith Priddy. Councilmen Thomas Lilly, Paul Hill, Vernon Casebolt, James White, and City Attorney James Kessinger.

The meeting was called to order by the Honorable William Gibson. Reverend Leroy Beyer gave the invocation.

APPROVAL OF MINUTES: Councilman at Large Dr. Allen made a motion that the minutes of the last Council Meeting be approved; Councilman James White seconded the motion - All Council voted in favor.

FINANCIAL REPORT: Councilman Lilly, Chairman of the Finance Committee, stated that the bank balance of April 3, 1973, is \$12,485.74, in the General Fund. Councilman Lilly added that the West Virginia Tax Department sent a certificate stating that the Municipal Levy for fiscal year July, 1973, has been received with no revisions. He further added that information has also been received from the West Virginia Tax Department, which has accepted the Levy Estimate for Revenue Sharing with no revisions.

Councilman Lilly, Chairman of the Street Committee, reported on the problem at 1324 Valentine Circle. Councilman Lilly stated that the Street Committee recommends that no action be taken, as the City is not in a position to put storm sewers in that area at this time.

Councilman Lilly reported on the Michigan Avenue - Goldberg's Request. Mr. Lilly introduced an ordinance for the first reading which would abandon and disclaim a strip of land on Michigan Avenue. Councilman Lilly later made a motion that the first reading of the ordinance be accepted. Councilman at Large Allen seconded the motion - All Council voted in favor. A copy of the ordinance is attached and is to be included in the minutes.

Councilman Lilly reported on the Dump Truck and Trash Truck. He stated that the Street Committee inspected the bids for two dump trucks and awarded the bid to the J. D. Moore Company, which was the lowest bidder. The cost of the two trucks is \$13,698.50.

Councilman Casebolt reported on the Fire Truck. Councilman Casebolt stated that the Fire Department Committee would like the fire truck kept in the committee until a report can be made to Council.

Councilman at Large Tidquist reported on the Air Compressor and tools. He stated that the bid was awarded to the Ace Equipment Company, which was the lowest bidder. The cost is \$4,433.35, with delivery in two weeks.

Councilman at Large Priddy reported on the 19th Street and 1st Avenue Intersection. Mr. Priddy stated that he talked with the engineer from Fike Chemical who made the survey. The engineer stated that there isn't

enough space between the sidewalk and the other side of the road to add a third lane. The railroad crossing and the sidewalk would have to be widened. The engineer further added that a traffic light is needed. Councilman at Large Priddy asked Council if a traffic light could be installed at 19th Street and 1st Avenue. Mayor Gibson stated that a traffic light could not be installed on 19th Street because the traffic could not be synchronized with the traffic traveling over the railroad tracks on 19th Street. Mayor Gibson added that Mr. Tony Engle, who made a traffic light survey, recommended that a traffic light be installed at 21st Street and 40th Street, but not at 19th Street. Mayor Gibson further added that 1st Avenue has to be straightened out before the traffic light can be installed at 21st Street to the Department of Highway's specifications.

Councilman at Large Priddy stated that a third lane would be dangerous for children crossing the highway. Mayor Gibson complimented Councilman at Large Priddy for presenting a fine report.

Councilman at Large Priddy reported on the Appalachian Street Light Survey. Mr. Priddy stated that he checked with the Appalachian Power Company and they have not yet completed the street light survey. Councilman at Large Priddy therefore recommended that a letter be sent to the Public Service Commission pertaining to the problems of maintenance and the installation of new lights. Mr. Priddy added that if the citizens would call Mr. William Jones, at the St. Albans office, about malfunctioning lights, this may help. Mayor Gibson stated that the phone number is 727-4384. He further added that five lights are out on Main Avenue, which have been reported but the Power Company seems slow in taking any action. Council discussed the problems of obtaining maintenance and the amount of time it takes to install new lights. Mayor Gibson stated that a letter would be sent to the Public Service Commission if none of Council objected. All Council agreed that a letter should be sent to the Public Service Commission. Councilman White stated that a copy of the letter should be sent to the Appalachian Power Company.

Councilman at Large Allen reported on the parking in front of the 23rd Street Nursing Home. Dr. Allen stated that the Traffic Committee observed the area and if there was ever an emergency in which a person would have to be taken from the Nursing Home, there would be no place for the ambulance or a car to get in front of the home. Councilman at Large Allen recommended that the area in front of the home be designated loading zone. Councilman White suggested that a 5 to 6 foot area be painted in front of the house. Councilman at Large Allen stated that there is a driveway beside the home which isn't being used and could perhaps be used by the nursing home. Council discussed as to whether or not the driveway has been used before. Councilman at Large Allen stated that he has never seen a car in the driveway. Reverend Beyer, in the gallery, stated that he has never seen a car in the driveway for years. Councilman at Large Allen made a motion that the driveway be used by the Nursing Home. Councilman Casebolt seconded the motion - All Council voted in favor.

Mr. Kessinger, the City Attorney, reported on the Planck Drive problem. Mr. Kessinger recommended that Council take no action at this time. Mayor Gibson stated that trash trucks, garbage trucks, laundry trucks, and other such vehicles have to turn around on the school grounds. Mr. Kessinger stated that it is not inconceivable

to turn around in that area. Council discussed whether or not the area was turned over to the City. Mayor Gibson stated that this should be kept in the Committee; as not all members of Council has seen the area in question.

Mr. Kessinger, City Attorney, reported on the upgrading of the ordinances. Mr. Kessinger stated that a meeting will be planned for next week to discuss the upgrading of the ordinances.

Councilman at Large Tidquist reported on the Regional Development Clean-Up Campaign. Mr. Tidquist stated that every municipality participating in the clean-up will be working towards cleaning up Kanawha County. Mr. Tidquist added that during the month of April all trash can be hauled to the Tyler Mountain dump free of charge. Mayor Gibson stated that the road to the Tyler Mountain landfill has just been paved. Councilman at Large Priddy asked if individuals could haul trash to the landfill. Councilman at Large Tidquist stated that it was not specified. Mayor Gibson stated that anyone could use the landfill during the month of April. Mayor Gibson added that the dump is open from 9:00 a.m. to 12:00 a.m. on Saturday. Mayor Gibson stated that Councilman at Large Tidquist made a good report and thanked him for attending the meeting. Mayor Gibson further added that Mr. William Ashford of the Brookhaven Garden Club and Mrs. R. V. Allen also attended the meeting. Councilman at Large Allen stated that students from Nitro High School attended the meeting, along with Mr. John Santrock of the Kanawha County Board of Education. Mayor Gibson stated that the trash trucks will pick up the debris and junk. Mayor Gibson further added that an automobile cruncher will be brought in to get rid of the junk cars in the community.

Mayor Gibson introduced Mr. Benjamin Howatt, who is the executive director of the Regional Intergovernmental Council. Mayor Gibson stated that Mr. Howatt accompanied him on a trip to Pittsburgh, August, 1972, in order to obtain Federal Funding for the Secondary Sewage Treatment Plant.

Mr. Howatt stated that he is visiting the various municipalities in order to answer questions regarding federal funding. Mr. Howatt added that the Regional Intergovernmental Council (RIC) is made up of local governments in a four-county area. The purpose of the RIC is to assist the local governments. Mr. Howatt explained to Council the objectives of the RIC, its cooperation with government agencies, and efforts to secure funding for projects in the four-county municipalities. Councilman White stated that the City still has \$600,000, which was allocated for a new sewer system. The City of Nitro received the money from the Environmental Protection Agency (EPA) before the freeze. Mr. Howatt stated that funds committed by the Environmental Protection Agency may be spent by the City and will not be taken away. Mr. Howatt further stated that no HUD money is available at all; not even for housing or community developments. Councilman White asked Mr. Howatt how much money the City would receive along with the \$600,000. Mayor Gibson stated that the total estimated cost of the project is \$1,275,000. Mr. Howatt informed Council that five special revenue sharing packages are going through Congress, which are set up to replace the categorical grant program. A complex formula is being established to determine which city or who gets how much money, aside from the general revenue sharing. Mr. Howatt stated that cities over 50,000 and counties over 200,000 which doesn't include the cities, are to get a large portion of the special revenue sharing

monies. The communities between 10 to 50 thousand will get what is left, which is usually not very much.

Mr. Howatt explained a program to Council called "Hold Harmless." In this program the various cities will get no less than they have previously been getting averaged out over a five year period. However, if a city has not had any previous HUD experience, that city will not necessary get a thing.

Mr. Howatt stated that the National Association of Regional Councils is trying to keep close tabs on Congress. A program is being initiated whereby the water and sewer funds would be excluded from the special revenue sharing, so that water and sewer funding may be applied for on a catagorical grant basis.

Councilman Lilly asked if we would be jeopardized if the City started with the funds that are available. Mr. Howatt stated that monies are committed and that projects started are usually not abandoned. Councilman at Large Allen asked how the City stood in regards to the Industrial Park in Rock Branch. They plan to tie in to our system. Mr. Howatt asked whether the City had made a commitment. Mayor Gibson stated that no commitment had been made to tie in with the out lying areas. Mr. Howatt stated that the City is committed to its citizens and if the treatment plant can serve more people, then they could tap into the system with proper approval.

Mayor Gibson stated that the City has some drainage problems; and asked if funding was available. Mr. Howatt stated that no money is available for storm sewers but help can be provided through the Emergency Employment Act (EEA) to help if there is a ditching problem. Mr. Howatt stated that he would call the Kanawha County Court House to get some men to help. Mr. Howatt passed out copies of a directory of government agencies in the four-county area, which tells where a particular agency is located plus other valuable information.

Mayor Gibson stated that the Cancer Crusade would like to know if canisters could be placed throughout the town to solicit for funds. Councilman at Large Allen made a motion that the Cancer Crusade be able to solicit for funds. Councilman at Large Priddy seconded the motion - All Council voted in favor.

Councilman White introduced Mr. Massey, who was a spokesman for the residents of Easter Road. Mr. Massey stated that dogs run in packs at night, but are usually tied up during the day; the road is impossible to get over and residents break up cinder blocks to put in the holes; the drainage ditches have not been cleaned out since he has lived there, and the water drainage is ridiculous - as the water runs into basements off the road. Mr. Massey stated that there are also junk cars parked on the road, without licenses. Mr. Massey further added that the Police do not patrol the area, but added that they come immediately when called.

Mr. Massey requested that a "dead end" street sign be erected at Easter Road. He also asked how close Childers Chevrolet could park to the Main Avenue or 1st Avenue. Mr. Massey stated that you have to pull out into the line of traffic in order to see clearly. Mr. Massey asked about a mobile home permit for 215 Frederick Street. Mayor Gibson stated that mobile homes are not permitted on Frederick Street but they are on Easter Road. Councilman White stated that he talked with Mr. Olaf

Walker, Chairman of the Planning and Zoning Commission, about mobile homes being put on Easter Road. Mr. Walker didn't really know, but thought that trailers were only permitted in certain areas of Easter Road. Councilman White stated that this would be checked into by the Planning and Zoning Commission.

Councilman Lilly asked if the residents of Easter Road have called City Hall and reported the dogs to the dog catcher. Councilman White stated that he called Mrs. Frazier, who told the dog catcher to go to Easter Road. One dog was picked up, but later released. Councilman at Large Allen stated that the dog catcher will come if there is an emergency. Mayor Gibson stated that Mr. Hedrick is a conscientious worker but can't always be there. Mayor Gibson added, however, that he would request Mr. Hedrick to patrol Easter Road more frequently in the future.

Councilman White made a motion that a "Dead End" street sign be erected at Easter Road. Councilman at Large Priddy seconded the motion - All Council voted in favor.

Councilman at Large Allen stated that men may be brought in under the Emergency Employment Act to dig drainage ditches out Easter Road. Mayor Gibson stated that Easter Road would get more services, but added that there are other problems throughout the community.

Mr. Massey stated that the citizens of Easter Road would like to have the road patched. Councilman Lilly stated that the City doesn't have a truck to haul the blacktop and nothing to work on the street with, but they are on order. The City will take care of the various street problems whenever the equipment comes in. Mr. Lilly added that a Street Committee meeting will be held to determine what has to be done.

Mr. Anthony, a resident of Hillside Drive, stated that the citizens of Hillside Drive would like something done about the tractor-trailer trucks that block Wilson Street while loading and unloading at Modern Supply. If an emergency should arise, a fire truck or an ambulance could not get through Wilson Street. Mr. Anthony added that the carpet rolls and boxes are not neatly kept behind the store. Councilman Lilly asked if picking the trash up twice a week would help. He also suggested that a sign stating that tractor-trailer traffic not be allowed on Wilson Street and a letter be sent to the various businesses concerned. Mr. Anthony asked about the trailers parked in the residential area. Councilman at Large Priddy stated that the mobile home sales was put on violation for some of the trailers. Mr. Anthony stated that an 18" drain line was installed but it won't carry the water, and the water overflows. The drain line has now settled and there are holes. Councilman Lilly stated that two notices were sent to the mobile home dealer, stating that they are in violation. Councilman Lilly asked what the next step would be. Mr. Kessinger, City Attorney, stated that a mandatory injunction would have to be filed against the trailers in violation. Councilman Lilly made a motion that a suit be filed for a temporary injunction against the trailers in violation. Councilman Casebolt seconded the motion - All Council voted in favor.

Councilman at Large Tidquist stated that the Nitro Lions Club has received permission from the Thomas Field Company for a carnival to

benefit the community; such as buying glasses for people, providing dental care, and doctor care. The Lions Club would like to know if it's possible that some City workers use the sweeper to clean up the parking lot after each night performance. Mayor Gibson stated that most employees would probably donate help and clean up the area.

Councilman Lilly stated that the Street Committee would check into the situation and report at the next Council Meeting.

Councilman at Large Tidquist stated that the Community Improvement Department of the Nitro Woman's Club will hold a luncheon in order to raise money to do landscaping work at the Library. Councilman Casebolt stated that ~~the~~ area around the library should be leveled off before shrubbery and flowers are planted. Councilman Casebolt added that the Library Committee will investigate and find the work that should be done. Mayor Gibson suggested that the Committee look into the possibility of off-street parking.

Councilman Casebolt stated that he has obtained an estimate for installing a fence at the Watershed Area, but the price is too high. Councilman Casebolt, therefore, recommended that a letter be sent to the Kanawha County Court requesting that lights be installed, a fence erected and the road upgraded. If the Kanawha County Court helps the City, then the Watershed can be opened. Mayor Gibson stated that a meeting will be requested with the Kanawha County Court to discuss the problems at the Watershed Project. Councilman Lilly stated that there are problems of destruction in the Watershed Area. Councilman Lilly stated that the Police are receiving calls concerning the Watershed but do not know what they can do legally. Mr. Lilly asked if it is possible for the Recreation Committee to consider erecting an "Off Limits" sign or a "No Trespassing" sign. In that way the Police would know how they legally stand. Councilman Casebolt stated that mud is thrown into the restrooms, broken glass is everywhere, and beer and wine bottles are left throughout the area. Councilman Casebolt added that there is to be a meeting with a representative of the Soil Conservation Service and the biologists concerning the Watershed. Council discussed the legality of teenagers entering the area and what the Police could do. Mayor Gibson informed Council that Mr. Shreve, of the Soil Conservation Service, stated that he could see no reason why the gate could not be locked, but the people could still go in on foot. Mr. Kessinger stated that the title is in the name of the Kanawha County Court. Mr. Kessinger added that if there was a fence or no trespassing signs erected then, if someone would come on the land, they could be arrested for trespassing. A rope or a chain would prevent cars from entering. Councilman Casebolt stated that no one has been caught destructing the area, as they do it at night. Mayor Gibson informed Council that a man in a paddle boat was out in the lake; but there is no law that says this cannot be done. Mr. Kessinger stated that the park should be closed until there is proper supervision. Councilman Casebolt stated that the Recreation Committee would look into the matter, with the authority to act on the installation of signs, stating that the park is off limits until it is completed.

Councilman Casebolt informed Council that applicants are being interviewed for Park Director and a recommendation will be made to Council.

Councilman Casebolt stated that the City Park is being used each Tuesday in April by the Girl Scouts and Mrs. Amburgey, they are using the



**State Tax Department
of West Virginia**

Charleston 25305

RICHARD L. DAILEY
COMMISSIONER

March 23, 1973

**NOTICE TO ALL LOCAL LEVYING BODIES
RECEIVING REVENUE SHARING FUNDS**


Please be advised that the Local Government Relations Division of the State Tax Department does not intend to furnish local levying bodies receiving revenue sharing funds with further forms upon which to budget the planned expenditure of revenue sharing monies received on and after April 1973. Only the first two checks for the 1972 entitlement should be maintained on the budget supplements provided by the State Tax Department. We have reviewed these revenue sharing budgets as we received them. If you did not hear from us, it was because your budget was approved as submitted.

Regulations pertaining to revenue sharing appearing in the Federal Register on February 22, 1973, stated that forms would be provided to each local fiscal body receiving revenue sharing for the purpose of compiling and submitting a "prespending" plan. This prespending plan or budget form should be provided with your next revenue sharing entitlement.

In an effort to save you unnecessary duplication of your effort, the State Tax Department will only require that you submit to us a copy of the prespending plan you submit to the Department of the Treasury.

At this time, this Office is insisting that local fiscal bodies continue to keep revenue sharing monies in separate bank accounts and to spend from those accounts rather than comingling revenue sharing monies with other general revenues. Along the same lines, revenue sharing monies should not be entered in the levy estimate document except for the final page, entitled "Chapter 6, Article 9, Section 2: List Below All Funds on Deposit as of December 31, 1972".

Thank you for your cooperation.


Ronald G. Pearson
Director
Local Government
Relations Division

RGP/JM/hm



State Tax Department
CHARLESTON, 25305

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, 1973.

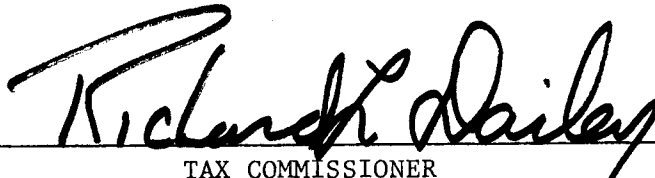
HOWEVER, APPROVAL IS CONDITIONED UPON THE CORRECTION
OF THE FOLLOWING DEFICIENCIES:

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 22 day of March 19 73.


TAX COMMISSIONER

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park for outdoor activities. On April 15, the Cross Lanes Woman's Club will hold an Easter Egg Hunt at the park. June 2 the Boy Scout Olympics will be held at the Park and in May a Boy Scout camp out will be held.

Councilman Casebolt commended Mr. Gene Williams, Street Superintendent, for the fine job he and his men have done in cleaning up the park and getting it ready for opening day. He also thanked Boy Scout Troop #27 for planting 1,000 more trees along 1st Avenue and throughout the community.

Councilman White asked about the \$800 worth of equipment, which the Recreation Committee voted to purchase. Councilman Casebolt stated that the equipment was voted on and approved by the Recreation Committee, but we have to check with Mr. Lilly, Chairman of the Finance Committee, to see if we have enough money. Councilman White stated that there is a minimum of two weeks to order the equipment and the delivery date could be a couple of months. Councilman Casebolt stated that the Committee discussed buying a Frog, Bubblebee, and a space slide for the Brookhaven Mini-Park, and a Bunker Hill Climb for the Nitro City Park. The equipment should be purchased if the City expects to get the parks ready for opening day. Councilman Casebolt stated, however, that a meeting has to be held so a revised budget can be submitted for the remainder of the fiscal year, because the salary for the Park Director has to be made. Councilman White stated that this would take two more weeks, which is not available. Councilman White made a motion that the \$800 worth of equipment be purchased. Councilman at Large Priddy seconded the motion - All Council voted in favor, except Councilman Casebolt and Councilman Lilly who voted not.

Councilman Paul Hill informed Council that some of the ordinances were repealed and new ordinances have not been drawn up to replace those ordinances. Mr. Kessinger stated that the ordinances have not been presented to Council and later requested that a meeting with Mr. Hill to discuss the ordinances.

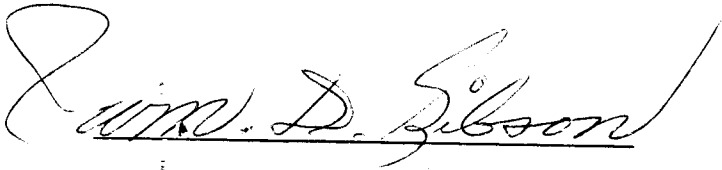
Councilman at Large Priddy requested that the City engineer or the Planning and Zoning Commission determine the corporate boundaries and the R-3 Zoning Area. The area in question is the 18th Hill Section. Council discussed whether the Building and Planning Committee or the Planning and Zoning Commission should look into the situation. Councilman White stated that he would meet with the Planning and Zoning Commission.

Councilman White informed Council of the phone call he had just received. He stated that Mrs. Bailey, a citizen of Brookhaven, learned that the Cross Lanes Woman's Club is proposing to build a motorcycle track on a hill in the Brookhaven vicinity. The lady wanted to know if this was possible and if there was an ordinance against this. There is no charge for the use of the track. Councilman Casebolt stated that he thought the idea may be good. Mayor Gibson stated that nothing would happen over night and if the situation gets started, the problem will be taken care of.

Councilman at Large Allen asked Councils help to determine what should be done about the tractor-trailers going through Frederick Street. Councilman at Large Allen added that a "no trucks allowed sign" could not be posted, as there is a man on that street who owns a large truck. Mr. Williams stated that the company has been working on the loading dock.

Mayor Gibson stated that a 4 Ton weight limit sign could be erected, but a sign could not be erected without Council's approval. Mr. Williams stated that he would talk with the owners of the building about tractor-trailer trucks traveling on Frederick Street. Councilman at Large Allen stated that the Traffic Committee would wait for Mr. William's report and report back to Council.

Councilman at Large Allen made a motion for adjournment - Councilman White seconded the motion - All Council voted in favor.

A handwritten signature in cursive script, reading "James D. Gibson", written over a horizontal line.

Mayor

A handwritten signature in cursive script, reading "Tom Melton", written over a horizontal line.

Recorder

NITRO CITY COUNCIL MEETING

April 17, 1973

The regular meeting of the Nitro City Council was held in the Council Chambers April 17, 1973. Those present were: William Gibson, Mayor; Tom Melton, Recorder; Councilman at Large Dr. R. V. Allen, Councilman at Large Hugo Tidquist. Councilmen Thomas Lilly, Vernon Casebolt, Paul Hill, and City Attorney James Kessinger. Councilman James White and Councilman at Large Keith Priddy being absent.

The meeting was called to order by the Honorable Mayor William Gibson.

APPROVAL OF MINUTES: Councilman Vernon Casebolt made a motion that the minutes of the April 3, Council Meeting be approved. Councilman at Large Hugo Tidquist seconded the motion - All Council voted in favor.

APPROVAL OF FINANCIAL STATEMENT: Councilman Thomas Lilly, Chairman of the Finance Committee, made a motion that the March Financial Statement be approved. Councilman Casebolt seconded the motion - All Council voted in favor.

Councilman Lilly reported on the second reading of the ordinance to abandon and disclaim a strip of land on Michigan Avenue. Councilman Lilly made a motion that the second reading of the ordinance to abandon and disclaim a strip of land on Michigan Avenue be approved. Councilman at Large Allen seconded the motion - All Council voted in favor. A copy of the ordinance is enclosed and is to be included as part of the minutes.

Councilman Casebolt reported on the Quick Hit Fire Truck and the regular fire truck. Councilman Casebolt stated that one bid was received; that bid from the W. S. Darley and Company. The cost of the truck is \$14,695. Councilman at Large Allen asked how many specification sheets were sent out. Mayor Gibson stated that specification sheets were sent out to the same businesses that received the specifications for the regular fire truck. Councilman at Large Allen asked what the delivery date would be. Councilman Hill stated that the date of delivery is 125 working days. Mayor Gibson stated that he received a letter from the Mac Truck Company stating that they did not manufacture equipment on that small of a scale. Councilman Casebolt stated that the purpose of the truck is to put out small fires; such as fires in trash cans, cars, and small brush fires. Mayor Gibson recommended that the Quick - Hit Fire Truck be put back in the Fire Department Committee and the Committee be given the authority to act in Council's behalf. Councilman Lilly made a motion that the Quick-Hit Fire Truck be left in the Fire Committee and the Fire Committee be given the authority to act on the bid in Council's behalf. Councilman at Large Allen seconded the motion - All Council voted in favor.

Councilman Casebolt reported on the bids for the regular fire truck. Councilman Casebolt stated that the bid was awarded to the Mac Trucks of Allentown, Pennsylvania, who was the low bidder. The cost of the diesel truck is \$40,963.47; and the delivery date is 175

working days. The water capacity is 1,000 gallons.

Mayor Gibson reported on the Appalachian Power report in the absence of Councilman at Large Keith Priddy. Mayor Gibson stated that he had sent a letter to the Public Service Commission, as previously requested by Council. Appalachian Power officials have been in touch with Mr. Priddy and myself. Appalachian Power Company officials have assured us that in the future they will give the City of Nitro better service and are willing to cooperate with the City on our upgrading request. Councilman at Large Tidquist stated that he noticed the street lights on all day and the power company employees working with the lights. Mayor Gibson informed Council that new bulbs will be installed every six months in order to eliminate as many burned out lights as possible. Councilman Casebolt asked if the old-fashioned style lights would be removed. Mayor Gibson stated that a street light survey will be conducted concerning removal of the older style street light and a report made to Council.

Councilman at Large Tidquist reported on the Regional Development Authority Clean-Up Campaign. Mr. Tidquist stated that a meeting was held Monday, April 16, in the **Council Chambers** concerning the Clean-Up Campaign. Councilman at Large Tidquist added that various organizations were represented, such as the Cross Lanes Woman's Club, Nitro Woman's Club, the Junior Civitans, and many other interested organizations. Mr. Tidquist further added that Union Carbide has donated 1,000 trash bags to the City to be used for the Clean-Up Campaign. The trash trucks will pick up trash in Brookhaven, and work Ward #1 on Monday and Tuesday, (Ward #1 includes Brookhaven, 40th Street Road, plus from 41st Street to 21st Street).

Ward #2 on Wednesday. (Ward #2 includes from 21st Street to the Moose Club).

Ward #3 on Thursday. (Ward #3 includes from the City Park to Kapok Street).

Ward #4 on Friday. (Ward #4 includes from Kapok Street to Cleveland Avenue in Riverdell Acres).

Councilman at Large Tidquist asked if more plastic bags would be made available. Mayor Gibson stated that he would make an attempt to get more plastic bags. Mayor Gibson added that the last time he was in touch with Union Carbide, no more bags were available. Mayor Gibson added, however, that some more may be available now, and he would check to see. Councilman at Large Tidquist stated that Casto Hardware is having a sale on plastic trash bags if any citizen would like to pick some up. Councilman at Large Tidquist added that he did not know if the City would be interested in buying additional bags. Mayor Gibson stated that if there is enough demand for more trash bags, the City could check into the possibility of purchasing some plastic bags. Councilman at Large Tidquist stated that many organizations throughout the Community are interested in doing their part to clean up the City of Nitro.

Councilman at Large Dr. Allen reported on the Frederick Street,

heavy truck problem. Mr. Williams, Street Superintendent, talked with the owner of the company involved. Mr. Williams stated that after the loading dock is completed, 90% of the trucks would use the dock; however, every so often a tractor-trailer truck may have to use Frederick Street. Councilman Lilly stated that he received a complaint from a resident of Frederick Street since Mr. Williams had discussed the matter with the owner of the company stating that tractor-trailer trucks were parking on Frederick Street. Councilman Casebolt stated that the trucks are tearing up the street when they try to negotiate the curve. Councilman Lilly stated that the citizens paid to have the street paved, which is being torn up; the street is narrow and the trucks go over the curb and create large holes beside the road. When there is prolonged rain, the water will build up underneath the street, causing a drainage problem. Councilman Lilly, therefore, made a motion that signs be installed at both ends of the street excluding tractor-trailers from using the street. Councilman at Large Allen seconded the motion. All Council voted in favor.

Mr. Kessinger reported on the walkway under the Nitro-St. Albans Bridge. Mr. Kessinger stated that he talked with a representative of the Department of Highways, who has requested a meeting with him and Mr. Lilly about the possibility of the walkway. Creating the walkway involves cutting out a portion of the bridge for an entrance way. Mr. Kessinger added that when the meeting is held next week, the situation will be worked out.

Mr. Kessinger reported on the upgrading of the City Ordinances. Mr. Kessinger stated that the Ordinance Committee met last Tuesday, April 10, to work on the ordinances. The Committee scheduled meetings for alternate Tuesdays for the next three or four weeks. Mr. Kessinger added that the ordinances are in the rough draft form and are being finalized. Mr. Kessinger further added that they are working on the Building and Plumbing Code, and the electric code.

Mr. Kessinger reported on the Planck Drive problem. He stated that the problem is basically taken care of, as far as the legal position of the City. Mr. Kessinger added that if Council so desires, a notice will be sent to Mr. Planck informing him that his fence or baracade is in violation and request that he remove the chain-link fence. Mr. Kessinger stated that he would inform Mr. Planck's attorney, who can inform Mr. Planck of the violation. Councilman Lilly stated that the garbage trucks, trash trucks, and etc. cannot turn around to pick up the trash and garbage at the elementary school. Mr. Kessinger stated that in his opinion the fence is on City property and should be removed. He further added that the turn around at the end of the street should remain as that, in order for the garbage trucks to turn around. Mayor Gibson requested that the City Attorney write a letter to Mr. Planck's attorney with a carbon copy going to Mr. Planck and a copy be given to Council. Councilman Casebolt made a motion to accept Mayor Gibson's recommendation. Councilman Lilly seconded the motion. All Council voted in favor.

Councilman at Large Tidquist reported on the Lion's Club Carnival Project. Mr. Tidquist asked Mr. Gene Williams to report to Council. Mr. Williams stated that he has nine men who are willing to come in to work a half hour early without pay in order to clean up the parking

lot at the Thomas Field Company, where the carnival is to be held.

Mr. Kessinger reported on the Kanawha Avenue and Dogwood Street problem. Mr. Kessinger stated that he has been in touch with the Department of Highways, and they will start to work on the street as soon as the weather permits.

Mayor Gibson stated that he attended a meeting with the Kanawha County Court Commissioners along with several other Mayors and City officials in reference to the Kanawha Valley Regional Transportation Authority (KVRTA). The KVRTA has scheduled an election to be held June 5, 1973. The KVRTA would like the City of Nitro to go on record in support of the election. Mayor Gibson further added that the Kanawha County Court has requested a \$200 donation from the City of Nitro to substantiate the City's stand on the election. Mr. Kelly Castleberry has asked for this donation, and the Kanawha County Court will pay the difference of the cost for the election. Mayor Gibson further added that the Kanawha County Court will schedule the election in our community. Councilman at Large Allen asked what position this would place the City in regards to the money requested in the past months, if the election passes. Mayor Gibson stated that money requested in the past few months may not have to be paid. Councilman at Large Allen made a motion that \$200 be donated to the KVRTA for the election. Councilman Casebolt seconded the motion. All Council voted in favor.

Mayor Gibson stated that the Municipal Service Department has approximately 15 accounts past due, amounting from \$1,600 to \$1,700. These accounts are to be turned over to a Justice of the Peace. Councilman Lilly stated that the Justice of the Peace has to be paid \$7.50 for each case turned over.

Mayor Gibson stated that each individual sued has to pay the fee. Councilman Lilly stated that a lien would be placed against the property if no collection is made. Councilman Lilly asked why an owner could sell his property without the lien cleared. Mr. Kessinger stated that the lien may not be recorded and therefore, the owner could sell the property. Mayor Gibson stated that this is the first time the City of Nitro has sued for past due accounts. Mr. Kessinger stated that a special lien book in the County Clerk's office contains sewer liens and other types of liens. Councilman Lilly stated that the levy estimate for the next fiscal year, 1973-1974, has to be certified by Council. Mr. Lilly added that there are no revisions in the levy estimate. Councilman Lilly made a motion that the levy estimate for the fiscal year 1973-1974 be entered in to for the City of Nitro. Councilman Casebolt seconded the motion. All Council voted in favor.

Councilman Lilly stated that the Police Committee held a meeting April 10, 1973. A copy of the minutes were sent to the Finance Committee. The following recommendations were made:

- (1) Two new policemen to be hired May 1, 1973
- (2) One dispatcher to be hired May 1, 1973
- (3) One secretary to be hired May 1, 1973

Councilman Lilly added that the Finance Committee met on April

11, and reviewed the budget, and stated that funds are available to meet the needs of the Police Department. Councilman Lilly made a motion that Council approve the recommendation to hire the four new employees for the Police Department. Councilman Casebolt seconded the motion. All Council voted in favor.

Councilman Lilly stated that the new police cruiser should be delivered some time in May. Councilman Lilly added that the Chevrolet Biscayne Police Cruiser is consuming more oil than gas and is a hazard to the Policemen. Councilman Lilly stated that with the addition of two new policemen, another police cruiser is needed and he therefore made a motion that bids be advertised to purchase a new police cruiser for the Police Department. Mr. Lilly added that with the purchase of another police cruiser, the Police Department would have only three cruisers and they should have four. Mayor Gibson stated that the new cruiser would replace the 1971 Chevrolet, which is creating problems. Councilman Casebolt seconded Councilman Lilly's motion to purchase one new police cruiser. All Councilmen voted in favor, except Councilman Paul Hill who abstained.

Councilman Lilly stated that the City of Nitro is well within its budget as of the first of April. He added that amendments to the budget have to be made, but the Tax Department recommends the amendments be made at one time.

Councilman at Large Tidquist asked if there was an ordinance concerning noise. Mr. Kessinger stated that there are such laws, which is called disturbing the peace. This is a misdemeanor. Mayor Gibson stated that some motorcycles are creating excessive noise. Mr. Kessinger stated that there is a law concerning noisy cars and motorcycles which would be defective equipment; such as a faulty exhaust system. Mayor Gibson stated that the Police Department is willing to work with the problem. Councilman Casebolt stated that the Recreation Department has interviewed several applicants for a Director of Recreation. He further added that the Finance Committee has assured the Recreation Committee that money is available to hire the Director. Mr. Casebolt added that he hopes to have the Director on the payroll Monday, April 23, 1973. Councilman Casebolt further added that he would notify the press when the appointment is made. Councilman Casebolt made a motion that Council give the Recreation Committee the authority to hire the Recreation Director. Councilman Lilly seconded the motion. All Council voted in favor.

Councilman Casebolt stated that there is not ample parking space for some of the apartment houses on Main Avenue. This causes many of the business houses to lose customers. The people who drive by think a particular store is busy, and won't go in. Mayor Gibson suggested that this be put in the Traffic Committee and a report be made at the next Council Meeting. Councilman Casebolt recommended that the Traffic Committee consider posting two-hour parking from 8:00 a.m. to 8:00 p.m. along Main Avenue in front of Bogg's Barber Shop and Ace Furniture.

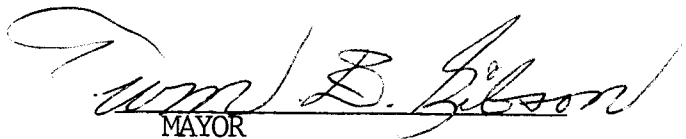
Councilman at Large Allen stated that the high school students are utilizing 21st Street to park their cars. Dr. Allen stated that one lady has difficulty pulling out of her driveway because of the cars parking close to the driveway. The students once used the lower end of the Kroger parking lot to park their cars. Mayor Gibson

suggested painting the area around the driveways yellow. Councilman Casebolt stated that this has helped in the east end of town. Councilman at Large Allen stated that maybe something could be worked out with the principal of the high school.

Councilman at Large Allen stated that he hopes the man who will be working on the Rat Control Program will get the job done. Dr. Allen further suggested that the Rat Control Program work hand in hand with the Clean-Up Campaign.

Councilman at Large Allen asked that since South Charleston has dropped out of the Dog Catcher Program, what position does that put the City of Nitro in regards to the truck that was scheduled to be purchased. Mayor Gibson stated that it is his understanding that South Charleston intends to stay in the program until July 1, 1973. Councilman Casebolt asked if an agreement was signed with the City of South Charleston, Mayor Gibson stated that this is a year to year agreement. Council discussed the possibility of the municipalities involved in the Dog Catcher Program purchasing a truck, as the other truck is four or five years old. Councilman Lilly stated that it is his understanding that a new truck may be purchased by the municipalities involved during the next fiscal year.

Councilman at Large Allen made a motion that the Council meeting be adjourned. Councilman Casebolt seconded the motion. All Council voted in favor.


MAYOR


RECORDER

NITRO CITY COUNCIL MEETING

May 1, 1973

The regular meeting of the Nitro City Council was held in the Council Chambers May 1, 1973. Those present were: William D. Gibson, Mayor; Tom Melton, Recorder; Councilman at Large Dr. R. V. Allen, Councilman at Large Keith Priddy, and Councilman at Large Hugo Tidquist. Councilmen James White, Paul Hill, Thomas Lilly, Vernon Casebolt, and City Attorney James Kessinger.

The meeting was called to order by the Honorable Mayor William Gibson. Reverend James Arbogast gave the invocation.

APPROVAL OF MINUTES: Councilman Hill stated that a correction should be made in the minutes of the last Council Meeting. The correction is where all Council voted in favor of advertising for bids for one police cruiser. Mr. Hill stated that he didn't vote at all for the cruiser. Councilman Casebolt made a motion that the minutes of the April 17, 1973 Council Meeting be approved with the correction - Councilman at Large Tidquist seconded the motion - All Council voted in favor.

FINANCIAL REPORT: Councilman Lilly, Chairman of the Finance Committee, stated that the balance as of Tuesday, May 1, is \$53,079.57. Mr. Lilly added that for the ten months which have past in this fiscal year, the city is operating well within the budget.

Councilman at Large Allen reported on the parking problem on Main Avenue near Ace Furniture Company, and Boggs Barber Shop. Dr. Allen stated that he would like more time to investigate the problem and to talk with the individuals involved living nearby. Councilman Casebolt asked if the car was still parked without a license plate in that area. Mayor Gibson stated that the car was evidently moved, as he has not seen it parked there.

Councilman Lilly reported on the proposed walkway at the Nitro-St. Albans Bridge. Mr. Lilly stated that the citizens involved in the proposed walkway underneath the Nitro-St. Albans Bridge, from Fenton Circle to Sattes Circle, have changed their mind and now object to building the walkway. Councilman Lilly stated that the Committee has abandoned this approach. Councilman Lilly added, however, that he would like for the City Attorney to meet with the State Road Commission about the feasibility of installing a lighting system on the median as a school crossing. Councilman Lilly stated that a stop light cannot be installed because of the heavy flow of traffic coming on and off the bridge. Councilman Lilly stated that he and the City Attorney will try and work out the situation with the State Road Commission.

Mr. Kessinger, City Attorney, reported on the upgrading of the City Ordinances. Mr. Kessinger stated that he has the first chapter in rough draft form for Council to go over and make revisions. Mr. Kessinger stated that Council should go over the ordinances Chapter by Chapter to get them in the proper form. Council discussed whether or not an Ordinance Committee should be appointed or that all interested Councilmen attend. Mayor Gibson stated that at the beginning of the revision of the ordinances, all members of Council were present at the meeting.

Mayor Gibson further added that he would like all members of Council to attend the ordinance meetings as often as possible. Mr. Kessinger stated that seven nights should be all the time needed to complete the ordinances. Mr. Kessinger added that he would like to meet with Council after the meeting to go over the first Chapter of the Ordinances.

Councilman Casebolt made a Recreation Department report to Council. Mr. Casebolt introduced Mr. Allen Stanley, the new Recreation Director to Council. Mr. Stanley stated that he is happy to be employed by the City of Nitro and thanked the Recreation Committee for hiring him. Mr. Stanley added that he and Mayor Gibson have traveled to the various recreation areas in the community and the potential recreation areas to develop Nitro into a Recreational Center. Councilman Casebolt stated that Mr. Stanley has been working hard and has attended meetings with the Kanawha County Court and the Soil Conservation Service concerning the Watershed Project. Councilman Casebolt further stated that Mr. Stanley is working with Mr. Williams, the Street Superintendent, in getting the pool and park ready for opening day.

Councilman at Large Keith Priddy reported on the Appalachian Street Light Survey. Mr. Priddy stated that he has not finished looking over the summary of the proposed street lighting system. Councilman at Large Priddy added that he would like to meet with the Street Light Committee before making a report to Council.

Mayor Gibson stated that the City is in need of an office for Mr. Stanley, the Recreation Director, and Chief Johnston, of the Police Department. Mayor Gibson stated that he would like the Building and Planning Committee to study the possibility of two new offices. Mayor Gibson added that Mr. Stanley is sharing an office with Mrs. Frazier. Councilman Casebolt stated that a recommendation should be made by the next Council Meeting.

Mayor Gibson stated that he would like the Fire Department Committee to declare vacancies in the Fire Department for one Captain and one Sergeant; and that a Fireman's Civil Service Test be given for the positions stated.

Mayor Gibson stated that he has received a letter from Mrs. Eloise Traux, Secretary of the Veterans of Foreign Wars, requesting permission to hold their annual Buddy and Poppy Sale in the City of Nitro, May 25 and 26. Councilman Casebolt made a motion that Mayor Gibson inform the Veterans of Foreign Wars, Great Kanawha Post #3466 and its ladies' auxiliary, that they may hold their Buddy and Poppy Sale in the City of Nitro. Councilman White seconded the motion - All Council voted in favor.

Councilman at Large Priddy asked if the fire hydrant on 21st Street was going to be replaced. Mayor Gibson stated that Mr. Curtis, of the West Virginia Water Company, felt it would be foolish to replace the fire hydrant at this time; as there are other hydrants in the area which meet the 1,000 foot limit for fire hydrants in a Class 6 area. Mayor Gibson added that Mr. Curtis felt the City should hold back and wait to install the fire hydrant.

Councilman Casebolt stated that he would like the Finance Committee to consider lowering the price for admission to the pool from \$1.25 for adults and \$.75 for children, to \$1.00 for adults and \$.50 for children.

Council discussed whether a weekend guest should have to pay out of town rates. Councilman Lilly stated that he would check into the request made by the Recreation Committee. Mr. Lilly added that the swimming pool has been budgeted to bring in a certain amount of money, and if that amount is not reached, then the prices would have to remain the same.

Councilman Casebolt stated that the City has joined the trash-to-gas project with Carbide, a trash-to-gas project with Charleston, and is participating in the Western Landfill on Tyler Mountain; however, the landfill on Smith Street has been neglected and there are big rats in the landfill. Councilman Lilly stated that as soon as the dump trucks arrive and the weather permits, approximately 300 truck loads of dirt will be taken to the Smith Street Landfill. Councilman at Large Allen asked when the Rat Program would start. Mayor Gibson stated that a representative from the Health Department stated that the Rat Control Program would not start until after the Fly and Mosquito Program. Mayor Gibson added that the Health Department may offer the City some assistance in eliminating the rat problem before the regular scheduled time, and that he would get in touch with that Department.

Councilman at Large Tidquist stated that he has received complaints concerning the drainage problem on Easter Road, which might have caused damage to a washer and dryer, and asked what the City intends to do. Mayor Gibson stated that the workers from the Kanawha County Court did some work on Easter Road. Councilman White stated that Mr. Massey feels that nothing has been done in the problem area. Councilman White added that the Massey's have retained an attorney to perhaps collect damages. After further discussion of the matter, Mayor Gibson stated that nothing could be done to correct the problem until the weather cleared and more equipment is available. Mayor Gibson added that he and the City Engineer are going to check out Easter Road, 31st Street East, and other problem areas tomorrow. Mayor Gibson asked if Council knew of any other places that needed to be checked out. Councilman at Large Priddy stated that there is a drainage problem on Penwood Avenue that needs to be checked out.

Councilman Lilly complimented the Garbage men in picking up the garbage in Ward 4 last month.

Councilman Lilly stated that he has received numerous complaints in regards to the alleys and chug holes. Mr. Lilly stated that he explained to the residents that at the present time neither money or equipment is available to do that type of work; however, more money would be available in July.

Councilman Hill stated that there is a lot of prowlers in Ward 2. He added that if street lights were installed in the area from 4th Street to 21st Street East and on 3rd Avenue, this may take care of the problem. Councilman at Large Priddy stated that the new type of light would spread light out over a wider area. Mayor Gibson stated that he was informed by Mr. Judy, of the Appalachian Power Company, that any street lights wanted, that is not recommended, just send a letter and it will be worked out to our satisfaction.

Councilman Hill requested that the Fire Department Committee look into the possibility of installing a fire hydrant on 18th Street hill. Mr. Hill stated that this was in a committee once before, but no action

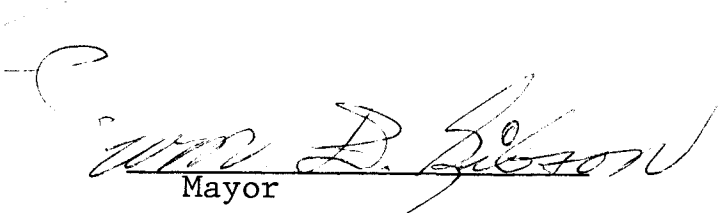
was taken. Councilman Hill further stated that there are quite a few houses on that road and there is no fire hydrant.

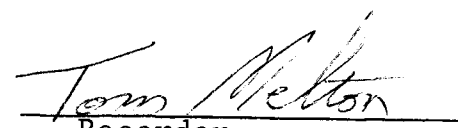
Councilman White stated that he has received a complaint from Mr. Harold Romine of the Nitro Post Office, in regards to the street numbering in the east end of town. The numbers do not run consecutively. Mr. White stated that the Nitro Post Office has given a recommendation for renumbering the area of First Avenue South, Michigan Avenue, and the old county road. Councilman White further added that he has discussed the renumbering with the Street Numbering Committee.

Councilman at Large Priddy made a motion to accept the recommendation to renumber the east end of town. Councilman Lilly seconded the motion. All Council voted in favor. Mr. White stated that the Council could discuss later whether the Post Office or the City would notify the residents.

Councilman White again stated that the citizens of Easter Road have obtained an attorney and apparently, they have grounds to complain. Mr. Kessinger stated that the City may have an obligation to mitigate the damages and if so, they should do this as soon as possible. Councilman at Large Priddy stated that if a backhoe were used on Easter Road, it may eliminate the problem. Council further discussed the problem of Easter Road and its damages.

Councilman White made a motion that the meeting be adjourned. Councilman Casebolt seconded the motion - All Council voted in favor.


Mayor


Recorder

NITRO CITY COUNCIL MEETING

May 15, 1973

The regular meeting of the Nitro City Council was held in the Council Chambers, May 15, 1973. Those present were: William D. Gibson, Mayor; Tom Melton, Recorder; Councilman at Large Dr. R. V. Allen, Councilman at Large Keith Priddy, and Councilman at Large Hugo Tidquist, Councilmen James White, Paul Hill, Thomas Lilly, Vernon Casebolt, and James Kessinger, City Attorney.

The meeting was called to order by the Honorable Mayor William Gibson. Reverend James Arbogast gave the invocation.

APPROVAL OF MINUTES: Councilman Casebolt made a motion that the minutes of the last Council Meeting be approved. Councilman at Large Allen seconded the motion - All Council voted in favor.

APPROVAL OF FINANCIAL STATEMENT: Councilman Lilly, Chairman of the Finance Committee, made a motion that the April Financial Statement be approved. Councilman at Large Priddy asked why there was a large amount of money spent for office machines. Councilman Lilly stated that a typewriter was purchased last month, and the rent of the copier and stamp machine was paid. Councilman Casebolt seconded Councilman Lilly's recommendation - All Council voted in favor.

Councilman Lilly reported on the Police Cruiser. Councilman Lilly stated that one bid was received. The reason that one bid was received is that the close out day for ordering 1973 cars was approximately April 27, 1973, and all new cars would be a 1974 model and the cost of the vehicle would not be known. Councilman Lilly added that the delivery date would not be until November. Mr. Lilly stated that he contacted four different concerns in an effort to locate a vehicle that would meet our specifications. He further added that if the car was located in a 250 mile radius, no charge would be made to the City to pick up the car. However, over 300 miles the City would be charged to pick up the car. The various concerns reported, however, that no car had been located. Councilman Lilly made a motion that the Police Cruiser be put in the Police Department Committee and report at the next Council Meeting. Councilman at Large Allen seconded the motion - All Council voted in favor.

Councilman at Large Allen reported on the parking problem in front of Main Avenue near Ace Furniture and Boggs Barber Shop. Mr. Allen stated that he has not had a chance to meet with the Traffic Committee. Councilman at Large Allen added that he would like to talk with one more person in the area and meet with the Traffic Committee before reporting to Council.

Councilman Paul Hill reported on the offices for the Recreation Director and Chief of Police. Councilman Hill passed out a rough draft of the plans for the remodeling of City Hall. Mr. Hill made a motion that the City advertise bids for the remodeling of City Hall. Councilman White seconded the motion - All Council voted in favor but Councilman at Large Tidquist who abstained.

Councilman Casebolt reported on the pool rates. Mr. Casebolt stated that he has checked with the Finance Committee and has decided to leave the pool rates as they are. Councilman Casebolt stated that the grass is cut at the pool and park and the painting is ahead of schedule. Mr. Casebolt added that a drinking fountain is to be installed at the pool and the sidewalk across from the pool

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is paved.

Councilman Casebolt reported on the fire hydrant on 18th Street Hill. Mr. Casebolt stated that he did not get to talk with anyone in that area; but added, however, that it appears that a fire hydrant may be needed. Councilman Casebolt requested that this be kept in the committee until the next Council Meeting.

Councilman at Large Priddy reported on the Street Light Survey. Mr. Priddy stated that all Councilmen have had a chance to look over the revised schedule of rates and the light sizes. Mr. Priddy made a motion to accept the Appalachian Power Company's proposal. Councilman Lilly seconded the motion - All Council voted in favor. Councilman Hill stated that there are streets that need more lighting. Councilman Lilly stated that all the City would have to do in order to obtain more lighting is to draft a letter stating where the light should be installed, and the power company would do their best to provide the lights. Councilman at Large Allen stated that more complaints would probably be made during the summer months because of the tree foliage. Councilman at Large Tidquist stated that he has received a complaint that smaller bulbs were installed instead of the larger bulbs. Councilman at Large Priddy stated that the smaller type of bulbs would probably be replaced.

Mayor Gibson stated that he received a letter from the Appalachian Engineers, Inc. The letter stated that they had inspected the sewer on Blakes Drive; and after careful consideration from an engineering standpoint, they had several suggestions. The engineers felt that the situation should be correct because of it being a probable health hazard as well as a nuisance caused by sewage standing in the roadway ditches. The letter also stated that this project will involve several thousand dollars, and since the Sanitary Board operates on a close budget, the work in this area could be done in the EPA project around August 1, 1973. Also included in the letter was that due to the recent judgement of the EPA they now include collector sewers in their project. This would be a great savings to the City of Nitro and will allow all unsewered areas to be taken care of.

Mayor Gibson stated that he has received a letter from the Kanawha County Health Department dated May 7, 1973 in regard to Easter Road. A copy of the letter is attached and is to be included as part of the minutes. Mayor Gibson added that the City Attorney has been to the area along with Mr. Anderson, the City Engineer. Mr. Kessinger stated that he checked on the problem and as far as he could determine, there is no evidence of a sewage problem in the area. The problem could be a water disposal problem. Mr. Kessinger added that the City is not in a position to take any action at this time. Mr. Kessinger further added that there is a drain located on real estate belonging to an individual, not the City. There is a watershed from an individual's property contributing to this problem. Mr. Kessinger stated that he is not aware of a sewage problem, as he was there to look at the drainage problem. Mr. Kessinger further stated that the pipe is on an individual's property which extends to another individual where the pipe is buried in the ground at the lower end. There is an excessive amount of run-off water in the basin which extends four or five feet on an individual's property. The problem has existed for many years. Councilman White stated that he believed that sanitary sewers would be installed in that area, but later asked if installing sanitary sewers would alleviate the storm problem. Councilman Lilly stated that installing sanitary sewers would not take care of the problem but installing storm sewers would. However, much expense would be involved. Councilman White asked Mayor Gibson what the City Engineer thought about the area. Mayor Gibson stated that the opinion of the City Engineer was that this is a legal matter as the pipe starts on private property on one side of the road and on the other side of the road the pipe is on private property. Mayor Gibson stated that the estimated cost to repair the area is \$3,500. Mr. Kessinger stated that it is up to the individual whose property the pipe is located to correct the

situation. The City cannot do anything because the pipe is on private property. Mr. Kessinger further added that the City could remove the pipe that is on the City's right of way, but added that he is not sure of where the City right of way is. Councilman at Large Allen suggested that Mr. Saber be notified of the City's intentions as far as the sanitary sewers are concerned.

Mayor Gibson stated that he has a list of new committees and their members. Mayor Gibson added that the swimming pool committee would be eliminated because the swimming pool would operate under the direction of the Recreation Committee. Mayor Gibson further added that the three new committees are the Insurance Committee, Storm Drain Committee, and the Sidewalk Committee.

Mayor Gibson complimented the Recreation Committee for the outstanding job in selecting Mr. Stanley as Recreation Director. Mayor Gibson added that Mr. Stanley seems to be extremely capable and is doing a very good job.

Mayor Gibson stated that residents in the east end of Nitro, whose addresses were changed, have been notified. Councilman White thanked the members of the Mayor's staff who typed the cards.

Councilman Lilly asked if Riverdell Acres is included in the EPA sewage project. Mayor Gibson stated that Riverdell Acres, 40th Street Road, and Blake's Drive are included in the project. Mayor Gibson further stated that he requested a letter be sent to him so that he would have something definite in writing in regards to the Blake's Drive sewage problem.

Mayor Gibson thanked all of the citizens of Nitro for helping the City in the Clean-up Campaign. Individuals from the various schools and the ministerial association were at the meeting held at City Hall.

Mayor Gibson announced with regret that Mr. Earl Dye of the Nitro Fireman's Civil Service Commission has resigned. Mayor Gibson added that Mr. Dye has done a fine job. Mayor Gibson appointed Mr. William E. Harris of 1540 Fenton Circle to replace Mr. Dye.

Mayor Gibson also announced that he has received a letter from Mr. Olaf Walker, Chairman of the Planning and Zoning Commission stating that he has taken on other activities and feels that he should resign. Mayor Gibson stated that he would like to replace Mr. Walker with Mr. C. R. Winter of Brookhaven. Councilman White stated that he thought the Chairman should be a member of the Commission who has more experience. Mayor Gibson stated that Mr. Winter would not necessarily be the Chairman, but added that Mr. Winter is well qualified. Mayor Gibson further stated that this matter could be resolved later.

Councilman Casebolt stated that he has received several complaints pertaining to the railroad crossing at Layne Avenue and Lock Street. Councilman Casebolt requested that Penn Central Railroad be notified about the repairing of the crossing. Mayor Gibson stated that if we ask them to repair one crossing, we should request them to repair all of them. Mayor Gibson added that he has sent a copy of the ordinance about blocking railroad crossings to the Penn Central Railroad. Mayor Gibson further added that you never know when an explosion could happen at one of the plants. Councilman Lilly stated that Council should compliment the Penn Central Railroad for the well-built railroad crossing at the Nitro-St. Albans Bridge and recommend that the other railroad crossings be fixed as well as that one.

Councilman Casebolt made a motion that Council give the Recreation Committee

permission to advertise for recreational equipment in the approximate amount of \$7,000. The equipment is as follows:

- 6 - Two passenger pedal boats @ \$695 each
- 3 - Single passenger pedal boats @ \$330 each
- 3 - Canoes @ approximately \$150 each

Councilman Lilly seconded Mr. Casebolt's motion. Mr. Lilly added that the Recreation Committee met with the Finance Committee about the feasibility of purchasing the equipment - All Council voted in favor. Councilman at Large Allen asked if the pedal boats and the other boats could be used for private use. Dr. Allen added that in the years past this could not be done. Councilman Lilly stated that the authority comes through the contract agreements of the Watershed. Councilman at Large Allen stated that numerous agreements were signed informing us of what had to be done. Councilman Casebolt stated that he has checked with Mr. Jones and the City may use the boats. Councilman Lilly stated that if it does not rain, the contractor may be able to finish the Watershed within ten days. At the end of ten days the SCS will be asked to inspect the area. If it meets the specifications, then it will probably be turned over to the City of Nitro. Dr. Allen asked if swimming was allowed at the Watershed. Councilman Lilly stated that swimming will not be allowed.

Councilman Casebolt stated that he has been questioned about the problem at Washington Avenue and Ivy Street. Mr. Casebolt added that he has informed the residents that when the equipment comes in, Washington Avenue and Ivy Street will be high on the priority list.

Councilman at Large Priddy stated that he was held up approximately 22 minutes at the railroad crossing on 19th Street. Mr. Priddy added that he has received numerous complaints about cars blocking the view of the cars coming from 40th Street on to First Avenue. By the time you pull out far enough so that you can see, you have either hit someone or have gotten hit. Mr. Priddy added that it is difficult to make a left turn. Councilman at Large Priddy suggested that the Traffic Committee or the Police check into the matter. Councilman at Large Tidquist stated that he was informed that Childer's Chevrolet has purchased a strip of land between the curb and the sidewalk. Councilman at Large Priddy stated that if someone plants shubbery or trees which block the view of the motorists, the owner is required to remove the shrubs or trees. After further discussion, Mayor Gibson suggested that the City Attorney check into the problem.

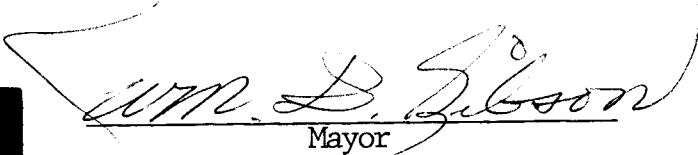
Councilman at Large Allen stated that he would like to meet with the Traffic Committee about the possibility of reserving one or two parking spaces in the front of the two churches, which are located on the streets that impose a two-hour parking for persons wishing to talk with the Reverend. Councilman Lilly stated that he would look into the recommendation.

Councilman White informed Council that the detailed maps belonging to the Planning and Zoning Commission have been misplaced. Mr. White added that there are many important decisions that have to be made. Mayor Gibson stated that he is under the impression that the maps are not at City Hall since Mrs. Frazier and other members of his staff have looked for the maps several times. Mayor Gibson added that members of the Council are welcomed to come in and look for the maps whenever they wish to. Council discussed in detail the whereabouts of the maps and who might have borrowed them. Mayor Gibson suggested that Councilman White contact members of the Planning and Zoning Commission and ask that an emergency meeting be held to determine where the maps might be. The Mayor said he felt that some of the members might have a copy.

Councilman Hill asked who was responsible for raising the manheads and storm sewer covers on Second Avenue. Mayor Gibson stated that the City is responsible to do this. Councilman Hill stated that he has noticed that a stick has been placed at one of the sewers on Second Avenue warning motorists that the situation is dangerous. Mayor Gibson stated that the problem will be taken care of as rapidly as possible. Councilman at Large Tidquist stated that last summer the City ordered adapters for the sewers and when received, they were too high; and therefore, they could not be used. This is from 27th Street to the intersection at First Avenue. Mr. Tidquist added that the catch basin has to be built up in order to have them level with the road. Mayor Gibson agreed that there is a problem and it will be corrected in the near future.

Councilman Lilly stated that he has received a report from the Department of the Treasure in regards to the report for the entitlement period of January 1-June 30, 1973. Mr. Lilly added that a meeting has to be held within the next two or three weeks to appropriate and allocate the Revenue Sharing Money for this year.

Councilman at Large Tidquist made a motion that the meeting be adjourned. Councilman Casebolt seconded the motion - All Council voted in favor.


Mayor


Recorder

NITRO CITY COUNCIL MEETING

June 5, 1973

The regular meeting of the Nitro City Council was held in the Council Chambers June 5, 1973. Those present were: William D. Gibson, Mayor; Tom Melton, Recorder; Councilman at Large Dr. R. V. Allen, Councilman at Large Hugo Tidquist. Councilman at Large Keith Priddy being absent. Councilmen Thomas Lilly, Paul Hill, Vernon Casebolt, James White, and City Attorney James Kessinger.

The meeting was called to order by the Honorable Mayor William Gibson. Reverend Harold Goodpastor gave the invocation.

APPROVAL OF MINUTES: Councilman Casebolt stated that there is to be a correction in the minutes of the last Council Meeting. Councilman Casebolt stated that there is a coke machine installed at the pool, not a new water fountain. The water fountain was installed at the little league field. Mr. Casebolt made a motion that the minutes of the last meeting be approved with the correction. Councilman at Large Tidquist seconded the motion - All Council voted in favor.

FINANCIAL REPORT: Councilman Lilly, Chairman of the Finance Committee, stated that at the close of the day there was \$44,112.25 in the General Account. Mr. Lilly added that we are operating well within the budget through the eleven months of this fiscal year. Mayor Gibson asked Mr. Melton how many unpaid bills we had. Mr. Melton stated that there are a few outstanding bills from Monday and Tuesday.

Councilman Lilly reported on the Community School Finances. Mr. Lilly stated that the Community School has finished its last six-week session until next fall. Mr. Lilly added that Council agreed to assist the Community School on a six-week basis, after which an evaluation would be made. The Community School has a \$500 deficit, which they would like the City to assist in paying. Councilman White stated that we may have given the impression that we would assist them each session. Councilman Lilly agreed with Councilman White that we should help out the Community Schools for this six-week session. Councilman White made a motion that Council donate \$500 for the six-week session which just finished. Councilman Casebolt seconded the motion - All Council voted in favor.

Councilman Lilly reported on the Police Cruiser. Mr. Lilly stated that one bid was received, which was from Capitol-Chrysler Plymouth, Incorporated. The cost is \$3,100. Mr. Lilly made a motion that Council accept the bid submitted for the Police Cruiser. The delivery date is November 10, 1973. Councilman Casebolt seconded the motion - All Council voted in favor.

Councilman Casebolt reported on the fire hydrant on 18th Street Hill. Mr. Casebolt stated that he has checked out 18th Street Hill and has found other areas which may need a fire hydrant. Councilman Casebolt added that he has requested Mayor Gibson to write a letter to the Water Company requesting them to check in and see what areas might need hydrants.

Councilman Casebolt reported on the bids for the Recreation equipment. The bids are as follows:

- (1) Economy Marine Sales: Six, 2-passenger pedal boats with two life cushions. Total price is \$3,954

Three aluminum canoes - Total price is \$570

Six canoe paddles - Total price is \$36

Ten children's life jackets - Total price is \$37.50

Ten adult life jackets - Total price is \$47.50

Twenty adult life cushions - Total price is \$45

The total price of all the equipment is \$4,690

- (2) Cunningham Associates: Six pedal boats. Total price is \$3,540

One #4053 60" X 15' floating dock - Total price is \$523

Two #4054 floating boat docks - Total price is \$1,108

The total price of all the equipment is \$5,171

- (3) Mitch's Marina: Six 2-passenger pedal boats. Total price is \$2,898

Three canoes - Total price is \$570

Six canoe paddles - Total price is \$19.50

Ten life jackets - Total price is \$27.50

Ten adult life jackets - Total price is \$37.50

Twenty life cushions - Total price is \$75

The total price of all the equipment is \$3,650

The pedal boats from Mitch's Marina can be delivered fifteen days from the contract date. Immediate delivery on all other equipment.

Mayor Gibson recommended that the bids be put in the Recreation Committee and either give the Committee the authority to act in Council's behalf or report back at the next Council Meeting. Councilman Casebolt made a motion that the bids be put in the Recreation Committee. Councilman White seconded the motion - All Council voted in favor except Councilman Hill who voted no.

Councilman Hill reported on the bids for remodeling City Hall. The bids are as follows:

- (1) Teays Valley Heating and Cooling: This bid is for 2-5 Ton air conditioners only. The total price is \$3,792 for a professional job throughout the building, including insulation.

- (2) Landers Heating and Insulating: The bid includes all of the remodeling work and a guarantee of all mechanical equipment installed for one (1) year from the date of installation. The number of working days to complete the work is 120. The total cost of the work is \$32,840

Mayor Gibson stated that specification sheets were sent to eighteen companies. Mr. Melton stated that the companies were telephoned and the specifications sent out. Mr. Kessinger stated that the building trades on strike may have something to do with the amount of bids received. Councilman Casebolt made a motion that the bids be put in the Building and Planning Committee and report at the next Council Meeting. Councilman White seconded the motion - All Council voted in favor.

Mayor Gibson stated that the City is experiencing difficulty at the Watershed. Mayor Gibson added that there are groups of individuals staying out there until midnight or later. The individuals are also swimming there and no supervision is provided. The contractors have not finished the area and have to upgrade the roads and tie up some loose ends. Mayor Gibson further added that if the Police demand a person to leave the area and the individual refuses, the Police do not have any way to go. Mayor Gibson further informed Council that at 12:00 one night there were 19 cars parked at the Watershed. Councilman Casebolt stated that he went through the area a week ago and it made him "heart sick" to see all of the damage. Mr. Casebolt felt that the City would be within their rights to close the Watershed until further notice. Mr. Kessinger, City Attorney, recommended that he, Mayor Gibson, and a member of Council meet with the Kanawha County Court to discuss putting up signs stating that the Watershed will be closed until the contractor completes his work and there is adequate supervision provided. At the request of Councilman White Council discussed whether to limit the time that individuals could arrive and leave the area. Mr. Kessinger suggested, however, that the area be closed completely to prevent any more damage and to get the park in shape for opening to the public. Councilman Casebolt made a motion that Mr. Kessinger, Mayor Gibson, and Councilman at Large Tidquist contact the Kanawha County Court in an effort to place the Watershed area off limits until it is ready to open. Councilman Hill seconded the motion - All Council voted in favor except Councilman White who voted no.

Mayor Gibson introduced Mr. Carl R. Smithers, Vice President of the Kanawha Valley Regional Transportation Authority (KVRTA). Mayor Gibson stated that the City of Nitro has already gone on record in support of the KVRTA in regards to the bus issue. Mr. Smithers informed Council that buses would not remain on the road after August if the bond issue did not pass. The bond issue must pass before matching money can be obtained from the Federal Government. The bus service will be extended to other areas in the near future. Such areas as Montgomery, Alum Creek, and Sissonville. If the bus issue passes, it will raise the taxes on a \$20,000 home to approximately \$6 per year. It would raise the average person's taxes \$3 or \$4 per year. Without bus service there would be no transportation for the elderly and for the people who travel to work by bus. Councilman White asked Mr. Smithers about the bus rates. Mr. Smithers stated that the rates would stay the same and in the future they may be lowered. Councilman White also asked Mr. Smithers why the tax payers should have to pay if not enough people are riding the buses. Mr. Smithers stated that when service is started in other areas the number of people riding buses would increase. Councilman White asked about supplying smaller buses. Mr. Smithers stated that smaller inter-urban busses, free of charge, are in the plans of the KVRTA to run in the large areas. Councilman at Large Allen asked about

the purchasing of new buses. Mr. Smithers stated that the KVRTA has hopes of purchasing the Charleston Transit Authority and buying new, modern, air conditioned buses. Mr. Smithers added that if buses are idle for a great length of time, there would be a maintenance problem. Councilman at Large Allen asked what happens after the five-year period is ended. Mr. Smithers stated that after the five-year period it is hoped that the KVRTA can be self-supporting. Councilman at Large Allen stated that there are many dedicated people working with the KVRTA in their efforts to pass the bond issue.

Mayor Gibson stated that he has received a form from the Department of the Treasury, Washington, D. C., concerning the expending of our revenue sharing allocation for the entitlement period beginning January 1, 1973 to June 30, 1973. The figures are as follows:

- (1) Recreation - \$49,064
- (2) Upgrading library and the facilities inside - \$21,026

Fifty percent for the maintenance of the existing services, and fifty percent for new or expanded services. Mayor Gibson requested that Council approve the Revenue Sharing. Mayor Gibson added that we will advertise the form in the Kanawha Valley Leader. Councilman Casebolt made a motion that the form be approved by Council - Councilman White seconded the motion - All Council voted in favor.

Mayor Gibson informed Council that he and the office staff have checked through the Council Minutes through the past six years trying to find who is on the Library Commission. Mayor Gibson added that to the best of his knowledge all of the members' terms have expired. Mayor Gibson further added that he recently appointed Mr. Steve West to replace Dr. Hogshead on the Commission and stated that approximately five new appointments will be made at the next Council Meeting. Mayor Gibson added that he has three names of individuals who are interested and qualify to serve on the Library Commission. Mayor Gibson informed Council that if they know of any one who they feel qualify for the Library Commission to feel free to submit their names.

Councilman Lilly requested a meeting with the Finance Committee to adjust the budget so that it can be presented at the next Council Meeting.

Councilman at Large Tidquist stated that he has received calls about cars parking on east 31st Street near the slide. Mayor Gibson stated that a sign was installed but it only stayed up one night. Mayor Gibson stated that he has been advised by the City Attorney and the Engineer to keep our hands off the area other than maintaining one way traffic.

Councilman Casebolt stated that there is a house being built on Kanawha Avenue next to Smith Street which does not have a lot number. When the street was numbered this lot was missed. This was put in the Street Numbering Committee.

Councilman Casebolt stated that the landfill is becoming a health-hazard for the people living in the area. Mayor Gibson stated that the landfill was much improved from the way it use to be, but informed Council that it was still in much need of attention. He further stated that he had to lease, rent, or borrow a large bulldozer in order to finish the landfill. He further added that dirt had to be hauled in from other areas, which would require equipment and legal releases prepared by the City Attorney before going onto private property. The Mayor stated that since the swimming pool work is almost finished,

we shall give the landfill the proper attention.

Councilman at Large Allen stated that a sign is need at 2138 & 2176 21st Street informing persons that a bump is ahead. Councilman Casebolt made a motion that a sign stating that a bump is ahead be installed. Councilman White seconded the motion - All Council voted in favor.

Councilman at Large Allen made a motion that the meeting be adjourned - Councilman Hill seconded the motion. All Council voted in favor.

Tom D. Gibson
Mayor

Tom Melton
Recorder

NITRO CITY COUNCIL MEETING

June 19, 1973

The regular meeting of the Nitro City Council was held in the Council Chambers, June 19, 1973. Those present were: William D. Gibson, Mayor; Tom Melton, Recorder; Councilman at Large Dr. R. V. Allen, Councilman at Large Keith Priddy, and Councilman at Large Hugo Tidquist, Councilmen James White, Paul Hill, Thomas Lilly, and Vernon Casebolt.

The meeting was called to order by the Honorable Mayor William Gibson. Rev. Byers gave the invocation.

APPROVAL OF MINUTES: Councilman Vernon Casebolt made a motion that the minutes of the last Council Meeting be approved. Councilman White seconded the motion - All Council voted in favor.

APPROVAL OF FINANCIAL REPORT: Councilman Tom Lilly, Chairman of the Finance Committee, reported that on Page 2 of the Financial Statement under Revenue Sharing Funds Account, the total is \$101,038.85, Withdrawals amount to \$20,000.00 and the balance is \$81,038.85. Directly below this is the Revenue Sharing Checking Account showing checks issued from #101 to #105 amounting to \$14,155.75. This total represents checks issued for an air compressor, a Police Cruiser, and a new truck for the Street Department. Councilman Lilly made a motion that the May Financial Report be approved. Councilman Casebolt seconded the motion - All Council voted in favor.

Mayor Gibson presented the 1972-1973 Budget Revision. Councilman Lilly reported that the Finance Committee met last Wednesday, June 13, to revise the budget for the fiscal year 1972-1973. Each member had a copy of a letter, the Estimated Receipts, and the Estimated Current Expenses for the fiscal year. Mr. Lilly added that a copy letter goes to the Director for the Tax Department to recommend an approval of the revision. The Finance Committee made a motion that the recommendation be approved as the revision is made. Councilman at Large Tidquist seconded the motion - All Council voted in favor.

Councilman Paul Hill, Chairman of the Building and Planning Committee, reported that the Committee makes a recommendation to reject all bids for remodeling City Hall. Councilman at Large Allen seconded the motion. Councilman Casebolt asked what the Council proposed to do by rejecting the bids. Mayor Gibson stated that the Council will follow through with the motion since it had been seconded and bring up the matter under new business - All Council voted in favor.

Councilman at Large Allen, Chairman of the Traffic Committee, made a motion that the Council provide the Presbyterian Church on 21st Street and the United Methodist Church on 20th Street with a parking space. He added that these spaces should not be used particularly as a minister's parking area but for anyone associated with the Church. Councilman Allen added that the sign should say "Church Parking Only". Councilman Casebolt seconded the motion - All Council voted in favor. Councilman Casebolt asked how many spaces were to be given to the Churches for parking. Mayor Gibson reported that two were requested.

Mayor Gibson said that he had a complaint from one or two citizens in regard to a drainage problem in the inner circle of Valentine Circle. This problem occurs after a storm or heavy rain. The resident at 1333 Valentine Circle requested that this be

put in the Storm Drain Committee or the Street Committee or both. Mayor Gibson suggested that the two Committees might be able to work together on the problem. Councilman Lilly asked if there were storm drains there. Mayor Gibson answered saying that there may be one around Holley Street. Councilman Lilly then asked if this was the drain problem that had come up before Council in the past. The Mayor stated that it was not, but this was a similar situation.

Mayor Gibson said that he had written a letter to the Water Company asking them to give Council an up-to-date survey on fire hydrants, and he should be a reply soon.

Mayor Gibson added that he would appreciate the presence of some or all of the Council to meet with a group of elected and appointed officials at the Blakes Creek/Armour Creek Watershed at 1:00 p.m., Wednesday, June 20, to go through the Watershed complex and the area there for an inspection. The Mayor went on to say that a letter had been sent to the Commissioners of the Kanawha County Court, the Board Members of the Western Soil Conservation District, the Board Members of the Capitol Soil District, the State Conservationist, and the District Conservationist requesting their presence also. Councilman at Large Allen asked if this was to be the final inspection. Mayor Gibson replied that he hoped it would. Councilman White asked if the contractor thought his work was completed there. The Mayor said that he thought the contractor may feel that he is finished. Mayor Gibson added that he would appreciate as many coming out as possible for the benefit of the Community.

Councilman at Large Tidquist reported that there were people from Kanawha Avenue South that would like to present Council with a problem as far as traffic is concerned. Those present were Mr. Mickey Lemon, Mr. and Mrs. William Casto, and Mr. K. E. Johnson.

Mr. Lemon, spokesman for the citizens committee, stated that it is not actually a problem yet, but that indications point in that direction. Mr. Lemon reported that Mr. Collins, a resident of Blackwood Avenue, wants to start bringing heavy equipment by access of an unpaved alley in the area of Kanawha Avenue South off Blackwood Avenue. Mr. Lemon went on to say that Kanawha Avenue was paved by the property owners before being brought into the City, and the property owners have maintained it since. Mr. Lemon reported that the residents on Kanawha Avenue South who are opposing this action would like a weight restriction of 4,500 pounds put on Kanawha Avenue South. Mr. Lemon also stated that Kanawha Avenue South was only a 9'5" pavement, thin blacktop, and ends in a dead-end street. He added that the street was actually used by only one person, Adrian Bateman. Councilman at Large Allen asked what Mr. Collins was using the alley for. Mr. Lemon replied that Mr. Collins is not using it for anything at the present time, but he has given them indications that he wants to use it to bring heavy equipment to move dirt and rocks on his property. Mr. Lemon further stated that Mr. Collins can get to his own property by other means but not through the other residents' property at the same time ruining their property, which is why they are protesting the action.

Councilman at Large Allen asked if the other residents used it primarily. Mr. Lemon stated that they did not, but instead used the drive off Blackwood Avenue, and the alley is not used by anyone. Councilman Allen added that in other words, they would like a weight limit sign put up. Mayor Gibson said that the Council would have to put this matter into the Traffic or Street Committee and allow them ample time to study the situation. Mr. Lemon asked that restrictions be put on Kanawha Avenue South between now and the time the Committee comes up with a solution. The Mayor replied that this would be up to the Council. Councilman Lilly, Chairman

of the Street Committee and Councilman of Ward 4, stated that since he is in Ward 4 and this is the one involved, suggested to make a recommendation that this be put in the Street Committee. Councilman Casebolt made a motion to accept Mr. Lilly's recommendation. Councilman at Large Tidquist seconded the motion - All Council voted in favor.

Mr. Lemon inquired about traffic between now and the time a solution was reached. Mayor Gibson answered saying that traffic be allowed to flow as normal and all building, filling-in, and excavating must, of course, be approved by the City's Building Inspector.

Councilman Casebolt reported that he had been questioned about the Penn Central Railroad Crossings. Mayor Gibson stated that he had written one or two letters to the Railroad Company. The Mayor added that he had given the Police Department rigid instructions, and he had also called two men of high positions with the Penn Central Railroad Company. The Mayor further added that they were just going to start giving the conductor a ticket for blocking the crossings for long periods of time. Mayor Gibson also stated that he had talked it over with the City Judge about doing this. The Mayor added that from here on out the law was to be enforced. Councilman Casebolt then inquired about the repairing of the crossings. Mayor Gibson replied that he had heard that a man has been awarded a contract to repair all crossings from Charleston to Point Pleasant or Gallipolis, Ohio. The Mayor further added that he had talked with the man about ten days ago, and the man said that he was of the opinion that he will get started soon in the Charleston area coming in the direction of Nitro, so we should be one of the first.

Councilman Casebolt also stated that for the last six months there has been a large hole on Kanawha and Dogwood Avenues. Mayor Gibson stated that Mr. Robert Hayne, the engineer, was at City Hall on Monday, June 18, for a Sanitary Board Meeting. The Mayor added that he had talked with Mr. Speed Jones, chief construction engineer for the State Road Commission, and Mr. Jones has been assured that they will get started on the problem soon. The Mayor added that we could expect a letter from Mr. Hayne in a day or two at which time he is going to write to Mr. Jones confirming their telephone conversation, and we will receive a copy of that letter. The Mayor added that he thinks the Council can expect some action soon.

Councilman at Large Priddy was also concerned about the blocking and condition of the crossings and stated that he had also received complaints. Mayor Gibson said that the crossings have been improved some in the last month but not as much as the Council would like. Councilman Casebolt added that the crossings have not been improved to the point that a house could be saved should one catch fire while a crossing is blocked. Mayor Gibson then asked Council if they could see any improvement in the crossings. Councilman at Large Priddy stated that he has been held up at the crossings three times in the past month for as long as twenty minutes.

Councilman at Large Allen stated that he would like Gene Williams to go upon Bailes Drive where the manhole is on top of the hill and sewage comes down Bailes Drive. He said he feels that this should be corrected. Councilman at Large Priddy added that this was outside the city limits. Councilman at Large Allen went on to say that since we charge the residents a sanitary fee, he thinks the City has an obligation to repair it. The Mayor reported that three new joints of pipe have been recently installed there. The Mayor added that it has been a continuous problem because the earth is moving so much that there is no longer pavement there. Mayor Gibson added that it has been a problem for several years, and from time to time a leak does spring. When the sewer was installed it was not installed deep enough.

The Mayor went on to say that we may have to take a backhoe up there and put the pipe much deeper which would be a major project.

Councilman White reported that the citizens of Brookhaven met and voted to lease the mini-part to the City. He added that he hopes the Council can talk with Mr. Kessinger, The City Attorney, to proceed with the legal procedures involved in this matter.

Councilman White added that the Recreation Committee met with the people from Brookhaven and it is now a matter of drawing up a lease and having it signed by the City and the residents of Brookhaven with the approval of Council.

Councilman White also asked that the Sanitation Committee be consulted about the feasibility of putting Brookhaven, which is presently served by the Union Public District Sewer System, on the new Nitro Sewer System which is to be extended out 40th Street. Councilman White added that he had talked with the City Engineer, Mr. Bob Anderson; and Mr. Anderson said that with a minimum investment by the City, Brookhaven could be included since the residents of Brookhaven are citizens of Nitro. Mr. White stated that he would like to have this put in the Sanitation Committee. Councilman White added that the City Engineer said that the original plans were to extend the system all the way out 40th Street. With 100 more yards of sewage pipe, the people in Brookhaven could be accommodated. Mayor Gibson asked if the Council wanted to put the matter in the Sanitary and Health Committee. Councilman at Large Allen added that he thought the matter would be taken care of by the Sanitary Board since the Sanitary and Health Committee did not include sewage systems. The Mayor said he would welcome the idea of bringing the system in. Councilman White stated that it seemed to him that it would be an advantage to both the City and the citizens of Brookhaven. The Mayor went on to say that the matter had been brought up in the past, but it had not been discussed to the point that it could be done in the near future, because the City had not received a second grant. Councilman White added that Mr. Anderson had said the project may be started this summer. Councilman at Large Allen asked if Mr. White had enough information that there is some area that the City could work out with the Union Public Service District. Mr. White replied that he would rather not make a statement on it, but stated that Mr. Kessinger said he would check into the legal aspects. Mayor Gibson said the Sanitary Board had just met on Monday before the Council Meeting and would meet again on July 2. Councilman White stated that Mr. Anderson had assured him that it was really not a problem from his standpoint; and once the City put in new sewers, we would have adequate pumps and the size of the sewers would be adequate to accommodate Brookhaven.

Mayor Gibson said he would like to recommend to Paul Hill to put the remodeling of City Hall back into the Committee and try to act in the area of getting a Chief of Police office and an office for the Recreation Director. The Mayor went on to say that neither he nor Mrs. Frazier had air conditioning.

Councilman Hill said that the Committee would try to come up with something. The Mayor asked if Council wanted to put it back in the Committee. Mr. White asked if Council thought that if they advertised again if they could get more bids since only one was originally received. Councilman Casebolt said that legally he did not think Council could advertise again since they published the bid they received. Councilman at Large Allen made a recommendation that it be put back in the Building and Planning Committee. Dr. Allen added that he knew Mr. Hill was doing a great deal of work on it and felt he should be given ample time to explore and get the job done the way he thought was best. The Council agreed to Dr. Allen's request.

Councilman Hill reported that on Fourth Street there are a couple of small holes which keep getting larger. Mr. Hill added that this is on Third Avenue going

towards the hill where it leaves the blacktop going on to concrete pavement. He further added that cars are dropping into the holes and the people would like to have them filled. Councilman Hill also reported that on Tenth Street and Second Avenue going up to Third Avenue, there are cars parking on both sides of the street, and since there are holes in the street. they are difficult to miss.

Councilman Hill also stated that on Thirteenth Street and First Avenue, tree limbs are hanging over and trees have grown up and are blocking the view going on to First Avenue. Mr. Hill added that he would like to have Gene Williams check this out.

Councilman Lilly reported that the City had endeavored to fill the old landfill, and there is alot of dirt that has to be hauled there. Mr. Lilly went on to say that at the present time, the work that has been done, which has greatly improved the landfill, confronts them with the fact that they need a heavy piece of equipment to move the dirt around so that we can haul in the neighborhood of 200-300 loads of dirt on top and spread it around. Mr. Lilly added that the old garbage fill below the interstate must be renovated because the Health Department had indicated that no more dumping is allowed there. Councilman Lilly went on to say that a complete filling job has to be done but the City has only a endloader. This means that if the City does the work themselves, it will need to rent a bulldozer. Mr. Lilly reported that the rental fee for a big bulldozer is in the neighborhood of \$1000 a month. Councilman Lilly added that they had found a large bulldozer that is for sell, and the City can buy it for \$3000. He further added that this piece of equipment has been checked by the mechanic and the operator had operated the bulldozer. Mr. Lilly went on to say that he would like to ask the Council for permission for the Garbage and Street Department to purchase this bulldozer.

Councilman at Large Priddy asked what the size of the bulldozer was. Councilman Lilly answered that it was a D-6 and was used in coal stripping. However, the owners went out of business when stripping was narrowed down to small strippers. He stated that this bulldozer had \$1900 of repair work done recently to get it in good operating order. Mr. Lilly felt that this was a tremendous investment for the City to acquire a bulldozer to satisfy its needs. Councilman Lilly made a motion that the City purchase this piece of equipment. Councilman Casebolt seconded the motion.

Councilman White asked what the City would use it for after the landfill is completed. Councilman Lilly replied that after the landfill is completed and the old garbage fill is completed below the interstate, the City still owns about seven acres of land where the garbage fill is that we can use for expansion. He added that the City is in the process of acquiring some land to build a City garage on so we can use it in that area. After it has served all of the City's purposes, Councilman Lilly stated that he was sure we could sell it and get a good resell if this is the route the City wants to take.

Councilman at Large Priddy asked if there was any chance of getting the bulldozer on a lease purchase. Councilman Lilly answered that for \$3000 they were probably not interested in a lease purchase. Councilman Casebolt added that he though the City would get \$3000 out of it even if we only get the landfill taken care of. Councilman White asked how the City would haul it after it was purchased. Mr. Gene Williams stated that this would not be a major problem - All Council voted in favor of the purchase.

Councilman Lilly made a motion to adjourn the meeting. Councilman Casebolt seconded the motion - All Council voted in favor.


Mayor


Recorder



NITRO CITY COUNCIL MEETING

July 3, 1973

The regular meeting of the Nitro City Council was held in the Council Chambers July 2, 1973. 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 Thomas Lilly, Paul Hill, Vernon Casebolt, and City Attorney James Kessinger. Councilman James White being absent.

APPROVAL OF MINUTES: Councilman Casebolt made a motion that the minutes of the last Council Meeting be approved. Councilman at Large Tidquist seconded the motion - All Council voted in favor.

FINANCIAL REPORT: Councilman Lilly, Chairman of the Finance Committee, stated that the present City Administration has finished its first year in office and has paid all of the bills for the first fiscal year, ending June 30, 1973. The bank balance is \$18,248.51. Councilman Lilly further informed Council that on June 19, 1973, a request for a revision of last year's estimate was sent to the Tax Commissioner. On June 27 a letter was received from the Tax Commissioner stating that the estimate was within the law. Councilman Lilly requested that the letter be made part of the minutes. Councilman at Large Allen made a motion to accept Councilman Lilly's report. Councilman Casebolt seconded the motion - All Council voted in favor.

Councilman Lilly reported on the 4,500 pound weight limit sign for Kanawha Avenue South. Councilman Lilly stated that he would like the Street Committee to meet with the residents in that particular area. Mr. Lilly added that he would report at the next Council Meeting.

Councilman Hill reported on the remodeling of City Hall. Councilman Hill made a motion that the City advertise bids for one 5-Ton air conditioner with the wiring up graded to a 300 "Amp" breaker panel system to be used in conjunction with the remodeling of the Mayor's office and the conference room. Councilman Hill added that this bid is just for the equipment and installation of the air conditioning and breaker panel system. Councilman at Large Priddy seconded the motion - All Council voted in favor. and requested bids to be opened next Council meeting.

Councilman at Large Tidquist reported on the drainage problem at 1333 Valentine Circle. Mr. Tidquist stated that he has checked into the situation and the only solution is to install storm sewers in the area. Councilman Lilly stated that it is very expensive to do this and added that there is no financial means by which the City can solve the problem at this time. Councilman at Large Priddy asked where the nearest storm sewer is located. Councilman Lilly stated that the nearest storm sewer is on Main Avenue, two blocks away.

Mayor Gibson informed Council that he has telephoned Mr. Jones, with the West Virginia Department of Highways, about the Dogwood Street and Kanawha Avenue problem. Mayor Gibson stated that the letter, which each Councilman has, indicates that he has been in contact with the Department in an effort to get them to move in on the problem. Councilman at Large Allen stated that if no action is taken within ten days,

the Mayor should call again. Dr. Allen added that he has received numerous complaints from residents in that area about the situation.

Mayor Gibson gave a copy of a letter from the West Virginia Department of Highways to all members of Council in regard to the 40 stop signs, posts, and hardware, that the West Virginia Department of Highways sent to the City to be placed in designated points throughout the City. Councilman at Large Allen stated that he has received numerous complaints about the speed limit being 25 miles per hour in residential sections in the City. Dr. Allen asked if the Department of Highways could dictate what type of sign the City has to install in residential areas. Councilman Casebolt asked if the City has to turn over the signs that are removed. Mayor Gibson stated that he will talk with the Department of Highways and try to get something concrete worked out on both of these matters.

Mayor Gibson stated that he has not heard from the West Virginia Water Company about the fire hydrant survey. Mayor Gibson added that he will check into this before the next Council Meeting.

Councilman at Large Tidquist asked when a stop light would be installed in the City. Mayor Gibson stated that he has not heard any more about the stop light. Although Mayor Gibson believed that the stop light at 40th Street had been approved. However, First Avenue had to be straightened out at 21st Street by the Department of Highways before the light can be installed. Mayor Gibson further added that a stop light at 19th Street could not be installed because it is impossible to synchronize a stop light with the railroad tracks. Mayor Gibson further added that he would check into the situation.

Mayor Gibson made five appointments to the Library Commission.

- (1) Reappointment of Steve West, 2154 - 21st Street
five year term
- (2) Appointed Dolly Withrow, 24 Broadway Gardens
four year term
- (3) Appointed Sharon Pennington, 104 Beech Street
three year term
- (4) Appointed Connie Townsend, 14th Street
two year term
- (5) Appointed David Hart, 210 Brookhaven Drive
One year term

These appointments are effective July 1, 1973.

Mayor Gibson handed a copy of the letter from Mr. William Blake, Editor of the Kanawha Valley Leader, to Mr. James Kessinger, City Attorney, to read before Council. A copy of the letter is attached and is to be included as part of the minutes. Mayor Gibson stated that he denies all of the charges which the Kanawha Valley Leader makes. Mayor Gibson added that the City has an extremely good group of duly elected Councilmen who are operating to the best of his knowledge very honorably and businesslike. Mr. Kessinger stated that he has been associated with the present City administration since July 1, 1972 and has, in the past, been associated with other municipalities. Mr. Kessinger stated that he does not see how

the City officials could spend any more time on City matters than they do. Mr. Kessinger added that he has attended many sessions conducted in Committee Sessions. Mr. Kessinger further added that he is appalled at the contents of the letter and felt that it is illfounded and is not based on facts. Mr. Kessinger stated that when the remark about "rubber stamping" decisions is brought up in the letter, it is thought to be in reference to the fact that the City government operates through committees that report to Council during Council Meetings. Mr. Kessinger stated that this is the way Government operates. Mr. Kessinger further added that if the Government did not operate through Committees, the City Council Meetings would never conclude and the Councilmen would be at City Hall a great portion of the night without ever finalizing the work. Mr. Kessinger commended the Councilmen for the time they do spend throughout the week conducting Committee Meetings. Mr. Kessinger added that if all of the City affairs were left for the first and third Tuesday of each month, the obligations of the Council and the Mayor to the Community would never be fulfilled. Mr. Kessinger further added that Mr. Blake should spend a week or two following members of Council and the Mayor to see just how hard the City administration works and the next letter would be a letter of apology to each of you expressing his deep gratitude for such dedicated people. Mr. Kessinger added that he thought a letter expressing gratitude and dedication is the type that the City should have received instead of this letter that is certainly in illtaste and nonfaction. Mayor Gibson stated that he challenges Mr. Blake to prove these allegations. Councilman at Large Allen informed the reporters that were present that the offices at City Hall are always open for inspection of anything they may want to see. Councilman at Large Allen added that the personnel in the offices will take time to show any one any public records they may need to see or help them find the information they may need. Councilman at Large Tidquist stated that he has nothing to hide and nothing has been done as far as he is personally concerned in secret. Mr. Tidquist added that any one is welcome to sit in on the meetings, but added that they get pretty lengthy at times. Councilman at Large Tidquist further added that he felt like he should not be called guilty of holding secret meetings and added that it is strictly against his principals and his way of living. Mr. Tidquist further stated that he resented it very much.

Councilman at Large Tidquist informed Council that the City is in need of two new pieces of equipment:

- (1) One striping machine to line the parking lots and curbs
- (2) One tree limb chipper to chop up the trees and shrubs to make them easier to haul

Mayor Gibson stated that the City borrowed a striping machine one weekend, but it rained the entire weekend and no striping was done. Councilman Hill suggested that this be put in the Street Committee to be checked out. Councilman Lilly stated that the Street Committee would check out the situation and report at the next Council Meeting.

Councilman at Large Tidquist stated that in the area of the First Baptist Church a contractor came in to do some curbing, but never finished the job. He added that the contractor should also piece together the sidewalk. Mayor Gibson stated that he would get in touch with the Preston-Carroll Corporation, who was the contractor, about finishing the work.

Councilman Casebolt reported to Council about the work being done by the Recreation Department. Councilman Casebolt stated that new playground equipment had been installed at the City Park. The fences and backstop are also almost completely painted. Mr. Casebolt added that another project is to mount posts into the parking

lot to divide the parking lot into different sections with entrances into each section. This will give the parking area more organized parking. The City is also in the process of installing lights over on the basketball court. Councilman Casebolt stated that the swimming lessons for this year had just completed and he has received compliments that this is the best swimming lessons Nitro Pool has ever had. Mr. Casebolt informed Council that a crew of men are working at the Watershed trying to get it ready for opening day on July 14, 1973. The festivities will include free hotdogs, free cokes, a band concert, a concert by the Nitro High School chorus, and a dedication speech by Congressman John Slack.

Councilman Casebolt stated that the annual July 4 Little League Day is tomorrow. Mr. Casebolt urged all to attend.

Councilman Casebolt thanked the Police Department for the fine job they are doing in keeping the cars slowed down throughout the town.

Councilman Casebolt made a motion that a 'No Parking' sign be placed from the corner of the Church of Christ on Main Avenue to the end of their church building. The church needs this parking area to load and unload passengers on their buses. Without this parking area, the buses will have to either park in front of the church to unload or across the street, which is dangerous when crossing the street. Councilman Lilly seconded the motion - All Council voted in favor.

Councilman at Large Priddy asked if Mayor Gibson had received a recent report from the Appalachian Power Company concerning the upgrading of street lights. Mayor Gibson stated that he was informed that the Power Company had to order a considerable amount of equipment before the work could be started. Mayor Gibson added that he would contact Mr. Judy of the Appalachian Power Company about the survey.

Councilman at Large Allen requested the Garbage Committee to check into the Municipal Service Fee. Dr. Allen asked why a person has to pay the \$5 fee even if he receives no garbage pick up. Councilman Lilly stated that the Municipal Service Fee is not garbage pick up alone. It is a combination of trash pick up, garbage pick up, Police and Fire protection, Street maintenance, and etc. If a house is empty the Police have to patrol the house more often to see that nothing happens. Mayor Gibson stated that the Municipal Service Ordinance went in to effect March 1971 and provides for various benefits. Councilman at Large Allen requested that this be checked out.

Councilman at Large Allen asked if anything has been done concerning the receiving of gasoline bids. Mayor Gibson stated that he has checked into the situation. Mayor Gibson added that a contract was made in 1970 by retiring Mayor W. W. Alexander, concerning gasoline purchases. This contract renews itself each year if no correspondence is received by the City. It was decided that since the gasoline industry is in such a state of gasoline shortage, that the contract should be left as is.

Councilman at Large Allen stated that received congratulations from a citizen of Nitro for installing the poles on the parking lot at the park. She thought they were to keep out the speeders.

Councilman at Large Allen stated that he is of the opinion that electricity is needed at the Watershed. People do bring their electric coffee pots, electric skillets, and other appliances to cook with when on picnics. Council discussed the possibility of just installing the electricity now and not worry about the lights. Mayor Gibson suggested that the Finance Committee and the Recreation Committee check into the matter and report at the next Council meeting.

7(A)
NITRO CITY COUNCIL MEETING

May 15, 1973

The regular meeting of the Nitro City Council was held in the Council Chambers, May 15, 1973. Those present were: William D. Gibson, Mayor; Tom Melton, Recorder; Councilman at Large Dr. R. V. Allen, Councilman at Large Keith Priddy, and Councilman at Large Hugo Tidquist, Councilmen James White, Paul Hill, Thomas Lilly, Vernon Casebolt, and James Kessinger, City Attorney.

The meeting was called to order by the Honorable Mayor William Gibson. Reverend James Arbogast gave the invocation.

APPROVAL OF MINUTES: Councilman Casebolt made a motion that the minutes of the last Council Meeting be approved. Councilman at Large Allen seconded the motion - All Council voted in favor.

APPROVAL OF FINANCIAL STATEMENT: Councilman Lilly, Chairman of the Finance Committee, made a motion that the April Financial Statement be approved. Councilman at Large Priddy asked why there was a large amount of money spent for office machines. Councilman Lilly stated that a typewriter was purchased last month, and the rent of the copier and stamp machine was paid. Councilman Casebolt seconded Councilman Lilly's recommendation - All Council voted in favor.

Councilman Lilly reported on the Police Cruiser. Councilman Lilly stated that one bid was received. The reason that one bid was received is that the close out day for ordering 1973 cars was approximately April 27, 1973, and all new cars would be a 1974 model and the cost of the vehicle would not be known. Councilman Lilly added that the delivery date would not be until November. Mr. Lilly stated that he contacted four different concerns in an effort to locate a vehicle that would meet our specifications. He further added that if the car was located in a 250 mile radius, no charge would be made to the City to pick up the car. However, over 300 miles the City would be charged to pick up the car. The various concerns reported, however, that no car had been located. Councilman Lilly made a motion that the Police Cruiser be put in the Police Department Committee and report at the next Council Meeting. Councilman at Large Allen seconded the motion - All Council voted in favor.

Councilman at Large Allen reported on the parking problem in front of Main Avenue near Ace Furniture and Boggs Barber Shop. Mr. Allen stated that he has not had a chance to meet with the Traffic Committee. Councilman at Large Allen added that he would like to talk with one more person in the area and meet with the Traffic Committee before reporting to Council.

Councilman Paul Hill reported on the offices for the Recreation Director and Chief of Police. Councilman Hill passed out a rough draft of the plans for the remodeling of City Hall. Mr. Hill made a motion that the City advertise bids for the remodeling of City Hall. Councilman White seconded the motion - All Council voted in favor but Councilman at Large Tidquist who abstained.

Councilman Casebolt reported on the pool rates. Mr. Casebolt stated that he has checked with the Finance Committee and has decided to leave the pool rates as they are. Councilman Casebolt stated that the grass is cut at the pool and park and the painting is ahead of schedule. Mr. Casebolt added that a drinking fountain is to be installed at the pool and the sidewalk across from the pool

Chief
Craft

NITRO CITY COUNCIL MEETING

August 20, 1974

The regular meeting of the Nitro City Council was held in the Council Chambers on August 20, 1974, at 8:00 P.M. Present were Mayor William D. Gibson, City Recorder Tom Melton, City Attorney Frank Armada, Councilman at Large Hugo Tidquist, Councilman at Large Keith Priddy, Councilman at Large Dr. R. V. Allen, Councilman Vernon Casebolt, Councilman Paul Hill, Councilman Thomas Lilly and Councilman Dewey Mann.

The meeting was called to order by the Honorable William D. Gibson. Invocation was given by Reverend James Arbogast of the St. Pauls United Methodist Church.

APPROVAL OF COUNCIL MEETING MINUTES FOR AUGUST 6, 1974: Mayor Gibson reminded Council that each member had received a copy of the minutes for the previous meeting in the mail and had been given an opportunity to review them. Councilman Vernon Casebolt made a motion for approval of the minutes. Councilman Dewey Mann seconded the motion. The minutes were approved by unanimous vote.

APPROVAL OF THE FINANCIAL STATEMENT FOR JULY, 1974: Chairman of the Finance Committee, Mr. Thomas Lilly, asked that approval of the financial statement be delayed until next council meeting since the Finance Committee had not had an opportunity to review the report.

ORDINANCE REGARDING THE POSSIBILITY OF LIMITING THE MAYOR TO TWO CONSECUTIVE TERMS IN OFFICE: Councilman Dewey Mann, Chairman of the Ordinance Committee, reported that the Ordinance Committee had a meeting August 12, 1974. At this meeting it was decided there should be no ordinance to limit the Mayor's tenure of office. It is recommended that this be treated by incorporating it in a City Charter. By Charter, it would be a direct mandate of the people.

NEW BUSINESS

Mayor Gibson stated that he was very happy to announce to Council that we are bringing to Nitro Colonel Lawrence Craft, who originally started out in State Police work in April, 1947, with a detachment assigned to Nitro. Colonel Craft will be appointed to Police Chief effective September 1, 1974. Over a period of years he worked his way up through the ranks to become second in command over the entire state of West Virginia in the Department of Public Safety. He added that he was sure Colonel Craft would be a tremendous asset to the police force of the city of Nitro. Councilman at Large Dr. R. V. Allen said he felt that the city is very fortunate to get a man of this caliber, and that other communities had wanted him also. Councilman Vernon Casebolt stated that all comments have been very favorable, and that people have told him they consider Colonel Craft a good policeman, that

3(A)

Nitro Police Department

Nitro, West Virginia 25143

Phone 755 3531

to: William Gibson, Mayor

City of Nitro

Please accept my resignation from the position of Acting Chief of Police, to be effective 30 June 1972. I will continue to serve on the staff of the Police Department as Sergeant until midnight 11 July, at which time I will resign from the Police Department.

Thomas L. Blasingin

1 July 1972



OFFICE OF THE SECRETARY OF THE TREASURY



November 7, 1974

REVENUE SHARING
OFFICE
VANIA AVENUE, N.W.
1900 PENN. AVE.
WASH. D.C. 20226

Dear Mr. Gibson:

This letter is in response to your telephone inquiry concerning the time limit on use of general revenue sharing funds.

Section 51.40(b) of the revenue sharing regulations specifies that these funds must be used, obligated or appropriated within 24 months of the end of the entitlement period for which each check is applicable. The first two checks (December 11, 1972 and January 8, 1973) are an exception to this section. In the case of Nitro, West Virginia therefore, an amount equal to the first check (\$65,312) must be spent, obligated or appropriated by December 11, 1974 and an amount equal to the second check (\$62,676) must be spent, obligated or appropriated by January 8, 1975.

I have enclosed a copy of our July 1974, newsletter reveNews, and the October 4, 1974 check letter, both of which discuss the 24-month time limit in more detail. I hope that this information is useful to you.

Sincerely,

Jeffrey H. Schiff
Manager, Intergovernmental Relations
Office of Revenue Sharing

Mr. William Gibson
Nitro City Hall
Nitro, West Va. 25143

Enclosures

Acct. No. 49-2-020-069

PLANS TO EXPEND ITS REVENUE SHARING ALLOCATION
FOR THE ENTIREMENT PERIOD BEGINNING - 1-1-73

AND ENDING - 6-30-73

IN THE FOLLOWING MANNER BASED UPON AN
ESTIMATED TOTAL OF ~~70,090.~~ 70,090.00

ACCOUNT NO 900 017 9

AVOID DEBT INCREASE

NO. 11111

LESSEN DEBT INCREASE

TOO SOON TO
PREDICT EFFECT

(M) TAXES In which of the following manners is it expected that the availability of Revenue Sharing Funds will affect the tax levels of your jurisdiction? Check as many as apply.

WILL ENABLE REDUCING
RATE OF A MAJOR TAX

W. REPT. - AMOUNT OF RATE
R. DED. - AMOUNT OF TAX

WILL PREVENT INCREASE IN
RATE OF A MAJOR TAX

[illegible]

WILL PREVENT ENACTING
A NEW MAJORITAY

X *... ..*

OPERATING MAINTENANCE & REPAIR:

OPERATING MAINTENANCE EXPENDITURES		CURRENT PLANNED MAINTENANCE EXPENDITURES		FUTURE PLANNED MAINTENANCE EXPENDITURES		TOTAL PLANNED MAINTENANCE EXPENDITURES	
PRIORITY EXPENDITURE CATEGORIES (A)	PLANNED EXPENDITURES (B)	CURRENT PLANNED MAINTENANCE EXPENDITURES (C)	FUTURE PLANNED MAINTENANCE EXPENDITURES (D)	TOTAL PLANNED MAINTENANCE EXPENDITURES (E)	PLANNED MAINTENANCE EXPENDITURES (F)	FUTURE PLANNED MAINTENANCE EXPENDITURES (G)	TOTAL PLANNED MAINTENANCE EXPENDITURES (H)
1. PUBLIC SAFETY	\$						
2. ENVIRONMENTAL PROTECTION	\$						
3. PUBLIC TRANSPORTATION	\$						
4. HEALTH	\$						
5. RECREATION	\$ 49,064	50	50	100			
6. LIBRARIES	\$ 21,026	50	50	100			
7. SOCIAL SERVICES FOR AIDED & POOR	\$						
8. FINANCIAL ADMINISTRATION	\$						
9. TOTAL PLANNED OPERATING MAINTENANCE EXPENDITURES	\$ 70,090						

I have advised a local newspaper and the news media of the contents of this report. Furthermore, have made the report available to the public and news media scrutiny.

SIGNATURE OF CHIEF EXECUTIVE OFFICER

NAME & TITLE: PLEASE PRINT
William D. Gibson, Mayor

DATE PUBLISHED

NAME OF NEWSPAPER

Kanawha Valley Leader

CAPITAL EXPENDITURES

[illegible]

6/30/73



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

AND WATER CONTROLS
PHILADELPHIA, PENNSYLVANIA 19106

MAR 4 1975

Re: 206 (c) Reimbursement

Constance J. Stephens, Secretary-Treasurer
Nitro Sanitary Board
Nitro, West Virginia 26114

Dear Ms. Stephens:

Thank you for your letter of February 20, 1975 concerning the status of your reimbursement request under Section 206(b) of the 1972 Amendments of the Federal Water Pollution Control Act.

Presently, no action can be taken on applications eligible for reimbursement under Section 206(b) because reimbursement legislation, PL 92-207, limited use of available funds to 1966-72 projects.

If I can be of any further assistance in this matter, please let me know.

Sincerely yours,

Charles W. Sapp
Chief

Construction Grants Operation Branch

Enclosure

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Water Pollution Control Act (86 Stat. 816; 33 U.S.C. 1251 et seq.) is amended:

(1) in section 104(n) (2), by striking out "fiscal year 1973" and inserting in lieu thereof "fiscal years 1972 and 1973";

(2) in section 206(c), by striking out "\$2,000,000,000" and inserting in lieu thereof "\$2,000,000,000";

(3) in section 207, by inserting "206(c)" after "sections";

(4) in section 311--

(A) by striking out "(b) (2)" wherever it appears in paragraphs (1), (2), and (3), of subsection (f), and inserting in lieu thereof "(b) (3)";

(B) by striking out "Secretary" in the last sentence of paragraph (2) of subsection (f), and inserting in lieu thereof "Administrator"; and

(C) by striking out "(b) (2)" wherever it appears in subsections (g) and (i), and inserting in lieu thereof "(b) (3)";

(5) in section 315, by redesignating subsection (g) as subsection (h), and by adding a new subsection (g) to read as follows:

"(g) In addition to any power to appoint personnel subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and to pay such personnel in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, the Commission shall have authority to enter into contracts with private or public organizations who shall furnish the Commission with such administrative and technical personnel as may be necessary to carry out the purpose of this section. Personnel furnished by such organizations under this subsection are not, and shall not be considered to be, Federal employees for any purposes, but in the performance of their duties shall be guided by the standards which apply to employees of the legislative branches under rules 41 and 43 of the Senate and House of Representatives, respectively; and

(6) in section 509(b) (1) (C), by striking out "treatment" and inserting in lieu thereof "pretreatment".

Sec. 2. Notwithstanding the requirements of subsection (c) of section 206 of the Federal Water Pollution Control Act (86 Stat. 828), applications for assistance under section 206 may be filed with the Administrator of the Environmental Protection Agency until January 31, 1974.

Sec. 3. Funds available for reimbursement under Public Law 92-599 shall be allocated in accordance with subsection (d) of section 206 of the Federal Water Pollution Control Act (86 Stat. 828), pro rata among all projects eligible under subsection (a) of such section 206 for which applications have been submitted and approved by the Administrator pursuant to such Act. Notwithstanding the provisions of subsection (d) of such section 206, (1) the Administrator is authorized to make interim payments to each such project for which an applicant has been approved on the basis of estimates of maximum payments, a part of all such payments for such projects; and (2) for the purpose of determining the amount of funds available under such Act, the Administrator shall determine the amount of reimbursement due such projects for the period from January 1, 1973, to the date of completion by

Federal Water
Pollution Control
Act,
amendments,
33 USC 1254,
33 USC 1286.

33 USC 1267,
33 USC 1321.

33 USC 1325.

5 USC 5102,
5312.

33 USC 1369.

Assistance
applications,
33 USC 1286.

86 Stat. 591,
33 USC 1286.

(22 B)

"Looking To The Future"
City of Nitro

P. O. BOX 212
NITRO, WEST VIRGINIA 25140
TELE. NO. 753-3521

CHAS WILLIAMS
GENERAL SUPERINTENDENT
JERRY T. MELTON
RECORDS-TREASURER

WEL "WILL" GIBSON
MAYOR

Handwritten:
B. Williams

TO

Handwritten:
J. B. M. Corp
1416 Kanawha Blvd

Handwritten:
Charleston WVA
P.O. BX 1553

Handwritten:
25326

S
H
I
P

T
O

Handwritten:
city Hall

SHIP TO ABOVE UNLESS OTHERWISE NOTED HERE

DATE 7/21/73	DATE REQUIRED	TERMS	SHIP VIA	FOB	REQUISITION NO
QUANTITY one	DESCRIPTION / STOCK NUMBER I.B.M. Correcting Selectric Color Classic Blue			PRICE	AMOUNT 621.00

By *Handwritten:* Wm D Gibson

Charleston, West Virginia
FEDERAL STATE RELATIONS

Arch A. Moore, Jr.
Governor

January 21, 1975

The Honorable William D. Gibson
Mayor of the City of Nitro
Post Office Box 515
Nitro, West Virginia 25117

Dear Mayor Gibson:

This letter is in response to a recent inquiry made by Mr. S. H. Habib of Appalachian Engineers, Inc., concerning the status of the City of Nitro's application for reimbursement funds under Section 206(b) of the Federal Water Pollution Control Act of 1972. To date, the United States Congress has not appropriated any funds for reimbursement use under Section 206(b) of the Act.

However, the Division of Water Resources of the West Virginia Department of Natural Resources and this office will continue to monitor Congressional activities in this area, and inform you of any further developments affecting the City's application.

If there are any questions concerning these matters, please do not hesitate to contact this office.

Sincerely,

Carl D. Smith

Carl D. Smith
Program Specialist

CDS/ms

cc: S. H. Habib
Robert V. Barill

January 15, 1974

Mr. Fenton Rudabush, Sanitary Engineer
West Virginia Team Leader
Construction Grants Staff
EPA Region III
Sixth & Walnut Streets
Philadelphia, Pennsylvania 19106

Re: Supplemental Grants of Federal Funds
under Federal Water Pollution Control
Act Amendments of 1972
City of Nitro, West Virginia

Dear Mr. Rudabush:

This letter is written in response and pursuant to the instructions contained in Section 206 of the Federal Water Pollution Control Act. The City of Nitro, West Virginia, hereby makes application for supplemental grants of Federal Funds in conformance with Section 206 of the Federal Water Pollution Act Amendments of 1972 (Public Law 92-500) and pursuant to Federal Register Volume 38, No. 122, Part II, relating to Environmental Protection Agency reimbursement grants.

Application For Supplemental Grant of Federal Funds
For the City of Nitro, West Virginia

I. Brief Description of the Project:

The project consisted of interceptor sewers, pump stations, force mains and a 1.00 MGD primary sewage treatment plant consisting of pre-treatment units, clarigester, chlorine contact tank and sludge drying beds. The construction of this project reduced the pollution load of the Kanawha River and met the requirements of the West Virginia State Water Pollution Control Commission.

2. Total Eligible Cost of Project:

The total eligible cost of the project was \$639,600.

3. Total Amount of Any Federal Assistance Received to Date:

The total amount of the federal assistance received to date on this project is \$172,648.

4. Amount of Additional Federal Assistance Requested under Section 206:

Under Section 206 (a), Title II of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500) the City of Nitro, West Virginia is entitled to reimbursement in an amount equal to the difference between the amount of federal financial assistance received to date and thirty percent of the cost of the project. Thirty percent of the eligible cost of the project is equal to \$191,880. The amount received as federal financial assistance to date is \$172,648. The difference between those two figures, which is the amount reimbursable to the City of Nitro under Section 206 is \$19,232.

5. The dates of Initiation and Completion of Construction:

The construction was initiated in December, 1958 and was completed in August, 1959.

6. Date of Approval by State Agency:

The project was approved by the Water Resources, Department of Natural Resources, State of West Virginia in 1958.

This letter is written and filed with you as an application and it is requested that you proceed with such action as may be necessary to obtain for the City of Nitro, West Virginia, federal reimbursement funds in the amount set forth above, pursuant to the statutes herein referred to.

Sincerely,

William D. Gibson, Mayor
City of Nitro, West Virginia

cc: Robert Bartill
Appalachian Engineers, Inc.

Exhibit "A"

Only EPA projects

CERTIFICATION OF PRIORITY C REIMBURSABLE PROJECTS
INCREASES TO 30% FOR CONSTRUCTION STARTS FY 57-66

West Virginia

PAGE
42

APPLICANT	PROJ. NO.	ELIG. COST	GRANT EXISTING	EX%	GRANT ELIGIBLE	EL%	REIM. AMOUNT	*IN PLACE	PAYMENT
DOOREFIELD, TOWN OF WEST VIRGINIA	0000 ✓	183,042	42,586	23.26	54,912	30.00	12,326	---	---
WILLIAMSON, CITY OF WEST VIRGINIA	0000	689,958	188,919	27.38	206,987	30.00	18,065	---	---
FIRTON, CITY OF WEST VIRGINIA	0015 ✓	1,448,061	250,000	17.26	434,418	30.00	184,418	---	---
HEELING, CITY OF WEST VIRGINIA	0017	1,681,612	250,000	14.86	504,483	30.00	254,483	---	---
ADEN CITY, TOWN OF WEST VIRGINIA	0018	225,846	61,500	27.23	67,753	30.00	6,253	---	---
MITRO, CITY OF WEST VIRGINIA	0022	639,600	172,648	26.99	191,880	30.00	19,202	---	---
MARMET, TOWN OF WEST VIRGINIA	0026	299,666	78,748	26.27	89,899	30.00	11,151	---	---
CHARLESTON WEST VIRGINIA	0033	993,846	250,000	25.15	298,153	30.00	46,153	---	---
GLASGOW, TOWN OF WEST VIRGINIA	0036✓	122,600	34,878	28.44	36,780	30.00	1,902	---	---
HURRICANE, TOWN OF WEST VIRGINIA	0037	196,900	57,258	29.07	59,070	30.00	1,812	---	---
MILTON, TOWN OF WEST VIRGINIA	0041	90,663	24,618	27.15	27,193	30.00	2,000	---	---
UNION PSD WEST VIRGINIA	0046	728,958	209,954	28.80	218,667	30.00	6,733	---	---

Computer Print-out from Fenton Roudabue

C.T. Reed

Councilman Hill stated that he has received complaints concerning the dead end street at West 11th Street. There is supposed to be a turn around at the end of the street which is to be 50' X 40'. However, a family has installed a fence across a portion of the turn around and cars cannot turn around or find a place to park. Councilman Hill further added that there is also an apartment house on that street and most of the residents own two or three cars. Councilman Hill suggested that this be put in the traffic or street committee for further study.

Councilman Hill requested that the Police Department check into the trucks that are parked on 19th Street on the wrong side of the road. These trucks have been parked there for a long time.

Councilman Hill stated that he is receiving complaints from citizens about cars spinning when they pull out of Walker Street on to First Avenue. Councilman Hill requested that the road be leveled out to prevent cars from spinning. Mr. Hill added that Kapok Street is the same way. Mayor Gibson stated that he would talk with the Department of Highways about extending the road out to the edge of the berm.

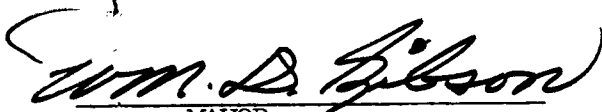
Councilman Hill stated that garbage and trash is being thrown over 18th Street Hill above Penwood Avenue and needs to be cleaned up. Councilman at Large Tidquist stated that the City should not clean up the hill, as it is private property. Mayor Gibson stated that he would contact the owner to clean up the property.

Councilman Lilly stated that he received a letter June 26, 1973, from Mr. Kenneth King, Chief of the Nitro Fire Department. The letter thanked the Council for the new equipment and the improvements at the Fire Department. Mayor Gibson stated that he was not aware that the letter was being written and thought it was very thoughtful of Chief King. He further added that in his opinion Mr. King was doing an outstanding job as the Fire Chief.

Councilman Lilly requested that Mayor Gibson and Mr. Kessinger check in to the county dump. Mr. Lilly stated that the dump is going to cost the City approximately \$15,000 this fiscal year (1973-1974). Mr. Lilly added that he thought perhaps this is too expensive.

Councilman Lilly suggested that Council consider the possibility of entering into a lawsuit with the cities of St. Albans and Dunbar against the Sheriff's Department for the payment of property taxes that are due each month, not once or twice a year. Mr. Kessinger suggested, however, that he and Mr. Lilly talk with the Sheriff's Department of both Kanawha and Putnam Counties about paying the taxes before considering a lawsuit.

Councilman Hill made a motion that the Council Meeting adjourn. Councilman Casbolt seconded the motion - All Council voted in favor.


MAYOR


RECORDER

11

12

Kanawha Valley LEADER

1ST AVENUE AT 35TH STREET
NITRO, WEST VIRGINIA 25143

AFFIDAVIT OF PUBLICATION

STATE OF WEST VIRGINIA

COUNTY OF Putnam, to wit:

I, M.K. Buster, being first duly sworn upon my oath, do depose and say that I am Business Manager of Kanawha Valley Leader, Inc., publisher of the newspaper entitled the Kanawha Valley Leader; that I have been duly authorized by the Board of Directors of the corporation to execute this affidavit of Publication; that such newspaper has been published for more than one year prior to publication of the annexed notice described below; that such newspaper is regularly published weekly, for at least fifty weeks during the calendar year, in the Municipality of Nitro, Kanawha and Putnam Counties, West Virginia; that such newspaper is a newspaper of "general circulation," as that term is defined in Article Three, Chapter Fifty-nine of the Code of West Virginia, 1931, as amended, within the publication areas of Putnam and Kanawha Counties, the City of Nitro and the Municipalities of Poca, Bancroft, Eleanor, and Buffalo; that such newspaper averages in length four or more pages, exclusive of any cover, per issue; that such newspaper is circulated to the general public at a definite price or consideration; that such newspaper is a newspaper to which the general public resorts for passing events of a political, religious, commercial and social nature and for current happenings, announcements, miscellaneous reading matters, advertising and other notices; the annexed notice of:

was published in said newspaper once a week for 1 successive weeks commencing with the issue of the 6th day of September, 1973, and ending with the issue of day of, 19., and that the cost of publishing said annexed notice was .. \$42.00 ..

..... M. K. Buster

Taken, subscribed and sworn to before me in my said county this 7 day of Sept., 19 73.
My commission expires June 13, 1982

Doris A. Kingle
Notary Public of Putnam County,
West Virginia



WEST VIRGINIA DEPARTMENT OF HIGHWAYS

1900 Washington Street, East
Charleston, West Virginia
25305

WILLIAM S. RITCHIE, JR.
COMMISSIONER

ARCH A. MOORE, JR.
GOVERNOR

July 9, 1973

Mr. Robert Y. Hayne
Appalachian Engineers, Inc.
301 Ott Building - 215 Dunbar Street
Charleston, West Virginia 25301

Dear Mr. Hayne:

Subject: Dogwood Avenue
City of Nitro

Reference is made to your letter dated June 29, 1973 in regard to our telephone conversation concerning the repair to Dogwood Avenue and Kanawha Avenue in the City of Nitro.

As noted in your letter, we have agreed to make the above referenced repair and have entered into an Agreement with the City of Nitro. Based upon the execution of the Agreement, plans were developed for our District One maintenance forces to perform this work; however, due to their commitments for this summer, they were not able to schedule the work. We have taken the plans and developed plans and specifications for advertisement to let the work out to a contractor. This required additional time and also was required in the midst of preparing and letting contracts exceeding \$220 million by the first of July.

We have completed the contract documents and the project is now advertised.

We expect the work will be completed this summer.

Very truly yours,

SGD. JOSEPH S. JONES

Joseph S. Jones
State Highway Engineer-
Construction

JSJ:rh

cc: Mayor William Gibson
City of Nitro

Young Meadows and a companion were at a construction site when he fell from the tree breaking his right leg below the knee.

Mrs. Jewel Jividen, wife of Brycil Jividen of Midway, Putnam County, was admitted Saturday to Charleston General Hospital with a broken leg.

Mrs. Jividen had gone across the road to get her mail and was returning home when struck by a car fracturing her left leg.

Frank N. Gillespie, Joe Peck, Edwin J. Rader, and Eldon D. Shahan. Interior Committee: James J. Goodwin, Chairman, Mrs. J. C. Blackwood, Frederick Cavender, Mrs. Harold Elkins, Lester Hayes. Exterior Committee: Clarence R. Taylor, Chairman, Mrs. W. H. Hastings, Gordon Wells. Ways and Means Committee: Mr. Wayne Morrison.

hotdog sales and bottle collecting. And the young lady who earns the largest amount is named Miss Antique Car Show.

The Miss Antique Car Show Contest this year is under the direction of the Junior Department, Woman's Club of Nitro and all proceeds will go to the Colin Anderson Center for Retarded Children and the Nitro Lion's Sight Conservation Program.

PAID PUBLIC NOTICE

PAID PUBLIC NOTICE

PAID PUBLIC NOTICE

Book 13 THIS REPORT TO BE RETURNED TO

attypg
74

DEPARTMENT OF THE TREASURY
OFFICE OF REVENUE SHARING
1900 PENNSYLVANIA AVE. N.W.
WASHINGTON, D.C. 20226

KVL
9-6-73

THE GOVERNMENT OF

NITRO CITY

PLANS TO EXPEND ITS REVENUE SHARING ALLOCATION
FOR THE ENTITLEMENT PERIOD BEGINNING

(K) ☐ EXECUTIVE PROPOSAL. Check this block if this plan is based on an executive proposal

(L) DEBT How will the availability of revenue sharing funds affect the borrowing requirements of your jurisdiction?

☒ AVOID DEBT INCREASE ☐ NO EFFECT
☐ LESSEN DEBT INCREASE ☐ TOO SOON TO PREDICT EFFECT

(M) TAXES In which of the following manners is it expected that the availability of Revenue Sharing Funds will affect the tax levels of your jurisdiction? Check as many as apply.

☐ WILL ENABLE REDUCING RATE OF A MAJOR TAX. ☐ WILL REDUCE AMOUNT OF RATE INCREASE OF A MAJOR TAX.
☒ WILL PREVENT INCREASE IN RATE OF A MAJOR TAX. ☐ NO EFFECT ON TAX LEVELS
☐ WILL PREVENT ENACTING A NEW MAJOR TAX. ☐ TOO SOON TO PREDICT EFFECT

JUL 1, 1973 AND ENDING JUN 30, 1974

IN THE FOLLOWING MANNER BASED UPON AN

ESTIMATED TOTAL OF \$130,511

ACCOUNT NO.
43 2 020 009

NITRO CITY
MAYOR
NITRO W VA

25143

OPERATING/MAINTENANCE EXPENDITURES

CAPITAL EXPENDITURES

PRIORITY EXPENDITURE CATEGORIES (A)	PLANNED EXPENDITURES (B)	PERCENT PLANNED FOR MAINTENANCE OF EXISTING SERVICES (C)	PERCENT PLANNED FOR NEW OR EXPANDED SERVICES (D)	PURPOSE (E)	PLANNED EXPENDITURES (F)	PERCENT PLANNED FOR:			
						EQUIPMENT (G)	CONSTRUCTION (H)	LAND ACQUISITION (I)	DEBT RETIREMENT (J)
1 PUBLIC SAFETY	\$ 19,400	76 %	24 %	10 MULTI-PURPOSE AND GENERAL GOVT.	\$	%	%	%	%
2 ENVIRONMENTAL PROTECTION	\$ 12,500	100 %	%	11 EDUCATION	\$	%	%	%	%
3 PUBLIC TRANSPORTATION	\$ 30,271	51 %	49 %	12 HEALTH	\$	%	%	%	%
4 HEALTH	\$	%	%	13 TRANSPORTATION	\$	%	%	%	%
5 RECREATION	\$	%	%	14 SOCIAL DEVELOPMENT	\$	%	%	%	%
6 LIBRARIES	\$	%	%	15 HOUSING & COMMUNITY DEVELOPMENT	\$	%	%	%	%
7 SOCIAL SERVICES FOR AGED & POOR	\$	%	%	16 ECONOMIC DEVELOPMENT	\$	%	%	%	%
8 FINANCIAL ADMINISTRATION	\$	%	%	17 ENVIRONMENTAL CONSERVATION	\$	%	%	%	%
9 TOTAL PLANNED OPERATING/MAINTENANCE EXPENDITURES	\$ 62,171			18 PUBLIC SAFETY	\$	%	%	%	%
(N) ASSURANCES (Refer to Instruction G)				19 RECREATION + CULTURE	\$	%	%	%	%
				20 OTHER (Specify) Remodeling City Hall	\$ 8,340	%	100 %	%	%
				21 OTHER (Specify) City Garage	\$ 60,000	%	100 %	%	%
				22 OTHER (Specify)	\$	%	%	%	%
				23 TOTAL PLANNED CAPITAL EXPENDITURES	\$ 68,340				

The news media have been advised that a complete copy of this report has been published in a local newspaper of general circulation. I have records documenting the contents of this report and they are open for public and news media scrutiny.

I assure the Secretary of the Treasury that the statutory provisions listed in Part G of the Instructions accompanying this report will be complied with by this recipient government with respect to the entitlement funds reported hereon.

SIGNATURE OF CHIEF EXECUTIVE OFFICER

DATE

NAME OF NEWSPAPER

SEPTEMBER 6, 1973

DATE PUBLISHED

NAME & TITLE - PLEASE PRINT

ORS FORM NO. 3229
JULY 1973

THIS REPORT TO BE RETURNED TO THE DEPT OF THE TREASURY

APPALACHIAN ENGINEERS, INC.

301 OTT BUILDING - 218 DUNBAR STREET
CHARLESTON, WEST VIRGINIA
25301

204 343-9211

July 5, 1973

Mr. Warren Means
Division of Water Resources
Department of Natural Resources
1201 Greenbrier Street
Charleston, West Virginia

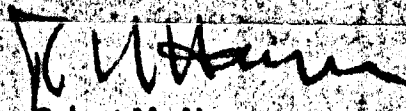
Re: Application for Step 2
Plans and Specifications
City of Nitro

Dear Mr. Means:

There are attached five (5) copies of EPA form No. 5700, "Application for Federal Assistance", pertaining to Step 2, Grant for Engineering Design for the Collector System for the City of Nitro Sewage System.

Upon receipt of this grant commitment we can proceed to prepare the detailed plans and specifications for the collector system for approval by the Department of Health and the Department of Natural Resources.

Very truly yours,



Robert Y. Hayne

RYH:lh

cc: William D. Gibson ✓

Kanawha Valley Leader

West Virginia's Most Complete Weekly Newspaper

101 AVENUE AT 25TH STREET

NITRO, W. VA. 25143

NITRO, WEST VIRGINIA 25143

PHONE (800) 795-2327

June 30, 1973

Hon. William D. Gibson
Mayor
City of Nitro
Nitro, West Virginia 25143

Dear Mayor Gibson:

It is the intention of the Kanawha Valley LEADER to suspend its coverage of the regular sessions of the Nitro City Council, at least for the time being.

This does not mean that the administration of the affairs of the City of Nitro will not be of primary importance to the Kanawha Valley LEADER and its readers. We expect to rely upon our own sources of information and to have access by a qualified representative or reporter of the LEADER to the minutes of council meetings, financial reports and transactions of the city, the Federal Revenue Sharing reports, the police docket and municipal court records and other information pertaining to public records.

Our purpose is to extend our coverage of city affairs. It has become apparent in recent months that the regular sessions of the City Council are merely "rubber stamping" decisions and actions made previously by select council members, committees or "off-the-record" sessions of the council.

Thus, just a routine coverage of the council meeting does not permit an accurate or complete reporting of the activities of the city administration to the readers of the LEADER or the citizens of the City of Nitro. This situation, too, leaves the LEADER open to criticism for not accurately reporting the cities affairs to the people. Also, this leaves the city administration of Nitro in the position of conducting the affairs of the city in secret.

As is the LEADER policy we will not engage in news or editorializing on hearsay, rumors or gossip but we will check out any and all stories which reach this office which we feel require investigative reporting rather than the routine reporting of the city council sessions.

This will be the first time in almost eight years - since September of 1965 - that the Kanawha Valley LEADER has not had a reporter or representative present at the regular council sessions.

Copies to:
Members of City Council

Very Truly Yours,

William E. Blake

WILLIAM E. BLAKE
Editor and Publisher

NITRO CITY COUNCIL MEETING

July 17, 1973

The regular meeting of the Nitro City Council was held in the Council Chambers July 17, 1973. Those present were: William D. Gibson, Mayor; Tom Melton, Recorder; Councilman at Large Dr. R. V. Allen, Councilman at Large Keith Priddy, and Councilman at Large Hugo Tidquist. Councilmen Thomas Lilly, Vernon Casebolt, and James Kessinger, City Attorney. Councilmen Paul Hill and former Councilman, James White, being absent.

APPROVAL OF MINUTES: Councilman Casebolt made a motion that the minutes of the last Council Meeting be approved. Councilman at Large Allen seconded the motion - All Council voted in favor.

APPROVAL OF JUNE FINANCIAL STATEMENT: Councilman Lilly stated that at the end of the fiscal year, June 30, 1973, the City of Nitro had a cash balance of \$18,348.51. Councilman at Large Allen made a motion that the June Financial Statement be approved. Councilman Casebolt seconded the motion - All Council voted in favor.

Councilman Casebolt reported on the bids for the air conditioning in the absence of Councilman Paul Hill. Councilman Casebolt stated that four bids were received for one 5-Ton air conditioner, installation, and the electric work. The bids were as follows:

- (1) Aerodyne Corporation: The total cost of the air conditioning is \$5,847.00.
- (2) Kerstein Engineering Company: The total cost of the air conditioning is \$2,841.00. The length of time to complete the work is 30 days from the date of acceptance.
- (3) Callihan Heating & Cooling: The total cost of installing a 60,000 BTU air conditioner on the roof is \$5,450.00. The completion date is three days from the date of acceptance.
- (4) Landers Heating & Insulating: The total cost of installing the air conditioner and the work is \$3,200. The length of time to complete the work is 30 days from the date of acceptance.

Mayor Gibson stated that a couple of the bids are close and the Committee should compare the bids. Councilman Lilly made a motion that the bids be kept in the Committee until the next Council Meeting to study the specifications and to make sure the bids comply with the specifications. Council discussed the possibility of giving the Building and Planning Committee the authority to act in Council's behalf. Councilman Casebolt seconded Councilman Lilly's motion that the Building and Planning Committee study the bids and report at the next Council Meeting. All Council voted in favor.

Mayor Gibson recommended that the Municipal Service Charge Ordinance be kept in the Committee until the next Council Meeting.

Councilman Casebolt reported on the Fire Hydrant Survey. Mr. Casebolt stated that a letter was written to the West Virginia Water Company and to date nothing has been heard from them concerning the survey. Councilman Casebolt added that he hoped to have something by the next Council Meeting.

Councilman at Large Tidquist reported on the possible purchase of a tree chipper and a paint striper. Mr. Tidquist requested Council's permission to check with different companies to obtain more information on the two pieces of equipment before requesting bids. Councilman at Large Allen made a motion that Councilman at Large Tidquist be granted permission to inquire about the two pieces of equipment. Councilman Casebolt seconded the motion - All Council voted in favor.

Councilman Casebolt reported on the lights at the Ridenour Memorial Park. Councilman Casebolt stated that he has talked with the Finance Committee and Mr. Priddy, Chairman of the Street Light Committee, about installing the lights. Mr. Casebolt stated that he would like this kept in Committee for further study, as it is a bigger job and may cost more than anticipated. Councilman at Large Tidquist asked if the lighting of the buildings and the parking lot was included. Councilman at Large Priddy stated that the power company recommended that 32 lights be installed, which may be too much lighting for the park.

Councilman at Large Allen reported on the West 11th Street turnaround. Dr. Allen stated that he believed that there was no turnaround on that street. Dr. Allen added that the residents on West 11th Street do have a parking problem as most people do have two cars. Councilman at Large Allen further added that he could not see an apartment house on the street. Dr. Allen further stated that he had to back out of the street. Mr. Gene Williams, Street Superintendent, stated that the trucks have to back out of the street, too. Councilman at Large Tidquist stated that he believes all of the streets but West 12 has a turnaround. Councilman at Large Priddy stated that he would look at the street lights maps to see if a turnaround should be at West 11th Street.

Mayor Gibson stated that he has received a letter addressed to Mr. Robert Hayne of the Appalachian Engineers from Mr. Joseph Jones in regard to the repairing of the faulty storm sewer at the intersection of Dogwood Street and Kanawha Avenue. A copy of the letter is attached and is to be included as part of the minutes. Councilman Casebolt asked Council who would be responsible if the man's house who lives on Kanawha Avenue is washed away as a result of the storm sewer not being fixed. Mayor Gibson stated that he believed the West Virginia Department of Highways would be directly responsible as they did assume all responsibilities. Mayor Gibson added that the engineers from the Department of Highways were down last week looking over the situation and they are knowledgeable of the problem.

Mayor Gison stated that he has a letter from Mr. Robert Hayne to Mr. Warren Means, of the Department of Natural Resources.



WEST VIRGINIA DEPARTMENT OF HIGHWAYS

ARCH A. MOORE, JR.
GOVERNOR

1900 Washington Street, East
Charleston, West Virginia
25305

WILLIAM S. RITCHIE, JR.
COMMISSIONER

July 9, 1973

Mr. Robert Y. Hayne
Appalachian Engineers, Inc.
301 Ott Building - 215 Dunbar Street
Charleston, West Virginia 25301

Dear Mr. Hayne:

Subject: Dogwood Avenue
City of Nitro

Reference is made to your letter dated June 29, 1973 in regard to our telephone conversation concerning the repair to Dogwood Avenue and Kanawha Avenue in the City of Nitro.

As noted in your letter, we have agreed to make the above referenced repair and have entered into an Agreement with the City of Nitro. Based upon the execution of the Agreement, plans were developed for our District One maintenance forces to perform this work; however, due to their commitments for this summer, they were not able to schedule the work. We have taken the plans and developed plans and specifications for advertisement to let the work out to a contractor. This required additional time and also was required in the midst of preparing and letting contracts exceeding \$220 million by the first of July.

We have completed the contract documents and the project is now advertised.

We expect the work will be completed this summer.

Very truly yours,

SGD. JOSEPH S. JONES

Joseph S. Jones
State Highway Engineer-
Construction

JSJ:rh

cc: Mayor William Gibson ✓
City of Nitro

The letter indicates that an application form No. 5700 for Federal Assistance pertaining to Step 2 grant for the engineering design for the collector system for the City of Nitro Sewage System has been sent in. Mayor Gibson added that HUD has turned over most of their records to the Environmental Protection Agency and in order to obtain a Federal Grant you have to go through EPA instead of HUD.

Mayor Gibson stated that he has been approached by several electricians in town regarding the possibility of the City of Nitro using the Middle Department Inspection Agency to do all of the electrical inspection inside the corporate limits of Nitro. Mayor Gibson also stated that the Middle Department Inspection Agency operates under the management of the used to be West Virginia Fire Rating Bureau. Mayor Gibson further added that the cities of Dunbar, St. Albans, and So. Charleston use the Middle Department Inspection Agency for all their electrical inspections. Mayor Gibson further informed Council that an advantage of this agency is that a card is sent to the City which tells who is doing the inspection work and who is installing the wiring. Councilman at Large Priddy asked who the electrical inspector is for Nitro. Mayor Gibson stated that Thomas Bateman is the electrical inspector and has been doing a fine job. Council discussed the amount the City and the citizens have to pay the agency for the inspection. Mayor Gibson stated that the City pays nothing to the Agency. However, there is a charge to the person wanting the inspection. Mayor Gibson added that the fee is about the same as presently being charged by Mr. Bateman. The amount depends on the number of outlets installed and the amount of work. Mayor Gibson stated that another advantage is that most insurance companies recognize this agency without any questions. Mayor Gibson further stated that the West Virginia Legislature has been considering making it a law that everyone has to use the Middle Department Inspection Agency for all electrical inspections. Mayor Gibson suggested that this be put into the Fire Department Committee for further investigation. Councilman Casebolt stated that the Fire Department Committee would report at the next Council Meeting.

Mayor Gibson stated that over a period of months he has received complaints from citizens about the area of Main Avenue from Kapok Street to Valentine Circle not being wide enough to drive through if cars are parked along the right side of the road, as you travel in the up-river direction. Mayor Gibson assigned the matter to the Traffic Committee to check out. Councilman Casebolt asked if the Committee would check on down to Juniper Street. Mayor Gibson stated that the street widens out below Kapok Street. The Mayor further stated that the people in the area feel that parking is available behind the houses and parking on Main Avenue is a hazard to everyone traveling the main street.

Councilman at Large Priddy stated that he has a request from the man leasing the apartments at Broadway Gardens to name a street through the complex Colonial Circle. Mr. Priddy added that the utility companies won't install utility boxes or the post office won't send the mail without the name of the street. Mr. Kessinger stated that utility companies generally service an area without having the name of the street and added that he would check the situation out.

Councilman Casebolt stated that he has received complaints about junked cars being parked behind Dick's Body Shop on Main Avenue. Mr. Casebolt added that there is an alley through the area. Mayor Gibson asked why the cars were not moved by the owner. Councilman Casebolt stated that the man has moved out leaving three or four cars. Mr. Williams stated that he believed the Dodge and Mustang parked behind the body shop belong to the person who used to operate the business.

Councilman Casebolt complimented Mr. Williams for the fine job the men have done at the Smith Street Landfill.

Councilman Casebolt informed Council that there is a vacant lot at the corner of Dupont Avenue and Elm Street that needs cleared. Mr. Casebolt added that a child on a bicycle was almost hit earlier in the day. Mayor Gibson stated that the owner of the lot telephoned and stated that he would pay the City to mow the lot. Councilman Casebolt added that a resident on Dupont Avenue stated that he would pay the City to clear their lot. However, when Mr. Williams checked the lots out, it was determined that the City could not clear the lots. The lots are numbers 209 and 211. Councilman Casebolt suggested that the Mayor notify the owner and give them two weeks to clear the lots. Mayor Gibson stated that he would notify the owner if no member of Council objected. Mayor Gibson added that the lots are dangerous. Councilman at Large Priddy stated that his only objection is if clearing off the lots interferes with more important matters.

Councilman Casebolt stated that there is a 20 miles per hour speed limit on 2nd Avenue, where the street is wide enough for three cars to get through, a 15 miles per hour speed limit on Park Avenue, where three cars can get by, and a 25 miles per hour speed limit on Kanawha Avenue, where just one car and sometimes two can get by. Mr. Casebolt added that a lot of children play on the streets in the area. Mr. Williams stated that he has checked the ordinances and the law states 25 miles per hour on Kanawha Avenue. Councilman Casebolt stated that in the Council Minutes of previous years, it states where Council voted to install a 10 miles per hour speed limit sign on Kanawha Avenue. Councilman at Large Allen stated that this problem is also on other streets throughout the City. Dr. Allen stated that he is checking into the situation. The West Virginia Department of Highways gave the stop signs to the City and they have designated places to put them. Councilman Casebolt stated that he would go along with the 25 miles per hour speed limit if the Department of Highways states that the City has to. Councilman at Large Allen stated that he believed that certain areas could be 25, such as throughfares, and other areas 15 miles per hour. He added, however, that he would check this out.

Councilman Casebolt commended Mr. Allen Stanley, Recreation Director, Mrs. Frazier, and everyone who helped during the dedication ceremonies of the Ridenour Memorial Park. Mr. Casebolt added that he has received many compliments on how well the ceremony went.

Councilman at Large Tidquist asked about the possibility of painting arrows at West 19th Street and West 11th Street for cars wanting to make a righthand turn and for persons wanting to make a lefthand turn. Mr. Tidquist added, however, that this should be checked out because of the possibility of cars making a lefthand

turn obstructing the view of the car turning right. Councilman at Large Allen stated that he will check into the possibility of painting arrows at West 11th Street, but added that to do this at West 19th Street a sidewalk would almost be taken away. Mayor Gibson requested that the Traffic Committee check into the possibility of painting a righthand turn arrow and a dividing line on Main Avenue at Okey Johnson's Amoco Station, for cars wanting to go across the bridge. He added that he has received several requests about this problem.

Councilman Lilly stated that an Insurance Committee Meeting was held last week which was opened to the public and minutes of the meeting were kept. Councilman Lilly stated that during the Meeting the following items were talked about:

- (1) Fleet insurance for City owned vehicles
- (2) Hospitalization
- (3) Blanket coverage for City property

Councilman Lilly stated that he would like the City to advertise for bids on the Fleet Insurance for City owned vehicles. The bids should be received by 12:00 noon, August 7, 1973. Councilman Lilly also requested that the bids be broken down to reflect premium charged for each section and the total premium. Councilman Casebolt made a motion to accept Councilman Lilly's recommendation - Councilman at Large Tidquist seconded the motion - All Council voted in favor.

Councilman Lilly extended thanks to the Insurance Committee members: Councilman at Large Doctor R.V. Allen and Councilman at Large Priddy, for their assistance during the Committee Meeting.

Councilman Lilly stated that the Insurance Committee recommends that a 30-day binder be obtained on Fire Insurance that will expire August 1, 1973. This will allow the Committee time to complete the specifications for bids. Councilman at Large Allen seconded Councilman Lilly's motion - All Councilmen voted in favor.

Councilman Lilly made a motion that the City obtain a 30-day binder on Sanitation Department to comply with the ordinance adopted by Council on July 7, 1959. This would allow time to collect more information and to complete the specifications. Councilman Casebolt seconded Mr. Lilly's motion - All Council voted in favor.

Councilman Lilly stated that he would like Mr. Kessinger, City Attorney, to hold a public meeting for the purpose of installing a 4,500 pound wieght limit sign on Kanawha Avenue South. The residents of the area can speak for or against the weight limit sign. Mr. Lilly added that minutes of the meeting will be kept and a recommendation will be made to Council. Mr. Lilly further added that the residents in the area should be notified by letter. Mr. Kessinger stated that the meeting will be held Tuesday, July 24, 1973, at 7:00 p.m.

Councilman Lilly stated that he has received a map that needs Council's approval. Mr. Kessinger requested that he be given time to look over the maps before obtaining Council's approval. Councilman Lilly made a motion that Mr. Kessinger be give time to look over the maps and report at the next Council Meeting. Councilman Casebolt seconded the motion - All Council voted in favor.

Mr. Stanley, Recreation Director, stated that a vehicle is needed for the Recreation Department. The man who does the repair work at the park, pool, and the watershed needs a vehicle to travel to the different locations, as he has to use his own car. Councilman at Large Tidquist asked if a vehicle was needed at the lake to pick up trash. Councilman Casebolt stated that the Recreation Committee would check the possibility of purchasing the vehicles and report at the next Council Meeting.

Mayor Gibson stated that Mr. Williams, Street Superintendent, needs a better truck than he now has. Mayor Gibson stated that the truck is a 1967 and it has been used a great deal. Mayor Gibson added that this truck does a lot of traveling on trips out of town. Mayor Gibson requested that the Finance Committee check into the situation. Mr. Lilly stated that he would report at the next Council Meeting.

Mr. Lilly stated that another Police Cruiser is badly needed for the Police Department. We have increased our manpower, but have not increased the number of vehicles.

Mr. Williams informed Council that the City is running out of stop signs, the 40 signs that were received recently have all been placed throughout the City.

Councilman Casebolt made a motion that the meeting be adjourned. Councilman at Large Priddy seconded the motion - All Council voted in favor.

Wm. D. Gibson
MAYOR

Tom Melton
RECORDER



NITRO CITY COUNCIL MEETING

August 7, 1973

The regular meeting of the Nitro City Council was held in the Council Chambers August 7, 1973. Those present were: William D. Gibson, Mayor; Tom Melton, Recorder; Councilman at Large Keith Priddy, Councilman at Large Hugo Tidquist. Councilmen Thomas Lilly, Paul Hill, Vernon Casebolt, and City Attorney James Kessinger. Councilman at Large Dr. R. V. Allen and former Councilman James White's seat being vacant.

The meeting was called to order by the Honorable Mayor William Gibson. Reverend Bill Westlund gave the invocation.

APPROVAL OF MINUTES: Councilman Casebolt made a motion that the minutes of the last Council Meeting be approved. Councilman at Large Priddy seconded the motion - All Council voted in favor.

JULY FINANCIAL REPORT: Councilman Lilly, Chairman of the Finance Committee, stated that the cash balance at the end of June was \$18,348.51. The receipts for the month of July is \$55,349.92. The total amount is \$73,698.43. The authorized expenditures for the month of July is \$51,847.62, which leaves a balance effective August 1, 1973, of \$21,850.81.

Councilman Lilly also reported on the Revenue Sharing report from the United States Treasury Department. The amount is \$198,078. As of August 1, 1973, the City has received \$3,091 in interest. The total is \$201,169.00. The expenditures in the three categories are as follows:

- (1) Public Safety: The purchase of one Police Cruiser at \$3,339 for the Police Department.
- (2) Environmental Protection: Two Garbage Trucks at \$25,000 for the Garbage Department. A jack hammer with air compressor, and a dump truck at \$10,817 for the Street Department.
- (3) Financial Administration: The purchase of one checkbook at \$6.

The total expenditures is \$39,162. This leaves a balance of \$162,007.

Councilman Lilly reported on the 4,500 pound weight limit sign for Kanawha Avenue South. Councilman Lilly stated that the Street Committee and Mr. Kessinger, City Attorney, held a public meeting with the citizens involved with the situation. Mr. Lilly reported that after checking over the minutes of the meeting and talking with the citizens the recommendation of the Street Committee is to take no action on the weight limit sign for Kanawha Avenue South. Councilman at Large Tidquist asked how the Committee arrived at the decision. Mr. Kessinger stated that the problem cannot be solved by installing a weight limit restriction. Councilman

Casebolt made a motion to accept Councilman Lilly's recommendation. Councilman Hill seconded the motion - All Council voted in favor.

Councilman Lilly reported on the Fleet Insurance bids for the City. Mr. Lilly stated that only one bid was received, which was from Insurance Exchange, Inc. The amount of the bid is \$3,834. Mr. Lilly further added that five bids were received through Insurance Exchange and this is the lowest bid. Mayor Gibson asked what other concerns picked up the bids. Mr. Lilly stated that the Darrell S. Riley Agency, Peoples Building, Charleston, picked up the specifications. However, no bid was submitted by this company. Mr. Kessinger asked if the bids were advertised. Mayor Gibson stated that they were. Councilman Lilly stated that the bids were advertised three times in the Kanawha Valley Leader. Councilman at Large Priddy asked if there was any legal ramification on the bid, considering the insurance company involved. Mr. Kessinger stated that he could see none, as the bids were properly advertised. Councilman Casebolt made a motion to accept the bid from Insurance Exchange. Councilman at Large Tidquist seconded the motion - Councilman Lilly abstained from voting, as he is associated with the firm. All Council voted in favor except Councilman at Large Priddy who voted no and Councilman Hill who abstained from voting as he was absent when the Insurance was being discussed at the last Council Meeting.

Councilman Lilly reported on the truck for Mr. Williams, Street Superintendent. Councilman Lilly stated that he would like this tabled until the next Council Meeting, as Mr. Williams is on vacation.

Councilman Hill reported on the remodeling bids. Mr. Hill stated that he was absent at the last Council Meeting. He added that the bids received were:

- (1) Kerstein Engineering Company: \$2,841
- (2) Landers Heating and Insulating: \$3,200
- (3) Callihan Heating and Cooling: \$5,450
- (4) Aerodyne Corporation: \$5,847

Councilman Hill made a motion that the City accept the low bid of Kerstein Engineering Company. Councilman Casebolt stated that a local man that bid on the air conditioning pays the City \$500 a year in Business and Occupation taxes, pays property taxes, buys electrical licenses, contracting licenses, and a store license. The City then turns around and awards the bid to a company outside the City limits for a \$300 difference. Councilman Casebolt added that this offers no protection for the businesses within the City. Councilman at Large Priddy seconded Councilman Hill's motion to accept the low bid of Kerstein Engineering Company. All Council voted in favor, except Councilman Casebolt who voted no.

Councilman Hill reported on the Municipal Service Charge. Councilman Hill stated that the Garbage Committee studied the Municipal Service Ordinance and the ordinance does not designate how much money is to go to the Police protection, fire protection, garbage, and other areas. Mr. Hill suggested that the ordinance be left as it presently stands. Everyone pays \$5 per month, with

the exception of the retired or those over 65 years of age, whose annual gross income is not more than \$3,600.00; or a widow head of the household, whose combined annual gross income, including all members of said household, does not exceed \$3,600.00.

Councilman at Large Tidquist stated that he received a telephone call last week about an elderly lady who paid a municipal service charge of \$3 per month. When she died the City charged a \$5 per month fee to her heirs for the vacant house, which receives no trash or garbage pick up. Councilman Casebolt stated that the \$5 charge is for police and fire protection, along with garbage and trash pickup, and street and street light maintenance. Councilman at Large Tidquist stated that the first \$2 of the \$5 fee is for trash and garbage pickup. The remaining \$3 of the fee is for street, street light maintenance, police and fire protection. Mayor Gibson stated that the situation was discussed in the meeting and Dr. Allen telephoned the people and explained to them that a vacant house usually requires more police and fire protection. Mayor Gibson added that the people seemed satisfied. Councilman Hill stated that it takes a lot of money to run the various departments even with a minimum amount of employees. Mr. Hill added that if a person goes to Florida for a month, the City would not lower the Municipal Service Charge just because he went on vacation. Mayor Gibson stated that a vacant house is usually a temporary situation, as the house will probably be sold or rented. Councilman at Large Priddy made a motion to accept Councilman Hill's recommendation. Councilman Lilly seconded the motion - All Council voted in favor except Councilman at Large Tidquist who voted no.

Councilman Casebolt reported on the Electrical Inspections. Mr. Casebolt made a motion that the City allow the Middle Department Inspection Agency to make all electrical inspections in the City limits. The municipalities of South Charleston, Dunbar, and St. Albans use this agency, too. Councilman Hill asked if using this agency was any cost to the City. Councilman Casebolt stated that there is no cost to the City for the inspection. It is the person or contractor who pays the Agency for the inspection. The City will however, receive a copy of the inspection. Councilman Lilly stated that there is a fixed fee that is charged to the person using the agency. Councilman Lilly seconded Councilman Casebolt's motion to hire the Middle Department Inspection Agency - All Council voted in favor.

Councilman Casebolt reported on the purchase of a vehicle for the Recreation Department. Mr. Casebolt stated that he has not had time to check into the situation. But added that he felt a vehicle is needed and believed that one could be found at a reasonable cost to the City. Councilman at Large Priddy asked if it would be possible to fix the truck that Gene drives for the Recreation Department. Councilman Casebolt stated that there may be a possibility. Mr. Casebolt asked Mr. Stanley's opinion on the matter. Mr. Stanley stated that he did not think the truck could be used economically as it is ready to breakdown and will require major overhaul.

Councilman Casebolt and Councilman at Large Priddy reported on the lights at Ridenour Memorial Park. Mr. Casebolt stated that the Appalachian Power Company recommends that 32 lights be installed. However, the decision of both the Recreation and Street Light

Committee is to install only 8 lights at the Watershed. One at each parking lot and one at each end of the dam. Councilman Casebolt made a motion that Council give permission to the Appalachian Power Company to install 8 lights at the Watershed, wire the big shelter on the hill for lighting and the three comfort stations. Councilman at Large Priddy seconded the motion - All Council voted in favor, except Councilman Lilly who voted no.

Councilman at Large Tidquist reported on the Tree Chipper and Paint Striper. Mr. Tidquist stated that he has received some information on the two pieces of equipment. Councilman at Large Tidquist added that there is two different types of stripers. They are single line and double line. Both styles are below the \$1,000 limit. Which means that the striper could be purchased without advertising for bids. Mr. Tidquist reported that the cost of a tree chipper ranges from \$3,900 to \$4,400. Councilman at Large Tidquist stated that he would like to talk with the Committee before making a report to Council.

Mayor Gibson informed Council that Councilman at Large Allen is on vacation and he requested that Councilman at Large Tidquist report on some of the matters on the agenda.

Councilman at Large Tidquist reported that Dr. Allen does not have a recommendation for the Main Avenue parking problem from Kapok Street to Valentine Circle at this time.

Councilman at Large Tidquist reported on the traffic arrow possibility at West 11th Street and First Avenue in the absence of Councilman at Large Allen. Mr. Tidquist stated that Dr. Allen recommended that a traffic arrow not be painted at West 11th Street because cars sometimes park close to the railroad tracks and it would be hazardous for three lanes of traffic.

Councilman at Large Tidquist reported on the possibility of painting a dividing line at Main Avenue in front of Okey Johnson's Amoco Station. Mr. Tidquist stated that Councilman at Large Allen's recommendation to Council is to paint a traffic arrow for cars wishing to turn right to cross the bridge and an arrow for cars traveling straight.

Councilman at Large Tidquist made a motion to paint the arrows at Main Avenue and Okey Johnson's Amoco Station for cars wanting to make a right turn to cross the bridge and an arrow painted for cars going straight. Councilman Casebolt seconded the motion - All Council voted in favor.

Mayor Gibson stated that Councilman at Large Allen requested him to call the West Virginia Department of Highways concerning the City speed limit signs. Mayor Gibson added that he was informed by the Department that it is a law that the speed limit is 25 miles per hour in residential areas. However, it has never been court tested. Councilman Casebolt stated that would like to challenge the W. Va. Department of Highways and put a 15 miles per hour speed limit on Kanawha Avenue. Mr. Casebolt added that he would like the 15 miles per hour speed limit enforced more at Park Avenue, as a child was hit there Monday night. Councilman Casebolt further added that he realizes that the Police cannot be on Park Avenue

all the time, but added that they should patrol the residential areas more often. Mr. Casebolt also stated that the Police Department is doing a fine job at reducing the speeding on the through-streets. Councilman Casebolt stated that a few years ago Council voted to lower the speed limit on Kanawha Avenue from 25 miles per hour to 15 miles per hour, and all Council voted in favor but one Councilman. However, a 25 miles per hour speed limit is there now. Councilman Casebolt stated that there is 23 children playing on Kanawha Avenue and the 25 miles per hour is too high. Mr. Kessinger stated that the differences in the speed of 25 and 15 did not cause the accident. Mr. Kessinger added that the law states that a driver must use due caution when children are present. Councilman Lilly stated that if there is 23 children playing in the street and a car is coming down the street and does not use due caution he could be charged with reckless driving. Mr. Lilly added that on Park Avenue, where the child was hit, 15 miles per hour may have been too fast for a car to be going when children are present.

Councilman Casebolt stated that he would like the Police to patrol the residential areas and enforce the speed limit. Councilman Lilly stated that if a person notices a car or cars speeding in the area, he should call the Police so that they can be alerted to watch that particular area more closely. Mr. Lilly added that the ordinance states that the Police car cannot be hidden during the day when patrolling a area for possible speeders and they must have their lights on if they are doing this during the night. Councilman Lilly further added that if a Police car is in the area cars usually slow down. However, when the patrol car leaves, the speeding generally starts again. Mayor Gibson suggested that a survey of the streets in the congested area be conducted to determine the speed limit that should be imposed and not do it by a piecemeal arrangement. Councilman at Large Priddy suggested that a "Slow Children Playing" sign be installed in these areas. Councilman Lilly stated that there is such a sign at Fenton Circle which alerts the driver that children are in the area. Mr. Lilly agreed with Councilman at Large Priddy that a "Slow Children Playing" sign would be a good idea. Councilman Casebolt requested that a survey be made of the congested streets throughout the City and a report made at the next Council Meeting.

Mr. Kessinger, City Attorney, reported on the street numbering of Broadway Gardens. Mr. Kessinger stated that he and Councilman at Large Allen have been working on the situation. Councilman at Large Priddy stated that he has talked with the postmaster and he is content to leave the numbering as it is, by apartments. Councilman Casebolt made a motion to leave the apartment numbering of Broadway Gardens as it is and not change to street numbering. Councilman at Large Priddy seconded the motion - All Council voted in favor.

Mayor Gibson stated that Mr. Kessinger has not had enough time to check into the map on Gravley Drive. Mayor Gibson added that Mr. Kessinger would like to go over the map with Council before making a recommendation.

Mayor Gibson stated that he would like to make a recommendation to Council for the appointment of a new Councilman to replace Mr. James White, who resigned July 9, 1973. Mayor Gibson added that Mr. White had to move as a result of his employment. Mayor Gibson

recommended that the Council accept Mr. White's resignation. Councilman Casebolt made a motion to accept Mr. White's resignation. Councilman at Large Tidquist seconded the motion - All Council voted in favor.

Mayor Gibson informed Council that he would like to recommend the appointment of a well-known, civic-minded, businessman to the post of 1st Ward Councilman. The man is Mr. Dewey Mann of 2105 - 21st Street. Councilman at Large Priddy stated that Councilman White made a recommendation to Council to consider Mr. Lloyd Hart for the position. Mayor Gibson asked Council if they had any other recommendations for the office of Councilman. Councilman at Large Priddy made a motion that Council consider Mr. Lloyd Hart, who was recommended by Mr. White as Councilman. Mr. Priddy's motion did not receive a second. Councilman Casebolt made a motion that Council accept Mayor Gibson's recommendation of Mr. Dewey Mann as the replacement for Mr. James White. Councilman Lilly seconded the motion - All Council voted in favor, except Councilman at Large Priddy who voted for Mr. Lloyd Hart. Mayor Gibson added that he would swear in Mr. Mann as Councilman and added that Mr. Mann will serve on the Planning Commission plus the Committees which Mr. White had been appointed to.

Mayor Gibson stated that Mr. John McDougal, a member of the Zoning Board of Appeals, has resigned; as he has moved to another City. Mayor Gibson stated that he would like to recommend Mr. William Thacker of 206 Hillside Drive to replace Mr. McDougal for his unexpired term. Councilman Casebolt made a motion to accept Mayor Gibson's recommendation. Councilman at Large Tidquist seconded the motion - All Council voted in favor.

Mayor Gibson stated that he has received a letter from the Charleston Human Association pertaining to the picking up of dogs in the Community. Mayor Gibson added that it is stated in the letter that the price needs to be increased from \$13.50 to \$100 per month. Mayor Gibson suggested that this be put in the Dog Pound Committee. Councilman Casebolt asked if the ordinance included cats. Mayor Gibson stated that it did not, however, Mayor Gibson added that he is pretty certain that the revised ordinance does.

Councilman Hill stated that last month he thought it was established that the City would purchase the necessary materials to remodel certain rooms in the City building. However, Mr. Hill stated that he was informed the amount would exceed \$1,000 and Council would have to advertise for bids. Councilman Hill made a motion that the City release bids on just the materials needed to remodel two rooms and a secretary's office in the City building. Mr. Hill added that a carpenter will be brought in to do the work. Councilman Hill further stated that the bids should be received by August 21, 1973. Councilman at Large Tidquist stated that he understood two rooms were going to be remodeled. Mayor Gibson stated that he did not consider the secretary's office a room. Councilman Hill stated that it is just 8' X 9'. Councilman Hill stated that this is an entirely different set of specifications and that it is a new motion. Councilman Casebolt asked who made up the specifications. Councilman Hill stated that he did. Councilman Lilly seconded Councilman Hill's motion to release bids on the materials needed to remodel two rooms and a secretary's office. All Council voted in

favor except Councilman at Large Tidquist and Councilman Casebolt who voted no. Mr. Melton, City Recorder, abstained from voting, as he had not looked over the specification sheet.

Councilman Casebolt stated that he would like to go on record requesting that an itemized cost list of what the remodeling is going to cost the City be made. Councilman Hill stated that he does have a record. Councilman Casebolt added that he feels that there is not enough protection for the people supporting the businesses.

Councilman at Large Tidquist stated that would like to comment that the Council holds a committee meeting and certain decisions are made in the meetings. However, when the matter is brought to Council floor the decisions have changed. Mr. Tidquist added that the Committee decided on two rooms and now there is three. Mayor Gibson stated that it was his understanding that the Committee met and decided on the two rooms and a secretary's office.

Councilman Casebolt stated that he was against the remodeling of the City building, the air conditioning going to a firm outside the City, as there is no protection for the City businesses. Mr. Casebolt added that the cost from one bidder to remodel the entire city building was \$32,000. It was decided to piecemeal the remodeling and not accept the bid. Mayor Gibson informed Councilman Casebolt that the remodeling was open for discussion earlier and a decision has already been made. Councilman Casebolt added that there is no protection for the businesses. Councilman Lilly stated that the ordinance would have to be changed. Councilman Casebolt made a motion that the City Attorney draw up an ordinance in the rough, stating that the bids received from a firm outside the City must be 20% lower than any firm located in the City that has submitted a bid. Councilman Casebolt's motion did not receive a second. Councilman Casebolt stated that he would like to go on record as backing the businessmen of Nitro while the Council will go out of the City to spend the money.

Councilman Casebolt requested that something be done about the railroad crossing at Lock Street and 1st Avenue. Mr. Casebolt added that this is on the West Side of the tracks. Councilman at Large Priddy stated that the railroad is in an upgrading project, starting in Charleston and going down the river. Councilman Casebolt stated that between the blacktop and the rail there is a hold and spikes stick out. Mayor Gibson commented that he has not noticed the situation when crossing the tracks, but added that he would attempt to correct the situation.

Councilman Casebolt stated that the W.Va. Department of Highways has had enough time to build a highway at Dogwood Street and Kanawha Avenue. Mr. Casebolt stated that the residents of the area have been very patient. Mr. Kessinger stated that the last he heard of the problem was that the Department of Highways would take full responsibility of the situation. Councilman Casebolt added that the citizens accepted the bad weather as the reason for not fixing the hole. However, the weather has been good, and nothing is done. Mr. Kessinger suggested that Councilman Casebolt and another member of Council make an appointment with the Maintenance Department and

request them to explain the situation to them. Councilman Casebolt suggested that Mayor Gibson contact the W. Va. Department of Highways and ask them to send someone down to explain the situation to Council. Mr. Kessinger stated that he did not think the Department of Highways would do this. Mr. Kessinger added that there are thousands of people wanting streets repaired since the area had so much bad weather causing hillslides. Councilman Casebolt stated that this is August and it will soon be winter. Councilman Hill stated that the Department of Highways has advertised for bids on the project. Mayor Gibson stated that he has been trying to get the Department of Highways to install a traffic light and a water problem fixed on 1st Avenue South. Mayor Gibson added that he was informed by the Department of Highways that the work would be taken care of as soon as possible. Mayor Gibson stated that he would call Mr. Jones if Council desired or Councilman Casebolt could. Councilman Casebolt suggested that Mayor Gibson call Mr. Jones or write a letter asking about the problem.

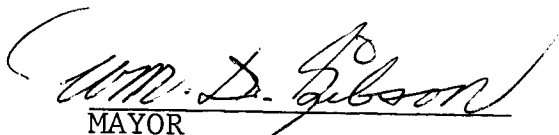
Councilman at Large Priddy stated that he has checked with the Appalachian Power Company and they have ordered the equipment for the new street lights. Mr. Priddy added that Mr. Judy of the Appalachian Power Company hoped to start on the work by September or October.

Councilman at Large Tidquist stated that a few Council Meetings ago he asked about the Preston Carroll Company finishing their work on Second Avenue and at the First Baptist Church. Mayor Gibson stated that he has been in touch with the company in So. Charleston and he was informed that they will come take a look at the work to be completed on 2nd Avenue as they have a job to do near the Moose Club and will be in the area.

Mr. Harry Hechesky, of the Kanawha Cable Television, asked if the cable company could videotape the Council Meetings starting in September. After a short discussion Councilman Lilly made a motion that the Kanawha Cable Television Incorporated be granted permission to televise the Council Meetings starting in September. Councilman Casebolt seconded the motion - All Council voted in favor.

Mayor Gibson stated that he has received several inquiries about the possibility of the Riverdell Acres area being included on the Kanawha Cable Television. Mr. Hechesky stated that a letter would have to be sent to the Denver office stating that Riverdell Acres is a part of the corporate limits of Nitro, as was the case with the Brookhaven area. Mayor Gibson stated that he would send a letter to Denver stating that Riverdell Acres is in the corporate limits of Nitro and express our desire to have the service extended.

Councilman Casebolt made a motion that the Council Meeting adjourn. Councilman at Large Priddy seconded the motion - All Council voted in favor.


MAYOR


RECORDER

NITRO CITY COUNCIL MEETING

August 21, 1973

The regular meeting of the Nitro City Council was held in the Council Chambers, August 21, 1973. Those present were: William D. Gibson, Mayor; Councilman at Large Dr. R. V. Allen, Councilman at Large Hugo Tidquist, Councilman at Large Keith Priddy, Councilmen Thomas Lilly, Paul Hill, Vernon Casebolt, Dewey Mann, and the City Attorney, James Kessinger. Thomas Melton, City Recorder, was absent.

The meeting was called to order by the Honorable William Gibson. The invocation was given by Reverend Westlund.

The Mayor stated that we were fortunate to have a new Councilman, the Honorable Dewey Mann. Mayor Gibson added that Mr. Mann has done much for our community in the past and will do much more in the future. The Mayor asked Councilman Mann if he had any comments to make. Councilman Mann replied that he was glad to be associated with the City Administration and that he will try to do his best. He added that he would keep in mind at all times the welfare of the citizens. He also stated that he considered it an honor to serve as Councilman for Ward 1 and would always keep his oath of office in mind.

APPROVAL OF MINUTES: Councilman Casebolt made a motion that the minutes of the last Council Meeting, August 7, 1973, be accepted. Councilman Paul Hill seconded the motion - All Council voted in favor.

Mayor Gibson added that the City Recorder is on vacation.

APPROVAL OF JULY FINANCIAL STATEMENT: Councilman Thomas Lilly, Chairman of the Finance Committee, stated that he would like to carry over the approval of the financial statement until the next Council Meeting due to the fact that two members of the Finance Committee have been on vacation for the past two weeks. In addition, he pointed out that the City Recorder is also on vacation.

Councilman Thomas Lilly, Chairman of the Street Committee, reported on the truck for the Street Superintendent. He added that the Street Department has been utilizing a truck that has had it. He went on to say that he would like to make a recommendation that the Council authorize bidding for a new truck for the Street Department. He further added that a copy of specifications have been given out, and he would like to recommend that the specifications be accepted and bids be released for a 3/4 ton pick-up truck for the Street and Garbage Department. Councilman Casebolt made a motion that Councilman Lilly's recommendation be accepted. Councilman at Large Tidquist seconded the motion. Councilman at Large Dr. Allen asked what was meant by a "radio". Councilman Lilly added that it was to be a two-way communications radio since Mr. Williams will be in contact with the Street and Garbage Department trucks. Councilman at Large Dr. Allen added that this should be added on the specifications to avoid confusion.

Mayor Gibson asked if the motion had been revised to reflect the change. Councilman Casebolt replied that it had - All Council voted in favor.

Councilman at Large Dr. Allen, Chairman of the Traffic Committee, reported on the survey of congested street areas in an effort to regulate the speed. Councilman at Large Dr. Allen added that he had been on vacation and read in the minutes of the last Council Meeting where the Council had received notification from the State Road Commission that we had to comply with a 25 mile per hour speed limit on our streets. Mayor Gibson stated that this was just a recommendation under the State Law but has never been tried and contested in court. Councilman at Large Dr. Allen added that there are some streets that definitely need a 15 mile per hour speed limit. He further added that this almost has to be a must on some streets. He went on to say that some streets that are two-way should actually be one-way streets. He added that he would have a good report for the Council at the next meeting.

Councilman Casebolt informed Council that he had done some checking on his own, and he found that the State has no jurisdiction over our residential streets. They have jurisdiction only on the thoroughfares or the State Routes through our City. He went on to say that what we do in the municipalities is our business. What we do on State Routes through our City is their business and must be done to comply with their rules and recommendations.

Councilman Lilly asked that if it was not in the report that this was primarily the case, but if we want the speed limit signs at a discount, then we have to comply with their recommendations. He added that their recommendation was to have uniform speed limits throughout the City. Councilman Casebolt added that if we want to make the speed limits uniform that this would be fine. He further added that the Council could make them uniform at 15 miles per hour. Councilman at Large Allen suggested that if each of the Ward Councilmen would report to him some streets in their area that they feel he should look at personally, he would be glad to do it. He added that he would have a report at the next Council Meeting.

Mayor Gibson asked Councilman at Large Dr. Allen if he had had a chance to get involved with the fifth item on the agenda, that item concerning the Main Avenue parking problem between Kapok Street to Valentine Circle which interferes with the normal traffic flow on Main Avenue. Councilman at Large Dr. Allen said that he had traveled Main Avenue morning, noon, and night and he found only two small areas there that have any type of congestion. He added that he was very reluctant to make any recommendation in that particular area because we are penalizing all the people in the area due to one or two people. He further added that he did not feel that it was fair. He went on to say that he did not get a chance to go there at 2:00 p.m., for example, in the afternoon but he had traveled it at 5:00 p.m., 7:00 p.m., 9:00 p.m., 10:00 p.m., and early in the morning. He added that there is no congestion there with the exception of two small areas. Councilman at Large Dr. Allen added that maybe Council could remedy these areas. Mayor Gibson asked Councilman at Large Dr. Allen if he wanted to study the problem further. Councilman at Large Dr. Allen replied that he would.

Councilman Paul Hill, Chairman of the Building and Planning Committee, reported on the material for remodeling City Hall. Three bids were received.

- (1) Southern Supply Company, Nitro, West Virginia
The cost of materials - \$1,998.82
- (2) Happy Hall Lumber Company, Hurricane, West Virginia
The cost of materials - \$2,229.57
- (3) Clendenin Lumber and Supply Company, Clendenin, West Virginia
The cost of materials - \$2,494.27 NOTE: This is an estimate.

Mayor Gibson added that Southern Supply Company had called and Clendenin Lumber and Supply Company sent a man down to verify the estimates.

Councilman Paul Hill made a motion to accept the low bid and hire a carpenter to do the work. Councilman at Large Keith Priddy seconded the motion. Councilman at Large Tidquist asked if the Council had an estimate on how much it was going to cost for labor. Mayor Gibson stated that these estimates were on materials and the carpenter would be paid by the hour. All Council voted in favor with the exception of Councilman Vernon Casebolt who opposed.

Councilman at Large Tidquist, Chairman of the Special Committee, reported on the tree chipper and the paint striper. Councilman at Large Tidquist added that he did not have as much information on the tree chipper as he would like to have, but that he did on the paint striper. He further added that since the price of the paint striper was under \$1,000, the Council could do without bidding. He went on to say that the item he recommended was a single striper from Machinery, Inc., being \$825. Councilman at Large Tidquist added that he had talked to Mr. Gene Williams and Mr. Williams said that this would fit the needs of the City. He stated that he had literature on the striper with him if the Councilmen would like to look at it. He explained that the striper is self-propelled and is a single striper. The double striper is \$100 more. However, Mr. Williams said that he did not think the City needed a double striper. Councilman at Large Tidquist made a recommendation that the City buy the striper. Mayor Gibson asked how long it would take to get the striper. Councilman at Large Tidquist replied that he understood that they had it in stock. He made a motion that the City purchase the paint striper. Councilman Casebolt seconded the motion. Councilman at Large Priddy stated that he thought on an item this size, the Council should release bids because there could be \$100 or so difference in the figure the Machinery, Inc. presented. Mayor Gibson asked if there were any other questions - All Council voted in favor with the exception of Councilman at Large Keith Priddy who opposed. Councilman at Large Tidquist added that he had no objection to bidding if this was the route that the Council would like to take. Mr. Kessinger, the City Attorney, added that the cost of advertising would cut down the amount the City would save in bids. He explained that it costs up to \$30-\$40 to advertise and this could be deducted from what we might save in bids. Councilman at Large Tidquist added that he just want the authority to go ahead

as long as it was under \$1,000. Councilman Casebolt added that it was badly needed since school was starting. Councilman at Large Tidquist added that he would like to keep the tree chipper in the Committee.

Councilman Casebolt, Chairman of the Recreation Committee, reported on the vehicle for the Recreation Department. He added that he would like to have this tabled until the Recreation Committee can get together. He further added that he would like to keep it in the Committee but not on the agenda until he asked for it to be.

Councilman at Large Keith Priddy, Chairman of the Dog Pound Committee, reported on the increased payment to the Charleston Humane Association. He added that we had no other alternative but to go along with the increased payment. He further added that he would like to recommend that the Council go along with the increase. Councilman at Large Dr. Allen asked how much the increase would be. Councilman Lilly answered that it would be \$1,500 more a year. Councilman at Large Priddy added that if we are to continue using the Kanawha County Dog Pound Facilities, it will cost the City approximately \$100 a month. Councilman at Large Dr. Allen asked who paid the \$13.50 (the original cost of using the facilities) per month. Councilman Lilly replied that the City of Nitro paid it to the Charleston Humane Association. Councilman at Large Dr. Allen added that he thought that St. Albans, Dunbar, and Nitro put this into one fund. Councilman Lilly added that this is true. Councilman at Large Priddy added that there is no other alternative but to accept the increase and made a motion to accept the increase. Councilman at Large Tidquist added that the other cities are going along with the increase. Councilman Lilly seconded the motion - All Council voted in favor.

Mayor Gibson stated that all the Councilmen had probably seen Map 4 that came up approximately a month ago where the persons that own a plot of ground would like to break it down into four lots. He added that it is on a paved street on Gravely Drive, has City sewers and City facilities. He further explained that the lots are in line with the Building Code and the City Attorney has had a chance to look the map over. Mayor Gibson asked what action the Council would like to take. He asked if they wanted to put it in the Planning and Zoning Commission. Councilman Casebolt seconded the motion - All Council voted in favor.

Mayor Gibson stated that it was brought up in the last Council Meeting that there were two or three discrepancies in the 25th, 26th, and 27th Street areas where the Preston Carroll Company came down and put in the West Virginia Water line. He added that he called Preston Carroll and got in touch with Mr. Brackins. Mr. Brackins came down and met with Councilman at Large Tidquist, who was the Inspector representing the City at the time the job was done. He further added that Mr. Brackins agreed to make the necessary repairs. He also agreed to make the necessary repairs to the sidewalks. In addition, the Mayor said that Mr. Brackins agreed to take out two cement sections of the sidewalk and replace it. Also, there were a few places along the asphalt curb that he agreed to repair. The Mayor further added that Mr. Brackins assured him that it would

be done in the near future. The Mayor went on to say that there was a drainage problem along the curb at the First Baptist Church between 22nd and 23rd Streets that have been repaired since the last Council Meeting.

Mayor Gibson stated that at the request of the Council at the last Council Meeting, he called the Penn Central Railroad Company and talked to Mr. Lee Reed, who is the Track Superintendent in charge of railroad tracks and crossings in this area, in regard to our very bad railroad crossings in our corporate limits. Mayor Gibson further added that Mr. Reed was very receptive in his telephone conversation but could not give any time as to when these repairs might be made. Mr. Reed said that the Interstate highway coming through Charleston has taken up a tremendous amount of their time, employees, equipment, and facilities. The Mayor added that Mr. Reed was very nice but he let it be known that they could only do so much and were covered up with work in our area. Councilman Lilly made a motion to initiate a letter to the Public Service Commission (PSC). Councilman Casebolt seconded the motion.

Mayor Gibson stated that he went the day of the Council Meeting to take an on-sight look at the various railroad crossings in the Riverdale Acres area down through Nitro. He reported that there were a couple in very bad shape and the others were nothing to brag about. Councilman Lilly added that Chapter S of the Company is in bankruptcy, but at the same token, those ties did not rot last year or the year before. He added that this is a continuation over about the last ten years. Councilman Lilly went on to say that if there are no plans to solitify the problem within a reasonable period of time, he felt that the Council should go to the PSC and see if they will intervene to get a little action. Councilman Lilly explained that we should at least let our citizens know that we are doing everything feasible to get it done - All Council voted in favor of writing a letter to the PSC.

Mayor Gibson said that he had been in touch with the West Virginia Department of Highways engineer's office of Layman Smith, District Engineer of this division, and Mr. Joseph Jones, head Construction Engineer of the Construction Division in regard to trying to get a traffic light installed on a Department of Highways right-of-way in our corporate limits. He went on to say that we do not have one traffic light from one end of town to the other. He reported that with all the various side streets that come on to the main highway and all the plant traffic, he thought it was a shame that Nitro has no traffic lights. He further reported that there was an accident on the day of the Council Meeting at the intersection of First Avenue and 40th Street. He added that there has been accident on top of accident there. He explained that he had been informed that some time back a survey had been taken and approved that light could be installed at the 40th Street intersection. The Mayor said that he was told that the Department of Highways was going to consider moving Nitro higher on the priority list. He added that he recommended that we wait a couple more weeks to see what transpires. He further added that in the meantime he would be in touch with them and if we do not get a satisfactory report, we can discuss it later. The Mayor went on to say that when on a side street, trying to get on the main highway is almost impossible as everyone well knows.

Councilman at Large Tidquist asked why the Council should wait two weeks. He informed Council that he saw the accident that the Mayor mentioned and he felt it could have been more serious than it was. He added that if we wait two more weeks, it just prolongs the agony. Councilman at Large Tidquist recommended that the Council contact the Department of Highways immediately. Mayor Gibson stated that he talked with them the day of the Council Meeting and he was thinking that the Council could wait a couple more weeks. He added that he would even be in favor of having a committee make a personal contact. Councilman at Large Tidquist went on to say that four vehicles were involved in the accident.

Mayor Gibson asked Councilman at Large Allen if he could break away from his office and go up to talk to the necessary people. He added that anyone else on the Traffic Committee was welcome to go along. The Mayor said that it was a critical situation. He added that the intersection of 21st Street is the one that has a good chance of being approved with the exception of a dog-leg curve that has to be straightened out. The Mayor and Councilman at Large Dr. Allen decided to try to get together next Wednesday, August 29, 1973.

Mayor Gibson informed the Council that the Library Commission intends to have a meeting early in September. He added that it will be an important meeting and the Commission will most likely want to have the Council members of the Library Committee present. He further added that \$21,026 has been appropriated for the library. He explained that he had received a letter from Mr. Steve West informing him of plans for this meeting. The Mayor went on to say that Mrs. Dolly Withrow, who is on the Library Commission, sent in a detailed report of the history of the Nitro Public Library.

Mayor Gibson said that we have a Nitro Lions Club Anitque Show coming up September 15, 1973. He added that a lot of work has been done to bring this outstanding antique car show about, and all profits will go toward the various charities. He added that the profits of the Nitro Lions Club will go to the Sight Conservation in the Nitro area. He further added that this will be starting on Friday evening, September 4, 1973, at 7:30 p.m. He reported that he had a letter from Mr. Romie C. Hughart, Chairman of the Nitro Antique Car Show Committee, requesting that Mayor Gibson and all Councilmen be present to be recognized and assist in every way possible. Mayor Gibson stated that he recommended that everyone take a part in this worthwhile cause to our fullest capacity.

Councilman at Large Dr. R. V. Allen reported that some months ago we read in the papers that Putnam County was attempting to plan an emergency-type clinic but would not be classified as a hospital. He further reported that he contacted Mr. Charles Farley, President of the Putnam County Court. He added that it is in the planning stages now to have a 24-hour emergency-type clinic.

Councilman at Large Dr. Allen further added that they had twelve members of a Committee and two members from each magisterial district. He explained that this means that we have two citizens from our City on that Committee. He added that at the present time, it is only in the discussion stage. He further added that when it comes time, he felt that the City should get behind it and give it any support

it could. He added that with the growth that is happening in all areas, it is badly needed.

Mayor Gibson reported that he had also talked to Mr. Farley, and he is soliticing all the help and assistance he can get from us. He added that he felt we owed it to the Putnam and Kanawha County citizens to do all we can to help bring this clinic about. He further added that in the next Council Meeting he would most likely appoint a Committee to work along with them.

Councilman Casebolt added that he would like to welcome Mr. Dewey Mann aboard on the Committees. He added that he had had a Committee Meeting with Mr. Mann and that he had been a great help to them.

Mayor Gibson explained that Mr. Mann has taken the place of Mr. James White on each Committee.

Councilman Lilly stated that he would like to make a motion to Council to authorize our department heads to be able to issue purchase orders for the amounts up to and including \$100. He added that since July 1, 1972 when all departments were reorganized, department heads had been assigned and given their department to operate.

Mr. Kessinger, the City Attorney, asked if the City had an ordinance on this. Councilman Lilly replied that the City did not. Mr. Kessinger then inquired to see if the requirements on this had been checked out. Councilman Lilly replied that he had checked the requirements, and the City can do it by Council vote since we have no ordinance and are not exceeding any particular figure like \$50 or \$100. He added that Council could set the amount. Councilman Casebolt seconded the motion. Mayor Gibson added that it would help to eliminate alot of stress and strain on Mr. Melton and himself. He explained that the department heads must come to him or Mr. Melton at all times for a purchase order and at times they are not available or extremely busy. Mr. Kessinger asked if \$100 was not a little high. Mayor Gibson stated that Council may want to consider a bond for the department heads. Councilman Lilly stated that he had checked through last year's financial statements and this would average in the neighborhood of twenty five purchase orders for all the departments. He added that he discovered that 75 percent of the expenditures exceeded \$50. He explained that each department head was working under a budget. He added that they had allocations of a certain amount of dollars along with a budget and know what they can do and can not do. He further added that this keeps their hands tied. He went on to say that sometimes something comes up and they have to have a purchase order on an emergency basis more or less, and in the event the Mayor is gone or the Recorder is not present, they cannot get the purchase order. Councilman at Large Priddy asked how many times an item will exceed \$50 on an emergency basis. Councilman Lilly explained that in looking in general at one department, for example, the Police Department made thirteen purchases during the month of July. Out of these thirteen, two exceeded \$100, and seven were under \$50. Councilman at Large Priddy added that he thought some municipalities are governed by an ordinance that even the Mayor is limited to purchases up to about \$50. Councilman Lilly added that the State gives the authority to the municipalities to adopt by ordinance the purchasing ordinance on it. Since

there has never been one in the City of Nitro, we fall back on the State system. He added that until we get an ordinance on this, he would like to ask for this to be authorized by Council.

Mayor Gibson added that all the department heads have been doing an outstanding job and sees no reason why the Council should object - All Council voted in favor with the exception of Councilman at Large Priddy.

Councilman Casebolt made a motion to adjourn the meeting. The Council Meeting adjourned with a closing prayer by Reverend Westlund.

Wm. D. Gibson
Mayor

Tom Melton
Recorder

NITRO CITY COUNCIL MEETING

September 4, 1973

The regular meeting of the Nitro City Council was held in the Council Chambers, September 4, 1973. Those present were William D. Gibson, Mayor; Thomas Melton, City Recorder; Councilman at Large Dr. R. V. Allen; Councilman at Large Keith Priddy; Councilman at Large Hugo Tidquist, Councilmen Vernon Casebolt, Paul Hill, Dewey Mann, and Thomas Lilly. Mr. James Kessinger, the City Attorney, was absent.

The meeting was called to order by the Honorable William Gibson. The invocation was given by Reverend Horton.

APPROVAL OF MINUTES: Councilman Thomas Lilly stated that in the fourth paragraph of the next to the last page of the minutes (that page being Page 97), an error was found. The sentence which reads, "He added that since July 1, 1972 . . .", should read, "He added that since July 1, 1973 . . .". Councilman Casebolt made a motion that the Council Meeting Minutes be accepted as corrected. Councilman at Large Tidquist seconded the motion - All Council voted in favor.

APPROVAL OF JULY FINANCIAL STATEMENT: Councilman Thomas Lilly, Chairman of the Finance Committee, stated that looking on Page 6 at the balance in hands of the City Treasurer, under Estimated Receipts you will find an estimate of \$10,000. He added that this figure should read \$18,748, and the total at the bottom of the page should be \$553,557. He further added that he would like to make a motion that the Financial Statement for the month of July be approved. Councilman at Large Dr. Allen seconded the motion - All Council voted in favor.

AUGUST FINANCIAL REPORT: Councilman Thomas Lilly, Chairman of the Finance Committee, stated that the total receipts for August were \$61,016.71. The total disbursements were \$59,906.64. Councilman Lilly reported on the Fourth Entitlement Allotment Revenue Sharing Planned Use Report. Councilman Lilly reported that in keeping in line with the recommendations of the Council and interested citizens which met last October and using our fourth entitlement revenue sharing allocation for the entitlement period beginning July 1, 1973 and ending June 30, 1974, the City plans to base its revenue sharing allocation upon an estimate of \$130,511. He added that the committee on Revenue Sharing met and recommendations were that the Planned Expenditure for Public Safety, that total being \$19,400, Environmental Protection, being \$12,500, and \$30, 271 for Public Transportation. The total Planned Expenditures, \$62,171, comes under the heading of Operating/Maintenance Expenditures. Councilman Lilly added that coming under the heading, Capital Expenditures, we have \$8,340 for remodeling City Hall under Planned Expenditures with 100% planned for construction and \$60,000 for the City Garage under Planned Expenditures with 100% planned for construction. The total allocation for Planned Expenditures under Capital Expenditures is \$68,340, along with the total, \$62,171, for Planned Expenditures under Operating/Maintenance Expenditures, is \$130,511. Councilman Lilly further added that the Revenue Sharing Committee actually consists of the Mayor and the City Council.

Councilman Lilly went on to explain the Operating/Maintenance Expenditures and the Capital Expenditures as follows:

OPERATING/MAINTENANCE EXPENDITURE

\$ 7,400	Two Police Cruisers at \$3,700 each
12,500	Garbage Truck (Garbage Dept.)
4,500	3/4 Ton Pickup Truck (St. Dept., Supt)
900	Street Marker (Street Dept.)
5,000	Chipper for limbs and trees (St. Dept)
4,500	One Ton Dump Truck (Street Dept.)
2,000	Weed cutting equipment (Street Dept.)
2,000	Salt Spreader (Street Dept.)
7,071	Materials for Street Repair (St. Dept.)
2,000	Street Signs (Street Dept.)
2,300	Clothing (Street and Garbage Dept.)
7,500	Emergency Vehicle (Fire Dept.)
200	Two Walkie Talkies at \$100 each (Fire Dep
800	Ten Lockers at \$80 each (Fire Dept.)
400	Paneling (Fire Dept.)
600	Portable Pump (Fire Dept.)
2,500	Dog Pound Expense (\$1,000 Truck, wages, etc.)
<u>\$62,171</u>	

CAPITAL EXPENDITURE

\$60,000	Maintenance Building (All Depts.)
8,340	Repairs and remodeling to City Hall (Adm. Dept.)
<u>\$68,340</u>	

These totals together represent \$130,511, the amount allotted. Councilman Lilly added that a copy of the report will be published in the Kanawha Valley Leader, September 6, 1973, as required by certification. He went on to say that the report was signed by the Mayor as the Executive Officer on August 31, 1973. Mayor Gibson asked if there were any questions. Councilman Lilly made a motion that the Fourth Entitlement Allotment Revenue Sharing Planned Use Report be accepted. Councilman at Large Dr. Allen seconded the motion - All Council voted in favor.

Councilman At Large Dr. Allen reported on the survey of congested street areas in an effort to regulate speeding. He stated that he had covered all the Wards in the City in order to reach some conclusion as to what is needed as far as a traffic and speed limit. Councilman at Large Dr. Allen added that he would like for the Council to take home the survey he had provided, study it, and bring up any recommendations they might have at the next Council Meeting. He added that there were twenty items or areas on the list; and unless speed limit signs were put up, the law could not be enforced.

Councilman Lilly asked if signs to the effect, "Caution, Children Playing," could not be put up. Councilman at Large Dr. R. V. Allen stated that the recommendation was to make a survey of the streets in town that needed a 15 mile per hour speed limit. He further added that if each Councilman does not approve of the suggested speed limit in his Ward, to please bring it to his attention. Councilman Casebolt asked about Item 20 on the list which concerned enforcing

a 15 mile per hour speed limit from West 11th Street through West 15th Street. Councilman Casebolt asked if this speed limit could be extended from West 11th Street to the Plant Road. Councilman at Large Dr. Allen replied that Park Avenue all the way to the entrance of the Plant Road is a 15 mile per hour speed zone. He added that he had reference to the streets going off Park Avenue toward the river and making each individual street a 15 mile per hour speed zone. Councilman at Large Dr. Allen also added that a 15 mile per hour speed zone might be considered on Third Avenue from 31st Street to 4th Street. Councilman Paul Hill asked Councilman at Large Dr. Allen to explain to Mr. Dewey Mann, newly appointed Councilman, where Boundary Street was located. Councilman at Large Dr. Allen explained that it was a short street located in an apartment complex and connected Broadway Avenue and Lane Avenue. Mayor Gibson asked that the Councilmen study the list of street areas and be ready to make recommendations at the next Council Meeting. He went on to say that he was sure that Dr. Allen would be very receptive to telephone calls if you should want to contact him between now and the next Meeting.

Mayor Gibson asked Councilman at Large Dr. Allen to report on the Main Avenue parking problem between Kapok Street and Valentine Circle which interferes with the normal traffic flow. Councilman at Large Dr. Allen stated that the Council could discuss this item at the same time it makes recommendations on the item mentioned above, that being the survey of congested street areas to regulate speed.

Councilman at Large Tidquist commented on the tree chipper that the City proposes to purchase. He stated that all the Councilmen had a copy of the specifications for the chipper. He told the Council to pay particular attention to the NOTE at the top of Page 1 and also at the end of the specification sheet. Councilman at Large Tidquist added that there were two items on the list that he would like to recommend that the Council get on this tree chipper. These items were that the chipper be powered by an 8 cylinder, 318 cubic inch displacement engine developing 187 maximum brake horsepower and one 36 inch sensitive control bar at the rear of the feed table and sensitive control points on the right and left side of the feed table to shut off the engine and hydraulically brake rotor to full stop immediately. Councilman at Large Tidquist added that this was a safety feature and served to stop anything that could injure the man operating the chipper. Councilman at Large Tidquist added that that it is not necessary for the City to have a truck to load the chipper, but it is simply a matter of choice. Councilman at Large Tidquist further added that he would like to recommend that the City advertise the tree chipper for bids. Councilman Casebolt seconded the motion - All Council voted in favor. Councilman Lilly asked if there was any particular date that the bids should be received. Councilman at Large Tidquist replied that he thought the bids should be in by the next Council Meeting. Councilman Mann asked if the tree chipper could be used now. Councilman Casebolt answered that the tree chipper could possibly be put into use at the Watershed now. He added that it could be used year around and would pay for itself in time. Councilman at Large Tidquist added that some Cities take the waste materials and resell them as fertilizer. Mayor Gibson added that the only problem would be finding a place to store the tree chipper.

The Mayor went on to say that Councilman at Large Tidquist will, therefore, have a report in two weeks. Councilman at Large Tidquist added that two weeks should give the bidders plenty of time. He added that he knew of places in the Valley that sell tree chippers and could easily submit bids in this length of time.

Mayor Gibson stated that he had been in touch with Mr. Marlen Davis, Maintenance Engineer for the Department of Highways and the bid for repairing on Dogwood Street and Kanawha Avenue has been awarded to the Mason Construction Company. The Mayor added that they will begin moving in their equipment on Wednesday morning, September 5, 1973, and would like to have the cooperation of all the people in that area. Councilman Casebolt asked if this meant they would be blocking Kanawha Avenue. The Mayor replied that Kanawha Avenue would very definitely have to be blocked.

The Mayor reminded the Council of the Antique Car Show beginning on Friday, September 14, 1973. He went on to explain that on Saturday, September 15, the judges will award trophies. The Mayor added that the Lion's Club, the organization sponsoring the Car Show, would like to have all the Councilmen to be present and be recognized and assist in any way possible. Councilman Mann added that he would like the Council to go on record as endorsing the Antique Car Show, and Councilman at Large Tidquist added that he felt it would be worthwhile for the Council to do this. Councilman Mann then added that it would bring a lot of people into the area and might be encouraging to the citizens to know that the Council is supporting it. Councilman Casebolt seconded the motion - All Council voted in favor.

Mayor Gibson stated that he would like to suggest that the Library Committee have a meeting as soon as possible. He added that approximately \$20,000 has been appropriated for up-grading the library, and we have a very capable Library Commission whose chairman is Mr. Steve West. Councilman Casebolt informed the Mayor that the Library Committee was under the impression that Mr. West was going to call a meeting at the beginning of September and the Library Committee would be invited. The Mayor added that he had received a letter from Mr. West to this effect, but Mr. West has been away to school. Councilman Casebolt added that the Library Committee would like to attend this meeting. Mayor Gibson added that the money has been appropriated, and that he thought the Committee might see fit to put the money into use before the weather gets bad.

Councilman at Large Dr. Allen gave Council a diagram of Lock Street and Main Avenue. He added that he did not know how many had received calls concerning this area, but it has been a headache for some time. He further added that several years ago, it was recommended that Lock Street be widened, but the citizens set up a petition against widening the street. Councilman at Large Dr. Allen went on to explain that if you come down Main Avenue and want to turn into Lock Street going toward the river and a car is coming off Lock Street from the direction of the river, one of the cars will have to give ground or the turn is almost impossible. He added that the City's Street Department had painted the curb so as to widen and lengthen the area there where there is no parking. Councilman at Large Dr. Allen went on to say that street widening could be a very expensive item.

He further added that we can do one of two things: (1) leave the street as it is with the curb marking; or (2) make the street one-way. Councilman at Large Dr. Allen stated that he personally would like to have the opportunity to hear from the residents living on that street. He added that the Council must remember that when making a street one-way, you are throwing the traffic on someone else. He further added that the residents would be forced to go around Boundary Street which is very narrow, so we must consider the people living in that area. Councilman At Large Dr. Allen added that he would like for the Council to look at the street and then make recommendations. He went on to say that he would like the City to write a letter to the residents on Lock Street living them three alternatives; these alternatives being: (1) leaving the street as it is; (2) making Lock Street one-way; (3) widening the street.

Councilman at Large Tidquist asked if the Street Department could just paint the curb back further to help alleviate this problem. Councilman Lilly suggested putting the stop sign back a short distance. Councilman at Large Dr. Allen replied that the cars still have to come out to the end of the street to get onto Main Avenue. Councilman Paul Hill suggested making the area into off-street parking. Councilman at Large Tidquist added that this would be difficult to do because the people would not have a place to park. Councilman Hill further added that if the Street can be made one-way, why can't parking be restricted. Councilman at Large Tidquist added that painting the curb back should help. Councilman Casebolt stated that a car coming out of Lock Street has to come to the end of it to get onto Main Avenue. He further stated that there was no use to try to make the turn off Main Avenue onto Lock Street with a car coming off Lock Street. The Mayor asked if the Council would like to put it in the Committee. Councilman at Large Dr. Allen, Chairman of the Traffic Committee, replied that the Committee would like to study the situation and discuss it at the next Council Meeting.

Councilman at Large Priddy stated that a businessman, James Jeffries who is owner-operator of the Nitro Taxi, approached him about a week ago and said that he had attempted to get a warrant for an intoxicated man that had come into the Nitro Taxi Office and hit his son. Councilman at Large Priddy added that Mr. Jeffries called the Nitro Police Department and was told that no one in town could issue a warrant. Mayor Gibson stated that he did not understand why he was told this because he has signed several warrants. In fact, he had signed one the day of the Council Meeting. Councilman Lilly added that two people can issue a signed warrant, and these were the Mayor and the Police Judge. Councilman Mann explained that it could have been a lack of understanding, and maybe no one was there at that time to sign the warrant. Councilman at Large Priddy added that Mr. Jeffries was informed that he would have to get the warrant from the St. Albans Justice of the Peace. Councilman Casebolt asked Councilman at Large Priddy what the warrant was for. Councilman at Large Priddy explained that Mr. Jeffries wanted to have the man arrested. Councilman Lilly added that if it is late at night, the only place you can get a signed warrant is still from the Mayor or the Police Judge. He further added that you can wait till the next morning and that the warrant does not have to be served right then. Councilman Mann stated that this should have been explained to Mr. Jeffries. Councilman at Large Priddy added that he would like to know if there is some one in the Police Department that can sign a warrant so that the problem will not

occur in the future. Mayor Gibson stated that he would check into the matter and see if the person who told Mr. Jeffries this was a dispatcher and the time that it occurred. Councilman at Large Priddy added that evidently it was late. Mayor Gibson further added that he had gone out of town for one night during one weekend, and it could have occurred then.

Councilman Casebolt stated that we have a man who wants to put people in jail, but what about him and his junk yard in the middle of town. Mayor Gibson asked what the pleasure of the Council would be. Councilman Casebolt added that it is worse than the junk yard located near the St. Albans-Nitro Bridge, and it is getting larger all the time. The Mayor asked if the Council had any comments on this. Councilman at Large Dr. R. V. Allen asked if there was a City ordinance against these junk yards. Councilman at Large Tidquist asked if the City had an ordinance compelling a man to clean up a vacant lot. Councilman Casebolt asked if Mr. Jeffries could inspect any one of the cars on his lot and put them on the road. Mr. Kraft, a citizen at the Council Meeting, explained that Mr. Jeffries had lost his inspection license. Mayor Gibson added that he was in favor of doing whatever the Council prefers to do. He added that if there was an ordinance against it, then the ordinance must be enforced. Councilman Hill further added that the City had it cleaned up once. The Mayor stated that the City had just given him some where to put the cars. Councilman Casebolt stated that he recommended the Police Chief talk with Mr. Jeffries. Councilman Lilly suggested putting this matter on the agenda for the next Council Meeting. Councilman at Large Priddy went on to suggest that the Council check on other areas in the same circumstance between now and the next meeting. Councilman Mann added that if we have an ordinance concerning debris and it includes junk, then the junk would have to be cleaned up.

Councilman at Large Tidquist stated that the Cohen Rite-Aid Store put waste paper and other waste materials outside the store in large boxes. He added that the Baptist Church has to have their lot cleaned from this debris which blows onto their property. Councilman at Large Tidquist went on to say that Rite-Aid had been told about this but it does not seem to do any good. Yet, at the same time, someone from the Baptist Church has to pay a man to clean up the Church yard. He further added that if nothing else, a letter should be sent to the main headquarters of this concern and tell them. He went on to say that we have complained to them year after year. He explained that they take care of it for a week or so, and then it gets back into the same condition.

Mayor Gibson stated that Superintendent Gene Williams sent a letter to Cohen Rite-Aid several weeks ago informing them that the trash must be kept cleaned up even if a larger container had to be installed. Superintendent Williams added that he sent a copy of the ordinance along with the letter. Councilman Lilly stated that their was a 30-day time limit, and what would the Council do if they did not comply within this time limit. Superintendent Williams stated that the City could make them put it in a different type of container. Mayor Gibson stated that perhaps we should send a copy of that letter and the ordinance to the Main Office. Councilman at Large Tidquist stated that there are other people in residential areas where businesses do the same and the same problem exists.

He added that he thought that they should keep the trash cleaned up. Councilman Hill stated that he thought that the pieces of trash in some cases are being thrown out of the boxes. He went on to say that he has seen people go by and help themselves and take what they want, leaving the rest on the ground. Mayor Gibson stated that they should collapse the boxes into small units. Councilman at Large Tidquist added that it was still their responsibility. Mayor Gibson suggested that they may need a larger container. Councilman at Large Tidquist added that may be they could put the trash in a container and lock it.

Councilman Hill asked about the survey determining where additional fire hydrants were needed. The Mayor replied that Mr. Carr and Mr. Toyck from the West Virginia Water Company was scheduled to meet with him the following morning after the Council Meeting at 10:00 a.m. in his office. He added that anyone who wants to meet with them would be very welcome.

Councilman Mann reported that he had had several reports from citizens complaining about the parking on 21st Street during school hours. He added that the students are parking so close to the driveways that getting your car out of one of these driveways is almost impossible. Councilman Mann further added that he understands that last year the principal had the students move their automobiles. He went on to say that the students cannot tell if they are blocking the driveways or not. He added that it seems that the principal of the school should not be responsible for how the students park. He stated that also some of the students are smart and may intentionally block a driveway as an excuse to get out of class to move it. Councilman Mann further stated that he felt that if the curbs were painted, the students might respect such a sign and discontinue blocking the driveways. He went on to add that perhaps the curbs could be painted two or three feet from the driveways. The Mayor asked if he was suggesting to paint the curbs all the way up 21st Street on both sides. Councilman at Large Dr. Allen stated that perhaps the curbs could be painted up to about 2176 21st Street. Mayor Gibson added that the City had had difficulty before when a fire hydrant was blocked, and the curb was painted around it. Councilman Lilly suggested making this a no parking area until 4:00 p.m. Councilman Mann reproted that he did not think this should be done because on one side of the street there are no driveways. He added that the students had to park some where. He further added that this would eliminate too many parking spaces to so zone it. Councilman at Large Dr. Allen reported that on the right hand side of the street coming from the main part of town there is only one driveway which belongs to an apartment building. He added that this involves a minimum of five cars; and if no parking was enforced, they would have no place to park. Mayor Gibson stated that Superintendent Gene Williams said that he would take care of the matter of painting the curb. Councilman Casebolt added that if the curbs are painted and no parking at the yellow curbs is enforced a few times, the problem will be taken care of. Councilman at Large Priddy added that the curbs should be painted all the way up to the bridge. Councilman Mann added that a one-way sign at Third Avenue and 21st Street is obscured because it has either been hit or just knocked over. Councilman Casebolt added that there was also a crumpled one-way sign at 31st Street and Third Avenue.

Mayor Gibson stated that Mr. Romie Hughart, President of the

Antique Car Show, was present and asked Mr. Hughart if he had any comments to make concerning the Car Show. Mr. Hughart reported that the Lion's Club hopes to have a fine Car Show and is looking forward to having a large crowd if the weather permits. He went on to say that the activities would begin on Friday evening, September 14, 1973 with a street dance from 7:30 until 9:30 p.m. He added that registration would be from 9:00 a.m. until 12:00 p.m. on Saturday, September 15. Mr. Hughart explained that he would like for the Council to be at the Main Platform at approximately 11:00 a.m. and he would like for the Mayor to give a welcome speech and introduce each member of the City Council. Between 12:30 and 1:30 the Country Mods will entertain, and the car parade will begin at 2:00 p.m. He went on to say that awards would be presented at 4:00 p.m. He added that it would be a big day for Nitro, and he expected about 10,000 people. He further added that he expected 150 cars to register. Mr. Hughart added that there would be alot of TV, radio, and newspaper publicity. Mr. Hughart stated that this was the 12th year that the Nitro Lion's Club was sponsoring the Show. Councilman at Large Dr. Allen asked if the parade would be extended to the Plant Road. Mr. Hughart answered that the car parade would go down First Avenue to I-64 and back up to the bridge down Main Avenue, down Lock Street and back around. He added that there would also be a marching parade starting at Third Avenue and 21st Street.

Mayor Gibson added that we appreciated all the work that the Lion's Club has put into the Show, and he was sure that Mr. Hughart would have several helpers. He also stated that the City appreciated the time and effort Mr. Hughart had put into the Show in the past and all that he would do in the future.

Councilman Casebolt made a motion that the Council Meeting be adjourned.

Councilman at Large Dr. Allen seconded the motion - All Council voted in favor.


Mayor


Recorder

NITRO CITY COUNCIL MEETING MINUTES

September 20, 1973

The regular meeting of the Nitro City Council was held in the Council Chambers September 18, 1973. Those present were William D. Gibson, Mayor, Thomas Melton, Recorder; Councilman at Large Dr. R. V. Allen, Councilman at Large Hugo Tidquist, Councilman at Large Keith Priddy, Councilman Vernon Casebolt, Councilman Paul Hill, Councilman Dewey Mann, Councilman Thomas Lilly, and James Kessinger, the City Attorney.

The meeting was called to order by the Honorable Mayor William Gibson. Reverend James F. Horton gave the invocation.

APPROVAL OF MINUTES: Councilman at Large Dr. Allen made a motion that the minutes of the last Council Meeting be approved. Councilman Casebolt seconded the motion - All Council voted in favor.

APPROVAL OF AUGUST FINANCIAL STATEMENT: Councilman Thomas Lilly, Chairman of the Finance Committee, stated that the Finance Committee met with the City Recorder for the purpose of going over the financial statement. Councilman Lilly made a motion that the August Financial Statement be approved. Councilman at Large Dr. Allen seconded the motion. Councilman at Large Priddy questioned Item 16 listed under the Fire Department, that Item being drapes for the Fire Department amounting to \$182. The Mayor stated that these drapes were for two windows in the large room upstairs at the Station and two windows in Chief King's office. The Mayor further stated that he thought there were two other windows involved. Councilman at Large Priddy added that he felt this was high for drapes. The Mayor stated that the \$182 was for labor and material. Councilman at Large Priddy asked how many windows were involved. Councilman Lilly answered that he thought there were four large windows. He further added that \$182 for four windows was rather conservative. Councilman at Large Priddy also commented on Item 38 which was Insurance--City Building. He asked if this was the package policy. Councilman Lilly answered that this was for the package that the bids were advertised in the amount of \$3,834. Councilman at Large Priddy asked when the City received these bids. He also added that on the financial statement it says Insurance--City Building. Councilman Lilly stated that this was for fleet insurance on the vehicles. He added that the specifications have not been drawn up for the insurance on the City Building. Mayor Gibson asked if there were any other questions - All Council voted in favor of accepting the August Financial Statement.

Councilman Lilly, Chairman of the Street Committee, reported on the bids received for a truck for the Street Superintendent. Mayor Gibson asked how many bids were received. Councilman Lilly reported that there was a total of five bids. Mayor Gibson stated that these bids did not include the communications radio because Mr. Flanagan, the gentleman who installs and repairs our radios, advised us that we would get more accurate bids if we excluded the radio. He added that a radio is out of the dealer's realm of bidding, and Mr. Flanagan suggested that we purchase the communications radio as a separate item. Mayor

Gibson also added that the specifications requested a quote on a 1974 model.

The bids were as follows:

- (1) Joe Holland Chevrolet, Inc.
3/4 ton 1974 Chevrolet Model based on a 1973 price list
subject to a manufacturer's price increase if any -- \$3,013.00
- (2) J. D. Moore, Inc., Charleston
3/4 ton 1974 Ford International Model -- \$3,547.00
- (3) C & O Motors, St. Albans
3/4 ton 1973 Chevrolet pick-up truck. Delivery date in
thirty days -- \$3,021.53
NOTE: Bid prices does not include anticipated price in-
crease of not more than 3%.
- (4) Harvey Shreve Ford
3/4 ton 1974 Ford Model based on 1973 price list subject o
increase -- \$3,160.00
NOTE: This offer is conditioned on final certification of
vehicles.
(Councilman at Large Priddy explained that this meant that
on a certain size of truck, they have to meet government
specifications as to equipment; and if our specifications
do not comply with the Federal Government's, our specifica-
tions must be changed.)
- (5) Landers Chevrolet, Hurricane
3/4 ton 1974 Chevrolet Model -- \$3,354.00 -- Delivery date
in six weeks.

Mayor Gibson added that in as much as this is between the year change that he would like to recommend that the Council keep it in the Committee and give it a couple more weeks to analyze all the bids unless the Council felt that they could make a judgement tonight. Councilman Lilly added that assuming all the bids met our specifications there was not anything else to do but accept the lowest bid. Councilman Casebolt suggested putting it in the Committee and giving the Committee the authority to act. Councilman at Large Dr. Allen asked if we were speaking of a 3% increase on all of the models. Councilman at Large Priddy added that the increase would be about the same on all of them. Councilman at Large Dr. Allen asked if the Committee would like to study the bids and come back with a report at the next Meeting. Councilman Lilly added that with the price changes, we do not know whether we are talking about \$3,100, \$3,200, or \$3,300 at this time. He further added that in all probability the increase would be the same on all of them. He went on to say that if each bidder complies with the specifications, the lowest bidder should be awarded the contract. Councilman Mann added that if the increase we are talking about is 5%, then C & O would be lower. Councilman Lilly added that the bid from C & O Motors says that the bid price does not include the anticipated price increase of not more than 3%. Councilman Mann further added that this 3% increase would be added onto

the price. He also added that if Joe Holland's increase is 10%, for example, then we would add this 10% increase on the price. Councilman at Large Priddy pointed out that both are Chevrolets; and what one dealer receives in increase, then likewise, so will the other. Councilman Mann stated that if the manufacturer's increase is 6%, they will absorb 3% and the increase will only be 3%. Councilman at Large Priddy added that the maximum the government will allow is a 3% increase. Councilman Mann added that if you know that the increase will not be more than 3% there is no question as to who the lowest bidder is. Councilman Mann asked if it was assured that the increase will not be over 3%. Councilman at Large Priddy stated that the Federal Government will only allow a certain increase. Councilman Lilly explained that the increase could be variable between the Ford and Chevrolet Models, but we are talking about two Chevrolets. He added that if they allotted an increase for one dealer they would certainly allot the same increase for another. Councilman Mann went on to say that the increase would be the same as far as two bids are concerned, but what if the Price Control Council or the Federal Government allows a 6% increase. Councilman at Large Priddy explained that the government will not allow a 6% increase. Councilman Mann asked if it was a certainty that 3% was the maximum increase. Councilman Lilly stated that the bid price does not include the anticipated price increase of more than 3%. Councilman Mann added that this means that he will absorb anything above 3%. Councilman Lilly concluded that they anticipate that the government will allow a maximum increase of 3%. Councilman at Large Tidquist made a motion that the Committee makes a study of the bids, check and decide among the prices, and come back at the next Council Meeting and make a report. Councilman Casebolt seconded the motion - All Council voted in favor with the exception of Councilman Lilly and Councilman Mann who opposed.

Councilman at Large Dr. Allen, Chairman of the Traffic Committee, reported on the Main Avenue street parking problem between Kapok Street and Valentine Circle which interferes with the normal traffic flow. Councilman at Large Dr. Allen stated that he traveled this area a great number of times; and if we are going to restrict parking in this particular area, it looks as though we have to have other areas restricted also. He added that he would like to make a motion to table this particular traffic problem in this area. Councilman Lilly seconded the motion - All Council voted in favor.

Councilman at Large Dr. Allen also reported on the Lock Street and Main Avenue problem. He stated that the Council has had the opportunity to observe this problem. He added that he has also had the opportunity to talk with the people in this area. Councilman at Large Dr. Allen went on to explain that there are many problems, and that he was very reluctant to place any hardship on anyone of these individuals living in this area. He went on to say that there were three or four suggestions made on this street problem, one being enforcing one-way traffic, widening the street, and leaving the street as it is. Councilman at Large Dr. Allen further added that after going over and talking to some of the people about the one-way aspect, you will find that the people that travel within the Plant area, with nature being as it is, take the shortest way home. He pointed out that this would throw a lot of traffic on this street and the street cannot handle the traffic. Councilman

at Large Dr. Allen added that in widening the street, you are also placing a burden on the people in that area. He further added that leaving the street as it is has been the opinion of the greatest majority of the people there. Councilman at Large Dr. Allen stated that his motion is to leave Lock Street as it is until we get a chance to watch it more closely. He added that he knew that the Councilmen had heard something about this and that he would like them to comment on it. He further added that it has been a serious problem in the past. Councilman at Large Priddy asked if the curb had not been painted back a little further. Councilman at Large Dr. Allen replied that the curb was painted for the safety of the people trying to get onto Lock Street. He added that he agreed that some safety factor should have been taken there, and this was the Committee's solution to the problem. He further added that one person did complain that we did extend the yellow line there, but it was for his safety and for the safety of his cars parked there. He went on to say that everything that was done on Lock Street was for the safety of everyone going in and out of that area and for the safety of this man's cars. Councilman Casebolt seconded the motion of leaving Lock Street as it is - All Council voted in favor.

Councilman at Large Dr. Allen reported on the survey of the streets in the City that need a 15 mile per hour speed limit. (This item was erroneously left off the agenda). He stated that each Councilman has had the opportunity to observe the areas that we are looking at for the purpose of speed limits. He added that, here again, it is not for the purpose to put any hardship or undue burden on anyone that has to get through town. He further added that it was strictly for the safety of the people who try to get in and out of the areas. Councilman at Large Dr. Allen pointed out that if you live in a certain area of town, we know that there is very few people that go into that area. However, the fact that you live there does not mean that you should not have some restrictions within the speed limit. He went on to say that this was brought to his attention because of the school areas scattered out in the community. He added that it was not for the purpose of the Police Department to give out tickets but for the safety of our children. He further added that he would like for the Councilmen to make their various recommendations known. Councilman at Large Tidquist stated that he had observed some streets and he had quit traveling 11th Street between Second Avenue and First Avenue because there are several cars parked on either side of the street, in addition to a Yamaha Cycles business. He pointed out that it is a badly congested area. He added that he thought this street should have a speed limit sign on it. He further added that Third Avenue needs some restrictions. Councilman at Large Tidquist went on to say that we should put a 15 miles per hour speed limit sign in this area since it is narrow and one-way. In addition, there are several children who use this street going to and from school.

Councilman at Large Dr. R. V. Allen stated that there is one 15 mile per hour speed limit sign on Third Avenue located between the high school and grade school which is on approximately 20th Street. He added that you have to go all the way to 7th Street before you see another sign which is a 20 mile per hour zone. He further added that children walk and ride their bicycles on the

sidewalks. He went on to say that maybe we could put up more signs to let the speed be known. Councilman at Large Dr. Allen explained that on 19th Street there is no 15 mile per hour speed limit sign there. There is no way to know what the speed limit is. He went on to say that maybe putting up more speed limit signs along Third Avenue would help. He added that he agreed that 11th Street is a very congested area, and whether a 15 mile per hour zone would be the answer, he did not know. Councilman Casebolt stated that he paid close attention to some areas because he was in favor of a 15 mile per hour speed zone particularly since school has started. He added that of the morning there are children walking all through the streets while cars are parked on the sides of the streets. He further added that there is no place for the children to walk but in the streets around the cars. Councilman Casebolt went on to say that in some of these congested areas you can not go but 15 miles per hour. He added an example like the east end of Kanawha Avenue from Hickory up to Kapok Street. He added that you can hardly get a car through the street and cannot travel very fast. He further added that on the street where he lived the cars travel so fast that they almost run over the construction workers although there are signs like "Local Traffic Only." Councilman Casebolt added that he personally would like to make a motion that we put a 15 miles per hour speed limit on all the streets that Dr. Allen has taken the time to check out and make a list of. He added that we would then have a uniform traffic system throughout the City. Councilman Hill asked Councilman Casebolt if he was referring to the list that Dr. Allen gave the Council at the last Council Meeting. He added that the people in the Second Ward say that they do not want a 15 mile per hour zone other than on Third Avenue. He added that he goes along with this suggestion. Councilman Hill went on to say that you can only drive 15 miles an hour to start with because they are such short streets. He added that the people in Ward 2 can hardly get in and out of the streets, much less bog down the traffic more than it is now. Councilman Casebolt stated that if they say they cannot go faster than 15 miles an hour, then they have nothing to be concerned about if we do make the speed limit uniform. Councilman Hill stated that he is recommending that as for Ward 2, we only put a 15 mile per hour speed limit on Third Avenue. Councilman Casebolt stated that he feels that the speed limit should be uniform throughout the City. Councilman Hill added that people will drive as fast as they can get away with. Councilman Lilly asked Councilman Casebolt if his recommendation of a uniform speed limit was in the form of a motion. Councilman Casebolt replied that it was in the form of a motion. Councilman Hill added that it had not been seconded. Councilman at Large Dr. Allen added that it was not his intention to place all of the streets on the list under a 15 mile per hour speed limit. He added that he only did it to get the Council thinking about it because school has started, and the citizens are giving the Police Department problem about people speeding in school zones. He further added that he knew that there was no sense putting some of these streets under a 15 mile per hour limit. He went on to say that if anyone had any recommendations, he would certainly go along with what they had to say.

Councilman Mann stated that he had made numerous telephone calls

especially in the Brookhaven area. He added that the residents in Brookhaven felt that a 15 mile per hour speed limit was too low in that area, and it should be about 20 or 25 miles per hour. He further added that everyone says that we should try to better enforce the speed limit we do have. He went on to say that he also felt that the speed limit on some streets should be dropped to 15 miles per hour. Councilman Mann added that if there is no hazard on the street and it is not necessary to lower the speed limit, then we should think about these streets because it is hard for the speed of a car to get that low. He added that some cars idle fast. Councilman Mann further stated that one person on Third Avenue felt very strongly about not only lowering the speed limit on the various streets, but also on the main highway. He went on to say that the residents on Easter Road felt very strongly also about a lower speed limit of about 15 or 20 miles per hour. Councilman at Large Priddy stated that he found it hard to believe that people who will not obey a 25 mile per hour speed limit will obey a 15 mile per hour speed limit. Councilman Mann explained that on the other hand, if some won't go over 15 miles per hour, maybe they won't go over 20 miles per hour. Councilman Casebolt stated that he has had some people say that they thought it was a good idea to have a lower speed limit on Easter Road because there are no sidewalks. He added that if we are going to put a 25 mile per hour speed limit in Brookhaven, 35 and 40 miles per hour on 40th Street, 20 miles per hour on Second Avenue, 15 miles per hour on Third Avenue, and 15 miles per hour on Park Avenue and so forth, then we might as well leave the subject of a uniform speed limit wide open. Councilman Mann added that the state law keeps the speed limit down to 25 miles per hour. Councilman at Large Priddy added that it is 15 miles per hour in a school zone. Councilman Mann added that you cannot go over 25 miles per hour in a residential area anyway. Councilman Casebolt went on to say that if you put a certain speed limit on one street, and another speed limit on another street, then it is going to be a complete foul up.

Councilman Lilly stated that the whole idea behind the survey was that Kanawha Avenue requested a 15 miles per hour speed limit. He added that in Ward Four he cannot see any streets that he could recommend to be put under a 15 mile per hour speed limit because we are not involved with congested streets and have no problem with people speeding. Councilman Mann added that the more speed zones you have, the more alert people are. At this time, Councilman Casebolt withdrew his motion to put the City under a uniform speed limit. He added that he would like to make a motion to make Kanawha Avenue from Smith Street to Elm Street a 15 mile per hour speed zone. Councilman Mann seconded the motion - All Council voted in favor.

Councilman at Large Dr. Allen stated that Third Avenue is not so much a question of a lower speed but better and more signs. The Mayor asked if Third Avenue was a 15 mile per hour zone all the way through. Councilman at Large Dr. Allen replied that as far as he can tell, there is a 15 mile per hour speed limit til you reach 7th Street and then a sign says 20 miles per hour. He added that

where the 20 mile per hour speed limit starts and the 15 mile per hour speed limit stops, he does not know. Councilman Hill added that from 21st Street and Third Avenue to 19th Street is 15 miles per hour. Councilman at Large Dr. Allen added that you cannot travel that fast on Third Avenue because children ride their bicycles there, and it is too narrow. He further added that there are also alot of blinds coming up the streets and turning onto Third Avenue. Councilman At Large Priddy asked if there were any stops signs here. Councilman at Large Dr. Allen answered that there were not. Councilman Lilly added that in Fenton Circle they have a sign to the effect, "Slow Children Playing." He added that this does more good than any speed signs because anyone going into Fenton Circle slows down. Councilman at Large Dr. Allen stated that he travels Third Avenue to avoid the down-town congestion. He added that the kids do drive fast on Third Avenue. Councilman at Large Priddy asked if there was a traffic law covering driving too fast for road conditions regardless of the speed limit. He added that if there is and the road conditions do not permit a certain speed, then they are in violation. Mayor Gibson asked Dr. Allen if he would like to keep the speed limit on Third Avenue as it is and recommend enforcing it. Councilman at Large Dr. Allen replied that this was what he recommended. Councilman Mann asked if there were any signs on Third Avenue between 21st Street and 31st Street. Mr. Gene Williams, the Street and Garbage Superintendent, said there was one. Councilman Mann then asked if there was a sign on Easter Road. Mr. Williams answered that there was not. Councilman Mann added that he thought there should be a sign on Easter Road. Councilman Casebolt asked if there was a 25 mile per hour speed limit on Third Avenue from 21st Street to 31st Street. Councilman Mann answered that Mr. Williams had said there was a sign there. Councilman Mann went on to say that he thought there should be a 25 mile per hour speed limit sign on Easter Road. He then asked why not ask the opinion of the Police Chief and added that he should have some good ideas. He went on to say that he had had a couple of calls that the people were driving too fast on Easter Road. He added that what the speed limit should be he did not know. Mayor Gibson added that he would make plans to speak with the Chief of Police and see if he has any recommendations. Councilman at Large Dr. Allen added that therefore we have four streets that we should check into. These are 11th Street, Third Avenue, Kanawha Avenue and Easter Road. Mayor Gibson added that Kanawha Avenue had been settled.

Councilman at Large Tidquist, Chairman of the Special Committee, reported on the bids that were received for a tree chipper. The bids were as follows:

- (1) Logan Corporation - FMC Brush Chipper, 16" model 16T318 with Chrysler 318 cubic inch V-8 engine - \$4,617.00
Optional is the blower which is \$97 additonal. Delivery date in 10 weeks.
- (2) West Virginia Tractor and Equipment Company - \$5,220.00
Delivery date in 30-45 days upon receiving order.

The Mayor added that he had been informed that the City does not need the blower; but if the City does decide to purchase it with the chipper, the total cost would be \$4,617 as quoted by Logan plus \$97 which would make the total cost being \$4,714.00.

Councilman Lilly added that in the letter from W. Va. Tractor and Equipment Company, they discuss the various types of equipment and options the specifications called for. He added that you would have to compare these with what the specifications asked for. Councilman Lilly added that the letter also says that although they do not meet all the specifications exactly, they do feel their chipper exceeds our requirements overall.

Mayor Gibson asked Councilman at Large Tidquist if he had any recommendations. Councilman at Large Tidquist replied that he had none at this time. Mayor Gibson asked if the Committee wanted to check out the bids and report at the next Council Meeting. Councilman at Large Tidquist answered that they would if this was what the Council wanted to do. Councilman Lilly added that he would like to make a motion that if the lowest bidder meets the specifications that the City asked for, then we award the contract to the lowest bidder. Councilman Casebolt seconded the motion. Councilman at Large Priddy asked if this fell within the amount the Council had figured on. Councilman Lilly added that the Council would be saving \$1800 - All Council voted in favor of accept the bid if the bidder met all of the specifications.

Councilman Casebolt reported on the Nitro Taxi and junk yards. He stated that the City of Nitro has an ordinance which says, "Be it ordained by the Council of the City of Nitro: It shall be unlawful for any person to throw, place, scatter or otherwise deposit any garbage, rubbish, trash or other refuse or any discarded objects or chattels over or upon any premises or street, either public or private, or adjacent thereto, within the City of Nitro, and either with or without the intention later to remove or burn same; or to suffer or permit any premises owned, occupied or controlled by such person to become or remain offensive, unsanitary, unsafe or hazardous to public health or to become a fire hazard." He added that he recommended we enforce the ordinance. Councilman Hill asked how we are to enforce it. Councilman Casebolt replied that the Council would enforce the ordinance just as it says, "The Chief of Police is hereby designated as the official of the City to make inspection of any such premises or vacant lots, and when in his opinion any such condition exists, he shall notify the owner or person occupying or controlling said premises to correct the condition within five days from date of the notice. Said notice shall be in writing and set out the condition to be corrected and served upon such person by a member of the police department." Councilman Casebolt further added that we can either enforce the ordinance or let the City continue to pile up. Councilman Hill asked if you can go on personal property and ask a man to move his vehicles. Councilman Casebolt added that the ordinance says "either public or private." He went on to say that we have another ordinance pertaining to the subject. Councilman at Large Priddy asked if you could classify five vehicles as chattel. Councilman Casebolt added that chattel is any item of movable or immovable property other than real estate. Councilman Lilly added that under this ordinance, if the vehicle has a registration, then it then it is not a junk vehicle. Councilman Mann suggested having the City Attorney look into the matter and see if he can legally make the owner move the vehicles, then have him do it. Mr. Kessinger, the City Attorney, added that the ordinance Mr. Casebolt was referring to was on discarded objects and chattels. He further

added that he did not think this man considered the cars as being discarded because he repairs them. Councilman Lilly added that he uses these cars to repair other cars. Mr. Kessinger went on to say that he admits they are an eyesore and that it was something that we should probably look into. Councilman Casebolt stated that we had him clean up the area once, and two weeks later it was in the same shape. Councilman at Large Dr. Allen added that the only way he can be forced to move the cars is that they be abandoned. Councilman Lilly added that they are not abandoned, and they are not junk. Councilman Hill added that the only thing you can get the man for is cluttering up the sidewalk. He added that if the objects are setting on the sidewalk, he can be made to move them back. Councilman Casebolt stated that if you read the ordinance you will find that there is a limited amount of time on an abandoned vehicle. Councilman Casebolt read the following: " 'Abandoned vehicle' means any vehicle or major part thereof that is inoperative and is left unattended on public property for any period of time over ten days, or any vehicle or major part thereof that has remained illegally on public property for any period of time over ten days, or any vehicle or major part thereof that is unattended, discarded, deserted and unlicensed or is inoperative for any period of time over one hundred eighty days." Councilman Casebolt added that the ordinance does not state where. Councilman Hill added that it does not say that ~~say~~ that you can go onto that private property and move it. Mr. Kessinger stated that if Council desires he would send a letter and ask him to move all the vehicles that are not operative, and if he does not, we will cross that bridge when we come to it. The Mayor ask if anyone wanted to make a motion to this effect. Councilman Lilly added that he would like to put it in the form of a motion that the City Attorney write a letter to the citizen requesting that he move the junk or abandoned vehicles. Councilman at Large Dr. Allen seconded the motion. Councilman at Large Tidquist asked if this would apply to any other similar conditions throughout the City. Mr. Kessinger stated that he would need to know the names of the people Councilman Tidquist is speaking of. He went on to say that this letter would be directed to one particular individual and not the public. Councilman at Large Dr. Allen added that the motion would have to be changed. Mr. Kessinger asked if the Nitro Taxi junk yards were not the only problem - All Council voted in favor of the City Attorney writing a letter to the owner of the vehicles with the exception of Councilman Hill who opposed.

Mayor Gibson stated that we had an extremely successful Antique Car Show, and he would like to thank the Lions Club in general along with all the members and everyone else who played a part in making the Show the success it was. He added that it was the 12th annual Car Show that the Lions Club had sponsored, and he would like to see this annual event greatly expanded. He further added that he would like to encourage the elected officials of the City of Nitro to do as much as possible in the future to see that the Show does prosper. He went on to say that a street dance was held on Friday night on 21st Street before the Car Show. He explained that he was at the street dance twice, and although there was a down-pour of rain the children had a great time. He added that it was nice to see them enjoy themselves.

Mayor Gibson reported that we had a letter of resignation from Mr. Allen P. Stanley, the Recreation Director. He added that the letter spoke for itself and that it was very nice. He went on to say that he personally had enjoyed working with Mr. Stanley. The Mayor said that he was an honorable man and had been very dependable. He wished Mr. Stanley the best in the future in whatever he might engage himself in. Councilman Casebolt stated that he hated to see Mr. Stanley leave. He added that he thought the City's recreation program had moved forward under Mr. Stanley's direction. Councilman Casebolt further added that our parks look better and other improvements were made in addition to the new equipment which was purchased. He went on to say that he wished Mr. Stanley the best of luck in his field which is law enforcement. He added that the Recreation Committee would meet and bring back a recommendation to Council as to what the Committee intends to do about this vacancy.

Mayor Gibson reported that he had a letter from the Kidney Foundation of West Virginia Inc. dated September 17, 1973. In the letter the Foundation requests the permission to sell Halloween candy in our town from now till October 31, 1973. The letter stated that the candy was made specifically for the Foundation; and the cost is \$1 per can, or \$12 for a case of twelve. It is packaged in a reusable bag and contains soft taffy and hard candy, and bubble gum. The Kidney Foundation of W. Va. is affiliated with the National Kidney Foundation, and is a non-profit organization. Enclosed was an instruction sheet which is put on each case of candy and will give us further information. Councilman Casebolt asked if they wanted to sell the candy door to door. The Mayor answered that evidently they did. Councilman at Large Dr. Allen added that various organizations do sell Halloween candy door to door. He added that other organizations usually ask for assistance. Councilman at Large Dr. Allen made a motion to accept this action. Councilman at Large Priddy seconded the motion - All Council voted in favor of letting the organization sell candy in our town with the exception of Councilman Lilly who opposed.

Mayor Gibson reported that he had been approached by the Community School in regard to their program wondering if we would consider their program for this up-coming term. He added that the Community School Council would like us to give serious consideration toward allocating money for their project. Councilman Casebolt stated that he had been trying to get in touch with Mrs. Bleidt but had been unsuccessful so far. He added that before the Council makes any statement on what we will do, he would like to talk to Mrs. Bleidt to see if she cannot come up with some federal funds. He added that we do not want it to fold. He went on to say that he understood there is federal money available because it has been given to other schools.

Mayor Gibson stated that it has been requested by two Councilmen that an Ordinance Meeting be held to study the rough draft of the proposed ordinances. He added that the date on this Meeting has been set for Thursday night. Mr. Kessinger added that this was Police Court night which he had to attend and most Councilmen cannot get to City Hall til 6:30 or 7:00 p.m. He pointed out that the Court starts at 7:30 and it would not give them ample time to study the ordinances. He also explained that the

people attending Police Court start filtering in at 7:00 p.m. Mr. Kessinger said he would like to recommend the Ordinance Meeting be held on Monday or Tuesday night of the following. The Mayor added that we are all in agreement that we need to have an Ordinance Meeting as soon as possible, and should arrive at a definite night. He further added that we should spend a considerable amount of time on the proposed ordinances. Mr. Kessinger added that Tuesday night, September 25, 1973, was fine and all the Councilmen seemed to agree. May Gibson asked what time the Council felt the Meeting should begin. Mr. Kessinger suggested 6:00 p.m. The Mayor went on to say that we would send out a reminder or call each Councilman prior to Tuesday.

Councilman Casebolt stated that he would like to have the Traffic Committee or Dr. Allen check down on 36th Street where the 3-way stop sign was placed. He added that lines were painted on Second Avenue for stopping purposes. He further added that he did not know how many times he had been there, and there has been cars parked on the yellow line making it difficult to make a turn. He added that he would like to make a recommendation to do something about this either painting the line back farther or making the man a parking spot. He added that a 3-way stop sign was put there because people were having trouble getting out of the street. He added that the cars parking on the street are not observing the yellow line and you can hardly get out of 36th Street. Councilman at Large Dr. Allen asked that in other words the cars are blocking traffic. Councilman at Large Priddy asked if they were parking at the curb. Councilman Casebolt replied that they were parking at the curb and half way over the yellow line. Councilman at Large Priddy added that he was there today and didn't have any problem getting out even though a truck was parked at the intersection.

Councilman Casebolt stated that he would like to recommend that the Watershed be open from sun up til dusk. He pointed out that they were having trouble getting the people to leave the Watershed after it gets dark. He added that he would like to have the closing hours changed so our policemen can close the park before dark. Councilman at Large Dr. R. V. Allen stated that he was hoping we could have some ice skating at the Watershed this winter. Councilman Casebolt added that you can not have ice skating after dark without lights. He added that right now there is a problem at the Watershed and the only way to control it is to close it at dark and have the police check it out. He went on to say that if we do get lights at the Watershed and a chance to hire a Recreation Director and he gets some winter activities set up, then this is fine.

Councilman Casebolt made a motion that the hours at the Watershed be changed from sun up to dusk. Councilman Mann asked what the hours are now. Councilman Casebolt replied that the hours are 6:00 a.m. until 9:00 p.m. He added that Mr. Deardorff was doing a fine job, but he cannot control it after dark. He added that he talked Recreation Committee, and right now under the circumstances with no lights, the Committee recommends to close the park at dusk. Councilman at Large Tidquist seconded the motion - All Council voted in favor.

Councilman Casebolt stated that as the Council knew, we order six pedal boats from Game Time Inc. which did not arrive. He added

that we have a letter from Mr. Playford of Game Time, Inc. In the letter, Mr. Playford is quite frank in saying that the reason we have not received the boats is due to an unreliable supplier. The letter points out that the supplier sent Game Time, Inc. boats that were not up to standards and poorly constructed. Therefore, rather than send us inferior products, Mr. Playford said that he would send for new molds. When he received the boats, he will send them to us. Councilman at Large Priddy asked if Game Time was the only supplier for the boats. Councilman Casebolt replied that for the type of boat they ordered, Game Time was the only supplier. He explained it was the best price they could find on them. He pointed out that we could get a cheaper boat, but it would not last as long. Councilman at Large Dr. Allen asked if Game Time was a supplier. Councilman Casebolt pointed out that Game Time is a distributor. Mayor Gibson asked if the Council would like to let the order stand, or does it want to advise Mr. Playford that we would like some information on the new inventory when he receives it. He pointed out that if Mr. Playford got the boats from a different supplier, that it could be a different boat. Councilman at Large Priddy asked how long the order had been in. Councilman Casebolt replied that the boats were supposed to have been shipped on June 9, 1973. Councilman Lilly pointed out that we do not need the boats now so why not cancel the order. Mr. Kessinger explained that on the other hand if we cancel the order we might not get any boats by next spring. Councilman Hill asked what Councilman Casebolt's recommendation was. Councilman at Large Tidquist added why not have the new information on these boats sent to us when Game Time receives them. Councilman Casebolt said that he recommended that the Mayor call collect at 517-542-2345 and ask him to send us information on these boats and if he can deliver them by the first of April, 1974. Councilman at Large Dr. Allen added that it took Mr. Playford a long time to find out that he had an unreliable supplier. Mr. Kessinger pointed out that we should ask for the boats to be delivered by January so if we don't receive them, we can look somewhere else and still get them in time to be put into use. Councilman Hill stated that he thought this was a good recommendation. The Mayor added that he thought we should ask him to keep us advised in writing. Councilman Casebolt further added that he agreed with Mr. Kessinger that we should ask for the boats by January, and then ask Mr. Playford to verify by letter that he will ship the boats to us. Mr. Kessinger asked if there are not other companies that furnish pedal boats. Councilman Lilly stated that we took bids on this situation and four or five bids were submitted from different concerns, but each firm recommended a different type of boat. Councilman at Large Tidquist added that it was awarded to Game Time because we felt it offered the safest and best boats. Councilman Lilly went on to say that they notified us that they closed down the plastic department because their personnel went on vacation, and it would be August before we got the boats. Now, their letter says they were sent inferior products, and they won't send them to us. Councilman Casebolt explained that the letter is from Game Time Inc. and the people that we were dealing with at the time we purchased the boats was Cunningham Distributors of Sporting Goods. He went on to say that the man from Game Time Inc., Mr. Playford, the administrative assistant, has sent a copy of the letter to Cunningham. Councilman at Large Dr. Allen stated that Cunningham was, therefore, the bidder. Mr. Kessinger asked where the man who wrote the letter

was from. Councilman Casebolt explained that he was the administrative manager of Game Time. Mr. Kessinger asked where Coonskin purchased their boats. Councilman Casebolt added that Coonskin **did** not have as good a boat as the ones we had on order. Councilman at Large Priddy added that he had been in the boats at Coonskin, and there was nothing unsafe about them. Councilman Hill explained that he went up to look at them, and they are having a problem with the steering apparatus of the boats. He added that they only keep one or two boats going. Mr. Kessinger stated that we should get a contract that they will be delivered by January; otherwise, he will have to liquidated damages.

Councilman at Large Tidquist reported that he had been contacted by some of the business people about solicitation going on in our City at different times **by** schools and organizations requesting donations. He added that he would like to recommend that the members of the Council study this situation. He went on to say that he knew from experience that this gets to be a problem. Mr. Kessinger stated that he had written an ordinance on solicitation that is used in other cities along the lines of what Councilman at Large Tidquist is speaking of. For example, you have to go to City Hall and obtain permission to go to schools or whatever and solicit. He pointed out that it is a check and balance form of government. Otherwise, there is a penalty of \$50 if caught soliciting without a permit. Councilman at Large Tidquist asked if this pertained to all organizations. Mr. Kessinger added that in most cities they have solicitation permits that must be obtained from every organization from the Lions Club to a small child soliciting for a program. He added that it takes only a few minutes to go to City Hall and obtain a permit. He further added that City Hall has a way of channeling or fundling these things out. He stated that it costs about \$1 or 50 cents to get a permit. He further stated that different cities have a different fee.

Councilman Lilly stated that in getting back to the Mayor's previous remarks regarding our Nitro Community School, numerous of us last year met and attended some classes and actually participated in some of the situations they had involved. He further stated that at that time, the Council favored and supported our Community Schools throughout the remaining of last year. He added that now he understands that this year they have a new director, and Councilman Lilly has been in liasion with him. He went on to say that they can conduct their program; and they need to know where the money is coming from before they can actually get the show on the road, so to speak. Councilman Lilly stated that they ask if the City would support the Community School during the next year in the amount of \$2,000. Councilman at Large Dr. Allen asked if they had reduced the number of sessions. Councilman Lilly replied that they had reduced the number of sessions from six which they had last year to four this year. Councilman at Large Dr. Allen added that he understood that they are increasing their fees. Councilman Lilly added that this was correct. Councilman at Large Dr. Allen asked if the City had the monëy. Councilman Lilly answered that we will be giving them \$500 each session. He went on to say that if they are going to have something like this, they ought to look into the feasibility of encompassing it with our educational and recreational situation. He went on to say that by the same token, he felt that the City had more or less obligated itself to the Community School by

supporting them last year with the understanding that we would basically assist them this year. Councilman at Large Priddy asked if we had figured on this when we set up our budget for recreation. Councilman Lilly answered that we were thinking in terms of \$3,000. Mr. Kessinger asked what their big expense was. Councilman Lilly answered that salaries was their largest expense. Mr. Kessinger asked if they could not find people to donate their time to such a worthy cause. Councilman at Large Dr. Allen stated that they have cut some things out that were causing them a burden. He also stated that if you have not been there, you should go over and see the recreational portion. He added that there are young children over there participating in all different phases of it. Councilman at Large Priddy stated that he understood that this area does not qualify for any federal monies whatsoever. He went on to say that since it is a good part of our recreation, especially in the winter time, if it is provided for in the budget and money is available, he felt we were obligated to it. Councilman Lilly made a motion that we go ahead and initiate the first \$500 payment for the first session. He added that we can handle each of the four sessions as a separate entry as itself. Councilman at Large Priddy seconded the motion. All Council voted in favor.

Councilman Hill reported that on 7th Street and Second Avenue going onto First Avenue, there is a stop sign beside a telephone pole and cars park there. He added that these people are pulling up to the stop sign and having problems seeing the on-coming traffic traveling up First Avenue. He explained that a car will pull up to the painted line at the stop sign, and he will ease out gradually until he is in the line of traffic causing problems. He added that he would like to recommend that Gene Williams check this out and move the sign three to five feet toward First Avenue. He added that he thought this would eliminate the problem. Councilman at Large Dr. Allen asked Councilman Hill if he wanted the sign out toward First Avenue. Councilman Hill replied that we will be moving it southwest. He further added that the driver will then be out far enough so that he can see both ways and will stop at the yellow mark and stop sign. He pointed out that as it is now they are easing out and causing congestion. Councilman Hill also added that you can pull out and give a left-hand signal, and someone will pull out around you because he does not want to wait. Mayor Gibson added that would have the Police Department check it out thoroughly. Councilman Hill added that this would be fine.

Councilman at Large Dr. Allen added that you must remember that this is a universal problem throughout all of our streets in this area because our stop signs are back behind sidewalks in a great number of cases. He went on to say that they do not bring the signs on out onto the streets because it is going onto First Avenue. He gave examples like 21st Street, 19th Street, 23rd Street, and 24th Street, the signs are back behind the sidewalk, and you have to ease your car out on all of these streets there. Councilman at Large Priddy further added that you do not necessarily have to stop at the sign, just for the intersection. Councilman Lilly stated that if the sign says "Stop", it means for you to stop. He went on to say that if this is the case, it looks as if you need yield signs instead of stop signs. Councilman at Large Dr. Allen stated that on 21st Street they have crosswalks, and if they want to get you by the law, you have to stop before you get to the

crosswalk. He went on to say that you have to ease your car on out, and when you do this, you block Bank Street. Councilman Hill added that on 21st Street east going up to the Watershed, we have a narrow Street. He added that the street was wide on 21st Street, and when the fill was put in, the road was moved. He further added that the people coming out of here traveling west onto 21st Street almost hit head on because it is too narrow. He added that he knew this was a state highway. He went on to say that he would like to recommend that we check into this and see if we cannot widen the apron going out of there east so that two cars can pass there. Councilman Casebolt asked if this area was at the curve at 21st Street. Councilman at Large Dr. Allen explained that it was at the end of 21st Street where the curve comes around to the Watershed. Mr. Kessinger explained that anything done there, of course, would have to be done in conjunction with the State Department of Highways.

Councilman Mann added that he would like to comment on the curb painting on 21st Street. He further added that it has been very effective, and the students are observing the signs by not blocking driveways. He then stated that during his telephone calls on Dr. Allen's survey, three or four people objected to the way the students flood across 21st Street to Kroger's and they thought it might be good to have a crosswalk. He pointed out that if the students' observance of the curb paint is any indications, the students may also pay attention to the crosswalk. Councilman at Large Priddy stated that he noticed that in Bluefield, there are signs at crosswalks; and the traffic yields to pedestrians at these crosswalks. Mr. Kessinger added that there is always a problem with students when school lets out. They always go berserk the first ten minutes. Councilman at Large Priddy added that it is pretty constant at noon. Councilman at Large Dr. Allen added that you have one and a half hours that you have a terrific traffic flow of pedestrians, and it is something to think about. Councilman at Large Priddy added that it would not be too much of a project to put a crosswalk there. Councilman Lilly added that it is certainly very effective in Bluefield. Councilman at Large Dr. Allen added that he did not know where would be the most effective place to put it. He added that there is one on 21st Street. Councilman at Large Priddy added that you could put one at the center entrance of the school across to the parking lot at Kroger's. Councilman Hill stated that you have a parking lot entrance and a post office entrance. He asked if we were going to put a crosswalk directly across from the school right onto their parking lot. He added that you also have to think about the Post Office entrance. Councilman at Large Dr. Allen added that it was something to think about and to let him observe it. He then added that he would check to see which would be the best place to put a crosswalk. Councilman at Large Tidquist added that the students come out in an angle toward The Corner, to the Post Office, and also toward Kroger's. Councilman at Large Dr. Allen added that he got a letter from the Planning Commission of Kanawha County. It stated that in the next 15 years we are going to have an additional 32,000 cars in Kanawha County, but the population is only going to increase by 11,000 people.

Councilman Hill made a motion to adjourn the Council Meeting. Councilman Lilly seconded the motion - All Council voted in favor.

(over)

Wm. D. Gibson
Mayor

Tom Melton
Recorder

NITRO CITY COUNCIL MEETING

October 2, 1973

The regular meeting of the Nitro City Council was held in the Council Chambers, October 2, 1973. Those present were: Thomas Melton, City Recorder; Councilman at Large Keith Priddy; Councilman at Large Hugo Tidquist; Councilman Paul Hill, Councilman Dewey Mann, Councilman Thomas Lilly, and James Kessinger, the City Attorney. Mayor William D. Gibson, Councilman at Large Dr. R. V. Allen, and Councilman Vernon Casebolt were absent. The City Recorder, Thomas Melton, presided as Mayor.

The meeting was called to order by Thomas Melton. Reverend Byers gave the invocation.

APPROVAL OF MINUTES: Councilman at Large Keith Priddy made a motion that the minutes of the last Council Meeting be approved. Councilman Dewey Mann seconded the motion - All Council voted in favor.

SEPTEMBER FINANCIAL REPORT: Councilman Thomas Lilly, Chairman of the Finance Committee, stated that the cash balance at the end of August was \$12,085.71. The receipts for the month were \$43,394.87. The total amount is \$65,238.34. The deposits for the month were \$53,152.63, which leaves a balance effective October 1, 1973 of \$21,843.47.

Councilman Thomas Lilly, Chairman of the Street Committee, reported on the truck for the Street Superintendent. He explained that we had received five bids on a 3/4 ton truck. He added that the Street Committee reviewed the five bids taking the two lowest and checking the specifications on each item. He further added that the Street Committee considered the lowest bidder to be C & O Motors, Inc. of St. Albans. Councilman Lilly went on to say that this was in the form of a motion from the Street Committee. Councilman at Large Tidquist seconded the motion. Councilman Lilly added that the cost of the truck as quoted on the bid was \$3,021.53. Mr. Melton asked if there were any further questions - All Council voted in favor of accepting the bid from C & O Motors, Inc.

Councilman Dewey Mann reported on the numbering of the streets. He added that he had checked with the Mayor before on this matter, and there is not an ordinance on how streets should be numbered. He explained that there is a question on North Washington Avenue where a new house has been constructed, and the residents demand the same street number as someone else. Councilman Mann added that he talked to the Postmaster and the Postmaster said that in the past he had always worked it out with the City. Councilman Mann further added that he thought this could be done in this case also. However, Councilman Mann went on to say he was curious to know if this could present a problem in the future or if it should require Council action. He asked if the Council had the authority to authorize street numbering. Mr. Kessinger, the City Attorney, reported that there is no ordinance on street numbering to his knowledge. He added that he does not recall a request for an ordinance on this. Councilman Mann explained that he did not mean that he wanted to know if there was an ordinance on this but whether or not the vote of the Council would cover the current

situation. Mr. Kessinger stated that last time the Postmaster worked out the situation, so why not let him handle it. He felt that this was the solution to the problem. Councilman Mann asked what if there was an objection on one party or the other which is so in this case. Councilman at Large Priddy added that there are probably two or three areas in town where the same problem exists in which one person owns more than one lot. He added that only one lot is numbered as far as street numbering is concerned. He felt that the only solution would be to number each individual lot. Councilman Mann added that the Postmaster said that the City had the right to number the lots. Mr. Kessinger concluded that the City has not done so in the past. He went on to say that the Postmaster generally handles the problem; and he felt that before the Council takes any action, we try to exhaust any remedy the Postmaster may have. Councilman at Large Priddy stated that we should set up a pattern so that when the problem arises in the future, we will have an answer for the concerned parties. Mr. Kessinger added that it is a practical matter and that we should leave it up to the Postmaster as long as possible. He further added that these are isolated cases and very rare ones. Mr. Kessinger went on to say that as a general rule, the Postmaster has solved it.

Councilman at Large Priddy stated that the Post Office and Fire Department are the ones primarily involved in this. He added that the Fire Department just checked out an area in the east end that had been renumbered so that they (the Fire Department) would know where to respond to a call.

Councilman Mann also reported on a speed limit sign on Easter Road. He added that in the last Council Meeting he mentioned consulting the Chief of Police in order that he might designate a speed limit. Councilman Mann reported that the Chief recommended a 15 mile per hour speed limit sign and also a sign saying, "Slow Children Playing." Councilman Mann added that the minutes do not reflect in such a manner that the Chief can do this. Councilman at Large Priddy added that it would still take an ordinance to change the speed limit since it is currently 25 miles per hour. Mr. Kessinger asked how Easter Road could have a 25 miles per hour speed limit. Councilman at Large Priddy answered that there is no sign posted; but in the absence of any sign, the speed limit is automatically 25 miles per hour. Thomas Melton asked if the Council did not vote to change the speed limit on Third Avenue and Kanawha Avenue and could not the Council vote on the speed limit on Easter Road also. Mr. Kessinger added that this was correct. Councilman Mann made a motion that a sign be put on Easter Road designating a 15 mile per hour speed limit and also a sign to the effect, "Slow Children Playing." Councilman at Large Priddy asked if the people in this area were agreeable with this. Gene Williams, the Street Superintendent, added that this was the recommendation of the Police Chief. Councilman Mann added that he had made several calls and that the people in this area want the speed limit reduced. Councilman at Large Priddy seconded the motion - All Council voted in favor.

Councilman Lilly asked what night that Nitro would celebrate Halloween. Thomas Melton stated that he had talked to the Police Chief the day of the Council Meeting. He added that the Police Chief was going to call St. Albans, Dunbar, and the surrounding cities to find out what night they have decided to celebrate Halloween since we usually try to celebrate it on one night. However,

these cities will not be deciding until their next Council Meeting. Mr. Melton added that the Chief of Police suggested that we wait and see which night they decide upon and then put it in the paper.

Councilman at Large Tidquist reported that on Second Avenue we are supposed to get repair work done on the sidewalk. He added that he understood that the City had talked to a man about getting the work done but the work is not being performed. Councilman at Large Tidquist added that the weather will soon be getting bad and that he would like for someone to contact the man tomorrow and get him on it. Mr. Melton added that he would talk with the Mayor and see if he can get something done.

Councilman Hill made a motion that the Council Meeting be adjourned. Councilman at Large Priddy seconded the motion - All Council voted in favor.

(Mayor)

Tom Melton

(Recorder)

NITRO CITY COUNCIL MEETING MINUTES

October 16, 1973

The regular meeting of the Nitro City Council was held in the Council Chambers October 16, 1973. Those present were William D. Gibson, Mayor; Thomas Melton, Recorder; Councilman at Large Dr. R. V. Allen; Councilman at Large Hugo Tidquist; Councilman at Large Keith Priddy; Councilman Vernon Casebolt, Councilman Dewey Mann, Councilman Thomas Lilly. Councilman Paul Hill and the City Attorney, James E. Kessinger were absent.

The meeting was called to order by the Honorable Mayor William Gibson.

APPROVAL OF MINUTES: Councilman at Large Keith Priddy made a motion that the minutes of the last Council Meeting be approved. Councilman Thomas Lilly seconded the motion - All Council voted in favor.

Mayor Gibson stated that he would like to thank the City Recorder for presiding as Mayor during his twenty-three days in the hospital. He added that he would also like to thank all the Councilmen for assisting the City Recorder during this period of time. City Recorder, Thomas Melton, added that all the Councilmen worked very closely with him in the absence of Mayor Gibson.

APPROVAL OF SEPTEMBER FINANCIAL STATEMENT: Councilman Thomas Lilly, Chairman of the Finance Committee asked the Councilmen if they had any questions on any portion of the financial statement. Councilman at Large Priddy had a question concerning the City's saving certificates. Councilman at Large Priddy asked whether or not the City was receiving interest on the \$10,000 Saving Certificate and the \$14,000 Storm Sewer Escrow Account. City Recorder, Thomas Melton, stated that the City is receiving interest on the \$10,000 Saving Certificate, but the \$14,000 Escrow Account is in a checking account. He added that he was not certain as to whether this could be transferred to a savings account. Councilman Lilly added that we would have to check the agreement with Estil Greenlee. Councilman at Large Dr. Allen added that since it is an agreement between Estil Greenlee and Brookhaven, we are only a third party. Mayor Gibson added that he would like to have this verified. Councilman at Large Priddy further added that this is alot of money lying around that could be drawing interest. Councilman at Large Dr. Allen went on to say that this matter was brought up once before. Councilman Lilly reported that at the time it was brought up, we could not ascertain if whether it was put in a savings account that we would get the interest on it. He went on to say that he would check into the matter and make a report at the next Council Meeting. Councilman Lilly added that he was out of town last week but he and the City Recorder spent the larger portion of today going over the budget. He added that if there were any questions, he would try to answer them.

Councilman at Large Dr. R. V. Allen made a motion that the September Financial Statement be approved. Councilman Casebolt seconded the motion - All Council voted in favor.

Mayor Gibson reported that he had been in touch with the Chief of Police, Dana Johnston, and Chief Johnston reports that St. Albans will be celebrating Halloween on October 30, 1973. Mayor Gibson added that it is the feeling of the Chief that we should try to plan to celebrate Halloween in Nitro on the same night as St. Albans, unless the Council has other ideas. Mayor Gibson went on to say that St. Albans had scheduled Halloween for October 31, but they moved it to October 30 because some families wanted to attend church on October 31 which falls on a Wednesday. He added that October 30 is on a Tuesday. He went on to say that Chief Johnston suggested the hours should be from 6:00 p.m. until 9:00 p.m. or 6:00 p.m. to 8:30 p.m. or some such time.

Councilman at Large Tidquist added that Halloween was celebrated last year at an early hour, and the citizens did not like it because it did not give them time to get home from work and get the evening meal finished. He went on to say that maybe the hours could be from 7:00 p.m. until 9:00 p.m. He added that these were just a few comments that he had heard. Mayor Gibson added that he felt 7:00 was too late. He suggested compromising and beginning at 6:30 p.m. He further added that the smaller children may have to get home early. Councilman at Large Priddy stated that the children will go trick-or-treating when they get ready anyway.

Councilman Thomas Lilly made a motion that the hours for Halloween be set from 6:30 p.m. until 9:00 p.m., Tuesday, October 30, 1973. Councilman Casebolt seconded the motion - All Council voted in favor.

Mayor Gibson reported that he had a letter from the West Virginia Department of Highways wherein they state that they have been instructed by Mr. W. S. Ritchie, the Commissioner of the Department of Highways, to run a traffic signal evaluation study at W. Va. Route 25 and 40th Street intersection and W. Va. Route 25 and 21st Street intersection. The Mayor added that he had been led to believe that the Department of Highways had already made a traffic count at these two intersections. The Mayor went on to say that before he elaborates on the subject, he would like to verify exactly as to what the letter means as opposed to what he has been told in the past. He explained that it does appear that they are going to try to move forward in some type of an evaluation study. Councilman at Large Tidquist added that there was an announcement in the evening paper of October 16 to this effect also. Mayor Gibson went on to say that hopefully we will get some results soon because he considered this to be a very serious matter.

Mayor Gibson further reported that on the day of the Council Meeting, the Nitro Sanitary Board met for approximately 4½ hours in an effort to get a finished product on the agreement between all parties involved in our efforts to get the sewer lines laid in the Riverdell Acres area and the 40th Street Road area. In addition, the Board has been negotiating with the Rock Branch Public Service Commission to see if it is possible or if it would be good business on our part to allow them to share with Nitro in the use of our sewer treatment plant. He explained that he just wanted to report that they did have quite a lengthy Sanitary Board Meeting today and that it is possible that in the near future, we will provide a contract for your review.

Councilman Mann reported that Councilman Lilly had suggested having a party at Halloween and the tabs would be picked up by the Insurance Company. Councilman Lilly added that the Lions Club is sponsoring this party and the insurance company will be working with them.

Councilman Casebolt reported that he would like to have the permission of the Council to advertise for bids for an emergency vehicle for the Fire Department and passed out specifications. Councilman Casebolt added that these specifications were drawn up by the Fire Department and Fire Chief as to what they desire. He went on to say that he would like to have permission to advertise for bids on this. He explained that there will be one item added on to the specifications; that is, the delivery date. Councilman at Large Keith Priddy asked if this vehicles was similar to the vehicles the County is buying for some of its employees. Councilman Casebolt added that it was not. Councilman at Large Priddy explained that if it was, he thought that the City may be able to get a better buy. Councilman at Large Dr. Allen asked if Councilman Casebolt had a general idea of what this emergency vehicles would cost. Councilman Casebolt reported that he did not. Councilman at Large Tidlquist asked if this was a standard vehicle. Councilman Casebolt added that it is not. Councilman Casebolt added that it may be a standard chase, but the body would have to be made special. Councilman Lilly added that, therefore, the second page of specifications is just for the chase itself. Councilman Casebolt replied that this is correct. He further explained that the first page of the specifications is for the body. Councilman Lilly reported that he thought that there were two businesses or more that will build bodies that will fit on these types of chassis, but you need a certain type of chase for the body to fit on. Councilman Lilly added that the Fire Department is asking for a specific type of chase which would be one bid in itself. He added that in cost, you are talking about approximately \$4,000-\$5,000 for this chase. He further added that for the body, you are talking in terms of approximately \$3,000. Therefore, the entire sum would be anywhere from \$7,000 to \$9,000. Councilman at Large Dr. Allen was concerned with the engine size. Councilman Casebolt stated that he would have to talk to the Fire Chief about the engine size. Councilman at Large Dr. Allen asked for what purposes the emergency equipment would be used. Councilman Casebolt explained that the emergency wagon we now have is not in good condition to be used. He went on to say that the new equipment will be for the Fire Department's protection and other emergencies that they are involved in. Councilman Mann asked if this would be the emergency vehicles that the boat is carried on. Councilman Casebolt added that the boat would be carried on this emergency vehicle if it is needed. There is a rack on the vehicles for this purpose. Councilman Mann asked if this vehicle would also be equipped with oxygen. Councilman Casebolt answered that it would. He added that this vehicles would be the one that they would use if there was a fire; and if someone was hurt, they would have the equipment at the scene to take care of the inured person as well as the equipment for rescue work. Councilman Lilly reported that the Fire Department presently has a small 1950 or 1951 Ford, and it is top heavy when they load the equipment. City Recorder, Thomas Melton, added that when there is a fire and the Department needs more personnel but not another fire truck, they also take this Ford. He added that this is what the volunteers usually go out in. Councilman Casebolt added

that he supposed that this tailboard on the specifications would be to haul more volunteers. Thomas Melton added that in this way the volunteers can go out on this vehicle and leave the other fire truck here if they just need more personnel and not another fire truck. Councilman Lilly pointed out that a City's fire insurance rating depends on the number of men you can get to a fire. He added that we depend to a great extent on volunteer firemen. Councilman Lilly added that this is another purpose for the emergency vehicles: to get a lot of personnel to a particular fire. He further added that all this depends on the fire rating a City can ascertain. Thomas Melton added that sometimes a few of the men take their own car. Councilman Lilly explained that they have a regular vehicles you can buy completely equipped. He further added that you are talking in terms of \$18,000-\$25,000. He added that these vehicles are primarily the type that would be used for a remote area basically where you could use them as a substitute for an ambulance to transport people to the hospital and have emergency equipment on the inside also. He explained that, however, we are not in this type of business, and the body specifications of this vehicles for the Fire Department is designed just for the type of equipment that we would want to carry to the types of fires that we are confronted with, both chemical and electrical. Councilman at Large Dr. Allen asked if the Fire Department wanted provisions in the specifications for a radio communication service. Councilman Lilly added that the emergency vehicle will need a radio; but we have found in the past that if you try to order the vehicles with a radio, they add another \$1,000 or \$1,200 on the price. Councilman Casebolt added that the Fire Chief stated that he would rather install the radio after we have bought the vehicle. Councilman Casebolt went on to say that he thought the vehicle would need a 300 cubic inch engine, but he would have to check this out with the Fire Chief. Councilman Mann made a motion that steps be taken to advertise for bids on an emergency vehicle for the Fire Department. Councilman Lilly seconded the motion.

Councilman at Large Tidquist asked if the money to pay for this vehicle would come out of Revenue Sharing. Councilman Casebolt replied that it would. Councilman At Large Dr. Allen stated that he remembered reading that from now on fire trucks have to be a certain color. He asked what color this vehicle would be. Councilman Casebolt added that this vehicle would be yellow or the paint color would be Dupont 5248. Councilman at Large Tidquist asked why they had to be yellow. Mayor Gibson added that this is so the trucks can be seen more clearly at night. All Council voted in favor of advertising for bids for an emergency vehicle for the Fire Department.

Councilman Casebolt reported that the Recreation Department has received 17 applications for the position of Recreation Director. He added that 9 of these applicants have degrees in recreation and some have masters degrees. Councilman Casebolt added that he would like Council's approval for a street dance to be held on Friday night, October 26, 1973 from 6:30 p.m. until 9:00 p.m. on 21st Street between First and Second Avenue. Councilman at Large Priddy asked why not have the street dance on Halloween. Councilman Casebolt explained that this is a Halloween

dance on October 26, 1973. Mayor Gibson asked if it would be better to have the dance on 21st Street or on the basketball court at the City Park. Councilman Casebolt added that the Lions Club is sponsoring this dance and have requested that it be held on 21st Street. Councilman at Large Tidquist added that he thought they were going to have it in conjunction with Halloween. Councilman Casebolt added that it is, but the Lion's Club has requested that it not be held on the same night as trick-or-treat. He added that they have it set up to where they are giving away gifts for costumes. He added that they will also makes calls to homes; and if you are home at the time they call, you will win a nice gift. He added that this is the day that the LIon's Club wants it. Councilman Mann asked if this took the place of trick-or-treat. Councilman Casebolt added that it did not. He went on to say that the Lion's Club does not want it on the same night as Halloween because the small children want to trick-or-treat. Councilman Mann added that the way Councilman Casebolt explained the dance was to more or less keep down vandalism on Halloween night. He added that having it on another night would not necessarily do this. Councilman Casebolt added that it would help to keep down some vandalism. Councilman Lilly informed the Council that there is another City that have about four or five different costume events lined up during this time. He added that they want to have the same thing in the first part of November and dress up again representing the period of the first Thanksgiving. He added that they are doing this because the children like to dress up. He pointed out that the City is doing the same thing primarily but it will be extended into the month of November. Councilman Tidquist added that this street dance would not necessarily be a dress-up event, just a dance. Councilman Casebolt added that this is correct, but prizes will be given for the costumes if you want to dress up. However, it is not necessary. He went on to say that the band has been hired and the LIons's Club just has to verify the date. Councilman at Large Dr. Allen added that in other words, the band will alter nights. Councilman Casebolt added that the band will alter nights; but the Lion's Club does not want the street dance on the same night as trick-or-treat. He went on to say that trick-or-treat is on a Tuesday night. He further explained that the Lion's Club had considered having the dance on Monday night before trick-or-treat, but this would cause two events taking place on school nights. Therefore they felt it would be better to have the street dance on Friday night. Mayor Gibson asked about the time of the street dance. Councilman Casebolt replied that it would be held from 6:30 p.m. until 9:00 p.m.; the same hours as trick-or-treat. Mayor Gibson asked if there were any businesses open at this hour on 21st Street. Councilman at Large Dr. Allen answered that the theater is open and Councilman at Large Keith Priddy added that Western Auto might also be open. Councilman at Large Tidquist asked if we would have to have the entire street blocked off for this dance. Councilman Casebolt added that he did not think so. Councilman Mann asked why the Lion's Club did not want to have the dance in conjunction with Halloween. Councilman Casebolt explained that they are putting out money for a band and you would have trick-or-treaters scattered all over town instead of at the street dance. Councilman at Large Tidquist further explained

that people would have to stay at home to greet trick-or-treaters and could not go to the street dance.

Councilman Casebolt made a motion that the Council approve the date, October 26, 1973, for the street dance. Councilman Mann seconded the motion - All Council voted in favor.

Councilman Casebolt made a motion that the Council Meeting be adjourned. Councilman at Large Priddy seconded the motion - All Council voted in favor.

Wm. D. Gibson
Mayor

Tom Melton
Recorder

NITRO CITY COUNCIL MEETING

November 6, 1973

The regular meeting of the Nitro City Council was held in the Council Chambers, November 6, 1973. Those present were: William D. Gibson, Mayor; Thomas Melton, City Recorder; Councilman at Large Dr. R. V. Allen; Councilman at Large Keith Priddy; Councilman at Large Hugo Tidquist; Councilman Dewey Mann, Councilman Paul Hill, Councilman Vernon Casebolt, and Councilman Thomas Lilly. The City Attorney, James Kessinger, was absent.

The meeting was called to order by the Honorable William Gibson. Reverend Arbogast gave the invocation.

APPROVAL OF MINUTES: Councilman at Large Dr. R. V. Allen made a motion that the Council Meeting minutes of October 16, 1973 be approved. Councilman Vernon Casebolt seconded the motion - All Council voted in favor.

APPROVAL OF OCTOBER FINANCIAL REPORT: Councilman Thomas Lilly, Chairman of the Finance Committee, reported that on September 30, 1973, the bank balance was \$10,526.65. The receipts for the month of October were \$62,035.07 making a total of \$72,561.72. The disbursements for October amounted to \$54,105.53. On November 1, 1973, the City had a bank balance of \$18,456.19.

Councilman Lilly also reported on the Brookhaven Escrow Storm Sewer Account. He added that he read the agreement between the City of Nitro, Brookhaven, and the realtors of the construction. He further added that the City is acting in a fiduciary capacity. He went on to say that every time there is a new home built in this particular area or project, they are to put \$1,000 in the Escrow Account to enlarge the storm sewers in that area. Councilman Lilly added that he would like to make a recommendation that if this money is currently in a checking account that we transfer it into a savings account. Councilman at Large Keith Priddy seconded the motion - All Council voted in favor.

Mayor Gibson reported that we had Mr. Dixie Shreve, the District Conservationist for the U. S. Department of Agriculture, with us who has requested to explain in more detail the letter we received in the mail from the Soil Conservation District. Mr. Shreve passed out a copy of an application submitted approximately four years ago as a Resource Conservation and Development (RC & D) project involving a five county area. He added that the RC & D Project is a function of the U. S. Department of Agriculture; that is, it provides the organization and leadership for the Project. He added that it is a citizenry-type organization also. The steering committee as set up under the five counties includes a member from each county court, a member from each Soil Conservation District, and a member representing cities from each of the five counties. Since the new regional concept has just come about, it is still in an application stage. The steering committee is proposing to readjust their boundaries with Jackson County north to the Little Kanawha RC & D Project which is a funded and going project. It includes the Great Kanawha looking to the southwest and picking up

the region around Cabell down to Wayne and Logan Counties and also extending up the Elk River and picking up Clay County. It would be co-terminates with the two regions; Region II and Region III. This is, in essence, the organization structure and the reason for the letter and his presence at the Council Meeting. He added that in the original application, the City of Nitro had a letter of endorsement and was one of the signators; and it is only proper that the Council consider it in the revised or amended application that is being submitted at this time. He added that if the Council favorably considers it and is interested in it as a project, then he has a resolution stating the Council supports it and authorizes the Mayor to sign the application. Mayor Gibson asked which application he was speaking of. Mr. Shreve answered that it is the original application dated August 25, 1969. He added that in the meantime this requires Congressional action for funding and getting the project going. He added that there are four funded projects in W. Va., and this is the reason that it has been held up. He went on to say that this past Congress increased the stars from fifteen to twenty-five and added that the members of the steering committee hope that this year is a great Kanawha RC & D year. Mr. Shreve made mention of some of the things the steering committee has been doing in the meantime. One of their biggest projects is river-bank erosion on both the Kanawha and Ohio Rivers. They have joined hands with the Little Kanawha RC & D around Parkersburg. It is also before the Senate to authorize the Core to make special studies and hopefully some repair work on river-bank erosion. He pointed out that it is becoming a very serious problem. Another project they have been working on is wood utilization. Mr. Shreve informed Council that they had a special committee chaired by Mr. Jack Kelly and it has a consulting forester in Boone County. He went on to say that Mr. Kelly has an organization particularly on fire prevention and is moving into the wood utilization part of the forestry. Mr. Shreve added that these are just two examples of the way in which it is organized into a Committee of Codes, lay and volunteer people in identifying the problems and seeking the answers. He went on to say that the reason for going into the new regional concept is that this is seen as the input on the resource end under the Regional Intergovernmental Council and similar organizations in the Huntington region. He pointed out that this organization can supply the inventories and help the Councils to work out some of the problems involving resources.

Councilman at Large Dr. Allen inquired about the waste disposal and recreation aspect. Mr. Shreve explained that in the original application, they submitted a proposal of thirteen resource committees. He added that this is an open-ended type of thing; and they have already combined these into six committees. One example is the joint committee on agriculture and forestry. Councilman at Large Dr. Allen added that there are a lot of people interested in this sewage disposal like the Water Resources and the Natural Resources Department. Councilman at Large Dr. Allen asked if they were lapping over in these fields. Mr. Shreve replied that they did not intend to duplicate any work. Councilman Mann asked how many people were involved in these projects or how many people were employed. Mr. Shreve replied that there

were not any right now because it is a non-funded project. Councilman Mann asked how many it anticipated to employee. Mr. Shreve explained that there is now a full-time director or coordinator and a secretary. Councilman Mann added that it would need more than these two if it is funded. Mr. Shreve pointed out that this is not necessarily so because this is the whole idea; that is, to use lay people and with going organizations. He further added that this is why they do not perceive any over-lapping of work. Councilman Mann added that it is just to motivate those that are already doing this work. Mr. Shreve went on to say that this is correct; and in addition, there are certain funds that become available in funded projects for critical areas such as stabilization for some types of drainage work and some flood prevention and water supply areas.

Mayor Gibson added that he had received a letter having to do with something similar to this. Someone in Jackson County or around Ravenswood was withdrawing from one association and entering into another one. Then he had later learned that they had reversed their decision. Mr. Shreve explained that Jackson County has withdrawn from the Great Kanawha RC & D and have joined the Little Kanawha RC & D, which was to Jackson County's advantage because it is already a funded project there. He added that the basis for them doing this and the reason for the Little Kanawha asking them in was the new regional concept. It was a loss when the Great Kanawha RC & D lost Jackson County because it had good leadership. He added that, on the other hand, since the Great Kanawha RC & D is picking up the area from Cabell County to Logan County, he is sure there will be able leadership come out of that area also. Mayor Gibson asked how many districts were in the State. Mr. Shreve replied that there were four funded RC & D projects in West Virginia:

- (1) Princeton overlapping three counties in Virginia and two in West Virginia
- (2) Eight counties in the Eastern Panhandle
- (3) Five counties in the Little Kanawha
- (4) Twelve counties in the Central part of the State.

Councilman at Large Dr. Allen added that, in other words, Mr. Shreve was asking the Council about changing the boundaries. Mr. Shreve replied that this is correct. The original application is still effective and the steering committee is revising the boundaries. Therefore, they have to submit an amendment; and to do so, they are asking the Council to consider signing the necessary form and letter again which is attached to the amendment since Nitro was an original signator to the original application. Mayor Gibson asked if he intended to do likewise to Point Pleasant, Hurricane, and Whitesville. Mr. Shreve replied that this is true. Each of the ten county courts will be considering the amended application in addition to each of the four Soil Conservation Districts that are involved. Councilman at Large Priddy asked if this changed the obligations or objectives

in the applications or just the boundaries. Mr. Shreve added that it just changed the boundaries. Mayor Gibson asked what disadvantage, if any, would it be to Nitro. Mr. Shreve replied that he could see no disadvantages. Mayor Gibson then inquired as to the advantages. Mr. Shreve replied that the advantages to being in a funded project area are to help to identify some of the resource-type of problems we have and to have an organized approach with the possibility of funding for some of them. Councilman at Large Dr. Allen inquired if the application asked for money. Mr. Shreve replied that it did not ask for money and the only way that it would involve money would be that if it is funded and is some particular project in a particular area that the City is interested in and applied for funds to this program. Then it would be involving costs. Councilman at Large Dr. Allen asked if there would be a yearly dues. Mr. Shreve replied that so far they have only asked for postage fees. Up until now, the Kanawha County Court has been supplying the postage fees, however, and we have not had to ask the original sponsors for even postage fees.

Mayor Gibson added that, therefore, the purpose of this is to work on projects that Mr. Shreve mentioned before. Councilman at Large Priddy explained that these are listed on Page 26 of the application. Mr. Shreve stressed that it was an open-ended project. The application lists areas where work might be done. If the steering committee sees some area that should be investigated, they can do so. Mr. Shreve gave an example of the Mountain Dominion RC & D in Summers County where an industrial park had been developed along with a building used for several different organizations. This area had a severe flood problem and it was obvious that it should not have been built there in the first place. However, it was built there and had a big investment in it. They were able to get engineering help through the RC & D along with financial help in designing a dyke around the building to alleviate the flooding problem, thereby getting the industry back into it.

Mayor Gibson asked if anything Mr. Shreve wanted him to sign would be presented to him in a draft form. Mr. Shreve replied that he already had a numbered page attached to the amendment and it would be just a signator's sheet attached to the amendment. Mr. Shreve explained that what he needed was a resolution by the Council that they would endorse the amendment to the Great Kanawha Resource Conservation and Development project and authorizing the Mayor to sign the amendment and signing the attached sheet. Councilman at Large Priddy added that since there was no basic change other than the boundaries and that it is just a continuation of the basic format, he made a motion that the Council accept the amendment and do so by resolution. Councilman at Large Dr. Allen seconded the motion - All Council voted in favor of a resolution supporting the amendment and authorized the Mayor to sign it. Councilman at Large Dr. Allen asked that Mr. Shreve keep the Council informed.

Mayor Gibson reported that he had a letter dated October 23, 1973, from the Charleston Chapter of the Muscular Dystrophy Association of America, Inc. He explained that the letter stated

that the Association planned to hold their annual fund-raising campaign during the period of November 15 to December 15, 1973. The letter went on to say that the house-to-house march is planned for December 2. This will take place in the form of canisters being placed in business establishments during the entire period of their campaign and in the form of a house-to-house march by adult volunteer workers. The letter, in short, asked for permission to solicit for funds in the City. Councilman at Large Dr. Allen made a motion that permission be granted. Councilman Casebolt seconded the motion - All Council voted in favor.

Mayor Gibson reported that the Chief of Police, Dana Johnston, and he had attend a meeting on Monday, November 5, 1973, of the Nitro's Business and Professional Association which has been recently organized. He added that they intended to have a large Christmas parade with several bands, queens, and a Santa Clause. He further stressed the fact that Santa would be traveling around town quite a bit. He went on to say that it appears that the Nitro Business and Professional Association is getting off to a great start. He further added that they had quite a membership already and a lot of activities planned. He encouraged the various Councilman to assist in their endeavors in every possible.

At this point, Mayor Gibson passed out to the Councilmen a diagram and some remarks in regard to something he feels will be very worthwhile to Nitro as a whole. He added that he would like to put a door in the rear corner toward Second Avenue of the Council chambers into a small portion of the storage room converting a window in the storage room into a door out onto a landing, and extending a walk-way down to the main sidewalk. By doing so, when the public wants to come in to Police Court, Council Meetings, the Nitro's Business and Professional Association or any other civic-minded group wanted to use the room for their meetings, the main door into the office could be locked and the Council or Court room would be accessible through this new entrance which would face Second Avenue. He further added that he would put his request into the Building and Planning Committee. The Mayor gave indications that money should be available for this improvement. Councilman at Large Tidquist asked if there was supposed to be a wall in the storage room, thereby making a sort of vestibule or mud room separating it from the storage room. Mayor Gibson added that this is correct. The Mayor went on to say that you would come up the walk-way onto the patio, through a door, and into a small area. He explained that the reason he proposed it in this fashion was that if you just made a door directly outside without making a small room, during the winter there would be alot of cold air coming directly in and during the summer, alot of unnecessary warm air could come in. He added that if we go this route, there will be some dead space and if necessary, we could run a duct into this area.

Councilman Lilly reported that he would like to request that the City Recorder be made a member of the Finance Committee. He explained that when the Committee has meetings, there are numerous records that they need and can only be supplied by the Recorder. Mayor Gibson said "Amen" to this and added that he thought it would

help the total operation of the City. The Mayor added that as it is now there is a lot of duplication and a great portion of the time, the left hand does not know what the right hand is doing.

Councilman Lilly added that as chairman of the Finance Committee, he would like to call a meeting for Tuesday, November 13, 1973, at 7:00 p.m. in the Council Chambers for all members of the Finance Committee including the City Recorder. Mayor Gibson added that he had been doing a lot of thinking concerning the various committees and he has decided it necessary to do some revamping and streamlining in several of them. He further added that as we move along, I need to make minor and, in some cases, major changes.

Councilman Lilly brought up the subject of an answer that had been given to a question that appeared in the afternoon edition of the Charleston Daily Mail HOT Line column regarding the harassment by the Police Department to a place of business located on Main Street that was open until 2:00 a.m. Mayor Gibson asked who was supposed to have answered the question. Councilman at Large Priddy replied that supposedly the Mayor answered the questions. Mayor Gibson replied that he had not had the opportunity to read the afternoon paper. He added that this was completely news to him and he had not been contacted by anyone from HOT Line in regard to this question. The Mayor further informed Council that until he had an opportunity to obtain the facts on the matter, he would have to deny it.

Councilman Lilly further reported that when we talked over the Watershed, the County Court was supposed to go through everyone and get back to us concerning conveyance of the property of the Watershed. Mayor Gibson explained that he had heard nothing more about the matter and that Mr. Lilly had attended the same meeting that Mr. Kessinger, Mr. Burns, and he had attended at the Kanawha County Court House with the County Commissioners. Mr. Lilly pointed out that they were getting on it right then and should have had it done three months ago.

Councilman Lilly also added that our City ordinances were supposed to have been completed one month ago by our City Attorney. He further added that as of right now he has the feeling that someone is dragging their feet on our ordinance situation. Mayor Gibson added that he had an ordinance meeting written on his notes to be discussed after the meeting, and he was glad that Councilman Lilly brought up the subject. The Mayor agreed that they needed to get the ordinances in working order and put them into use. At the request of the Mayor, an Ordinance Meeting was, therefore, scheduled for Tuesday, November 13, 1973, at 8:00 p.m. in the Council Chambers.

Councilman Paul Hill inquired about the survey on fire hydrants throughout the City and was curious to know if the Mayor had heard something on the subject. Mayor Gibson replied that he had not heard anything since the meeting that Mr. Lilly and he had with two gentlemen, one from the Fire Rating Bureau and one from the West Virginia Water Company. He understood that they intended to come back down in the spring to make a complete study on our fire

fighting equipment at the Fire Department. The Mayor further added that Mr. Carr from the West Virginia Water Company indicated that within two or three weeks he would try to get the Mayor a map of the fire hydrants. The Mayor added that he would be happy to get back in touch with the people at the Water Company and see if he can get the map.

Councilman Hill further reported that the Garbage Department Committee had a meeting concerning uniforms for its employees. He informed Council that they presently have twenty-two employees that would need two uniforms each. The price of each of these uniforms is \$13.50. This would amount to \$594.00. Mayor Gibson asked if these uniforms were for all Street and Garbage Department employees under the supervision of Mr. Gene Williams. Councilman Hill replied that this was correct. Councilman at Large Priddy asked if this was the total as opposed to the rental fee. Councilman Hill replied that this is also correct. Councilman Casebolt asked if the City would issue the uniforms to them and expect them to keep them clean. Councilman Hill replied in the affirmative. Councilman Lilly added that when they initiated the budget, they did have funds allocated in the budget for this project. At the time, their thought was directed toward a rental situation which was five uniforms per employee at \$2.38 each. This total amounted to \$2,100. However, after the Garbage Committee reviewed the situation, they felt it would be a better deal to buy the uniforms. Councilman Hill made a motion that the City purchase the uniforms. Councilman Casebolt seconded the motion. Councilman at Large Priddy asked if this was an item that had to be bidden on. Councilman Hill replied that the total would only be \$594; and according to Mr. Kessinger, the City can purchase under \$1,000 without asking that bids be submitted - All Council voted in favor of purchasing the uniforms.

Councilman at Large Dr. Allen reported that he had a petition presented to him by the residents that live in Nitro Park Addition. In it, fifty-two families have signed it out of the fifty-five families that live in this area. The petition states that they would like to have sewer service. Councilman at Large Dr. Allen added that he knew these people did have problems there; and if there is any way possible, we should try to help them. He added that it is strictly a job of the Sanitary Board and would like the petition to be given to the Sanitary Board. He went on to say that there were two gentlemen at the Council Meeting: Mr. Shamblin and Mr. Simmons, who have worked hard to try to get something done in this area. One of the gentlemen stated that most of the Council knew that they had men from the Health Department concerned and there is a small disposal plant out there that they cannot tie into because it is running at full capacity now. He further added that they are not big enough to form their own sewage system. Councilman at Large Dr. Allen asked if they were limited to the number of people to form a Public Service District there. The guest replied that he did not know, but that for no more residents that live there, there was not that much money available. Councilman Lilly asked if Nitro Park Addition was located within the City limits. Councilman at Large Dr. Allen replied that it was not in the City limits but located on the outskirts. The guest answered that approximately two hundred feet of the front portion of Nitro Park Addition was located in the City limits. Councilman at Large Dr. Allen explained that what they want to do is to tap onto the City's line like Rock Branch. Mayor Gibson asked how many residents refused

to sign the petition. Councilman at Large Dr. Allen replied that there were fifty-two names on the petition. The resident replied that there were only two families in the area that he lived in that refused to sign the petition. The Mayor added that he would be more than happy to present the petition to the Sanitary Board, the sanitary engineers, and the sanitary attorney. Councilman at Large Dr. Allen pointed out that this was the area where they had the children with hepatitis, and these children attend our grade schools exposing other children. Councilman Lilly asked if whether anything has been surveyed in this area. Mayor Gibson added that the engineers have drawings of the area. Councilman Lilly asked if this was encompassed in the last project. Mayor Gibson replied that it was discussed considerably. Councilman Lilly added that primarily they would be responsible for putting in the facilities and just tapping onto the line. Mayor Gibson pointed out that if you read the minutes of the meeting, you will find that I recommended serious consideration be given toward providing sewer service to this area, but this does not necessarily guarantee that it will happen. However, we do realize that the residents do have problems in that area and that one day they may even be in the corporate limits. The Mayor went on to say that regardless, we want to be helpful. Councilman at Large Dr. Allen added that whether they are in the City limits or not, we are directly exposed to these people more so because we get the drainage out of a creek, and it comes right down beside our grade school on 39th Street East and also through part of our town. Councilman Lilly asked how the project involving Rock Branch was coming along. Mayor Gibson stated that the Sanitary Board met October 15, 1973 for almost five hours and came up with what they considered to be a workable plan. Our attorney presented the proposal to the attorney for the Rock Branch Public Service District and as of this date, I have not heard from them. Councilman Lilly pointed out that while this is being negotiated could not the other project that was initially applied for be put into motion. Mayor Gibson added that they have already gone ahead with a lot of the engineering work and surveying the problem areas. Councilman Lilly added that he was in reference to the fact that the City is committed to a bond situation on the initial project; the mailing of \$275,000. He asked if it could not be conceivable to go and make application for the rate based on the City assuming the bond of approximately \$330,000 thereby getting it approved to start ours. Then it is up to these people as to whether or not they come into the situation. Mayor Gibson explained that they were trying to do it in one approach to the Public Service Commission. Councilman Lilly stated that they keep putting it off. Mayor Gibson added that much of the delay was because the Council wanted to have some meetings with these gentlemen and did so. Councilman Lilly added that the Council has approved and requested an application for \$275,000 with the Environmental, HUD, and others to initiate the secondary treatment plant and the sewages to the 40th Street area and the Riverdale Acres section, and the plans have been finalized and approved. Mayor Gibson pointed out that the City does not have the second grant approved. Councilman Lilly asked if the City had to wait on the second grant before it could go ahead and start the project. Mayor Gibson added that the secondary treatment plant can be started but the others cannot. Councilman Lilly stated that, in other words, they are telling us that unless we do this other project, we will not get the second grant. Mayor Gibson added that he did not think

they have said for sure that we will not receive the second grant but that it might have some bearing on whether or not we will receive it. Councilman at Large Priddy stated that suppose the only thing that is holding them up is the agreement they want us to sign that they were supposed to have had to us at the last meeting to look over. The Mayor stated that he had thought he would have something to show the Council at this meeting. Councilman Casebolt asked if he did not see in the paper where the people of Rock Branch met to try to form their own sewage system. Mayor Gibson answered that they were meeting to set up a Public Service District at Midway or somewhere in that vicinity.

Councilman Lilly pointed out that the whole idea is that the applications have been submitted for one project; and now they are saying, in essence, that unless we do something else, we are not going to get the money we initially made application for. He added that he was of the opinion that this is nothing more than blackmail; and if this is the case, he recommended that everyone in the Riverdale Acres area, 40th Street Road, and Nitro Park Addition write every Congressman they knew and start political pressure. He went on to say that they have been promised the sewages time after time and all they get is stalled motion. Councilman Lilly informed Council that they even have realtors telling the people that they will not get sewers because they have taken all the money and put it in the Watershed. Councilman Lilly added that all he wanted to know was why we would not receive the second grant and then they could start another route to see why we cannot have it. He went on to say that this money is supposed to run out shortly. Mayor Gibson stated that there was no one around the table anymore interested than he was in seeing sewers installed for the people of Riverdale Acres, 40th Street Road, Nitro Park Addition, and even Red Oak Drive. The Mayor further added that he is doing as much as he knows to do and has been trying to do things in a business-like manner and I have spent many, many hours on this project. Councilman Lilly pointed out that this was not involved in the project in the beginning so why should it hold up the project now. We have the same engineers on both projects. Mayor Gibson replied that we might surmise it is holding up the project but we cannot be sure. He added that he had no concrete evidence and was, therefore, not in a position to say it is holding up a second grant.

Councilman Mann stated that he was under the impression that the engineers implied that since they had brought Rock Branch into the project and by doing so, taking the so-called regional concept approach, this is the way the people in Washington want it and this would be the only way that we could get the grant. Since this was the way the engineers wanted it, then they have led us to believe that this is the way it is supposed to go. Mayor Gibson stated that he did not attend one meeting due to being in the hospital but read the minutes of the meeting. He added that they had never given him the impression that our second grant hinges upon this. They have always said that they feel this would be an asset to us and enhance our position in the eyes of the Federal Government in awarding us a second grant. He further added that when they put money out they like for it to serve as many people as possible. Councilman Lilly added that we are obligated by the State law to represent the people of Nitro and also under the State Code we are not to spend a penny outside the City unless we provide

services for our own people. We want to do something for these people but we have our own people that we want to help also. He added that the applications have been submitted; the requests have been made and now we are getting a double talk situation from the powers in being to the fact that unless we do this, we cannot do the other one. Councilman at Large Tidquist added that he was under the impression that the Council was waiting on a document to be written by the people in Rock Branch; present it to the Sanitary Board for approval and then to the Council. He added that if we agree upon it then the project would be done. Mayor Gibson explained that instead of the people of Rock Branch drawing it up, we drew it up; and it has been given to their attorney, Mr. Watt. Mr. Watt is presenting it to the people involved for them to sign. Mayor Gibson added that the Nitro Sanitary Board has already agreed to the agreement. The Mayor went on to say that it is now up to them. He further added that he, too, felt that if they did not want to get involved and sign the proper documents, then they should tell us. Mayor Gibson added that he had made a trip to Pittsburgh with two engineers and Mr. Ben Howatt, Executive Director of the Regional INtergovernment Council and talked with the Federal people in order to get the first grant. He further added that he has done as much as he knows to do to get the second grant. He informed Council that he would do his best to have something for the Council as soon as possible. The Mayor added that they should tell us what they intend to do because they are the ones that made the approach and were seemingly more interested in coming on than we were initially in bringing them on. Councilman Lilly explained that his contention is that in waiting on them to do something, we are denying our people with the opportunity of having sewers. If we need adverse publicity on the situation, he added that he was sure we could initiate a campaign in the areas that do not have sewers; and they can start a letter campaign to the people in power to see if we cannot get a little notoriety on the situation.

The Mayor added that he was in favor doing what was best for Nitro first of all; and if we can help people in the out-lying areas, he was in favor of helping them. Councilman Lilly added that the more people you have on the system, the better off it will be in the long run provided you have the accomodating facilities.

At this point, Mayor Gibson asked Councilman Lilly what else he had to report. Councilman at Large Dr. Allen reminded the Mayor that he (Dr. Allen) was reporting on new business, and he stated that he had not intended to "open up a keg of worm" by submitting the petition.

Councilman at Large Dr. Allen reported that he would like to make a request for our Police Department to observe First Avenue at Walker Street. He further reported that he was told that the employees from up the river come down on First Avenue and go out Walker Street, turn left off Walker Street, and back up on Main Avenue to go back across the bridge to avoid traffic and are at the same time creating congestion. Mayor Gibson asked what the Police Department could do about the situation. Councilman at Large Dr. Allen answered that he wanted them to give him a report

or survey on it as to whether it is from 4:00 p.m. to 6:00 p.m. or 6:00 p.m. to 9:00 p.m. Councilman Casebolt informed the Council that it was from about 3:15 to 5:00 p.m. Councilman Lilly added that one of the things that has created this more so in the last two weeks is that for some reason the railroad signals come on, the guard rails come down, and there is no train coming. He added that this has happened about fifteen times in the past two weeks and this backs traffic up from one end of town to the other. Councilman Lilly further added that it could have to do also with the change in time. The Mayor added that he would be happy to report this to the Police Department and have a survey made.

Councilman at Large Keith Priddy added that the Appalachian Power Company was putting in a new lighting system; and before they started on it, they said it would take approximately ninety days to cover the entire town. The Mayor added that they have been working on it for about six weeks or so. Councilman at Large Priddy explained that this should eliminate any light problems we are having in the City.

Councilman Lilly asked if anyone had contacted the greenhouse. Councilman at Large Priddy answered that this situation had been taken care of. Councilman Lilly explained that they came down and taped up the light so no light would shine through on the greenhouse. That night they raided the area and stole mirrors and other objects from cars. He further reported that he had two requests from different business to remove the tape from the street light. He added that they suggested a shield be put on the light to eliminate too much light from shining through yet at the same time it would benefit the area. Mayor Gibson asked Councilman Lilly if there was any way another light could be installed nearby to help to eliminate this problem. Councilman Lilly answered that across the street there is a service station. Behind the station is a utility right-of-way and a telephone pole. Here a light could be installed to shine out to encompass all the automobiles in that area yet alleviate hitting the greenhouse. Councilman at Large Dr. Allen asked if we would be lighting up his property or the street. Councilman Lilly replied that the light had been lighting up the entire corner. When it was eliminated, we had a lot of raiding of cars in this area. The only thing we can attribute this to is that the street light had been taped up completely. The Mayor asked that the Street Light Committee check this problem out. Councilman at Large Priddy stated that he would have it checked out because we cannot jeopardize other people's property just because one man has a problem. Councilman Lilly added that the only solution that can solve both is going back to the old telephone utility lines and installing one there. He added that we can turn the light a little and it would alleviate shining into the greenhouse.

Mayor Gibson further added that Councilman at Large Priddy had requested that a shield be put on the light. The report from the Power Company was that a shield could not be put on the light. Councilman at Large Priddy added that maybe since a new type of light is being installed by the Power Company, a shield would work on this new type of light. He further added that he would talk to Mr. Haskell Jones about the matter.

Councilman Casebolt asked where the Power Company was working on the street lights at the present time. Councilman at Large Priddy answered that they were working in the lower end of town. Mayor Gibson

added that they intend to do the main districts first.

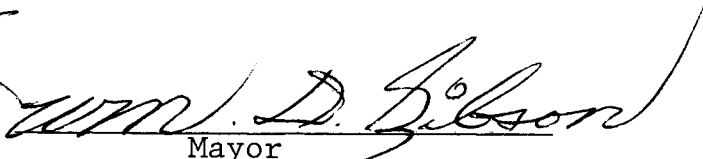
Councilman Casebolt reported that he had contacted Mr. Robinson of the Natural Resources Department concerning the fish in the lake at the Watershed. He further reported that Mr. Robinson agreed to put the lake on a regular checking and stocking schedule without charge. At the same time, he will put an ad in the State Fishing Magazine advertising this lake.

Councilman Casebolt further reported that he would like to have it put in the Street Committee as to what we can do to up-grade Ivy Street and make it useable. He went on to say that he would like a report at the next Council Meeting.

Councilman at Large Tidquist inquired about whether the wiring and plumbing of mobile homes meets with the City Code. Mayor Gibson stated that this could be put in the Building and Planning Committee. Councilman at Large Tidquist was asked if there should not be more than one entrance to a mobile home. He added that occasionally you hear of a family losing their lives because of a fire and they could not get out of the mobile home in time. Councilman Lilly stated that he thought it was a Federal law that a mobile home had to have more than one entrance. Councilman Hill added that most have two entrances and a safety door. Councilman at Large Dr. Allen asked what was meant by the modular home. Councilman Hill replied that a modular home was a complete home. Councilman Lilly stated that this should be referred to the Planning and Zoning Commission and let them make a decision. Councilman Hill added that we have a building and plumbing code and an electrical code, but we have not accepted them to be standard as such. The Mayor added that we are supposed to adhere to the National Electrical Code. The plumbing code is different, but the electrical code is the one that is supposed to be commonly used throughout the country.

Councilman at Large Dr. Allen added that the Building and Planning Code says what size lot a mobile home is to be on but not what size lot a modular home should be on. Councilman Lilly further added that this is why the matter should be referred to the Planning and Zoning Commission. He further added that he believed that there is a national requirement situation in which they have to comply with as to the construction of these homes. Councilman at Large Priddy stated that since the modular home does not come complete and requires labor to assemble, he thought that it should meet the specifications for building from the footer on up. Councilman at Large Dr. Allen added that we have designated areas in the City where there are to be mobile homes.

Councilman Casebolt made a motion that the Council Meeting be adjourned. Councilman Hill seconded the motion - All Council voted in favor.


Mayor


Recorder

NITRO CITY COUNCIL MINUTES

November 20, 1973

The regular meeting of the Nitro City Council was held in the Council Chambers, November 20, 1973. Those present were: William D. Gibson, Mayor; Thomas Melton, City Recorder; Councilman at Large Dr. R. V. Allen; Councilman at Large Keith Priddy; Councilman at Large Hugo Tidquist; Councilman Dewey Mann, Councilman Paul Hill, Councilman Thomas Lilly, and the City Attorney, James Kessinger. Councilman Vernon Casebolt was absent.

The meeting was called to order by the Honorable William Gibson. Reverend Arbogast gave the invocation.

APPROVAL OF MINUTES: Councilman at Large Keith Priddy made a motion that the Council Meeting minutes of November 6, 1973 be approved. Councilman at Large Dr. Allen seconded the motion - All Council voted in favor.

APPROVAL OF OCTOBER FINANCIAL STATEMENT: Councilman Thomas Lilly, Chairman of the Finance Committee, made a motion that the October Financial Statement be approved. Councilman Paul Hill seconded the motion - All Council voted in favor.

Councilman Thomas Lilly, Chairman of the Street Committee, reported on the up-grading of Ivy Street. Councilman Lilly stated that on February 14, 1973 at 7:00 p.m. in the Council Chambers, twelve families involved in the problem on Ivy Street met with the Street Committee for the purpose of finding out a positive action that could be taken. The Committee made a report to Council on March 6, 1973 requesting that no further action be taken on Ivy Street until the Committee makes its report. He further added that at this time the Committee is not prepared to make a report on Ivy Street.

Mayor Gibson stated that Councilman Casebolt, Chairman of the Fire Department Committee, was out of town on business. However, Councilman Casebolt requested that Councilman Hill act in his place and report on the bids for the rescue truck for the Fire Department. Councilman Hill passed out the sealed bids. The bids were as follows:

1. Stewart Equipment Company, Chairlestone, W. Va.
The bid was for one (1) Rescue Body; Delivery Date-
45-60 days. \$2,359.80

Councilman at Large Tidquist inquired as to what kind of vehicle the bid was for. Councilman Hill explained that this bid was for the body only. He added that these were two separate bids; one for the chassis; one for the body.

2. Landers Chevrolet, Hurricane, W. Va.
The bid was for one (1) 1974 Chevrolet one (1) ton cab and chassis with specifications listed. Delivery Date - 4-6 weeks. \$3,536.00

3. C & O Motors, St. Albans, W. Va.
The bid was for one (1) 1974 one (1) ton cab and chassis. All accessories were listed. Delivery Date - 6-8 weeks. \$3,350.73.

The City Attorney, James Kessinger, asked if the bid was for a short wheel base or a long wheel base. Mayor Gibson answered that the specifications had the base listed in inches.

4. Childers Chevrolet, Nitro, W. Va.
The bid was for a 1974 one (1) ton cab and chassis; Delivery Date - 45-60 days. \$3,350.00.
5. J. D. Moore Inc.
The bid was for one (1) 1973 one (1) ton cab and chassis International with a 132 inch cab base and 60 inches from cab to axle. \$3,994.50 Delivery Date - 90 days.

Mayor Gibson stated that he recommended this be kept in the Fire Department Committee, studied, and checked out with the Chief of the Fire Department. He added that he hoped the Committee would have a report for the next Council Meeting.

Councilman Paul Hill reported on adding an additional entrance-way from Second Avenue into the Council Chambers with the estimated total cost not to exceed \$700. He went on to suggest that an awning be erected over the entrance, the approximate cost should not exceed \$200. Councilman Hill added that he would like to make a motion that the Council accept the proposal and add approximately \$200 for an awning. Mr. Kessinger asked if this would run over the limitation. Councilman Hill answered that it would be approximately \$900. Councilman at Large Dr. Allen seconded the motion. Mayor Gibson asked if there were any questions. Councilman Mann asked if there were other awnings on the City Building. Councilman Hill replied that there were. He added that the reason he suggested an awning on the southeast corner of the building is that there is one on the northeast corner and this would give the City Building a better appearance plus providing shelter at the entrance-way. Councilman at Large Dr. Allen asked if the City had the money to do this. Councilman Lilly stated that he recommended charging it to the Revenue Sharing that was allocated out of the last Revenue Sharing for the up-grading of the City Building. Councilman at Large Tidquist asked if this included the materials for the walkway from the sidewalk. Mayor Gibson replied that it included materials and labor. He added that we have a door in storage that we intend to use for the inside door. He further stated that the exterior door would have to be purchased, but we can purchase the door at a wholesale price. Councilman at Large Keith Priddy asked if it would run the total project over \$700 excluding the awning. Mayor Gibson added that it should fall within the \$700. Councilman Hill added that the project would be under \$1,000 and would not have to be bid on - All Council voted in favor of the motion to add an additional entrance way from Second Avenue into the Council Chambers.

Councilman at Large Keith Priddy reported on the street light near the greenhouse on Main Avenue. He added that he stopped in to talk with Mr. Haskell Jones of the Power Company but he was out of his office. However, he left a message. Councilman at

Large Priddy further added that they are replacing all the street lights with the new mercury type; and with the new type of lights and a shade, it should eliminate the problem. He reported that it is taped up at the present time. He went on to say that it is a new type of light and a shade in the same location as the tape will light the area adequately and not bother the man at the greenhouse. Councilman Lilly asked if they are replacing the lights with the new florescent type. Councilman at Large Priddy replied that the new lights are the mercury vapor type. Mayor Gibson asked if they had any idea when they would get to this area. Councilman at Large Priddy said that he did not talk with Mr. Jones. He just left a message as to what he would like to have done there. He added that hopefully Mr. Jones will take care of the situation. Mayor Gibson replied that seemingly, they are moving along well in certain areas of town. Councilman at Large Priddy further replied that they are making good headway on the project.

Mayor Gibson reported that Nitro intends to have a special pick-up on leaves in an effort to gather all the leaves throughout our community which are causing problems around our storm drains. He further added that our street workers intend to begin this special pick-up on Monday, November 26, 1973, continuing through Friday, November 30, 1973. He went on to say that residents are requested to place their leaves in plastic bags or boxes and leave them near the curb. He added that Mr. Williams, the Street Superintendent, intends to start one truck on November 26 in the Riverdale Acres area working towards the center of town. Also, he intends to start a truck on November 26 in the Brookhaven through 40th Street and then up the river toward the center of Nitro. He added that if we can get the citizens to cooperate, it will save problems for the City and will also render a real service to them. Councilman Lilly asked if this pick-up was strictly for leaves and not limbs and so forth. Mayor Gibson added that it was primarily for leaves but would probably make some other pick-ups as they go. Councilman at Large Tidquist suggested that the leaves would make a good fertilizer. He went on to say that if the City had a place to pile them, citizens could get them to use as a fertilizer. He went on to say that this would be a good thing if the people would use them. He also added that leaves make a wonderful mulch as well as a good fertilizer. Mayor Gibson stated that last year we had a request for leaves around the football field. Mr. Gene Williams added that he had already received requests from people asking for the leaves. Mayor Gibson went on to say that Mr. Williams would attempt to provide leaves to anyone requesting them.

Mayor Gibson further reported that at the last Council Meeting he informed the Council that the Sanitary Board had met for approximately five hours and had worked up what they thought to be a workable agreement and presented it to the Rock Branch Service District. He added that the Rock Branch Representatives made a few changes and sent the revised contract back bearing proper signature. Mayor Gibson stated that the Nitro Sanitary Board has reviewed the signed revised agreement and reported that they do not wish to accept it. He went on to say that we are giving them two weeks until the next Council Meeting to either "get in the ball game" or we will make a decision as to what we will do. He stated that there is one change that they made in the agreement that we feel is just not good business. He further stated that at the next Council Meeting he intends to have a concrete agreement that he can present to the Council

or advise them (the Council) of the Sanitary Board's decision.

Mayor Gibson reported that the Councilmen and Mr. Kessinger recently had a meeting on updating our ordinances and he would like to strongly recommend that we set another meeting in the very near future. The Mayor stated that he felt this is something we should get resolved and the sooner, the better. He added that he would like to set a meeting for a Saturday afternoon or a meeting starting early some evening. He added that Saturday afternoon or a meeting beginning early in the evening about 6:00 p.m. would allow them to spend several hours on the ordinances. Councilman Mann stated that a lot of people have company during the holidays, and a Saturday afternoon meeting would be a bad time for him. Councilman at Large Priddy stated that it would be easier to have a meeting of the evening for him also. The Mayor stated that it was fine with him any time the Council decides upon. He added that he thought we should get started early in the evening. Mr. Kessinger suggested next Tuesday night, November 27, 1973, at 5:30 p.m. or 6:00 p.m. The Mayor asked if this would be in conflict with anything else. Councilman at Large Dr. Allen inquired as to what time the meeting would begin. Mayor Gibson asked if 6:00 p.m. was too early. Mr. Kessinger replied that the Council cannot do this in one evening. It will take at least three meetings. The Council agreed upon Tuesday evening, November 27, 1973, beginning at 6:00 p.m.

The Mayor reported that he had been in touch with Mr. Chester Johnson of the Regional Development Authority, an arm of the Kanawha County Court, and he informed the Mayor that he was going to the Kanawha County Court Commissioners to ask them to sign a court order signing the Blakes Creek/Armour Creek Watershed, better known as the Ridenour Memorial Park over to the City of Nitro. The Mayor further added that Mr. Johnson assured him that he would do this sometime this week. The Mayor went on to say that Mr. Johnson will ask them to sign a court order and do the legal work in getting the Watershed property transferred to the City.

Councilman at Large Priddy reported that Boy Scout Troop No. 27 would like to have permission to have a weekend camp out near the Watershed on Watershed property up the hollow from the lake. He added that he would like to know if there would be any objection to them having a weekend camp there. The Mayor added that the thought the Recreation Committee would need to come up with the answer. Councilman at Large Hugo Tidquist inquired as to the date the Boy Scouts have decided upon. Councilman at Large Priddy stated that they have not set a date and will not until they get the permission to use the property. Councilman at Large Priddy replied that they had not set a date when he talked with them. Councilman Hill added that the Boy Scouts used it last month. The Mayor asked if they were given permission last month. Councilman Hill replied that they were. He further added that he had no objection to the Scouts using the property. Councilman at Large Tidquist, also a member of the Recreation Committee, added that he did not have any objection to the Scouts camping there; but he felt that the Chairman of the Committee should be contacted first. The Mayor asked if any of the other members of the Recreation Committee had any objection.

Councilman at Large Priddy replied that he felt that they will leave it in good shape. He added that he would call Councilman Casebolt. Mayor Gibson asked Councilman at Large Priddy if he had any other new business. Councilman Priddy replied that he just want to say that the Appalachian Power Company was making good headway on our new lights and everyone seems to be pleased.

Councilman Mann reported that during the last Council Meeting we discussed modular homes as to planning and zoning. He added that after talking with other members of the Planning and Zoning Commission, they seem to think that the modular homes should be defined, or come under the definition of, a conventional home as far as zoning is concerned. They must meet the Code and so forth. Councilman Mann further added that he would like to mention that we all know that our City, as well as our country, is in a serious energy crisis and that the City should take every opportunity and make every effort to conserve energy in all its forms. He went on to say that by doing so, maybe we can set an example of leadership, and our citizens will do likewise. The Mayor agreed with Councilman Mann. He added that he had been in touch with the department heads and asked them to keep the lights out as much as possible. He went on to say that we have tried to keep the thermostats down and have disconnected some light bulbs in the hallways and turns out the outside lights. He stated that the City intends to have no outside Christmas tree lighting this year. Mayor Gibson reported that we immediately took steps toward trying to meet the request of President Nixon. He went on to say that he was glad that Councilman Mann brought this up. He asked if there were any recommendations that the Council would like to make while on the subject. Councilman Mann inquired about the fact that we would have not Christmas lighting. The Mayor replied that we would have no lighting on the City Building. Councilman at Large Dr. Allen reported that he was just in a meeting a short time before the Council Meeting that evening where Christmas lights were discussed. He requested that the Mayor get in touch with Mr. Javins, President of the Nitro Businessmen's Association to see in what way they can put their lights on and off. He added that we want to cooperate in this matter. The Mayor added that maybe they could leave their lights on until about 11:00 or 12:00 p.m. Councilman at Large Dr. Allen stated that he requested that the Mayor get in contact with Mr. Javins and see what they can work out. Mayor Gibson asked when were they putting their lights up. Reverend Arbogast replied that the businesses will put their lights up on Monday, November 26, 1973. The Mayor asked if before, had they not always burned them all night. Councilman at Large Dr. Allen added that they were the type of lights that have to be left on all night. Councilman at Large Tidquist asked if he was referring to the candle lights. Councilman at Large Dr. Allen replied that he was. Councilman at Large Tidquist added that they are also going to put up a Christmas tree where the old railroad station was. Councilman at Large Dr. Allen replied that he knew nothing about this. Councilman Mann added that there are alot of cities that are not going to burn Christmas lights. The Mayor further added that we do not intend to have any outside light here at the City Building. He went on to say that he would get in touch with Mr. Javins. Councilman at Large Tidquist added that there are other Christmas lights, and asked Dr. Allen if the Mayor would not have to get in contact with the President of the Lions Club also. Councilman at Large Dr. Allen replied that the Lions Club are the ones that are putting up the Christmas lights. Councilman at Large Tidquist added that the

Businessmen's Association is putting up the Christmas tree, and Lawrence Hill, President of the Lions Club, is putting up the candles. The Mayor added that he would get in touch with both of these men and see if they can lend a helping hand in an effort to not burn lights all night long if it can be arranged.

Councilman Thomas Lilly reported that the Finance Committee held a meeting on November 16, 1973 at which time one-third of the year has gone by; and as you recall, we make our estimate for a budget for each year in February. At this time, March 30, 1973, it was presented to the Tax Department. Councilman Lilly further added that we felt that we should have a revision at this time. He went on to say that each has received his copy of what the old estimate was and what the new estimate would be. He added that the Councilmen might like to take this opportunity to turn to the first page on the Estimated Current Expenditures. The revisions were as follows:

<u>ITEM</u>	<u>AMT. ESTIMATED SHOWN ON BUDGET</u>	<u>AMT. OF NEW ESTIMATE</u>
24	\$2,440.00	\$3,904.00
26	1,000.00	3,000.00
27	1,000.00	3,000.00
30	300.00	800.00
32	850.00	2,850.00
35	2,000.00	4,000.00
51	50.00	150.00
53	18,800.00	20,800.00
58	135.00	200.00
61	1,000.00	9,144.00*

*To encompass budget item #64

Councilman Lilly reported that the total increases were \$20,269.00. He further reported that to balance the budget, on Page 1 of the Budget Balanced the gross sales estimate is revised from \$115,000 to \$120,000. This is a \$5,000 increase. Under Fees, the Municipal Service estimate is revised from \$160,000 to \$175,269. This balances our budget at \$20,269.00. Councilman Lilly made a motion that this request to the State Tax Department be approved by the Council. Councilman at Large Hugo Tidquist seconded the motion - Councilman at Large Priddy inquired about budget item #53. He added that this item according to the budget was increased to \$20,800. He went on to say that we are already up to \$19,829 that carries through the balance of this fiscal year. Councilman Lilly explained that the reason for increasing this item is the fact that we allocated approximately \$49,000 out of one of the Revenue Sharing funds to pick it up. He went on to say that this was a

supplement from our General Fund to supplement Reveue Sharing. He added that actually we still have the Revenue Sharing money to continue through the fiscal year. Councilman Lilly stated that there are certain items that we cannot pay out of Revenue Sharing. He added that we need extra money to off set this, and this is the reason we have requested a \$2,000 increase on Item 53. Mayor Gibson asked if there were any further questions - All Council voted in favor.

Councilman Lilly reported that we had a gentlemen with us who had a problem and would like his problem a matter of record. Mayor Gibson gave Mr. Pontier the floor. Mr. Pontier reported that he had taken Mr. Gene Williams, the Street Superintendent, and showed him the problem. He added that the problem was caused by the City Code and whoever enforced it in inspecting the building (the Townhouse Apartments) at the time. He went on to say that the downspout has moved about 7-8-10 inches of dirt from the side of the road over the drain, covers it up, and washes it down in a period of two or three years. The water does not drain; it just builds up. He informed Council that twice water has gotten in his apartment. Now that they have built a second part to the Townhouse Apartments, the water is crossing the road, not underneath the road but on top of the road. He went on to say that the water is raising up, crossing the road, and then going back on the paved road into the drain. He further added that now they have raised it because they have a parking lot behind the building, and I am going to get about a foot or two more water when we have a heavy rain. He stated that he wanted it on record because if it is not corrected, he is going to get an injunction against him. He further added that if water gets in his apartment again, he is going to get a lawyer and protest it. Mr. Pontier added that it is his (owner of the Townhouse Apartments) building that is causing the problem. If the City wants to straighten it out, then that is your problem. Mayor Gibson inquired if there was a drain pipe plugged up or is there an open ditch. Mr. Pontier replied that there is an open ditch and a 16 inch red-tile pipe that carries it underneath Kapok Street. On the lower end where the dirt is, it is all moved out. He added that they left a 3-inch downspout; and when it rains, a lot of water shoots out. He further added that you get a hydraulic action, and it washed all the ground away. He went on to say that in a period of two or three years, it washed all the dirt away where the drain is. Mayor Gibson asked if this was in the up-river direction. Mr. Pontier replied that it was not, but in the down-river direction. He added that the water is draining down the road. Councilman at Large Dr. Allen asked if it is going back toward Mr. Long's home. Mr. Pontier answered that it was and that Mr. Long has water in his basement all the time. Councilman at Large Dr. Allen asked if the water could not pass underneath Kapok Street. Mr. Pontier replied that it could not because the pipe is completely covered up. The water pressure is so great that there is only a very small hole leading to the pipe. When they built the Townhouse Apartments, you could see the tile pipe sticking up. Councilman at Large Dr. Allen asked if the pipe was open when the contractor finished the job. Mr. Pontier replied that it was but the downspout covered it up. Mayor Gibson asked if the water from the downspout just gradually washed dirt onto the pipe. Mr. Pontier replied that over a period of time it was gradually covered up. The Mayor further added that

maybe we should have our City Attorney take a look at it and advise us as to what we should do or should not do. He further added that perhaps we could get in touch with the building contractor. The City Attorney, Mr. Kessinger, added that we cannot go on private property, but if we can alleviate the damage, then we are under an obligation. He further added that we can at least mitigate. Mayor Gibson stated that he would have the City Attorney look into the matter.

Councilman at Large Dr. Allen stated that he has noticed that there has been a tremendous amount of heavy equipment going in and out of 21st Street. So, I followed them the other day, and they are a company that is building a gas line. In the process, they are using our road in and out of our Watershed. Councilman at Large Priddy asked if it was the road leading across the dam. Councilman at Large Dr. Allen replied that this is correct. He added that there is no gravel or stone on the road now at all. He asked that someone look into the situation. The name of the company is Ray's Service Corporation located in Charleston, West Virginia. Mayor Gibson asked who they are working for. Councilman at Large Dr. Allen replied that he did not know. He just sees the truck going in and out of the hollow. Councilman at Large Tidquist asked if they were going up the right-hand side. Councilman at Large Dr. Allen replied that they are going up the side where a well was drilled at one time. The Mayor asked what kind of equipment they were hauling. Councilman at Large Dr. Allen replied that they have bull dozers and heavy trucks. Councilman at Large Tidquist asked if they were hauling them on low-boys. Councilman at Large Dr. Allen replied that this is correct. Councilman Lilly stated that under Article V-81, operation of vehicles in excess of 10,000 pounds prohibited by permit, and the permit can only be issued by the Mayor. Mayor Gibson asked if this was in the Watershed agreement. Councilman Lilly replied that it was in the Code. Mayor Gibson added that we have utility companies up there that have right-of-ways. Councilman at Large Dr. Allen stated that this is doing work for a utility company or a gas transmission. He added that his only concern is that if it rains tomorrow morning and they take a big piece of equipment out there, they could rut the road. A low-boy can tear that road up in a hurry. He went on to say that we had problems like this before. He added that he is sure that they have a right-of-way through this area and that this is not the question. Councilman at Large Tidquist added that he would think that if they do any damage, they would be liable. Councilman at Large Dr. Allen replied that they will be gone before we know it. Mr. Kessinger asked if it was a local contractor. Councilman at Large Dr. Allen replied that it was a corporation out of Charleston. Mayor Gibson stated that he not heard anything about any equipment being up there. He went on to say that he would check with Mr. Burns, Mr. Shreve, and Mr. Chester Johnson and find out if they have permission and authority to go up there with heavy equipment. Councilman at Large Dr. Allen added that there is a gas line that goes across the mountain and across Blakes Creek Road. He added that they are following this line going up and across the Watershed to get their equipment back up through there. He went on to say that if it does rain tomorrow and they come out of there with a bull dozer on one of the low-boys, it is possible to sink in the middle of the road. The Mayor

AN ORDINANCE AMENDING AN ORDINANCE RELATING TO THE CONSTRUCTION, ACQUISITION, OPERATION AND MAINTENANCE OF A SEWAGE DISPOSAL SYSTEM IN THE CITY OF NITRO, THE DISCHARGE OF SEWAGE AND INDUSTRIAL WASTES TO THE MUNICIPAL SANITARY SEWAGE SYSTEM, AND THE IMPOSITION OF RATES FOR THE USE OF THE SERVICE RENDERED BY THE SEWAGE SYSTEM, AND FOR THE CONSTRUCTION, ACQUISITION, OPERATION AND MAINTENANCE OF A SECONDARY TREATMENT SANITARY SEWAGE DISPOSAL SYSTEM IN THE CITY OF NITRO AND SEWER SYSTEMS EXTENSIONS FOR 40th STREET AND RIVERDELL ACRES, AND THE IMPOSITION OF RATES FOR THE USE OF THE SERVICES RENDERED BY THE SECONDARY TREATMENT SANITARY SEWAGE SYSTEM.

WHEREAS, the City of Nitro, Kanawha and Putnam Counties, West Virginia, presently own a sanitary sewage system and proposes to acquire and construct a secondary treatment sanitary sewage system supplying sewer system in and to the City of Nitro and surrounding territory, and sewer system extensions for 40th Street and Riverdell Acres; and

WHEREAS, the West Virginia Department of Natural Resources has cited the City of Nitro, which citation required the said City to cease and desist from polluting the Great Kanawha River with the sewage from said City, and to construct a secondary sanitary sewage system; and

WHEREAS, the compliance with the citation of the West Virginia Department of Natural Resources required the construction and acquisition of a secondary sanitary sewage system in the City of Nitro; and

WHEREAS, the City of Nitro, in order to promote the health, safety, and welfare of the people of the City and to comply with the citation of the West Virginia Department of Natural Resources aforesaid, deems it advisable to construct and acquire a secondary sanitary sewage system and extensions of the existing system for residents of 40th Street and Riverdell Acres; and

WHEREAS, the estimated cost of the acquisition and construction of a secondary sanitary sewage system and extensions

according to estimates prepared by Robert Y. Hayne, of Appalachian Engineers, Inc., Consulting Engineers is approximately \$1,275,000.00; and

WHEREAS, the City does not have available funds for the construction and acquisition of the addition to its present sanitary sewage system as required by the citation of the West Virginia Department of Natural Resources; and

WHEREAS, the City of Nitro does not have funds within the sources now available to it to pay the costs of administration, management, operation, maintenance, acquisition, enlargement and replacement of the present sanitary sewage system, and the intercepting sewer lines, pumping stations, treatment works and appurtenances, and

WHEREAS, it is necessary for the City to impose rates and charges for the use of the services afforded by the proposed secondary sanitary sewage system to obtain such funds; and

WHEREAS, the Environmental Protection Agency of the United States of America as authorized to grant the City of Nitro through the West Virginia Department of Natural Resources the amount of \$950,000.00 or seventy five (75%) per cent of the cost of the project, and which grant requires the said City to demonstrate to the Environmental Protection Agency of United States of America, its ability to pay the remaining cost of said project; and

WHEREAS, it is the obligation of the producers of sewage and industrial waste to supply such revenue to the City in an equitable manner and in proportion to the service rendered to the benefits derived; and

WHEREAS, the City of Nitro, is authorized under the authority of Chapter 8, Article 8, of the West Virginia Code of 1931, as last amended, to fix, establish, and maintain, by ordinance, just and equitable rates or charges for the use of the services and facilities to be rendered upon completion of any work and system necessary to comply with any citation issued by the West Virginia Department of Natural

Resources; and

WHEREAS, the Sanitary Board of the City of Nitro, after proper investigation has determined that the rates and standards for the use of the secondary sanitary sewage system and the computation of rates to be charged therefor as fixed by this ordinance are reasonable, necessary and proper for the work required to be done by the citation of the West Virginia Department of Natural Resources aforesaid, and have petitioned the City Council of the City of Nitro, to enact this ordinance establishing such rates and standards; and

WHEREAS, the City Council of the City of Nitro has previously enacted an Ordinance providing for rates and standards for the use of the existing sanitary sewage system; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NITRO, KANAAWHA AND PUTNAM COUNTIES, that the certain Ordinances previously enacted by the City Council of the City of Nitro, entitled, "AN ORDINANCE RELATING TO THE CONSTRUCTION, ACQUISITION, OPERATION, AND MAINTENANCE OF A SEWAGE DISPOSAL SYSTEM IN THE CITY OF NITRO, THE DISCHARGE OF SEWAGE AND INDUSTRIAL WASTES TO THE MUNICIPAL SANITARY SEWAGE SYSTEM, AND THE IMPOSITION OF RATES FOR THE USE OF THE SERVICE RENDERED BY THE SEWAGE SYSTEM" is Amended, to reflect the following new rates for the construction, acquisition, operation and maintenance of a secondary sanitary sewage system, but in all other regulations and such ordinances shall remain in full force and effect unless otherwise Amended by this Ordinance.

DIVISION 1-- Amending Division 5--

SEWER SERVICE SCHEDULE OF RATES:

1. There is hereby levied and assessed against all owners, tenants, or occupants of each and every lot or parcel of real estate or building having any active connection with the public sanitary sewage system or otherwise discharging sewage, industrial wastes, water or other liquids, either directly or indirectly unto said system or any part thereof,

a service charge payable as hereinafter provided for and in the amount hereinafter provided.

2. The service charge for any owner, tenant, or occupant of each and every lot or parcel of real estate or building situated within or outside the corporate limits of the City of Nitro having any connection with the City's public sanitary sewerage system and discharging sewer, industrial wastes, water or other liquids into said system, shall be as follows:

SCHEDULE # 1

Applicable within the corporate limits of the City of Nitro.

AVAILABILITY OF SERVICE

Available for sanitary sewer service.

RATE (Based upon the metered amount of water supplied.)

First	2,000 gallons used per month	\$1.38 per thousand gallons
Next	3,000 gallons used per month	\$1.17 per thousand gallons
Next	25,000 gallons used per month	.98 per thousand gallons
Next	70,000 gallons used per month	.85 per thousand gallons
Next	100,000 gallons used per month	.69 per thousand gallons
All over	200,000 gallons used per month	.53 per thousand gallons
<u>MONTHLY MINIMUM CHARGE</u>		-----\$5.10

DELAYED PAYMENT PENALTY

The above schedule is net. On all accounts not paid in full within ten (10) days of the date of the bill, ten percent (10%) will be added to the net amount shown.

QUARTERLY OR BI-MONTHLY BILLING

The above rates and charges may be adjusted to a quarterly or bi-monthly basis, providing no lower charges.

MULTIPLE OCCUPANCY

On apartment buildings, or other multiple occupancy buildings, each family or business unit shall be required to pay not less than the minimum monthly charge herein established. Motels and hotels shall pay according to the metered amount of water used.

TRAILER (MOBILE HOME) COURTS

For house trailer courts served by one or more master water meters, no bill shall be rendered for less than the following:

Four Dollars and eight cents (\$4.08) per month multiplied by the number of units situated on the court site at the time the water meter or meters are read, or the sewer bill based on the water used during the month, whichever is higher.

House trailers, either mobile or imobile, located on sites other than a park or court shall be billed in the same manner as any other family or business unit and, if applicable, subject to the multiple occupancy provision of this rate schedule.

SCHEDULE # 2

Applicable outside the corporate limits of the City of Nitro.

AVAILABILITY OF SERVICE

Available for sanitary sewer service.

RATE (Based on the metered amount of water supplied.)

First	2,000 gallons used per month	\$1.73 per thousand gallons
Next	3,000 gallons used per month	\$1.45 per thousand gallons
Next	25,000 gallons used per month	\$1.23 per thousand gallons
Next	70,000 gallons used per month	\$1.06 per thousand gallons
Next	100,000 gallons used per month	.86 per thousand gallons
All over	200,000 gallons used per month	.67 per thousand gallons.

MONTHLY MINIMUM CHARGE----- \$6.35

DELAYED PAYMENT PENALTY

The above schedule is net. On all accountms not paid in full within ten (10) days of the date of the bill, ten percent (10%) will be added to the net amount shown.

QUARTERLY OR BI-MONTHLY BILLING

The above rates and charges may be adjusted to a quarterly or bi-monthly basis, providing no lower charges.

MULTIPLE OCCUPANCY

On apartment buildings, or other multiple occupancy buildings, each family or business unit shall be required to pay not less than the minimum monthly charge herein established. Motels and hotels shall pay according to the metered amount of water used.

TRAILER (MOBILE HOME) COURTS

For house trailers courts served by one or more master water meters, no bill shall be rendered for less than the following:

Five Dollars and ten cents (\$5.10) per month multiplied by the number of units situated on the court site at the time the water meter or meters are read, or the sewer bill based on the water used during the month, whichever is higher.

House trailers, either mobile or immobile, located on sites other than a park or court shall be billed in the same manner as any other family or business unit and, if applicable, subject to the multiple occupancy provision of this rate schedule.

SCHEDULE # 3

INDUSTRIAL SERVICE

The charge for the treatment of industrial waste will be calculated on the basis of the following formula:

$$Ci = VoVi + BoBi + SoSi$$

Ci=charge to industrial users per year.

Vo=average unit cost of transport and treatment chargeable to volume, in dollars per gallon.

Vi=Volume of waste water from industrial users, in gallons per year.

Bo=average unit of cost of treatment, chargeable to Biochemical Oxygen Demand (BOD), in dollars per pound.

Bi=weight of BOD from industrial users, in pounds per year.

So=average unit cost of treatment (including sludge treatment) chargeable to total solids, in dollars per pound.

Si=weight of total solids from industrial users, in pounds per year.

When an industrial user is to be served, a preliminary study of its waste, and the cost of transport and treatment thereof, will be made. Waste containing materials which, in the judgment of the Sanitary Board, should not be introduced into the sewer system need not be handled by it. The results of this preliminary study will be used to determine the feasibility of the proposed sewer service and the charge thereof, based upon the formula set out above.

Thereafter, industrial sewage will be monitored on a regular basis and at the conclusion of each fiscal year, based on the investigation aforesaid and audit of Sanitary Board records, new costs figures will be calculated for use in the above formula. The cost of establishing the monitoring facilities shall be paid by the industrial user. Based on these audited figures, additional billings covering the past fiscal year will be made for payment by each industrial user, or refund given by the Sanitary Board, as the case may be. Such audited figures will be used for the preliminary billing for the next fiscal year, at the end of which an adjustment will be made as aforesaid.

SCHEDULE #5

PROPOSED RATES

APPLICABLE INSIDE AND OUTSIDE OF THE CORPORATE LIMITS OF THE CITY OF
NITRO.

Where the amount of sanitary sewage discharged into the Nitro waste treatment system by certain industrial plant or plants cannot be accurately determined by the use of the plant's water meter or meters, a special formula will be used whereby such plant or plants will pay to the Sanitary Board of the City of Nitro a sewer charge calculated at forty (40) gallons of water per each employee at the plant each working day.

SCHEDULE 6

Applicable inside and outside the Corporate limits of the City of Nitro.

SERVICE CONNECTION FEE

1. Service Connection Inspection Fee----- \$25.00

To apply where the service connection is in place ready for the owner to connect generally at the property line.

This explanation is not part of the rate schedule-- The purpose of this fee is two-fold, (a) to require registration at the Sanitary Board office of all new users and (b) to be sure that the connection is made in a workmanlike manner this eliminating a potential maintenance problem.

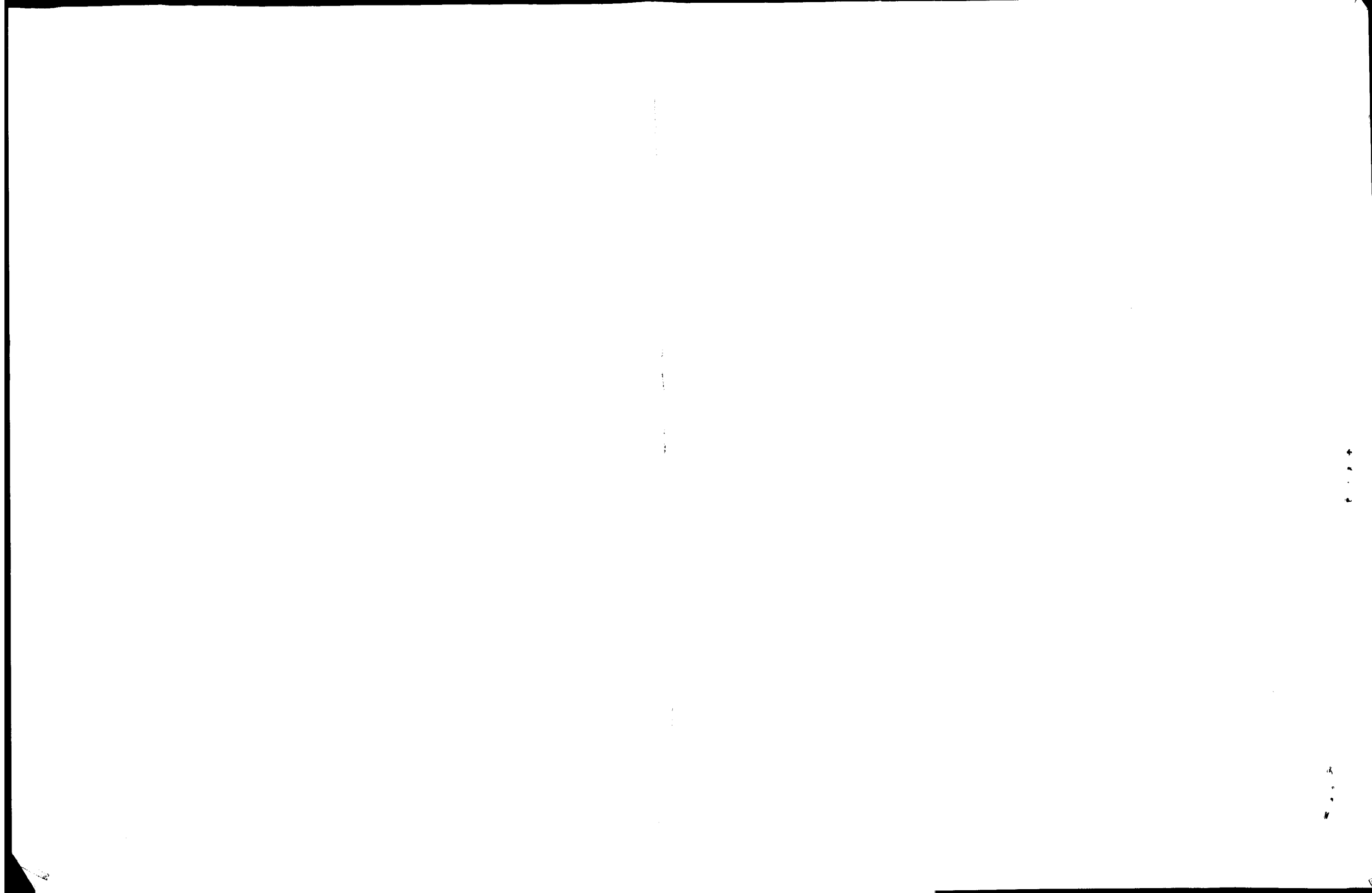
2. Service Connection Fee----- \$150.00

To apply where an opening must be made in the Sanitary Board's collector sewer and service line laid from such opening (tap) to owner's property line.

This explanation is not part of the rate schedule- Sewer connection or tap permits will be issued to applicants in above situation if the sewer service is available to said applicants property lines.

° DIVISION 2----- AMENDING DIVISION 11----- EFFECTIVE DATE-----

This Ordinance shall become effective immediately after the public hearing required by Chapter 8, Article 8, Section 3, of the West Virginia Code of 1931, as last amended, and approval of and in compliance with the requirements of the Public Service Commission of the State of West Virginia.



added that he would get in touch with these men mentioned above and see if they could force their way through or if they must obtain a permit. Mr. Kessinger stated that they could have a right-of-way and that they are liable for any damage they may cause. He added that he did not know how you would stop them if they had a right-of-way. Councilman at Large Dr. Allen stated that he was not interested in stopping them. He went on to say that he just wants to let them know that if they ruin our road, they will be liable. Councilman Lilly added that he was sure that we have a Cod that stipulates that we have a 10,000 pound weight limit on our streets. Mr. Kessinger asked how we are going to weigh it. Councilman Lilly stated that he could assure us that if they have a D-7 bull dozer on a flat boy, it weighs over 10,000 pounds. Mr. Kessinger informed Council it would have to be proven. Councilman Lilly added that we could take them over on Route 60 to the truck weighing station and weigh the truck. Councilman Mann asked if the company would not have a weight limit on their trucks. Mr. Kessinger added that they could not go over the GVW weight limit. Councilman Lilly stated that it was not really up to us to prove. He went on to say that he was sure that we had an ordinance that states that if they do have excessive weight that is detrimental to our streets, the officer has a right to stop them. Mr. Kessinger stated that the State Law has certain limitations on these streets. Councilman Lilly went on to say that he was sure that the company would have to have some sort of permit to cross the dam; and if it came to it, we could by-pass or have someone check to see if there is not some federal regulation against the excessive weight. The Mayor stated that he would attempt to check into the matter and see what he could come up with. Mr. Kessinger added that the best thing to do would be a law suit if they damaged the street..

Councilman Hill made a motion that the Council Meeting be adjourned. Councilman at Large Dr. Allen seconded the motion - All Council voted in favor.



 Mayor



 Recorder

Affidavit of Publication

No. _____

STATE OF WEST VIRGINIA,

Kanawha County, to-wit:

I, Sherry Buckner of the

☐ Sunday Gazette-Mail ☒ Charleston Gazette, a daily Democratic newspaper ☐ Daily Mail, a daily Republican newspaper, published in the City of Charleston, Kanawha County, West Virginia, do solemnly swear that the annexed notice of Bids (Tree Chipper)

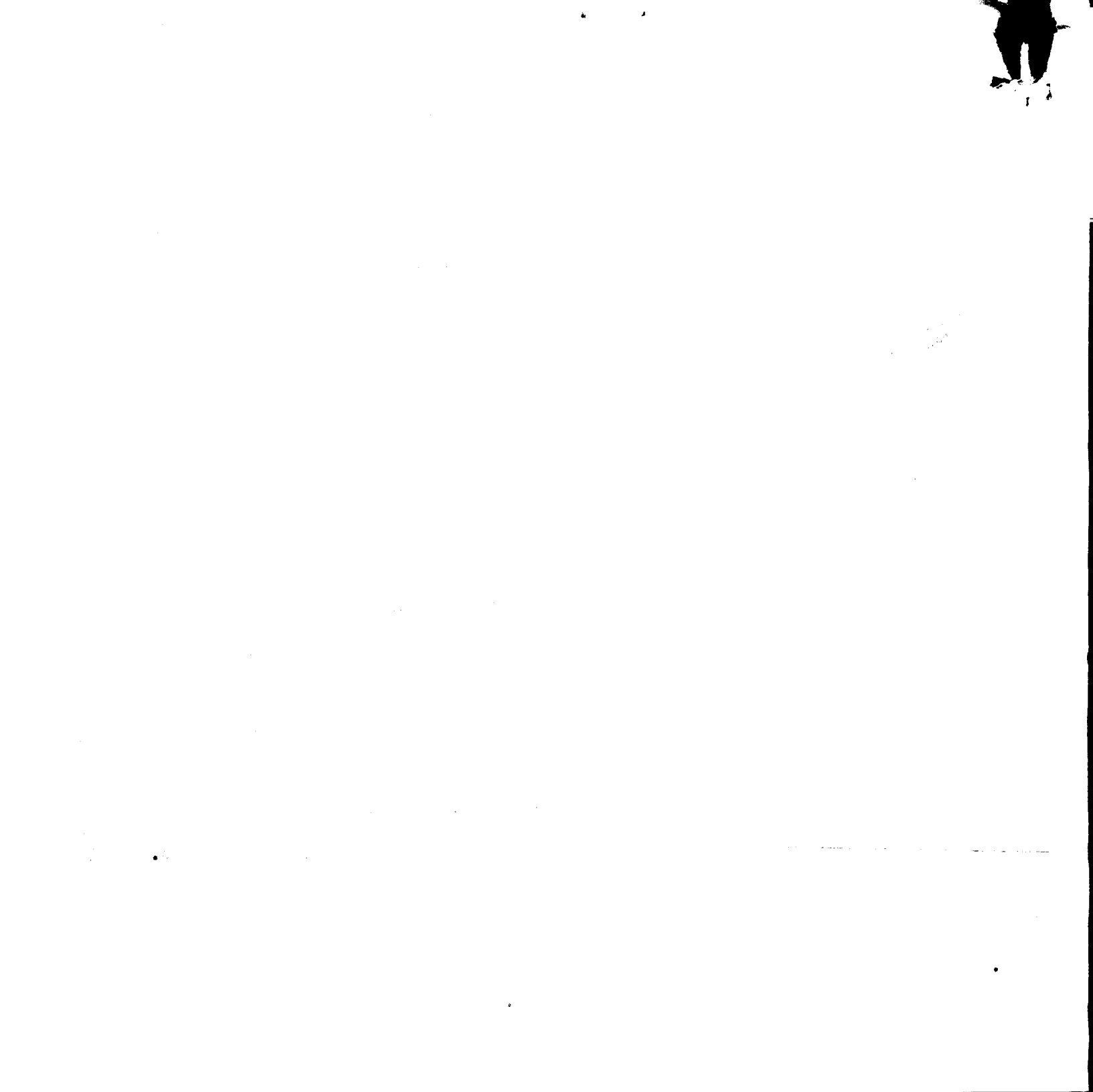
was duly published in said paper once a day for 8 successive days commencing with the issue of the 10 day of September, 19 73, and ending with the issue of the 18 day of September, 19 73, and was posted at the front door of the Court House of said Kanawha County, West Virginia, on the 11 day of September, 19 73

Dates Published:
September 10, 11, 12, 13, 14, 15, 17, 18, 1973 *Sherry Buckner*

Subscribed and sworn to before me this 18 day of Sept., 19 73
Charlotte Cox
Notary Public of Kanawha County, West Virginia

My Commission expires January 15, 1980
Printer's Fee \$ 31.04

City of Nitro
9-10, 11, 12, 13, 14, 15, 17, 18.
The City of Nitro will receive sealed
bids for the purchase of one (1) new tree
chipper on Tuesday, September
18, 1973, at 9:00 a.m. in the
Council Meeting Room, Office. The
word "BID" on the envelope. The
City reserves the right to reject any or
all bids.
(561)



Affidavit of Publication

No. _____

STATE OF WEST VIRGINIA,

Kanawha County, to-wit:

I, Sherry Buckner of the

☐ Sunday Gazette-Mail ☒ Charleston Gazette, a daily Democratic newspaper ☐ Daily Mail, a daily Republican newspaper, published in the City of Charleston, Kanawha County, West Virginia, do solemnly swear that the annexed notice of Bids (Tree Chipper)

was duly published in said paper once a day for 8 successive days commencing with the issue of the 10 day of September, 19 73, and ending with the issue of the 18 day of September, 19 73, and was posted at the front door of the Court House of said Kanawha County, West Virginia, on the 11 day of September, 19 73

Dates Published:

September 10, 11, 12, 13, 14, 15, 17, 18, 1973 Sherry Buckner

Subscribed and sworn to before me this 18 day of Sept., 19 73

Charlotte Cox

Notary Public of Kanawha County, West Virginia

My Commission expires January 15, 1980

Printer's Fee \$ 31.04

ACCT-7

City of Nitro
9-10, 11, 12, 13, 14, 15, 17, 18.
The City of Nitro will receive sealed
bids for (1) new tree
chipper. The bids will be opened on
September 18, 1973, at 10:00 a.m. in the
Council Meeting Room. The word "BID" on the sealed envelope. The
City reserves the right to reject any or
all bids. (581)

Affidavit of Publication

No. _____

STATE OF WEST VIRGINIA,

Kanawha County, to-wit:

I, Sherry Buckner of the

☐ Sunday Gazette-Mail ☐ Charleston Gazette, a daily Democratic newspaper ☒ Daily Mail, a daily Republican newspaper, published in the City of Charleston, Kanawha County, West Virginia, do solemnly swear that the annexed notice of Bids (Tree Chipper)

The City of Nitro will receive sealed bids for the purchase of one (1) new tree chipper until Friday, September 18, 1973. Bids may be obtained from the City Engineer. The bids will be opened by the Regular Council on September 18, 1973, at 4:00 p.m. Please mark the word "BID" on the sealed envelope. The City reserves the right to reject any or all bids.

(581)

was duly published in said paper once a day for 8 successive days commencing with the issue of the 10 day of September, 19 73, and ending with the issue of the 18 day of September, 19 73, and was posted at the front door of the Court House of said Kanawha County, West Virginia, on the 11 day of September, 19 73

Dates Published:

Sherry Buckner
September 10, 11, 12, 13, 14, 15, 17, and 18, 1973

Subscribed and sworn to before me this 18 day of Sept., 19 73

Charlotte Cox

Notary Public of Kanawha County, West Virginia

My Commission expires January 15, 1980

Printer's Fee \$ 12.41

ACCT-7

Affidavit of Publication

No. _____

STATE OF WEST VIRGINIA,

Kanawha County, to-wit:

I, Sherry Buckner of the

☐ Sunday Gazette-Mail ☐ Charleston Gazette, a daily Democratic newspaper, ☐ Daily Mail, a daily Republican newspaper, published in the City of Charleston, Kanawha County, West Virginia, do solemnly swear that the annexed notice of Bids (Tree Chipper)

was duly published in said paper once a day for 8 successive days commencing with the issue of the 10 day of September, 19 73, and ending with the issue of the 18 day of September, 19 73, and was posted at the front door of the Court House of said Kanawha County, West Virginia, on the 11 day of September, 19 73

Dates Published:

Sherry Buckner
September 10, 11, 12, 13, 14, 15, 17, and 18, 1973

Subscribed and sworn to before me this 18 day of Sept., 19 73

Charlotta Cox
Notary Public of Kanawha County, West Virginia

My Commission expires January 15, 1980

Printer's Fee \$ 72.47

ACCT-7

The City of Mingo will receive sealed bids for the purchase of one (1) new tree chipper until 5:00 p.m. Tuesday, September 18, 1973. Specifications may be obtained in the City Recorder's Office. The bids will be opened during the regular Council Meeting on Tuesday, September 18, 1973, at 8:00 p.m. Please mark the word "BID" on the sealed envelope. The City reserves the right to reject any or all bids. (561)

Kanawha Valley LEADER

1ST AVENUE AT 35TH STREET
NITRO, WEST VIRGINIA 25143

AFFIDAVIT OF PUBLICATION

STATE OF WEST VIRGINIA

PUTNAM

COUNTY OF, to wit:

I, M. K. Buster, being first duly sworn upon my oath, do depose and say that I am Business Manager of Kanawha Valley Leader, Inc., publisher of the newspaper entitled the Kanawha Valley Leader; that I have been duly authorized by the Board of Directors of the corporation to execute this affidavit of Publication; that such newspaper has been published for more than one year prior to publication of the annexed notice described below; that such newspaper is regularly published weekly, for at least fifty weeks during the calendar year, in the Municipality of Nitro, Kanawha and Putnam Counties, West Virginia; that such newspaper is a newspaper of "general circulation," as that term is defined in Article Three, Chapter Fifty-nine of the Code of West Virginia, 1931, as amended, within the publication areas of Putnam and Kanawha Counties, the City of Nitro and the Municipalities of Poca, Bancroft, Eleanor, and Buffalo; that such newspaper averages in length four or more pages, exclusive of any cover, per issue; that such newspaper is circulated to the general public at a definite price or consideration; that such newspaper is a newspaper to which the general public resorts for passing events of a political, religious, commercial and social nature and for current happenings, announcements, miscellaneous reading matters, advertising and other notices; the annexed notice of:

INVITATION TO BID

Remodeling
City of Nitro

was published in said newspaper once a week for 3 successive weeks commencing with the issue of the 2nd day of Aug, 1973, and ending with the issue of 16th day of Aug, 1973, and that the cost of publishing said annexed notice was \$ 7.52.

Taken, subscribed and sworn to before me in my said county this 17 day of Sept., 1973.
My commission expires June 13, 1982

Lorell A. Frazier
Notary Public of Putnam County,
West Virginia

Kanawha Valley LEADER

1ST AVENUE AT 35TH STREET
NITRO, WEST VIRGINIA 25143

AFFIDAVIT OF PUBLICATION

STATE OF WEST VIRGINIA

COUNTY OF PUTNAM, to wit:

I, M. K. Buster, being first duly sworn upon my oath, do depose and say that I am Business Manager of Kanawha Valley Leader, Inc., publisher of the newspaper entitled the Kanawha Valley Leader; that I have been duly authorized by the Board of Directors of the corporation to execute this affidavit of Publication; that such newspaper has been published for more than one year prior to publication of the annexed notice described below; that such newspaper is regularly published weekly, for at least fifty weeks during the calendar year, in the Municipality of Nitro, Kanawha and Putnam Counties, West Virginia; that such newspaper is a newspaper of "general circulation," as that term is defined in Article Three, Chapter Fifty-nine of the Code of West Virginia, 1931, as amended, within the publication areas of Putnam and Kanawha Counties, the City of Nitro and the Municipalities of Poca, Bancroft, Eleanor, and Buffalo; that such newspaper averages in length four or more pages, exclusive of any cover, per issue; that such newspaper is circulated to the general public at a definite price or consideration; that such newspaper is a newspaper to which the general public resorts for passing events of a political, religious, commercial and social nature and for current happenings, announcements, miscellaneous reading matters, advertising and other notices; the annexed notice of:

INVITATION TO BID

Truck

City of Nitro

was published in said newspaper once a week for successive weeks commencing with the issue of the 30th day of August, 1973, and ending with the issue of 13th day of Sept., 1973, and that the cost of publishing said annexed notice was \$ 7.52

Taken, subscribed and sworn to before me in my said county this 17 day of Sept., 1973.
My commission expires June 13, 1982

Doris A. Pungle
Notary Public of Putnam County,
West Virginia

CITY OF NITRO DEPOSITORY BOND OF THE BANK OF NITRO

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, Bank of Nitro, a Corporation, organized and existing under the laws of the State of West Virginia, of Nitro, West Virginia, is held and firmly bound unto the State of West Virginia in the sum of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00), to the payment whereof, will and truly be made to said State of West Virginia, the undersigned binds itself and its successors and assigns, by these presents:

Signed and sealed this the 14th day of August, 1973.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH THAT, Whereas, the Bank of Nitro, Nitro, West Virginia, has been duly and legally designated in the manner required by law, as a depository of the public moneys of and for the CITY OF NITRO, in the State of West Virginia; now, therefore, is the said Bank of Nitro, principal herein, shall receive, safely keep and well and truly pay over all moneys which may be deposited in or come under the custody of the said Bank of Nitro as such CITY OF NITRO Depository, according to law, and shall further faithfully perform all the duties imposed by law upon said principal, as a depository of public money, then this obligation shall be null and void; otherwise to remain in full force and effect.

Said Bank has herewith deposited and pledged with the Mayor of the City of Nitro, to secure the performance of this undertaking hereinabove set out, the following collateral, to all of which the interest coupons for interest not yet payable are attached, to-wit:

\$100,000.00 U. S. Treasury 7 3/4% Notes due August 15, 1977.

A certified copy of the minutes of the Board of Directors of said Bank authorizing the execution of this bond and the pledging of the foregoing collateral is hereto attached.

It is understood and agreed:

(1) Such collateral shall be held by the National Bank of Commerce, of Charleston, West Virginia, so long as said Bank of Nitro is not in default in its undertakings hereinabove set out; and if said Bank of Nitro has not defaulted in its said undertakings then such collateral shall be returned to said Bank of Nitro on the First day of July, 1974.

(2) Said Bank of Nitro shall have the right to interest payable or paid on such collateral, and may, for the purpose of collecting the same, have access to such collateral, in conjunction with a representative of said National Bank of Commerce, in order to detach interest coupons representing interest payable.

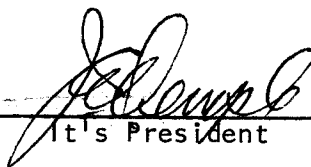
(3) Said Bank of Nitro shall from time to time have the right to withdraw any part of the above mentioned collateral upon substituting therefore other collateral of substantially the same value and marketability, upon approval of the Mayor of the City of Nitro.

(4) In the event of default of said Bank of Nitro in its undertakings herein set out during the said year beginning July, 1, 1973 and ending June 30th, 1974, the said Mayor of Nitro shall have the right to make sale of so much of the collateral hereinbefore referred to as may be required to make good the undertakings of said Bank of Nitro, any such sale to be made at public auction after due notice given to said Bank of Nitro, and published in a newspaper of general circulation in said Kanawha County once a week for two consecutive weeks.

BANK OF NITRO

Corporate Seal

BY


It's President

STATE OF WEST VIRGINIA

COUNTY OF KANAWHA, TO-WIT:

I, Margaret M. Higginbotham, A Notary Public in and for the County and State aforesaid, do certify that J. E. Temple, who signed the writing above, bearing date the 14th day of August, 1973, for the BANK OF NITRO, has this day in my said County, before me, acknowledged the said writing to be the act and deed of said corporation.

Given under my hand this the 14th day of August, 1973.

My Commission expires the 14th day of January, 1977.


Notary Public

R E S O L U T I O N

At a meeting of the Board of Directors of the Bank of Nitro, (a corporation), at Nitro, West Virginia on the 8th day of January, 1973, pursuant to notice, a quorum being present and acting throughout, the following resolution was adopted:

"WHEREAS, It appearing to the Board that this bank has been designated a City of Nitro Depository by the City of Nitro, Nitro, West Virginia, and that in order to qualify as such a City of Nitro Depository, a bond be executed to secure any City of Nitro Deposits placed in this bank."

"NOW, THEREFORE, BE IT RESOLVED: That J. E. Temple, the President of this bank, is hereby authorized and directed to make, execute, and deliver in the name of this bank and in its behalf, a proper bond to expire on the 30th day of June, 1974, in the sum of \$100,000.00 in such form as may be required and to execute with such surety as may be satisfactory to the City of Nitro, Nitro, West Virginia, or with such collateral secured by the deposits of any bonds or securities of this bank acceptable to the said City of Nitro, and of such aggregate amount or value as may be sufficient to secure said deposits. And the said J. E. Temple, is hereby authorized to pledge any collateral in such manner as may be agreed upon as satisfactory to this bank and the said City of Nitro."

I, Robert R. Ferrell, Secretary of the Board of Directors of the Bank of Nitro, a Corporation, do certify that the foregoing is a full, true and complete copy of the resolution adopted by the Board of Directors of said Bank at a meeting held pursuant to notice on the 8th day of January, 1973, at which meeting a quorum was present and voting.


Robert R. Ferrell, Secretary

NITRO CITY COUNCIL MEETING

December 4, 1973

The regular meeting of the Nitro City Council was held in the Council Chambers, December 4, 1973. Those present were: William D. Gibson, Mayor; Thomas Melton, City Recorder; Councilman at Large Dr. R. V. Allen; Councilman at Large Hugo Tidquist; Councilman at Large Keith Priddy; Councilman Paul Hill, Councilman Dewey Mann, Councilman Thomas Lilly, Councilman Vernon Casebolt, and the City Attorney, James Kessinger.

The meeting was called to order by the Honorable William Gibson. Reverend Westlund gave the invocation.

APPROVAL OF MINUTES: Councilman Paul Hill stated that he would like to make a correction of the minutes of the last Council Meeting. He pointed out that on page 146 of the minutes of the last Council Meeting, the bid from C & O Motors should have been shown as \$3,350.73 and not \$3,353.73 as the minutes read. Councilman at Large Keith Priddy made a motion that the minutes of the last Council Meeting be approved as amended. Councilman Lilly seconded the motion - All Council voted in favor.

NOVEMBER FINANCIAL REPORT: Councilman Thomas Lilly, Chairman of the Finance Committee, stated that at the close of business on October 31, 1973, the General Fund had a cash balance of \$18,456.19. The receipts for the month of November were \$33,360.54. This made a total of \$51,816.73. The disbursements for the month of November were \$40,315.45. This left a cash balance in the General Fund as of December 1, 1973 of \$11,501.28.

Councilman Vernon Casebolt, Chairman of the Fire Department Committee, stated that he had talked with the Fire Chief the night before the Council Meeting, and he requested that the bids for the emergency rescue truck for the Fire Department be held in the Committee until the next Council Meeting.

Mayor Gibson reported on the Sanitary Sewer Agreement between Nitro Sanitary Board and the Rock Branch Public Service District. He stated that the Sanitary Board had a meeting the day of the Council Meeting involving the Nitro Sanitary Board, two engineers, and an attorney. The Mayor added that they have scheduled a meeting for Wednesday, December 12, 1973 in the Council Chambers beginning at 8:00 p.m. involving the Nitro Sanitary Board, the Rock Branch Public Service District, and the City Council in an effort to see what the possibilities were toward forming a joint venture in using one sanitary plant, the Nitro plant, for sewage treatment.

Mayor Gibson reported on the transfer of the Blakes Creek/Armour Creek Watershed property. He stated that on November 16, 1973 he talked with Mr. Chester Johnson, the Watershed Coordinator of the Regional Development Authority, an arm of the Kanawha County Court. The Mayor stated that Mr. Johnson said that he would draft up that day a court order that he could take to the Kanawha County Court Commissioners to have them sign, thereby deeding the Watershed

property over to the City of Nitro. The Mayor went on to say that he had been in touch with Mr. Johnson once since this discussion, and he is still working on the matter. The Mayor further added that the last contact he had made with Mr. Johnson, he had not yet gotten the court order signed. Councilman Lilly stated that maybe we should have a letter sent to Mr. Johnson requesting a court order and a copy of it sent to the County Commissioners. Councilman Lilly went on to say that in the letter, we should strongly request some disposition on this Watershed property. Councilman at Large Dr. Allen seconded the motion. Mayor Gibson asked Councilman Lilly if he intended this to be in the form of a motion. Councilman Lilly replied that he did. The Mayor asked if there were any further question concerning the letter that was proposed to be sent - All Council voted in favor of constructing and sending a letter to Mr. Chester Johnson which would, in turn, be sent to the Kanawha County Court Commissioners.

Mayor Gibson reported on the contractor working in the Blakes Creek/Armour Creek area. The Mayor stated that he had been in touch with the company that is supposed to be working in this area and they have advised him that there is no work being done at the present time, and they have no intentions of moving any heavy equipment in or out within the next few days. The Mayor went on to say that he has asked them to "touch base" with himself or the Police Department before they bring any heavy equipment in or out of the Blakes Creek/Armour Creek area. The Mayor added that they replied that they would do so.

Mayor Gibson stated that he would like to appoint an Ordinance Committee to exist for awhile of three Councilman to work on the ordinance problems of our City, and let these three gentlemen decide or make a report to the Council as to what direction they would like us to travel in in the future on the up-grading of our City ordinances. He went on to state that he would like to designate as Chairman, Councilman Dewey Mann, Councilman at Large Keith Priddy, and Councilman Thomas Lilly as members of this Committee.

Mayor Gibson asked Councilman at Large Hugo Tidquist about the success of the special leave pick-up that was begun on Monday, November 26, and extended throughout Friday, November 30, 1973. Councilman Tidquist stated that from his observations it was a success and that there have been very few bags of leaves on the curbs. However, he added that there are bound to be a few left out. The Mayor added that as far as he knew it was a "smashing success." He added that he, too, was sure that maybe some people had put theirs out a little late after the truck had already gone by. Councilman Tidquist went on to say that we haven't had too many plugged-up drains with the exception of last week. Mayor Gibson added that most of the complaints concerning plugged-up drains occurred prior to the leaf pick-up drive.

Councilman at Large Tidquist stated that he contacted Logan Company, the company that we purchased the tree chipper from. He went on to say that it is now on the truck and is supposed to be on its way. He added that where it is at and how it will get

here probably depends on the fuel situation. Councilman Tidquist further added that on their bid they stated a delivery date of 90 days, so it looks as if they will be about three weeks ahead of time.

Councilman at Large Dr. Allen stated that he thought that Councilman Tidquist would report on the activities open last week concerning the Christmas lights. Councilman Tidquist reported that last week there was quite a disturbance over Christmas lights being lighted and turned on, so the City went around the next day and disconnected them. He added that they were turned on again last week for the parade and turned off the next day. He went on to say that it seems that the business people have paid for these lights in the past years, and they felt that they should be the controlling factor as far as turning the lights on is concerned. He went on to say that the Lions Club voted that the lights be turned back on when the Businessmen's Association wanted them turned back on. He added that some felt that in West Virginia we do not really have a shortage on electrical power, and also Appalachian said that there was no shortage as far as they were concerned. He further added that the Businessmen's Association has scheduled a meeting for next Monday, December 10, 1973. He added that the question was brought up in their last meeting as to whether they wanted the lights turned back on or not. He added that the Lions Club has agreed to go along with their decision. Mayor Gibson added that the lights have only been on two nights since the time they were erected. Councilman at Large Tidquist added that he understood that the lights at the bridge are turned on and off with the street lights. The Mayor replied that they were turned on and off automatically with the street lights. He added that they are dusk-to-dawn lights. Councilman Tidquist added that others burn all day. The Mayor added that there is no way to turn them off. Councilman at Large Dr. Allen added that the Lions Club has nothing to say about the situation. Councilman Tidquist added that this is correct. They only put them up and take them down. Councilman at Large Dr. Allen further added that the business people have purchased these lights and have several thousand dollars invested in them. He added that it is not the Lions Club decision to tell them to turn them on or off. He went on to say that if you see the lights burning you will know that the business people in town have made the decision. Councilman Tidquist also reported that they are wondering if it was possible that the City help them pay the electric bill on these lights. He added that they were trying to get it in the budget but have not done this to date. He added that if the City could see their way clear that he was sure the Lions Club and the Businessmen's Association would appreciate it. The Mayor added that we could consider putting it in a Committee. Councilman at Large Dr. Allen added that maybe it could be put in the Finance Committee. The Mayor added that it would be nice if the lights could be turned off at midnight, 1:00 a.m., or daybreak. He added that burning them all day does create a certain amount of questioned in some people's minds. The Mayor went on to say that he was sure that any decision the Businessmen's Association came up with will be satisfactory.

Councilman Thomas Lilly, Chairman of the Police Committee, reported that he would like to inform Council that last week the City accepted delivery on a 1974 Police Cruiser that was ordered

approximately four or five months. He added that we currently have on hand a 1971 Dodge that was in excess of 80,000 miles, a 1973 Plymouth that has in excess of 30,000 miles. He went on to say that as Council recalls that at the recommendation of the Police Committee we allocated funds for two 1974 Police Cruisers. He added that we have received one. Councilman Lilly further added that he would like to request permission to submit bids for another new Police Cruiser. Mayor Gibson inquired as to whether or not the cruiser and the communication radio would be purchased separately. Councilman Lilly replied that this was correct. Councilman at Large Dr. Allen asked if the City had a trade-in. Councilman Lilly replied that we had no trade-in. He further stated that with the acquisition of new policemen, we actually need one more cruiser. Councilman Paul Hill seconded Councilman Lilly's recommendation. The Mayor asked if this was in the form of a motion. Councilman Lilly replied that it was. The Mayor asked if the bids were to be opened at the next Council Meeting. Councilman Lilly answered that they were. Councilman at Large Dr. Allen inquired if the bids would be accompanied by the same specification sheet as the previous bid. Councilman Lilly replied that we would use the same specification sheet deleting the trade-in - All Council voted in favor of submitting bids for a new Police Cruiser.

Councilman Mann reported that he had a preliminary report on the Ordinance Meeting that was held on Monday night before the Council Meeting. He reported that he had called the Michie Company in Charlottesville, Virginia, and talked with the president. Councilman Mann went on to say that he would send his people in here and completely codify Nitro's ordinances so that they would be in harmony with, and in no way conflict with, the State Code or the latest decisions of the Supreme Court. He added that these people would add to and eliminate the matter so the City could be legally and properly governed. Councilman Mann further reported that the president said that for the size of Nitro, it would probably encompass about 160-175 pages of ordinances at a cost of \$3,200. He will send particulars and a sample Code in the mail to show what this would involve. Councilman Mann went on to say that this cost of \$3,200 would give the City 50 copies in loose-leaf form. He added that at the same time and the president of Michie Company were talking about the cost of a State Code, and for the 21 volumes the cost would be \$350 for just a copy of the Code. Councilman Lilly asked Councilman Mann if he was recommending that the City purchase this Code and if it was in the form of a motion. Councilman Mann stated that maybe we should wait and take it up in the Committee because the president of Michie Company is going to send a sample Code. He added that Mr. Kessinger probably knows what this will be. Mr. Kessinger asked if this was the West Virginia Code. Councilman Mann answered that it would be a sample code of their ordinances. Mr. Kessinger replied that St. Albans had one and you could get a sample copy from any city. Councilman Mann asked Mr. Kessinger if he was familiar as to how this procedure was done. Mr. Kessinger replied that he was. Councilman Mann further added that after it is finished, they will go over it with us. Councilman Mann went on to say that this must take some time and they have to stay on it. He added that when they

have completed their work, they will go over it with the City Attorney in every way. Mr. Kessinger stated that it is called "edity"; that is, they edit what we have and print it, putting it in bound volumes. Mr. Kessinger went on to explain that they might put it in two bound volumes plus several loose leaves, checking the footnotes and bringing it up to date. Councilman Mann went on to say that the Michie Company is going to write a letter and send complete information. He added that maybe we should wait until we get the letter and information before we go any further.

Councilman Hill made a motion that the Council Meeting be adjourned. Councilman Casebolt seconded the motion - All Council voted in favor. The Meeting was adjourned with prayer by Reverend Westlund.

Wm. D. Gibson
Mayor

Recorder

NITRO CITY COUNCIL MEETING

December 18, 1973

The regular meeting of the Nitro City Council was held in the Council Chambers at Nitro City Hall at 8:00 p.m. on Tuesday, December 18, 1973. Those present were: William D. Gibson, Mayor; Thomas Melton, City Recorder; Councilman at Large Dr. R. V. Allen; Councilman at Large Hugo Tidquist; Councilman at Large Keith Priddy; Councilman Dewey Mann; Councilman Paul Hill; Councilman Vernon Casebolt; Councilman Thomas Lilly; and the City Attorney, James Kessinger.

The meeting was called to order by the Honorable William Gibson. The invocation was given by Reverend William Westlund.

At the beginning of the Council Meeting, Councilman at Large Hugo Tidquist, on behalf of the Nitro City Council, presented Mayor Gibson with a gift of an engraved gavel. Councilman at Large Tidquist stated that the Council felt that this would keep people in line and call the attention as to what is being done at City Hall. The Mayor said he felt extremely honored that the Council would present him with a gift. The Mayor further stated that he sincerely appreciated the gift and that Council "must expect me to get hardnosed." He added that it was very nice and thanked the Council once again.

APPROVAL OF MINUTES: Councilman Vernon Casebolt made a motion that the Council Meeting Minutes of the last meeting be accepted. Councilman at Large Priddy seconded the motion - All Council voted in favor.

APPROVAL OF NOVEMBER FINANCIAL STATEMENT: Councilman Thomas Lilly, Chairman of the Finance Committee, stated that he had a correction to make on the November Financial Statement. He added that on the first short page of the statement, that page having the proofs, the proof for July is seen on the Statement as \$1,708. He further added that it should read \$51,708. Councilman Lilly asked if there were any questions as to the November expenditures. Councilman Lilly went on to say that he would like to make a motion that this Financial Statement be approved as submitted. Councilman at Large Dr. Allen seconded the motion - All Council voted in favor.

Councilman Thomas Lilly, Chairman of the Police Department Committee, commented on the bids for the 1974 Police Cruiser. He stated that we had received two bids. The bids were as follows:

- (1) Capitol Chrysler Plymouth located in South Charleston, W. Va. The bid was for \$3,539.75 and 90 days was the delivery date.
- (2) Landers Chevrolet located in Hurricane, W. Va. The bid was for \$3,726.30, net price delivered in Nitro. The total cost is \$4,092 with the additions of an air conditioner and an AM radio.

Councilman at Large Hugo Tidquist asked Councilman Lilly if this was the way that he understood the bid from Landers Chevrolet. Councilman Lilly stated that Landers is showing the net delivery price of

the basic automobile with the 8 cylinder, 4 door, 6 passenger with the required information which was \$3,726.30. Then the additional, if you want the air conditioner and the AM radio, are: air conditioner, \$315.90 and the AM radio, \$50.70. The total cost would be \$4,092. The delivery date is 6 to 8 weeks. Councilman Lilly went on to explain that on the Capitol Chrysler Plymouth bid, their net price is \$3,539.75. He stated that they added \$350 for the air conditioner and \$60 for the AM radio. The total cost would be \$3,949.75. Councilman at Large Dr. Allen asked how these bids compared to the bids on the last Police Cruiser. Councilman Lilly stated that these bids were approximately \$300 higher than the bids on the last cruiser. Councilman Lilly made a recommendation that these bids be put in the Police Department Committee and a report made at the next Council Meeting.

Councilman Vernon Casebolt, Chairman of the Fire Department Committee, reported on the bids for the Rescue Body and the Chassis for the Fire Department. Councilman Casebolt added that they have ran into a small problem. He explained that the Fire Chief has been in the hospital; however, he has worked very hard on this situation. Councilman Casebolt stated that one bid did not meet the specifications and one bid was not signed. He added that the bid that was not signed was the low bid. Councilman Casebolt explained that the Fire Chief went to these people and asked them to sign it. However, they informed him that during the time the bids have been in the Fire Department Committee, the price has increased \$256 on the truck. He went on to say that the Fire Chief has called various places; and all have increased except for the high bid, which did not increase and did not meet the specifications. He went on to say that we still have the one that increased \$256 which is still the lower bid. It was Childers Chevrolet located in Nitro, W. Va. He added that the Fire Department would like to order this cab and chassis from Childers if the Council will approve the extra \$256. Councilman Casebolt stated that the price would be \$3,006. Mayor Gibson asked if Childers Chevrolet was willing to sign the bid with the price increase included. Councilman Casebolt stated that talking with the Fire Chief, yes; he was. He went on to say that he had not met with the Fire Chief yet but the way he understands it, Childers would sign the bid. Mayor Gibson asked if the Committee could make a recommendation on the bid or would they like to keep it in the Committee. Councilman Casebolt stated that he was afraid to leave it in the Committee because the price might go up another \$256. Councilman Paul Hill inquired about the body. Councilman Casebolt stated that they had received one bid on the body, and it was what the Department wanted and is in the right price range and meets the Chief's specifications. Councilman at Large Tidquist asked who was going to put the body on. Councilman Casebolt explained that the body comes according to a picture he showed Council installed on the chassis. He added that the Committee would like to make a recommendation that the City order this chassis from Childers Chevrolet in Nitro. Councilman Hill asked if this was in the form of a motion. Councilman Casebolt explained yes, that this was two different bids although the two go together. Councilman Lilly seconded the motion - All Council voted in favor of purchasing the cab and chassis from Childers Chevrolet. Councilman Casebolt went on to say that he would like to recommend that the City purchase the rescue body from Stewart Equipment Company in Charleston to be installed on the chassis when it arrives. He went on to say

that we have to get this ordered by the 20th of December or we will suffer an increase in the cost of it. Councilman Casebolt made a motion that the rescue body be ordered. Councilman Paul Hill seconded the motion - All Council voted in favor of purchasing this rescue body from Stewart Equipment Company.

Councilman Dewey Mann, Chairman of the Ordinance Committee, reported on the result of the Ordinance Meeting, December 12, 1973. He stated that they discussed the proposal from the Michie Publishing Company in Charlottesville, Virginia to codify our ordinances. He added that the Committee agreed or recommended that we should go ahead with the proposal. He added that this company has been highly recommended and that they sent us a code that they had done for Montgomery. Councilman Mann went on to say that they had called the Mayor of Montgomery, and he said that they were extremely efficient and reliable. He went on to say that the Mayor of Montgomery did not feel the cost was too great. He further added that our City Attorney indicated that maybe we should have negotiated a little on the price. He further added that our Attorney called the President of the Michie Company; and in order to expediate our codification of our ordinances, it would be necessary for he (the City Attorney) and a member of the Council to spend at least two days in Charlottesville, Virginia. Otherwise, it would take 4, 5, or 6 months for them to get their representative here. He went on to say that the Committee would like to have the authority to act and designate someone to go to Charlottesville with the City Attorney. Councilman Mann further stated that this Councilman would not necessarily have to be a member of the Committee, just a member of Council. Councilman at Large Dr. Allen stated that he could understand why the President of the Michie Company wants us to bring our load of materials down there. Councilman at Large Dr. Allen pointed out several reasons why we should negotiate with the Michie Company. First of all, we are going to do preliminary work before we go. Second, if someone goes down there and goes through the process of getting everything in order, this is not the final drafting. It is just a matter of getting all the work done and then sending it back. Mr. Kessinger, the City Attorney, stated that we will take what we have already accomplished as far as the ordinances that are particular to Nitro. He added that with a couple more meetings we should be finished with what we need to take to Charlottesville. He went on to say that then we will meet with the Michie Company and have it checked for conflicts and codified. He went on to say that the Company has a multilith machine for printing and will give us whatever copies we specify. Councilman at Large Dr. Allen went on to say that he was thinking that whoever we send down there and goes over the entire process, this would not be the final step. Mr. Kessinger stated that as he understands it, it would take some additional work here before going, maybe three more meetings; and then we would go down there for two days to explain to them everything that we want. They would send us a rough draft of what they have set up for printing. If this is suitable to Council, the Council will give the go ahead, and the Michie Company will send us the final copy. Mr. Kessinger further stated that the charter situation was also discussed. Councilman Mann stated that they would take the present charter and put a price of \$300 to print it. Councilman Mann further

stated that according to their letter, the Michie Company would draft, where necessary or advisable, new ordinances and submit them for approval. Mayor Gibson stated that they have quoted us a price of \$3,200. He added that it appears that they are going to start from scratch and work until they have a finished product. He added that \$3,200 sounds like a lot of money; still it is not a lot of money when you are up-grading everything you have done for 40 years. He added that he is wondering how we are eventually going to end up moneywise after sending the Attorney and a Councilman to Charlottesville. Councilman at Large Dr. Allen added that according to their letter, they were going to do all the work for \$3,200. Mr. Kessinger stated that he did not understand the letter this way. Councilman at Large Priddy stated he thought they would meet with the attorney and Committee here. Mr. Kessinger explained that all the City will get for \$3,200 as he understands it is what he would call a "stock book." Mr. Kessinger went on to say that these have been used throughout the United States; and after this is completed, they sit down with the City Attorney and draft what is particular to Nitro. He added that he did not think that they were taking anything from scratch and going through it in this fashion. Councilman at Large Dr. Allen stated that he thought they would take everything from scratch. He went on to say that what work we have accomplished will be taken to Charlottesville, and this will reduce the amount of work that the Michie Company will have to do except the printing aspect. He added that he is not willing to pay \$3,200 for printing. He further stated that if we take everything we have and get a good set of ordinances, then he would go along with it. Mayor Gibson stated that evidently this is what the Michie has done for the other cities. He stated that St. Albans has done this. Councilman at Large Dr. Allen stated that he saw St. Albans' copy and it was very good. Councilman Mann added that they have to use the present ordinances. Mr. Kessinger stated that usually what they say is that when they begin they specify that anything that is omitted from the ordinance book that they are going to codify and is contained in the original ordinance book is to be considered part of the book they are revising. Councilman at Large Priddy stated that in a way, the purpose of this is to get rid of some of the ordinances that have no function. Councilman at Large Tidquist asked if he did not hear someone say that they were going to try to negotiate the price. Mr. Kessinger stated that the gentleman he talked with does not know what work is to be done. He added that this gentleman was in reference to coming in with no work having been done. Mr. Kessinger also added that the Michie Company is used to picking up a better system than what we presently have. He went on to say that he requested that the gentleman come in, but time does not permit this for several months. So it is a question of whether or not they should be expedited or wait until he comes here or mail the product to him. Mayor Gibson read a portion of the letter from the Michie Publishing Company:

In addition, our editors will draft, where necessary or advisable, new ordinances and will submit them to and discuss them with your City Attorney. We will also draft, where needed, amendments to the existing ordinances.

Mr. Kessinger stated that he has to know what we want. Mayor Gibson asked the Chairman of the Ordinance Committee, Councilman Mann, if he wanted to keep this in the Committee or did he feel he could make a good report to the Council tonight. Mayor Gibson further stated that his big question was how the City would end up financially as opposed to what I read into this letter. What kind of money are we talking about? Mr. Kessinger added that they could not send a representative for the next six months. He went on to say that he asked what alternatives we had, which was how about us going there. Councilman Mann added that if they send someone here, we will have to pay for it. If we send someone there, we will have to pay the expenses. We have to pay either way. Councilman Lilly stated that it would be cheaper for us to send a Councilman than for them to send an attorney. Councilman Casebolt stated that we definitely need our ordinances and that he would like to make a motion that we accept the Committee's recommendation. Mayor Gibson asked what the Committee's recommendation was. Councilman Casebolt stated that it was that we send the City Attorney and some member of Council down there with our ordinances as soon as we have finished here in order to "get the ball rolling." Councilman at Large Priddy seconded the motion. Mayor Gibson asked if this was the recommendation of the Committee. Councilman Mann stated that we have to operate on the basis of this proposal hoping that it will be less. Councilman Casebolt stated that the way he understands it we are going to negotiate by going down there. Councilman Mann further explained that they have quoted a price of \$14.25 per page. Councilman Lilly stated that they are using a base price of X number of dollars and \$14.25 per page thereover. He went on to say that some of the cities the size of Nitro, speaking in the realm of 8,000 to 9,000 population, have a total print-out in the neighborhood of 622 pages. He went on to say that this being the case, we are looking at a possible cost of anywhere between \$5,000 to \$10,000 assuming they send representatives here. On the other hand, there is a good possibility that if we gather up what ordinances are needed and have a representative of the City along with the City Attorney go to Virginia and spend two days with them, they can take this; and based on what they have available there, can pretty well put it together to get a basic print-out of what it would be. Then it would be up to the Council to decide whether they want to go this price. Councilman Lilly further explained that up to this time, we should not have spent a lot of money on them but transportation and what fee that they would charge us to do this. Mr. Kessinger stated that the Michie Company is the only company that does this sort of thing throughout the United States and that encompasses a lot of cities. Therefore, they are very busy. Councilman Mann stated that the sample the Michie Company sent contained 400 pages. Councilman Mann further stated that he said that this was more than was ordinarily necessary. Councilman Lilly added that he (the gentleman from Michie Company) had estimated Nitro's to be about 300 pages. Mr. Kessinger stated that until we give them our material, it will be difficult for them to quote us a price. Mayor Gibson stated that there was a motion on the floor that had been duly seconded - All Council voted in favor of sending the City Attorney and a Councilman to Charlottesville, Virginia in an effort to codify our City ordinances.

Mayor Gibson reported on the progress toward the transfer of the Blakes Creek/Armour Creek Watershed property to the City of Nitro.

He added that he had received a letter from the Regional Development Authority regarding this property transfer and requested that the letter be made a part of the minutes. Mayor Gibson read the letter aloud in the Council Meeting.

Mayor Gibson also stated that before going into new business, he would like to take this opportunity to make a few complimentary statements. He added that he wanted to publicly thank each and every Councilman sitting around the table for the tremendous amount of cooperation, dedication, and hard work which you have demonstrated during the year of 1973, in our efforts to move the City of Nitro forward. He went on to say that you have all exercised a tremendous amount of team spirit and I personally feel that we are just beginning to shift into high gear.

He added that he would also like to thank our City Recorder, Tom Melton. He has certainly been easy to work with and extremely cooperative. I am very grateful to him and would like to extend this out to all the City employees.

Mayor Gibson also reported on a meeting involving the Nitro Sanitary Board held in the Council Chambers on December 12, 1973. A copy is included as part of the minutes and was also passed out to each individual Councilman.

Mr. Kessinger explained that he had a resolution that he wanted to introduce to Council calling for a public meeting to be held on January 15, 1974 at 7:00 in the p.m. at the Council Room. The resolution was read as follows:

Be it resolved by the Common Council of the City of Nitro, West Virginia, at a regular meeting held on December 18, 1973, that notice be given to all subscribers and users of the Sanitary System of the City of Nitro of a public meeting to be held on January 15, 1974, at 7:00 o'clock in the p.m. in the Council Room of the City as required by Chapter 8, Article 8, Section 3 of the Code of West Virginia of 1931, as last amended, by publication as therein specified.

Mr. Kessinger further explained that he wanted to introduce two copies of a proposed amendment to the existing Sanitary Sewer Rate Ordinance and a copy was passed down each side of the Council table. He went on to say that this will amend the previous Rate Ordinance. He stated that if you are familiar with the old ordinance, you might turn to page 3. Here is the pertinent information. He also added that he would pass out copies of the proposed resolution. This resolution and amended ordinance will have to be published once a week in the local newspaper for three consecutive weeks, and then a public meeting to be held before the final adoption of the resolution and the amended ordinance. He further added that it is necessary by law that we allow the public the opportunity to come in and be heard. Mr. Kessinger went on to say that the resolution he has passed out sets forth the time of the public meeting prescribed by the Council for January 15, 1974. He further added that he would have to draft a notice to be published in the local newspaper setting forth this public meeting. He went on to say that the amended

ordinance was drafted by Mr. Vaughn, the attorney for the Sanitary Board. The only thing I drafted was the resolution to put the ordinance into effect. Councilman at Large Dr. Allen inquired as to the two different rates mentioned in the ordinance, one inside rate and one outside rate. Mr. Kessinger explained that he is not familiar with this ordinance because the Sanitary Board attorney drafted it. He explained once again that he only drafted the resolution. Councilman at Large Dr. Allen asked Mayor Gibson what his recommendation was and what the Sanitary Board attorney had to say about the ordinance. Mayor Gibson stated that this is to be debated before the Public Service Commission; they will have the final say. Councilman Lilly added that on the notice, this is to be publicized and then we have the public meeting on January 15, 1974. He further added that it is then the next Council Meeting that we take up this particular ordinance. Is this correct? Mr. Kessinger asked what night January 15, 1974 fell on. The City Recorder, Thomas Melton, replied that it was a Council Meeting night, the third Tuesday night in January. Mr. Kessinger stated that they had pre-scribed to have the public meeting at 7:00 p.m. in the Council Chambers and the Council Meeting at 8:00 p.m. Mr. Kessinger stated that it has to be advertised three times. Councilman at Large Dr. Allen asked if there would be copies available at this public meeting. Mayor Gibson stated that we can make copies. He added that the final adoption would not take place until after the public hearing. Councilman Mann inquired if this ordinance was predicated entirely on Nitro. Mayor Gibson stated that as he understands, it has nothing to do with the Rock Branch Public Service District whatsoever. Councilman Mann asked that if this amended ordinance is adopted and subsequent to this Rock Branch is admitted or brought into the Nitro Sewery System, then will another ordinance have to be drafted. Mayor Gibson answered that if this amended ordinance is adopted and Rock Branch is admitted, this rate ordinance would have to be amended. Another rate ordinance would have to be presented to the Public Service Commission. If approved and the out-lying area brought in, the residents from Nitro at that time would be entitled to a small reduction in their monthly sanitary bill. Councilman at Large Dr. Allen stated that the only thing that he had reference to was this "... outside the corporate limits ..." and how they could turn this around with the legal aspects. He added that it was more than proposed before. Mayor Gibson stated that he thought the CPA was acting in our best interest and trying to get this outside rate incorporated. He added that if they get it through the Public Service Commission, it would be to our advantage. Councilman at Large Keith Priddy made a motion that the Council accept this resolution as read. Councilman at Large Dr. Allen seconded the motion - All Council voted in favor.

Mayor Gibson added that he would also like to publicly thank the news media who have helped the City of Nitro tremendously. He added that this goes for the Kanawha Valley Leader, the Charleston Gazette, the Charleston Daily Mail, and various radio stations plus anyone else who has been involved in keeping the people of Nitro and the surrounding area informed as to the happenings here at City Hall.

Mayor Gibson further stated that we have discussed in the past

and have allocated money for the erection of a City Garage to house City equipment which would provide for better over-all operation and maintenance of our vehicles and enable us to provide better service to our citizens. He went on to say that he had been informed by the agent who represents the Penn Central Railroad Company that there are two acres of land for sale adjacent to a tract of land that is presently being sold in the down river direction adjoining the United Warehouse Distributor Company below the Interstate 64. The land fronts on a 50 ft. right-of-way owned by the West Virginia Department of Highways and extends back to the land owned by the City where the sanitary treatment plant is situated. He went on to say that we could purchase this land for \$13,500 per acre. If two acres were purchased, we would be speaking in terms of \$27,000. The Mayor went on to say that we are in desperate need of a City Garage where we can maintain our equipment and house it as much as possible. He added that we are presently working in the heart of town in the business district. He stated that it is very difficult at times to get things done and we are not setting a good example, allowing some of our broken-down equipment to be parked around in the main part of town. Councilman at Large Priddy asked if any of the Committee members looked over the property. Mayor Gibson answered that not that he knows of but that everyone on the Building and Planning Committee is familiar with where the property is situated. The Mayor suggested that it might be good if it did go into the Building and Planning Committee, and he added that he would like to see all the Councilmen take a look at this property. He added that we are talking about quite a bit of money. Councilman Lilly added that he had seen the area and he knew that in the last year and half there has been several locations considered where this particular maintenance building could be built. He added that of all the areas he has seen himself, he felt that this would be an ideal spot for a maintenance building. He added that he did know that the cost of the land within this vicinity was a lot greater than \$13,500 per acre. Councilman at Large Dr. Allen asked if he had reference to the going price. Councilman Lilly replied that he did. Councilman at Large Tidquist stated that he wondered if we could not purchase land closer to Nitro. He added that the price might be greater, but you will spend a lot of time making trips back and forth down there. He went on to say that by the time you move equipment back and forth you would be spending a lot of time on the road and not accomplishing anything. He added that he wondered if there was any land in this area closer to the railroad tracks. Councilman at Large Priddy stated that he did not know of any land available in that area. Councilman Lilly added that we had looked into the possibility of taking part of the park parking lot and the Council knows the results of this. Councilman at Large Tidquist explained that he was thinking of the area by the Railroad station or the depot. He added that, however, the area mentioned by the Mayor was well and good. Councilman at Large Priddy added that he thought Republic Steel owns the property where the mobile homes sales is located. Councilman at Large Tidquist stated that the distance from here down to the Sanitary Plant was what he was thinking about. He went on to say that his only objective was the amount of time you would spend going back and forth and the fuel situation as it is. Councilman at Large Dr. Allen asked when we had to let the owner know of our decision. Mayor Gibson answered that he did not think that there was any great rush. A couple more weeks

would not have any bearing on it. Councilman at Large Priddy added that a couple more weeks would allow everyone to get a chance to go down and look the property over. Mayor Gibson stated that personally he would rather it go into a Committee and give everyone an opportunity to go down and look at it. He added that Paul Hill was the Chairman of the Building and Planning Committee. Councilman Hill stated that he would like to make a motion to put this situation in the Committee and report back to Council. Councilman at Large Dr. Allen seconded the motion - All Council voted in favor.

Mayor Gibson reported that our City Attorney would like to add another comment on the proposed amendment to the existing sanitary sewer rate ordinance. Mr. Kessinger stated that we have adopted the resolution but we did not have the first reading of the proposed amendment to the existing sanitary sewer rate ordinance. He added that he thought this was the intent: to have the first reading and then publish the resolution. He added that we would then have the public meeting on January 15, 1974 and then set aside to adopt it on January 15, 1974. Or, he went on to say, that we could adopt it at some later date. He explained that if you don't have the first reading tonight, then you would not have time to get the three publications in before January 15, 1974. Mr. Kessinger added that this was up to the Council, but he just wanted to bring this to their attention. According to the calendar you would have to read it tonight in order to have time to publish it three times prior to the public meeting. If you want to pass the ordinance on January 15, 1974, you must read it tonight. Councilman at Large Tidquist stated that if we have it to do, we might as well do it tonight. Councilman Lilly stated that in other words, by having a reading tonight, advertising it three times, then the second reading would follow the public meeting and it would go into effect then. Mr. Kessinger stated that it would give you the opportunity to act on it January 15, 1974 if you so desire. Councilman at Large Lilly added that we should probably have the first reading tonight. He asked if this ordinance would be published. Mr. Kessinger replied that the notice would be published along with the ordinance. Councilman at Large Priddy asked if the reading would just encompass the reading of the heading. Mr. Kessinger replied that it would. Mayor Gibson read the heading of the ordinance aloud in the Council Meeting. Mayor Gibson added that further down in the ordinance it mentions in terms of \$1,275,000, the total amount of money necessary. He added that it also says, " . . . Whereas the Environmental Protection Agency of the United States of America authorizes to grant the City of Nitro through the West Virginia Department of Natural Resources the amount of \$950,000.00 or seventy five (75) per cent of the cost of the project, and which grant requires the said City to demonstrate to the Environmental Protection Agency of United States of America, its ability to pay the remaining cost of said project; . . ." He added that each Councilman would get a copy of the amended ordinance and could read it word-for-word. He added that once again, it would not be enacted until after the public hearing. Councilman at Large Dr. Allen made a motion that this would be the first reading. Councilman Lilly seconded the motion - All Council voted in favor.

Councilman Mann began with new business. He reported that in their discussion, they were talking about the possibility of purchasing

a West Virginia Code for the City. He added that it was the opinion that it might be advisable to propose this to Council. He added that the cost was \$350. Councilman at Large Dr. Allen asked if it would be in the ordinances. Councilman Lilly stated that it was the State Code and came in twenty-one volumes. Councilman at Large Dr. Allen stated that we should talk to the "finance-man first." Councilman Mann added that this was the recommendation from the Committee; that is, to purchase the State Code. Mayor Gibson asked if this was in the form of a motion. Councilman Mann stated that he would like to make a motion to purchase the West Virginia Code. Councilman at Large Priddy seconded the motion - All Council voted in favor.

Councilman Lilly reported that he had a situation that has been predominant in his Ward since last April. He further reported that it resulted in our police being dispatched in a certain area for approximately 25 different times. He added that a number of warrants have been issued pro and con. He further added that he would like to make a recommendation that the City send to the ones involved a letter inviting them into City Hall and having the Chief of Police and the City Attorney, along with the Mayor, try to arbitrate whatever the problem is in this particular area. He went on to say that maybe they could come up with some sort of solution that would take the strain off our Police Department in that general area. Mayor Gibson inquired if Councilman Lilly could supply us with a list of the individuals involved and their addresses. Councilman Lilly answered that he would. The Mayor further inquired if Councilman Lilly wanted the Judge to be part of the meeting. Councilman Lilly replied that hopefully the Judge and the City Attorney could be part of this. He added that this is a problem that is manifesting itself and he had concern that it might lead to violence unless something is resolved. He added that he thinks this is about the only step that is left to resolve this particular problem. Mayor Gibson asked who Councilman Lilly would like to have sign the letter. Councilman Lilly replied that he would like the Mayor to sign the letter; and hopefully in the letter, stipulate that the Judge, City Attorney, Chief of Police will be there. He added that he can supply the information from the police docket as to what has happened during this period of time. He went on to say that hopefully they can maybe solve this situation. He further added that the last meeting that was held did solve the problem; however, the meeting did not pertain to this particular situation. The Mayor asked if any Councilman objected to this. Councilman at Large Priddy added that he did not object if it will solve the problem. The Mayor added that, "We are all in harmony. I will be happy to sign the letter."

Councilman at Large Tidquist reported that the Street Department Superintendent, Mr. Williams, would like to have a salt spreader to put on the back of the pick-up truck so that we can salt the streets and hills down during the winter time. He went on to say that the employees can do a much faster job and a much better job because now we are doing it with a shovel and it is generally lying in piles, instead of being scattered out. The Mayor stated that he thought money had already been appropriated. Councilman at Large Dr. Allen added that one is needed out in Brookhaven. Mayor Gibson went on to say that what Councilman Tidquist is saying is that you would like Mr. Williams to present these

Be it resolved by the Common Council of the City of Nitro, West Virginia, at a regular meeting held on December 18, 1973, that notice be given to all subscribers and users of the Sanitary System of the City of Nitro of a public meeting to be held on January 15, 1974, at 7:00 o'clock in the p.m. at the Council Room of the City as required by Chapter 8, Article 8, Section 3 of the Code of West Virginia of 1931, as last amended, by publication as therein specified.

A meeting involving the Nitro Sanitary Board was held in the Council Chambers on December 12, 1973.

By unanimous vote it was decided that the Nitro Sanitary Board should introduce a proposed amendment to the existing Sanitary Sewer Rate Ordinance for the Nitro City Council consideration.

The vote of the Sanitary Board also included that certain resolutions or documents be drawn up in a legal manner and that the Nitro citizens be kept informed as prescribed by law.

The primary objectives of the Nitro Sanitary Board are as follows:

- (1) Up-grade our present sewer treatment plant to meet State and Federal secondary treatment standards.
- (2) Provide sanitary sewers to various areas inside our corporate limits including the areas of Riverdale Acres and 40th Street Road section.
- (3) Provide better maintenance in the future to the overall sanitary sewer system.
- (4) To provide 25% matching money thereby making it possible to take advantage of approximately \$900,000 of 75% matching Federal grants.

CHAPTER 16

Plumbing

Article 1. In General.

Sec. 16-1. Plumbing Code-Adopted.

Save and except such portions as are hereinafter deleted, modified or amended, the 1971 edition of the Southern Standard Plumbing Code adopted as the Plumbing Code of the city and incorporated by reference herein as fully as if set out verbatim and from the date on which this chapter shall take effect shall be governing and controlling for the purposes therein set forth, mentioned and described.

Three copies of the code adopted hereby shall be filed as a permanent record in the office of the city clerk and shall be the official Plumbing Code of the city.

Sec. 16-2. Same-Amendments.

The Plumbing Code is hereby amended and changed in the following particulars:

(b) Section 109 is hereby adopted to read as follows:

"Section 109 Licensing and Bonding of Plumbers."

"109.1 General.

"(a) No person shall engage in or work at the business of a master or journeyman plumber, and no person, firm or corporation shall engage in or work at the business of a plumbing contractor, unless licensed so to do in the manner herein provided.

"(b) The Plumbing Official is hereby authorized and empowered to grant and issue licenses and permits to master plumbers, journeyman plumbers, and plumbing contractors herein provided.

"(c) Every plumbing contractor shall be required at all times to have a licensed master plumber in charge of installing plumbing as a condition for the continuance of his or its license as such."

"109.2 Board of Examiners.

"(a) The Mayor is hereby authorized to appoint a Board of Examiners for the examination and registration of plumbers. Said board shall consist of one licensed journeyman plumber and one licensed master plumber and the Plumbing Official.

"(b) Said Board of Examiners shall serve during the pleasure of the Mayor, or until their successors are appointed and qualified.

"(c) The Board of Examiners shall have power and authority, and it shall be its duty, to prescribe, amend and enforce rules

Michie City Publications Company

CHARLOTTESVILLE, VIRGINIA 22902

TELEPHONE (703) 295-6171, Ext. 73

Office

at

The President

December 5, 1973

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Peoria
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Winnetka County
Winnetka

Indiana

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Fort Wayne
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Hyattsville
Laurel
Montgomery County
Prince George's County
Rockville
Washington Suburban
Southern District Code
Westminster

Massachusetts

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Fall River
Fitchburg
Gloucester
Haverhill
Holyoke
Lawrence
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North Attleboro
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Wareham
Westfield
Weymouth
Worcester

Michigan

Detroit
Flint
Farmington
Harper Woods
Holland
New Buffalo
Ypsilanti

Honorable Dewey Mann

2105 - 21st Street

Nitro, West Virginia 25143

RE: Codification of Ordinances.

Dear Mr. Mann:

It was nice to talk with you by telephone yesterday afternoon. Thank you so much for your call.

We will be very glad to offer our services for the purpose of doing all of the required editorial work on your ordinances, this to be followed by the publishing of the Official Code. We have done similar work for many other communities in West Virginia, as shown by the names listed on the margin of this letter.

We propose to have our editors codify, classify, edit and index all ordinances of a general and permanent nature. Amendments would be worked into their proper places and the repealed provisions discarded. In this way each ordinance will reflect the last word of the governing body on the subject.

The ordinances will be carefully edited so as to eliminate any possible conflicts or inconsistencies. They will also be checked against the corresponding State laws, to be sure they parallel these State laws and not run in conflict therewith. We also will check the ordinances against the decisions of the Supreme Court of the State.

In addition, our editors will draft, where necessary or advisable, new ordinances and will submit them to and discuss them with your City Attorney. We will also draft, where needed, amendments to the existing ordinances.

As I told you, it will be our responsibility to prepare and submit to the City, a Code of Ordinances that will meet and satisfy today's needs and conditions in your community. This can be done by pooling our editorial knowledge with the knowledge of local needs as possessed by the City Officials.

For economy's sake, the Code should be published through the multilith method because through this method you save the cost of typesetting and this means a savings of several hundreds of dollars. Under

Honorable Dewey Mann-
Nitro, West Virginia

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December 5, 1973

separate cover, I am sending you a copy of a Code that we published through the multilith method for Montgomery, West Virginia. The Montgomery Code may be considerably larger than would be the Code for Nitro, but it nevertheless will serve as an illustration of what we are recommending for your City.

Our proposal is as follows:

We will do all of the required editorial work and will then review the manuscript with your City Attorney. Once approved, we then will publish the new Code through the multilith method.

50 copies of the Code would be published for the City of Nitro, with 25 copies being placed immediately in looseleaf binders and made ready for immediate use. The remaining 25 copies would be for future use and additional binders may be ordered when needed.

For all of this work, we would fix a base price of \$3200.00, which would be the total cost of the entire project if the Code does not exceed 175 pages. For each page over 175, if any, we would fix a price of \$14.25 per page.

For a period of two years, we would supplement the Code on the basis of \$14.50 per page, which covers the editorial cost and the manufacturing of 50 copies of each supplemental page so as to update all copies of your Code.

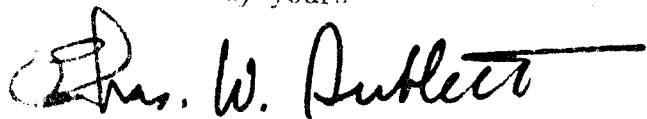
This is a concrete proposal and may be submitted to your governing body. If accepted, we then will draft and send you two executed copies of a formal contract containing the foregoing terms.

Please remember that no money will be due or payable to us until we complete the basic editorial manuscript. Only after it has been inspected and approved by your City Attorney will any money be due us because it must meet with your complete approval and satisfaction.

I await your advice and hope that you will shortly authorize us to begin work on your ordinances.

With every good wish, I am

Sincerely yours



CWS:bb

Chas. W. Sublett
President

Hon. William D. Gibson

Page 2

December 10, 1977

we are pursuing this matter with the ultimate projection being a course of condemnation as a last resort. The consummation of this project will be obtained upon finalization of this acquisition.

However, at this moment the wheels are in motion and, with the combination of the acquisition of this particular parcel, the total transfer of the properties can and shall be made as is indicated by the wishes of the County Court. We will expedite this transaction as best we can as soon as possible.

Sincerely yours,

Jack L. Whiting
Director

CC: Sir

and Mr. B.

cc: The County Court



Estill & Greenlee

REALTORS

212 ROANE STREET

CHARLESTON, W. VA. 25302

(304) 343-5181

February 27, 1960

Regional Development Authority
Kanawha County Board of Commissioners
Charleston, West Virginia

RE: REDEVELOPMENT AUTHORITY

Gentlemen:

Upon receipt of a detailed information concerning the Boyles and Barton properties in this area, please convey this information to the Board of Commissioners with the following changes:

A) Item (a):

The Joseph H. Boyles property has a corrected rear frontage of 25 feet on the frame for a correction of 10 feet on the property.

Therefore, the value is amended to (a) land: \$1,000.00, (b) house: \$3,000.00, (c) out-building \$200.00, for a total value of:

\$4,200.00

B) Item (c):

The John H. Barton tract has an additional frontage of 15 feet, which is valued by comparison at \$50.00 per front foot and having

specifications. Councilman at Large Tidquist replied that this is correct. Councilman Lilly replied that if the Street Committee has no objection, he would like Mr. Williams submit the specifications on it. The Mayor added that Mr. Williams has already done quite a bit of work on it, and I am certain that he would be willing to work with the Committee.

Councilman Casebolt reported that we have a very active scout troop in Nitro. He went on to say that we have one particular boy working on his eagle scout service project; and to do this, he has to have a cub scout trail in the vicinity of 2½ miles. He went on to say that Mr. John McGucken has asked Councilman Casebolt to ask the Council if it has any objections if he made a trail at the Watershed, starting at our bridge over where it crosses the creek going around the hill where the trail already is. In addition, this trail would cross the north end of the lake, across the road, and up and back down the hollow stopping at the entrance of the Watershed. He went on to say that we need some trails. This would not be a blaze trail. It would be an easy, walk trail with the directions painted on trees. He wondered if any Councilman would have any objection to laying this trail out. Councilman Mann asked Councilman Casebolt if he wanted a motion. Councilman Casebolt replied that he did not want a motion, only their approval. Mayor Gibson added that this young gentleman and another companion came up to his home, and the Mayor asked them to get in touch with Mr. Casebolt since he is the Chairman of the Recreation Committee. Councilman Casebolt explained that this happened so fast that he did not get a chance to discuss it with the Committee. He went on to explain that it was not a secret. In fact, it just happened yesterday.

Mayor Gibson added that while Councilman Casebolt had the floor he would like to thank him for bringing his daughter, Debbie, out to the Council Meeting.

Councilman at Large Priddy reported that the new street lights are progressing as materials are available. He added that he hoped that eventually they will get clear through town. The Mayor added that they had gotten a lot of complimentary remarks about the lights in Nitro and that people really appreciate the better lighting system.

Councilman at Large Dr. Allen reported next on new business, and he asked if the City of Nitro entered into an agreement with the Kanawha County Health Department on a rat control service at one time. Councilman at Large Tidquist replied that we did. Councilman at Large Dr. Allen asked if they did anything for us. The Mayor replied that they are supposed to be and we haven't had any complaints recently. Councilman at Large Dr. Allen replied that he would like to make one suggestion: ask them to go behind 1107 Main along the railroad track. He added that they have told him that there are rats over there "as big as cats." The Mayor assured Dr. Allen that his request would be honored. The Mayor added that they had received a lot of complaints during the summer. Councilman at Large Tidquist reported that over in behind the other side of the railroad track between Baker School and the fence around the trees, there is an old sewer line that has been caving in for years. The rats have made holes and they are buried in the ground. Councilman at Large Dr. Allen answered that these people should be notified, and that

we are paying them approximately \$1,200 to \$1,500 per year. Councilman at Large Dr. Allen replied the resident at 1107 Main Avenue has a lot of water around his property. Councilman at Large Tidquist added that this is probably where the rats are coming from. Councilman at Large Dr. Allen replied that they do not "hibernate like bears." Councilman at Large Dr. Allen also reported that the next Council Meeting is New Year's Day and that he would not be at the Council Meeting. He added that we should make some arrangements right now. Mayor Gibson asked what the desire of the Council was. Councilman at Large Priddy suggested that it be moved up to the next night which would be Wednesday, January 2, 1974. The Mayor asked if there were any objections to having the Council Meeting on January 2, 1974 at 8:00 p.m. Councilman at Large Tidquist reminded the Council that this was the regular church meeting night. Councilman Casebolt suggested having the Council Meeting on Thursday night, January 3, 1974. It was decided that the next Council Meeting would be held on Thursday evening, January 3, 1974, at 8:00 p.m.

Councilman Casebolt made a motion that the Council Meeting be adjourned. Councilman at Large Priddy seconded the motion - All Council voted in favor.


Mayor


Recorder

NITRO CITY COUNCIL MEETING

January 3, 1974

The regular meeting of the Nitro City Council was held in the Council Chambers on Thursday, January 3, 1974, beginning at 8:00 p.m. Those present were William D. Gibson, Mayor; Thomas Melton, City Recorder; Councilman at Large Dr. R. V. Allen; Councilman at Large Keith Priddy; Councilman at Large Hugo Tidquist; Councilman Dewey Mann; Councilman Thomas Lilly; Councilman Paul Hill; Councilman Vernon Casebolt; and the City Attorney, James Kessinger.

The meeting was called to order by the Honorable William Gibson.

APPROVAL OF MINUTES: Councilman Vernon Casebolt made a motion that the minutes of the Council Meeting of December 18, 1973 be accepted. Councilman Hill seconded the motion - All Council voted in favor.

DECEMBER FINANCIAL REPORT: Councilman Thomas Lilly, Chairman of the Finance Committee, reported that at the close of business November 30, 1973, the City had a cash balance on hand of \$11,501.28. Receipts for the month of December totaled \$58,973.96. This made a total of \$70,475.24. The disbursements for the month of December were \$42,691.41. This left a cash balance on December 31, 1973 of \$27,783.83.

Councilman Lilly, Chairman of the Police Department Committee, reported on the 1974 police cruiser. He stated that we have received two bids: one for \$4,092 and one for \$3,949.75. He added that he had checked to see if it would be possible due to the cut-back in gasoline of maybe going to a lighter vehicle, but it has been ascertained that the amount of miles in a short period of time in the condition these automobiles are operating on that we would be wasting our money in going to a lighter vehicle. He went on to say that it is the recommendation of the Committee and that he would like to make a motion that we accept the low bid from Plymouth Chrysler Imperial in the tune of \$3,949.75. Councilman Casebolt seconded the motion. Councilman at Large Dr. Allen asked if any other communities were trying any of the smaller cars. Councilman at Large Priddy stated that he knew of one community in Atlantic Beach, Florida that was using 6 cylinder Mavericks and Dodge Darts. He went on to say that they had used these cars for a little better than a year and that they had experienced good success with the smaller car. Councilman at Large Dr. Allen commented that they were in a different climate than us. Councilman Lilly added that a lot of concerns operate vehicles on a rotating basis similar to the military operations. He explained that a military police organization that he was affiliated with operated a vehicle 8 hours out of 24 hours, whereas our vehicles are on the road 24 hours out of 24 hours. He went on to explain that with the punishment and the amount of miles involved, a lighter vehicle would not suffice. Councilman at Large Dr. Allen inquired as to how many cars would this make the Police Department. Councilman Lilly replied four. The Police Department has one vehicle that has in the neighbor-

hood of 100,000 miles; one has roughly 80,000; and one has only a few miles. However, by the time we receive the new police car, the one with the 100,000 miles will be ready for trade-in. Councilman at Large Tidquist asked if this police cruiser he was talking about was the Dodge. Councilman Lilly replied that it was. He stated that when cars get approximately 120,000 miles of continuous operation, you are pushing the situation if you try to extend beyond this. He added that we are hoping in the Police Department to be in the position with the acquisition of this new car that we can have some schedule basis that on a certain mileage be able to replace the vehicles and thereby eliminate a lot of the major maintenance aspects involved. Councilman Casebolt commented that also when you have 80,000 miles on the speedometer, you have about 50,000 more miles on the motor - All Council voted in favor of purchasing the police cruiser from the low bidder, Plymouth Chrysler Imperial.

Councilman Thomas Lilly, Chairman of the Street Committee, reported on the salt spreader for the Street Department. He added that he had checked with the Superintendent of the Street Department, Mr. Gene Williams, who has made numerous inquiries. He went on to say that even if we had the specifications now, we could not ^{get delivery} use the salt spreader until next winter. He added that we would like to table this and bring it up at a later Council Meeting - All Council agreed to Mr. Lilly's request.

Councilman Paul Hill, Chairman of the Building and Planning Committee, reported on the possible location for the City Garage. He stated that due to the holidays, the Committee has not met but several Councilmen have looked at some land. However, we have not decided on a suitable place for the City Garage. We would like to keep it in the Committee and report back at the next Council Meeting.

Mayor Gibson reported on the Southern Standard Plumbing Code. He stated that we have discussed this on and off over a period of time. Mr. Kessinger has prepared an amendment to our present Plumbing Code for your consideration. If we enact this Southern Standard Plumbing Code, it will no longer be necessary to use copper plumbing but plumbers can use plastic. In many instances it is almost impossible to purchase copper. He went on to say that several contractors have come in and discussed this matter with him encouraging the Southern Standard Plumbing Code. The Mayor further reported that we could, if the Council desires, have the first reading on this tonight. Councilman at Large Tidquist stated that he would like to make a motion that we do what is necessary to put this Code into effect. He asked if we needed an ordinance. Mr. Kessinger, the City Attorney, replied that this Code book is the ordinance. He explained that what the Council would be doing is adopting the Southern Standard Plumbing Code in the City of Nitro. He went on to say that he had not set it out verbatim, but this ordinance will be incorporated by reference everything that is in the Southern Standard Plumbing Code. Councilman Casebolt made a motion that we have the first reading tonight. Councilman Paul Hill seconded the motion. Councilman at Large Priddy asked if there was also a Southern Standard Electrical Code. Mr. Kessinger replied that there was a Southern Standard Building Code. However, this is separate. Councilman Mann asked if other cities had adopted this Code. Mr. Kessinger replied that many cities have done so. He named some examples: St. Albans, South Charleston, and Charleston. The Mayor stated that the plumbing problems seems to be the most critical part at this time. He explained that many contractors want to use

the plastic plumbing instead of copper and the no-hub type plumbing. Councilman at Large Dr. Allen asked if it would not be advisable to come back at the next Council Meeting and have a reading on the Southern Standard Electrical and Building Codes also. The Mayor stated that we already have adopted the National Electric Code which is commonly used throughout the country, but we could go to the Southern Standard Building Code. Councilman at Large Dr. Allen asked if it would not be advisable to have this. The Mayor agreed that it would be beneficial and would like to see it enacted. Councilman Thomas Lilly stated that on this Board of Examiners, the appointment of the Board of Examiners for the examination and registration of plumbers set forth shall consist of one licensed journeyman plumber, one licensed master plumber, and the plumbing official. He asked who the plumbing official is. Mr. Kessinger replied that it is whoever the Mayor designates. He added that it is normally the Building Inspector. The Mayor replied that the Building Inspector does a lot of this type of work now with the exception of the actual sewer tap. Mr. Kessinger explained that this is referring to the examination to determine whether or not the plumber should be permitted to do plumbing in the City of Nitro. Councilman at Large Dr. Allen asked when they would give this examination. Mr. Kessinger stated that it would be at the time they prescribe. It is set up similar to the Civil Service Examination. Councilman Casebolt stated that our licensed plumbers in Nitro cannot go to St. Albans, or Charleston and do plumbing work without buying a City license there. The Mayor stated that a licensed plumber in Nitro can go to St. Albans and do work without taking a St. Albans test and a St. Albans plumber can come over here and do work without taking a Nitro plumbing test. However, Charleston will not honor a St. Albans- or a Nitro-licensed plumber. In the past, Nitro and St. Albans has honored Charleston-licensed plumbers. The Mayor stated that if we wanted to take a hard-nosed attitude like Charleston and do not want to honor their licensed plumbers, then we could drive a hard bargain. The Mayor went on to say that as far as he knows Charleston will not allow a Nitro plumber or a St. Albans-plumber to come into Charleston and do plumbing without taking a test for a Charleston license. Councilman at Large Priddy asked if he supposed it was the fact that we do not have this Southern Standard Plumbing Code and if this would have a bearing on it. The Mayor replied that this could very well be. The Mayor stated that he did not know how long St. Albans had had this Southern Standard Plumbing Code. Mr. Kessinger stated that they have not had it long. He further added that if plumbers think that they will do very much plumbing in a particular city, such as Charleston, they run up there and take the test. He added that you do not run into as much difficulty as you would think. Mr. Kessinger went on to say that plumbers are wanting to do a lot more local work now as a result of the energy crisis. Councilman Lilly stated that this could be brought out when they request the Building Permit. He went on to say that they could put some sort of notification on it as to who the plumber is if there is any plumbing work to be done. The same thing would go for the electrical work - All Council voted in favor of adopting the ordinance. Mayor Gibson read the ordinance aloud in the Council Meeting as the first reading, a copy of the same being attached hereto and made a part hereof.

Mayor Gibson reported that he had a letter from the American Cancer Society dated December 28, 1973. The Mayor read the letter aloud in the Council Meeting. The Cancer Society requested a solicitation permit for the annual "Educational Crusade" to be held during April, with follow-up procedure the first two weeks of May. Councilman at Large Dr. Allen made a motion that permission be granted to the American Cancer Society. Councilman at Large Priddy seconded the motion - All Council voted in favor.

Councilman Thomas Lilly reported that he had no new business. However, Councilman at Large Dr. Allen brought up the fact that the Finance Committee should have a meeting. Councilman Lilly stated that there would be a Finance Committee meeting

Wednesday, January 9, 1974, beginning at 1:00 p.m. in the Council Chambers.

Councilman Paul Hill stated that due to the change on January 6, 1974 to Daylight Saving Time and the Council Meeting is at 8:00 p.m., could the Council Meeting not be changed to 7:00 p.m. Councilman at Large Dr. Allen asked what advantages there would be to changing the time of the Council Meeting. Councilman Hill replied that in this way, we would get out of the Council Meeting earlier. Councilman at Large Dr. Allen asked if they were changing the working hours at the plant. Councilman Hill replied that they were not, but that he just wanted to see if the Council Meeting time could be changed. Councilman at Large Dr. Allen asked about the advantages. Councilman Paul Hill replied what was the use of coming out at 8:00 when you could come at 7:00 and get out earlier. Councilman at Large Dr. Allen stated that we would have to amend our ordinances to do this. Councilman Hill replied that we are changing our ordinances anyway so there would be no problem there. The Mayor asked when he would like to have it changed. Councilman Lilly suggested having a couple of Council Meetings at 7:00 just to see how it would work out. Councilman at Large Dr. Allen stated that he would object to this. The Mayor replied that he did not object and that it did not matter to him. Councilman at Large Tidquist added that we would not have to change the ordinance to just try a couple of meetings at 7:00 p.m. Mr. Kessinger explained that with a vote of Council you can change the time for the next two meetings. Then if it suffices you have to do it by changing the ordinance. Councilman Lilly reminded the Council that the next meeting had to begin at 8:00 p.m. because of the public meeting on the sewer project before the Council Meeting which is scheduled to begin at 7:00 p.m. Councilman at Large Dr. Allen replied that he would be a half hour late if the Council Meetings began at 7:00 p.m. because the Lion's Club meeting is on the same night. He then stated that although he would be a half hour late, he would go along with it. The Mayor replied that he would not want to have a conflict with the Lion's Club meetings. Councilman Paul Hill stated that it was just a thought and that he was not aware that the Lion's Club had their meetings on the first and third Tuesday, the same as the Council. Councilman Hill then withdrew his request.

Councilman Mann reported on the ordinances that the City is in the process of getting codified. He stated that it had been recommended by the Michie Company of Charlottesville to send to them our ordinance books so that they can utilize them to their advantage and save time for the representatives from the City when they get there. He went on to say that the representatives from the City would not have to spend as much time on the ordinances in going over them. He went on to say that the Committee recommended that these ordinances be sent. He further stated that we also had some supplemental ordinances that the City Attorney has drawn up and maybe send those also. Councilman Mann further stated that he would like to make a motion that these ordinance books be sent with the supplemental ordinances with a letter explaining, and of course, they would be insured. Councilman Casebolt seconded the motion - All Council voted in favor of sending the ordinance books and the supplemental ordinances to the Michie Company in Charlottesville, Virginia.

Councilman Mann further reported that there was a citizen on 40th Street Road who reported that certain property on 40th Street Road opposite Winter's Store has an excess accumulation of rubbish that was offensive to the neighborhood. He went on to say that on inspection on Tuesday, January 1, 1974, by the Mayor, Councilman Paul Hill, Councilman at Large Dr. Allen, and Councilman Mann himself, this report proves to be very factual. He went on to say that he would like to make a motion that immediate steps be taken to abate this condition; and if not so abated, this body be given a report as to why it was not. The motion was seconded by Councilman Casebolt. The Mayor asked Councilman Mann if he thought it would be

advisable to have the City Attorney write this gentleman a letter and inform him of the ordinances. Councilman Mann stated that this was what he had reference to; that is, that any steps be taken that is necessary. The Mayor added that he had the owner's name and address. He went on to say that this man lives in Flroida. Councilman at Large Dr. Allen replied that he had been to this house before in regard to the bad sewer problem. Councilman Mann pointed out that this particular situation that I am now discussing involves trash and not the sewage problem that Councilman Dr. Allen was referring to. The Mayor further explained that the State Health Department is involved in the sewer matter. Mr. Kessinger asked if this man was not a resident of Florida now. The Mayor replied that he was. Councilman at Large Dr. Allen stated that he thought some action should be taken. He went on to say that this gentleman is making mockery out of City Government. He went on to add that Councilman at Large Tidquist could tell the Council that this has been a problem of not only this year, but also in years past. He explained that this is the case where we had the cases of hepatitis that occurred because raw sewage was coming out on the ground. He added that if we could get this gentleman to correct the situation, that he was 100% in favor of it. However, he felt that the Council should give him a time limit. Councilman at Large Dr. Allen asked what would be the action of the Council if he replied, "The heck with you people!" Mr. Kessinger replied that this was a good point and that he thought you would have trouble here. Councilman Casebolt asked if there was a house on the property. The Mayor replied that there were two. Mr. Kessinger stated that you would have a course through the Health Department to move the renters out. He went on to say that as far as doing anything personally to the owner, you have no jurisdiction over him as he is a resident of Florida. The Mayor asked if the City could not clean up the property and put a lien against it. Mr. Kessinger replied that you would have to sue him in Florida and that it would cost you more than it is worth. He went on to say that the only thing that you can do is maybe put the renters out of the house and condemn the houses as a health hazard. He went on to explain that if the Health Department would close the houses up and thereby cut off the owner's supply of income, then he might come up here and do something. The Mayor stated that maybe we should direct this letter to the Health Department. Councilman Lilly asked that on the trash aspect of the situation, do we not have an ordinance that says that if a person does not clean up his trash, the City can clean it up and it goes as a lien against him or the house. Mr. Kessinger explained that you must sue the owner before you can put a lien against the house. Mr. Kessinger asked who was putting the trash on the property, the property owner or the tenants. Councilman Mann added that it was very unsightly and that his motion was that immediate steps be taken to abate this condition. He added that he did not think that it would take over \$50-\$75 to clean the trash up. He then added that under the ordinance, it says that if there is an excess amount of trash on a piece of property, the City can haul the trash away and then send a bill to the property owner for this. Councilman Mann stated that maybe he would pay it if it was present to him. The Mayor stated that three of the Councilmen and himself went out and looked at the situation. Mr. Kessinger asked the Mayor if he thought the tenants living there now have contributed to it in any way at all. The Mayor replied no. Councilman Mann explained that the tenants that are there now are very old and probably could not carry the trash. The Mayor stated that the trash has been there for a long time. Councilman at Large Priddy stated that the Health Department route might be the best one. The rubbish motion was brought to a vote and all Council voted in favor.

Councilman Mann reported that on the same property the only toilet facilities in the house is a hole in the floor of the building. Councilman Mann added that the complaining citizen says that he does not know where the sewage is carried, but it has to go somewhere. He went on to say that this is a health hazard. He went on to explain that conversation with the tenant indicated that the situation had been reported to the Health Department. Councilman Mann reported that he would like to

make a motion that steps be taken to explore what the Health Department intends to do or what they will do, and further that all necessary steps be taken to correct this situation. Councilman Casebolt seconded the motion. Councilman Casebolt asked if our ordinances did not read that for the cost of \$10 the Inspector can go in and inspect any property that we feel is not safe, or conditions that are so bad that they cannot be lived in. Mr. Kessinger stated that he would have to read the ordinance on this, but as he recalls, it is rather strong. He added that he recommended that this avenue be pursued. Councilman Casebolt replied that he felt this was a good route with the Health Department as well as the ordinance. He added that we should have the Mayor write the Health Department and put the pressure on them. Mr. Kessinger stated that this condemning route should be pursued. Councilman at Large Dr. Allen replied that it would be tough to condemn, and that they had tried it before. The Mayor added that he felt that we should take the Building Inspector and the City Attorney out there and have them take an on-sight look. Councilman at Large Dr. Allen asked Councilman Mann what his motion was. Councilman Mann stated that it was that steps be taken to explore what the Health Department has done, and further, that steps be taken to stop this situation or correct the situation and that Council be informed of the progress. Councilman at Large Dr. Allen asked if this piece of property was in Kanawha County. Councilman Mann replied that it was. Mr. Kessinger stated that we had a situation last year where two people were living in a cardboard box or shack. He added that he solved this by finding them a place to live. The Mayor explained that Mr. Kessinger called the Union Mission and the Department of Public Assistants and got the problem of the people living in the cardboard box solved. Councilman Lilly stated that in 1974, conditions like this should not exist. He went on to say that whatever should be done, should be done. He added that if it is an offensive thing to the neighbors, it should be curtailed.

Councilman at Large Dr. Allen asked that if we get the person out of the house, then can we keep any one else from going in from lack of facilities. Mr. Kessinger replied that he thought we could. He added that if it is vacant property, it is easier to condemn. Councilman Mann added that the gentleman told him that a house on the hill was worse than his - All Council voted in favor.

Councilman Lilly reported that he would like to discuss in general terms the possibility of a Budget Committee. He added that last year we had a Finance Committee as the Budget Committee. He added that it might be wise to have a Budget Committee to negotiate some budget items and then present them to the Finance Committee. Councilman Lilly added that he would like it as a Committee by itself. Mr. Kessinger stated that you have a subcommittee of your Finance Committee to report back to the Finance Committee, which will in turn report back to Council. He stated that, in essence, it would be the same thing. The Mayor asked if you could have a co-chairman of any Committee. Mr. Kessinger replied that you could. The Mayor replied that maybe this is the answer.

The Mayor stated that he would like to recognize Miss Debbie Burdette who was one of our former employees. She is with us tonight and did an outstanding job for us for several months as she worked for us part-time while attending Nitro High School. He added that he was glad to see Debbie out tonight.

Councilman Casebolt made a motion that the Council Meeting be adjourned. Councilman at Large Priddy seconded the motion - All Council voted in favor.


Mayor


Recorder

THE NITRO SANITARY BOARD
AND
NITRO CITY COUNCIL
PUBLIC HEARING ON THE PROPOSED AMENDMENT
TO THE EXISTING SANITARY SEWER RATE ORDINANCE

January 15, 1974

The meeting was called to order by Mayor William D. Gibson. Time of meeting for the public discussion of the new proposed Rate Ordinance for the Nitro Sanitary Board sewer services was called for 7:00 p.m., in Council Chambers.

Members of Council present were: Councilman at Large Keith Priddy, Councilman at Large Dr. R. V. Allen, Councilman at Large Hugo Tidquist, Councilman D. W. Mann, Councilman Thomas Lilly, Councilman Paul Hill, and Councilman Vernon Casebolt. Tom Melton, City Recorder was also present.

Members of the Nitro Sanitary Board present: Chairman of the Board, Mayor Gibson, Douglas Bess, Donald Karnes, Constance Stephens, Secretary and Treasurer, Dennis Vaughn, Attorney.

Others present: City Attorney, James Kessinger; Mr. Donald Krisher, Accountant; Mr. Elvin Martin, Accountant; Mr. Robert Hayne and Mr. Robert Anderson, Appalachian Engineers; Mr. Warren Means, State of West Virginia Water Resources Department, and Municipal Waste Section.

Mr. Gibson opened the meeting with the following remarks: A meeting involving the Nitro Sanitary Board was held in the Council Chambers on December 12, 1973. By unanimous vote it was decided that the Nitro Sanitary Board should introduce a proposed amendment to the existing Nitro Sanitary Sewer Rate Ordinance for the Nitro City Council consideration. The vote of the Sanitary Board also included that certain resolutions or documents be drawn up in a legal manner and that the Nitro citizens be kept informed as prescribed by law.

The primary objectives of the Nitro Sanitary Board are as follows:

- (1) Up-grade our present sewer treatment plant to meet state and Federal secondary treatment standards.
- (2) Provide sanitary sewers to various areas inside our corporate limits including the areas of Riverdale Acres and 40th Street Road section.
- (3) Provide better maintenance in the future to the overall sanitary sewer system.
- (4) To provide 25% matching money, thereby making it possible to take advantage of approximately \$1,000,000.00 of 75% matching Federal grants.

The next item read into the minutes by Mayor Gibson was as follows: Be it resolved by the Common Council of the City of Nitro, West Virginia, at a regular meeting held on December 18, 1973, that notice be given to all subscribers and users of the Sanitary System of the City of Nitro, of a public meeting to be held on January 15, 1974, at 7:00 o'clock in the p.m. at the Council Room of the City as required by Chapter 8, Article 8, Section 3 of the Code of West Virginia of 1931, as last amended, by publication as therein specified.

Mayor Gibson pointed out that the advertising had been done as specified in accordance with state laws, in the Kanawha Valley Leader.

Mayor Gibson instructed those present as to how the meeting would be conducted. Mr. Gibson stated that the meeting would be conducted in accordance with the Roberts Rule of Order, the chair would recognize those present by holding up of the hand, or standing. State your name, then the chair will recognize you, and any questions that may come up, will be assigned to appropriate person on our staff, that have been involved in this project for months and months. We have with us Mr. Krisher, CPA, from Charleston, West Virginia; Mr. Elvin Martin, CPA, from Nitro and South Charleston, West Virginia; Mr. Robert Anderson, registered professional civil engineer, with Appalachian Engineering Co., Mr. Robert Hayne, also a registered professional civil engineer with Appalachian Engineering Co., Mr. Donald Karnes, Nitro Sanitary Board Member; Mr. Douglas Bess, who is a Nitro Sanitary Board Member. Mr. Bess is Assistant Manager of the Environmental Protection of Union Carbide Company.

At this point Mayor Gibson opened the meeting for questions. Mayor Gibson also introduced Mr. Dennis Vaughn, Nitro Sanitary Board Attorney. Ed Maguire: (Fenton Circle) Is this a meeting of the Sanitary Board, City Council Meeting, or a Public Meeting? Mayor Gibson: This is a Public Meeting called for by the City Council. Ed Maguire: Is this a part of the City Council Meeting for tonight? Mayor Gibson: No, this is a separate meeting. It has been advertised in the Kanawha Valley Leader for the specified number of times. Ed Maguire: What you have read then, is all you are going to supply in the way of information other than direct questions? Mayor Gibson: That was debatable. The primary purpose of the meeting is to answer questions to the best of our ability.

At this point Mr. Gibson stated that Mr. Krisher had a two page questionnaire to be passed out to those present for review. Mr. Gibson asked Mr. Krisher to introduce the questionnaire to Council for approval to be passed out.

Mr. Krisher stated that the paper was entitled Financial Questions and Answers, and that it may answer some questions that might be in the minds of those present. Mayor Gibson asked Council if there would be any objections to having the questionnaire passed out. Mr. Krisher asked Mr. Dennis Vaughn to pass the questionnaire out to members of City Council for approval, and to the people present in chambers. Council approved distribution of the forms.

Mayor Gibson then stated that Mr. Krisher would read each question and answer, then if there were questions, the chair would recognize the individual, then the question could be asked.

Mr. Krisher:Q. What were the figures concerning sewer inclome, sewer operating expense and sewer bond service in fiscal year ending June 30, 1973, and what are the proposed related figures?

A. These figures are as follows:

	<u>Fiscal 1972-73</u>	<u>Proposed</u>
Revenue	\$99,459	\$211,722
Operating Expenses	-50,529	-116,776
Required for Bond Service	<u>-56,250</u>	<u>- 89,984</u>
(Deficiency) or Gain	\$ (7,320)	\$ 4,962

Q. What about the new users who will connect to the new sewer interceptors?

A. \$15,300 of the \$211,722 proposed revenue will be generated from new consumers.

Q. What is the percentage sewer rate increase?

A. After eliminating the new user, \$15,300 from the \$211,722 leaves \$196,422. This \$196,422 is a 97% increase. Hence, the proposed sewer rates will almost double the present rates.

Q. Is the entire 97% sewer rate increase related to the financing and operating of the new facilities?

A. No. The present sewer rate, which was approved by the Public Service Commission in 1959, is now inadequate for current financial needs. The Sanitary Board has had to have help, informal subsidization from the City's tax generated funds. This cannot go on indefinitely. We estimate that there would have to be a 20 to 25% increase in sewer rates just to make the Sanitary Board self-supporting.

Q. Can these proposed rates be considered final?

A. No, The Public Service Commission of West Virginia will have its staff review all phases of this sewer rate application. The rates will not be final until the Public Service Commission issues a rate order.

Q. When will the new rates be placed in effect after the Public Service Commission order?

A. The rates will become effective when the Consulting Engineers advise that the construction project is complete.

Q. How many revenue bonds is the Sanitary Board obligated for now, and what is the interest rate?

A. \$710,000 at June 30, 1973. The interest rate is 4½%.

Q. How many bonds does the Sanitary Board plan to sell for this project, and can the interest rate be predicted?

A. \$336,000 bonds are proposed. The interest rate cannot be predicted. In order to be safe and conservative, the Board is using an estimated rate of 7% with a 5% discount, effective rate 7.3684%.

Q. Why not use revenue sharing money?

A. The Sanitary Board is advised that revenue sharing money cannot be used for matching funds where a Sanitary Board has a Federal Grant.

Mr. Krisher stated in connection with question number two (2) for the questionnaire, that the new users would be those persons living in the Riverdale Acres area, and the 40th Street Road area.

Mayor Gibson asked Mr. Hayne of Appalachian Engineering Company to enlighten those present as to what the project consists of.

Mr. Hayne: This project consists of improvements to the sewage treatment plant, which consists primarily of secondary treatment, which is required by State Law for the water quality control of the Kanawha River. Right now in 1959 to 1961, the Nitro Sanitary Board constructed a primary sewage treatment plant and put in some pump stations and force mains, to get the additional sewage into the treatment plant. Over the years Federal and State standards have increased in all communities and industries were notified to up-grade their system. In 1972, an application was made to the Department of Water Resources to Environmental Protection Agency for funding. At that time the funding formula was 30% of the cost of treatment, interceptors, and force mains and pump stations. Thirty percent of that portion of the project. The total project will consist of improvements to the sewage treatment plant, interceptor and collector lines into the Riverdale Acres section and the 40th Street area, which was the last annexed area into the City. The breakdown on that, the total cost estimated to be \$1,275,000.00, approximately \$400,000.00 represents the collector systems and the balance of roughly \$805,000.00 would be the treatment plant portion, along with the interceptors, pump stations, and force mains. Which was the type of work eligible at that time for 30% Federal funding under the existing law.

The balance of the project will have to be funded locally or HUD (Housing Urban Development) would have to come in, which had a program at that time, for funding of collector lines. Also contingent upon the Federal Law at that time, said that the State would match that eligible portion by 25%, then the Federal Government would increase their portion by 25%, which would make it an 80% grant for that portion.

As you know, the State Legislature, sometime after February, 1972, about the same time that the Nitro application went in, the State Legislature appropriated \$3,000,000.00 for just such a purpose. Heretofore there had never been more than the 30% Federal money plus 10% if you agreed to do so, which made 33% essentially.

Along in the Fall of 1972, Governor Moore issued a letter to all communities that were in the application stage, that this \$3,000,000.00 would be split. Nitro was offered a certain amount of money, which would be a 25% type of matching, which would permit the Federal to put more money into the project. At that time, the Federal Law, Water Pollution Law of 1972 was passed, which provided 75% direct matching for sewer system improvements. It went further in that the sewage treatment facilities, interceptors, pump stations, etc., were eligible for 75% funding, but also they would fund 75% of the collector system in old existing sewer systems. They did state that a new sub-division would not be eligible for 75% of the money for the collector system, as this should be part of the land development costs. In the case of Nitro, Riverdale Acres, and 40th Street, a collector system which amounted to about \$470,000.00 was then eligible for funding on a 75% basis. Therefore, essentially Nitro is now eligible and has been granted priority for the 75% funding on both types of projects.

In round figures, we are talking of 75% on 1,270,000.00 there are some areas in there on which the funding does not apply. Such as administrative costs, legal and land costs. Land is not essential, as Nitro already owns the land on which the plant will be constructed.

For the most part Nitro will get 75% funding of the total estimated cost, which is at this time \$1,270,000.00. As to where we stand in the project, Nitro has been assured; the offer has been made, they have accepted the offer for the 75% funding on the \$805,000.00. They are now on the priority list for the 1973-1974 fiscal year funding on collector systems. You are assured in the course of things that this money will be available. Mr. Hayne stated that they were nearing completion of plans and specifications, contingent upon the action of Council in approving the proposed Rate Ordinance. Then the attorney for the Sanitary Board can then make application and submit all the documents necessary to the Public Service Commission for a review and approval of the rates.

Mr. Hayne stated that time wise what you are into, the best information, the way things are going, you have to make application then it takes time for the Public Service Commission to set a hearing date, once that is set and they make the approval of the rate, then the city is in position to enter the market to negotiate for the sale of the supplemental bonds. The \$300,000.00 that is required for the total project. They can then go on the market to secure the bonds that are necessary for the project, and by that time the project is ready to take bids and get underway. It looks to us now that construction will start sometime next summer and be completed in a year from this summer or fall. Mr. Hayne stated that the initial schedule was to be completed by end of 1974. The way it is now, it looks like it will be late in 1975 before the total project will be completed.

Mr. Gibson introduced to those present, Mr. Warren Means, of the West Virginia Department of Water Resources, stating that perhaps he would be able to answer a few questions later on.

Mayor Gibson called for questions from the information given by Mr. Krisher and Mr. Hayne.

Kermit Thompson: How many customers do we have at present in the City of Nitro, that are hooked to the sewer, that is paying bills? How many new customers will we have on the new sewers? How much noncollected money does people owe the City of Nitro?

Mayor Gibson: We presently have between 2,200 and 2,300 people on the system. On the new customers, Mr. Krisher has done a survey on this, and the best he can determine that there are about 250 new customers. As to the past due accounts, we are attempting to collect every account we can.

Mayor Gibson asked Mrs. Stephens, Secretary-Treasurer, Nitro Sanitary Board to answer the portion of the question in relation to delinquent accounts now outstanding.

Mrs. Stephens: The last delinquency list, which was last month, showing anyone owing over \$10.00, was less than \$6,000. Which was about \$3,000.00 to \$4,000.00 less than a year ago.

Mr. Hayne: Did you include a standard that is generally termed as a write-off in the accounting procedures?

Mr. Krisher: Yes, we have included a figure of \$1,000.00 a year, these accounts in the \$1,000.00 would be those which would be uneconomical to collect. The information comes to the Sanitary Board from the Water Company, the Water Company bills renters, as well as owners, the Water Company gets a deposit to secure them, but the Sanitary Board has not that protection. So there are what is termed "skips". If the skips are so small it is impossible to take legal action, it must be written off. That is what the \$1,000.00 is for.

G. L. Estep: How much service, is there a figure or an approximation of an increase in service, in other words what is going to be done that isn't done now? Also how does this tie in which a \$66,000.00 a year increase in operating expense?

Mr. Krisher: I think you will have to have that answered by two people. I will tell you that the increased operating expenses involves, the \$66,000.00, two phases. One of these is what we call the going level phase; this is all prepared when going before the Public Service Commission. The going level phase provides for the introduction for items which are necessary to correct situations as they now exist, and to provide for events which have taken place since July 1. There had to be an item introduced for a change in organization in which there is now a Director of Public Utilities, and \$2,000 of his salary is paid by the Sanitary Board, which took place July 1, 1973. The majority of the \$66,000.00 increase, involves the additional pay-roll and expense involved in secondary treatment. The Environmental Protection Agency (EPA) has provided certain personnel requirements for secondary treatment, which requires additional employees over and above what are now provided for in the primary treatment. To make a round statement, the majority of the \$66,000.00 is due to the fact that there will be new facilities to operate under the new rules that are now promulgated by the Environmental Protection Agency (EPA).

G. L. Estep: Did I understand you to say that most of this is going to be operating personnel?

Mr. Krisher: The personnel figures (now one of the things you will have to bare in mind, is that the personnel now involved in the Sanitary Board, I think there were during the test year three men. I understand now that there are two men. Under the new operating conditions, there will be nine (9) men. This is not something undertaken by anyone here, this is the requirement that personnel be on hand around the clock. In order to cover the treatment plant as required, there will be five (5) men to take care of the swing shift. For the lift stations we figure $1\frac{1}{2}$, the Supervisor salary, we have a half Supervisor salary, the other half will be spent in other city departments. In the outside system there will be two laborers. The total component of pay-roll for outside services is just short of \$45,000.00. This averages about \$5,000.00 per man, per year.

W. W. Alexander: Did you say that a count was taken and that there would be 250 new customers that would be added to the system, Mr. Krisher?

Mr. Krisher: Bill, the count was taken and there were 307, the number of customers I am counting on is 250, maybe in five or six years we will have the 307. I am a little gun shy on the number of customers, if they were all going to be there the day after we start billing I would be interested in counting more than 250, but to be conservative, I am using the 250 count.

W. W. Alexander: But you have 307 at this time?

Mr. Krisher: 307 possible, someone counted all that will be in these proposed lines, and that figure came to 307, but I am not using it because I am conservative.

W. W. Alexander: If you have the service there, and the people are there, then they do have to use it.

Mr. Krisher: Yes, but not immediately, it takes a little time to get them on. You remember that.

W. W. Alexander: It does take a little time, but not that much. I was thinking that the figure of 15,300 might be a little small.

Mr. Krisher: That 15,300 might be a little small, but, as the time goes on and this additional money comes in, so is your inflation going to go on.

W. W. Alexander: That is true too, I want you to realize that I am not against this program. I am very much in favor of it, and have been for years. My only interest is to see that the people are not charged any more than they have to be.

Mr. Krisher: I think that the Public Service Commissioner will see to that also.

W. W. Alexander: This figure, Mr. Krisher, that you are giving on the required Bond Service, that would only be for the difference would be \$33,754 that would only be for the Bond Service \$336,000?

Mr. Krisher: Yes, that is right.

W. W. Alexander: Can anyone tell us if this interest rate would compare with any projects of this kind that have been funded recently?

Mr. Krisher: The most recent one that has come to my attention was Ravenswood sewer, and that has been some time ago. There have not been too many of these things going, as you know the projects have been slowed down.

Mr. Maguire: I notice here in the legal advertisement that you have several things that I would like to question. (1) A citation from the Department of Natural Resources against the City of Nitro, what was the date of that citation?

Mr. Warren Means: June 23, 1970, the citation was that the City of Nitro was to provide secondary treatment facilities by June 30, 1966. They had not, that was the reason for the order, they also were ordered by reason of the implementation plan for the water quality standards of West Virginia in 1968 to have provided secondary facilities by January 1, 1969. Neither of which dates have been met at the present time.

Mr. Maguire: Does this all come as a surprise to the City of Nitro, or did they have knowledge of this back about 1959 when these standards were set up for the quality of the Kanawha River? How much time has Nitro had on this secondary treatment plant, how far back really does this go?

Mr. Bess: I can answer some of this I believe. The program was initiated either in 1958 or 1959 for Kanawha River phase program. The first phase of which calls for certain levels of treatment by industry and primary treatment by Municipalities. Nitro did better somewhat in 1963, the June 30, 1963 date that was established for Municipalities to have a primary level of treatment. Then the second phase, the intent of the phase program, to make some level of reduction and then measure the resulting improvement in the river, then make a determination if another level of improvement was necessary. It was obvious very shortly after the 1963 date passed that there would be additional reductions required. These were specified in most cases in 1964, to be accomplished by mid 1966. I think in general for the Municipalities, with the Bonding procedures, the necessity to go to the Public Service Commission for the rate increases, this was merely an impossible task to do in that period of time, I also think other complicating factors being the potential hints that the

Federal Legislation would provide a greater percent of the project available from Federal matching funds. I know from the State's Water Resources part they became tied up about that time with the necessity of setting water quality standards for all of the streams in West Virginia. This really resulted in a delay in the program. They lost personnel to the predecessor of EPA.

Mr. Bess also stated that yes, it had been obvious that, I don't think any Municipality met the phase date of 1966. Of course, Nitro and several other Cities have not installed secondary treatment. It has been complicated by the fact that the Municipalities must go before the Public Service Commission to obtain the necessary rate. Most of the Cities have looked forward to the potential of a greater percent of Federal funding.

G. L. Estep: Has any City met the secondary treatment?

Mr. Bess: Yes, Charleston, South Charleston, I think that there are some small communities up the river that have met the secondary treatment.

Mr. Anderson: They all waited for their official citations, but they started to move pretty fast after that.

Mr. Hayne: There were many of them in route with the new funding procedures.

Kermit Thompson: It was my understanding, that some time back something was brought up about the outside, Tyler Mountain, using our sewage units. I believe, Mr. Mayor, you made a statement that we could take care of their sewage problems. What about them, have they been estimated in this?

Mayor Gibson: I made a statement that if possible, after we, assuming that we manage to get sewage line out through the 40th Street area, assuming that we manage to get this accomplished, that we would be willing to negotiate with the Brookhaven area, which is inside our Corporate Limits. They are presently on with the Union Public Service District, I did make a statement to the effect that as they are in our Corporate Limits, that if we could legally do this from an engineering standpoint let the Brookhaven people tie into our sanitary system, that we would be receptive to them.

Jim Thumm: Has this been brought into the financial picture?

Mr. Krisher: The Union Public Service District has issued bonds too, and the Brookhaven people are their best customers, and are required for the retirement of their bonds. I doubt whether there will be any connection between the Nitro Sewer System, and the Union Public District so long as their bonds are outstanding.

Kermit Thompson: Mayor, on the proposed schedule #1 rate, there is a minimum of \$5.10 per month. Under trailers, mobile homes, where being served by a master meter, you have a minimum charge of \$4.08. What is your thinking on charging someone in a trailer court \$4.08, and a regular household \$5.10. Will they not use as much sewage as anyone else? You could have five children in a trailer as well as you could have two in a home.

Mayor Gibson: Not in position to answer that question himself, perhaps one of the CPA's could answer this.

Mr. Krisher: This approach to the trailer court question is a so called 80% plan. The reason for this is that the sewage for the entire trailer court is delivered to the Nitro system at one point, the distribution line in the area, which would have to be laid initially and would have to be maintained by the trailer court owner. Therefore, the City of Nitro does not have the same investment in each trailer service as it does in your house. Your thinking that the amount of sewage put into the Nitro sewer system from a trailer is just as much as from your house, is absolutely true. This plan was evolved as a compromise solution by the Farmers Home Administration, and has been adopted very widely. The people in the trailer court business are strongly opposed to being charged anything but the amount of water which goes into their trailer court. Very readily you can see that this is one of their sources of revenue, when they pay what the water meter says, then they turn around and charge the minimum rate to

each of their customers. So there had to be a compromise, so the Farmers Home Administration set the pattern and the Public Service Commission has been agreeable to it. The reason for it is that we will not have the same investment there, as you will have going down your street.

W. W. Alexander: Don, may I ask you a question, does that also apply to apartment houses?

Mr. Krisher: Yes, what we do in apartment houses is what is called a multiple minimum policy. The apartment house if it has one meter, it pays the amount of water used or four (4) times (if there are four units in the apartment) the minimum, whichever is higher. There is no step down like in trailer courts.

W. W. Alexander: Why shouldn't there be?

Mr. Krisher: Because the situation is a little bit different. The trailers are individual houses. (Have not gotten the same argument from apartment owners as we have from trailer people, apartment house owners have no objections. They pay the minimum rate or the water use, whichever is higher.)

Mayor Gibson at this point asked Mr. Dennis Vaughn if he would like to elaborate on that further.

Mr. Vaughn stated that he had represented the Mobile Home Association before the Public Service Commission. He further stated that he was well aware of the pressures being put on them. To his knowledge there is no such group for multiple unit dwellings. An argument that is always used is that there is less cost of administration relative to Mobile Homes.

Kermit Thompson: Why not put it in this schedule, \$5.10 the same as a homeowner, we don't have to abide by the Mobile Home Association here in the City of Nitro, we are making our own rules and regulations. Making each minimum \$5.10 per trailer.

Mr. Krisher: I do not believe there would be any point in putting this in there, it would be folly for us to count on income we are not going to get. I think we will get the \$4.08 but we will not get \$5.10. If we went up there expecting \$5.10 and get \$4.08, then we would be without some of the revenue we are depending on. I do not know how big a problem this is, how many trailer parks there are in Nitro. This is a standard approach to take care of trailer courts if there are any.

Kermit Thompson: That is what I am objecting to.

Mr. Hayne: May I ask a question for clarification, Mayor? Are we talking about trailer courts as multiple units or trailers on separate lot? Is there a difference between?

Mr. Krisher: Yes, trailers on a separate lot are handled just like a two family apartment. If they are on one meter. It is a different situation. A trailer on a separate lot has to have an individual service line just like the apartment building. What I am talking about is a place where they have to have what the trailer people call pads, and the trailers are brought in there and people live on the property owned by the trailer court owner. He gets utility service to his trailer. I do not know, are there any in Nitro?

Kermit Thompson: We have a proposed one down at Rock Branch, which might tie into this, which if I am correct. If they have 50 trailers will be \$1.10, we are talking about \$600 dollars a year.

Mr. Krisher: That revenue at Rock Branch, if and when there is a rate established there, it will be of this same type. The money will go to Rock Branch, it will not effect what the City of Nitro receives from Rock Branch at all. If the Rock Branch matter goes through, the money coming into Nitro from Rock Branch will be the amount of money it costs to treat the sewage that comes into that pipeline from Rock Branch to the Nitro treatment plant. The matter of the trailer court will be the matter for the Rock Branch Public Service District to handle, and they will lose any revenue that is lost, not Nitro.

Mr. Maguire: Am I right in my feeling that we are wasting out time down here tonight? That you have no intentions of changing one dot on this thing? After this Public meeting is over the City Council will vote aye and this will go right on up to the Public Service Commission?

Mayor Gibson stated that he could not answer that question, he could not speak for the City Council. I hope that none of us have given any indication that we are not approaching this thing with an open mind. I do not know what City Council decision will be.

Mr. Lilly, Councilman, stated that he had various tablets of meetings that he had attended over the last year and a half. A lot of the questions you are asking now we have asked, a lot of the answers we received we were not satisfied with, so we asked the question again until the various questions we asked were satisfied in my mind, that I was getting the proper answer to the problem that was involved.

Mr. Lilly also stated that as a member of Council, in request as to what the situation will be or are we going to go ahead and do, I can't speak for anyone but myself, but on the information that I have and from the information I have looked at over the last 18 months, I only have just one other question to ask.

Mr. Lilly: Mr. Warren Means, supposing, Council rejects everything, and says allright you have cited us in 1966 and in 1970. In 1956 to 1966 the assistance offered was 30%, 1966 to approximately 1972 was 50 to 55%, 1972 to a future date was 75%. Supposing we take the attitude that if this is the case, cite us, we will wait for 100%. Maybe your answer could help us and everyone present to understand what we are confronted with at the present time.

Mr. Means: I am almost sure that you will never be getting 100%. This would mean that no one would have to pay any sewage rates. As to if you should reject it, it is a matter for the Water Resources to decide what action to take legally, and to what action the Environmental Protection Agency might decide to take. You are under a schedule and the EPA was in contact with Mr. Hayne prior to the awarding of the grant. At one time they were going request a 180 day notice and a hearing before a grant would be offered to Nitro. They were able to get the hearing waived and the grant was awarded December 28, 1972, on the recommendation of Ann Joseph, Attorney, Legal Branch, Enforcement Division of U. S. Environmental Protection Agency, Region #3, out of Philadelphia, Pennsylvania. However, if we now turn around and rebuke her, I am quite sure she would be very unfriendly toward the City of Nitro.

There is always the possibility that before you complete financial arrangement that the State could possible come up with some plan for you, but I doubt this, and even so it would not come up to more than 5%. This is a remote possibility, a bird in the hand is worth two in the bush. I cannot see any reason that the grant level will be increased beyond the 75% by the Federal Government. This is much better than the 30 or the 50%.

Mr. Lilly: Is there any community at the present time receiving a higher percentage than 75%?

Mr. Means: Yes, in one instance, West Dunbar Public Service District is receiving approximately 87%, but this is a combination of EPA and HUD grants. This is for only a collection system, it does not involve treatment.

Mr. Hayne: In answer to Mr. Lilly's previous question wherein he stated, supposing Council rejects everything, Mr. Hayne's comments were as follows; Take for example the two figures \$805,000 and \$470,000; if you were to go the route that you had mentioned, and not accept the 75% funding on the total project, then in order to sewer the Riverdale Acres and 40th Street Road areas, that would be \$470,000. Now it would be in my considered opinion, that you would not receive any matching money to go with that \$470,000; and therefore, you would need to locate funding in the amount of \$470,000 for a partial project instead of the \$330,000, for the total project.

Mr. Maguire: Would like to ask Mr. Krisher, on this outside the City Rate,

it looks like that there is a 25% plan there.

Mr. Krisher: That is a minor matter, but there is now a 25% differential on those outside the city. They are being billed 25% more than those inside. This is again a minor matter, as there are so few customers outside the city. However, the theory in going for a rate increase is to go across the board, take the increase across the board, try to get that 25% differential on the new rate. The personnel at the Public Service Commission has been violently opposed to this, and we may not get it, but if we don't there will not be sufficient loss in revenue to cause any trouble.

Mr. Bess: Just one point in regard to this mobile home court, the \$4.08 represents a minimum and it had been indicated that the minimum schedule in town is based on 4,000 gallons, that is equivalent to \$5.10 in the rate structure. If the trailer court were to use 4,000 gallons per month per trailer, then as I understand it the minimum would be \$5.10 times the number of trailers there. Mr. Thompson mentioned that perhaps the trailers would use more water than perhaps a single dwelling, if that were the case, then the payment would be identical to any payment by a dwelling.

Mr. Krisher: Yes, that was correct.

Mr. Means: I would like to clarify a point that I might have left standing in my statement to Mr. Lilly earlier. I mentioned that West Dunbar had HUD grant funding, I would like to point out that HUD can no longer make grants available to sewage systems. The only Federal funding agency that has grant funds at the present time is the Environmental Protection Agency (EPA).

Mr. Krisher stated that as a matter of curiosity you might say that that is the only one in the United States that approaches 90%.

Mr. Maguire: Back to the legal advertisement on the schedule #3, on Industrial waste you will have a running study on it, then on the regular basis you will continue to run a study. How often are you going to do this, and how will you do this?

Mr. Hayne: Industrial service and a charge for treatment will be calculated on the basis of the following formula;

Charges equal the volume times the cost to transport.

This will not be difficult because you have the volume in your measurements. You will have measurements because you must charge them per gallonage. You will have a method either through the water meter or through a metered system. By an analysis from the waste coming from that, you can then determine the BOD loading. Generally your waste will be rather constant.

In the proposal for maintenance and operation, one of the things Mr. Krisher mentioned that there would be more people at the sewage treatment plant, one of the things that is coming real soon, is that one of the men at the plant be a trained chemist. This type of test should be run even today. There are very few plants that will be putting in an industrial load, this is really put in there to take care of anyone that might move in with a process of some type that you do not want him to put highly contaminating waste into the sewer system, and you want to be able to control it. If he puts in a high BOD requirement, this is a lack of oxygen, an oxygen consuming type of waste, then this causes problems in your treatment plant. Therefore, you should charge him a higher rate for treatment of his waste than you charge a normal domestic consumer. This is primarily a domestic system, and if you do accommodate industry then you must charge a rate commensurate with the load he puts on. This is one of the new requirements of the Environmental Protection Agency (EPA). They say that if you build a plant that has industrial capabilities, then the industry must put up the money. I am talking about heavy industrial waste from a plant, not domestic waste. There is a big difference.

Mr. Maguire: On Commercial customers at this time, or in this bond issue, will you be able to go and make a physical tie in for their sewer system so that you may do this on a regular basis. You don't already have these tie-in's where you can sample their load do you?

Mr. Hayne: No, to my knowledge there is no industrial customer on the Nitro system. Take McJunkin, they are not considered an industrial customer, in my opinion, they are a commercial customer. If you had Monsanto or Ohio Apex, that would be an industrial load, or if you had a milk processing plant, a slaughter house. These are real heavy contaminants, although it is not a toxic type of thing in its initial state, but its waste product from a cannery, milk products, these are real difficult to treat. You don't want them in there anyway. If it should, you are going to charge them a commensurate rate to treat that sewage that goes down there. This is a precautionary rate in the rate structure.

Mr. Maguire: What about this schedule #5, where you have this 40 gallons per employee?

Mr. Hayne: This pertains to sanitary waste from an industrial area. I will use Monsanto for an example. Monsanto to my knowledge, has their own industrial waste treatment plant just on the other side of the Interstate. They may now at the present time put the sanitary waste, the employees toilet runs, restrooms, things like that into the same system, I don't know. If that were to come into the Nitro system, there is no way to determine how much of a load you are receiving into the Nitro system, no basis for charging. Because water come to them in thousands of gallons through a big meter from the Water Company, so there is no way you can tell, this is a method for computing a reasonable amount of sewage load due to the number of employees that they have. Now 40 gallons per employee per day is a fair approximation of how many gallons they use. This is a method of determining in that case, over there, if they have a thousand employees, they use 40,000 gallons a day. Your rate would be based on that calculation per month. It is an easy way to calculate where not possible to meter separately.

Mr. Maguire: What happened to Schedule #4?

Mr. Krisher: Schedule #4, is the schedule that was left for the Rock Branch Public Service District if and when it would come in. That matter is not ready, therefore, it was left out.

Mr. Maguire: Who is to determine if they will come in or not? The Sanitary Board, the City of Nitro, or who?

Mayor Gibson: They would play a big part in the final decision.

Mr. Maguire: Could anyone tell you to put them in Mayor?

Mayor Gibson: That would be debatable, but I would think not. The Sanitary Board, I feel would have the power to say no, by the State Code, as our attorney verifies, (following comments made by Mr. Vaughn, attorney for the Nitro Sanitary Board) once they are created by the Board, by the Council, the Council votes, they have the authority to contract.

Mr. Douglas Bess: I would like to respond, the Council has indicated to the Sanitary Board that in principal they agree to the concept of handling the Rock Branch waste in the system as proposed. The Sanitary Board also feels that way in principal, it would be a matter of developing an agreement that would be satisfactory both to Nitro and to Rock Branch. I think it is the feeling of the Sanitary Board, that in any such decision we would make, we would like very much to have the guidance of City Council before making any definite decision. This would pend some resolutionary problems that would exist and a satisfactory resolution for both parties would need be resolved.

G. L. Estep: Apparently this possible addition of Rock Branch, hasn't been discussed very much. Now, have the economics of the situation been discussed, that is if they should come on, will there be another increase?

Mr. Krisher: The economics will be a reduction, in the Nitro rates, not an increase. If a contract is consumated, as Mr. Bess indicated, then the rate which you are looking at in the advertisement will be revised, and the effect on it will be something less than the \$5.00 minimum. In the area of \$4.80 to \$4.90 rather than the \$5.10.

Mr. Warren Means: I would like to point out that it is entirely possible

that the Environmental Protection Agency (EPA) might take a second look at the present application for collection system, a grant for the collection system, for the City of Nitro and insist that Rock Branch be brought into the Nitro system. They, as well as the State, are much in favor of regionalization where ever possible. We wouldn't like to see an additional plant stuck up at Rock Branch when it could be put into another system. This apparently would have no deleterious effect on the Nitro system, since Mr. Krisher already said it would result in lower rates to the Nitro residents. I can't see anything bad about that.

Mr. Estep: Apparently your proposal is designed to take this area in capacity wise.

Mr. Hayne: Capacity wise, we designed on the basis of a future population on the plant of 10,000. There are roughly 8,000 people in Nitro at the present time. We catagorically said 10,000, then said there would be a 25% increase, which makes 1,012,500 at a 100 gallons per capita per day, gives 1,250,000. This is what the initial upgrading of the plant was predicated on. So we are not designing for Rock Branch, we are designing for the regional area as to what we can reasonably expect will be the ultimate load on the Nitro Sewage Treatment Plant. It just so happens that the Rock Branch Public Service District came along after the applications were made, but in as much as the predications were made and the total regional area, total drainage from the area around Nitro, which is in concert with the regional concept that EPA and the State are working under today.

It so happens that it will be large enough to take care of the proposed Rock Branch Public Service District.

The Mayor pointed out that the regular Council Meeting was scheduled to start at 8:00, and that it was at that time 8:25, he stated that he had taken it upon himself to extend the meeting into the Council Meeting time, the Mayor also stated that he was willing to extend it longer if Council so desired.

Mr. Tom Lilly moved that the meeting be extended, this was seconded by Keith Priddy, and approved unanimous, by members of City Council.

W. W. Alexander: Did the Council at the time they were working on the rates with the CPA, take into consideration that we do have a great number of elderly people, who probably do not use anywhere near the 4,000 gallons that the \$5.10 amount is based on? I am sure that those people are people that in most cases cannot afford to use any more water or anything else that costs them money, than they absolutely have to. People with fixed incomes and did the Council think of reducing the minimum back to take care of those particular people, in low income brackets?

Mayor Gibson: This was not done originally, this has never been done in the Sanitary Department in the past.

W. W. Alexander: Your minimum, heretofore, has been \$2.60. You do have a great percentage of people that have been paying that minimum. I would say a great percentage probably use anywhere from 2,000 to 3,000 gallons of water. What happens when you do have those people who are being as careful as possible, trying to use as little water as possible, trying to save money, because of their income. What happens is that those people are paying a greater amount of money per 1,000 gallons than those people who go ahead and use all the water they want?

It looks to me like the minimum, instead of being based on the 4,000 gallons maybe, should be based on 3,000 gallons, even if you have to increase the other figures to take care of this. There are people who can't afford to pay what they are paying at the present time.

Mr. Krisher: The minimum is exactly the same, 4,000 gallons, as it was when the rate came in during your administration. In my opinion, it is about the same difficulty for the people you are speaking about, to provide the \$2.60 at that

time as it is for them to provide \$5.10 now. Actually, the philosophy of a rate case is to not shift the burden, this burden has been carried, in this rate, in this proportion since 1959. What we have done is make the increase across the board. There will always be people in this category and in the event that a shift were made, and the extra weight were imposed on someone else, we would have another complaining group. We have learned over the years that unless you have a very, very good reason, do not shift the impact of the rate.

W. W. Alexander: I realize that, but Don, you may have a great number of these people that are only using 3,000 rather than the 4,000 that you are basing this on. You know and I know, these people that I am speaking of, in the low income bracket are people who have not received the increase in wages, the increase in Social Security has been very small. The increase percentage wise, has not been the same as the rest of us have received. Still yet, if they are people that are careful and do not use anymore water, and will be as economical as they possibly can, then if they only use 3,000 or 2,000 gallons, what we are doing if they use 2,000 gallons, we are charging those people twice as much as you are charging me per thousand.

Mr. Krisher: I think that what you are saying I have heard quite often, as I am in twelve of these things right now. This is always the case, and no matter what price you put on that group you are talking about, it is still going to be too much. If we are going to have a sewer system, we must have this ready to serve charge, that is what it is, the minimum is a ready to serve charge. It costs just as much to run a pipe line in the street, a service line to these people, and to treat the sewage from these people as it does to others. The purpose of the ready to serve charge is to get a commensurate amount of money for the pipe lines that are put in the ground that these bonds are paying for and the treatment plant that the bonds are paying for. You just can't draw the line, I have answered this question, I suppose 20 times, and I sympathize with you completely, but there just isn't any point where you can draw the line.

W. W. Alexander: Don, I don't feel like that you are drawing the line, the only thing I feel like that what you would be doing would be basing your minimum on a 3,000 instead of a 4,000. If a person used 3,000 and paid the regular fee per thousand, they would pay \$3.90 per month. This use of 4,000 they would be paying \$5.10 per thousand. You know and I know that this is going to hurt a lot of people. In my opinion, this minimum should be based on not more than a 3,000 gallons.

Mr. Krisher stated that he had no further reply on the matter.

Mr. Maguire: Here in the legal advertisement for the last fiscal year, you had down transferred to the Sinking Fund Account, \$49,500, and I see where during that year you retired \$15,000 from your Revenue Bonds, and I have lost \$34,000 somewhere. Would you comment on that.

Mayor Gibson asked Mr. Elvin Martin if he would like to comment on that. The Mayor also asked Mr. Maguire to restate the question.

Mr. Maguire: Here in the legal advertisement at the end of June 30, 1973, your disbursements, you transferred \$49,500 to the Sinking Fund Account, one thing I can see over here, that when you retired in September 1972, \$15,000 toward the outstanding bonds, I can't seem to account for the other \$34,000.

Mr. Martin: I did not prepare the legal advertisement, so I don't really know what is in it, but I would hazard that what Mr. Maguire is referring to would be the fact that there may have been \$49,000 sent to the State Sinking Fund Commission, the bond retirement schedule current issue only calls for \$15,000 of the principal to be retired, and the balance was expended on interest expense.

Mayor Gibson stated that Mr. Vaughn, attorney for the Nitro Sanitary Board stated that he agrees with Mr. Martin.

Mr. Maguire: Back to the \$336,000 in bonds. Previous notes marketed using the larger figures. We are going to need about a quarter million dollars. What

are we going to do with the extra money from the \$336,000?

Mr. Krisher: The project is \$1,275,000. Seventy-five percent of this is a grant, 25% of this is \$318,750. In the questionnaire I passed out earlier, I told you there would be \$336,000 in bonds at a 5% discount. The proceeds of \$336,000 bonds plus the discount would be \$319,000.

Mr. Maguire: The paper that you gave us, \$333,000 was required for this new bond service, with an estimated rate of 7%. How much are we going to pay a year to retire that. It doesn't look like very much money, it looks like a long time. Do you have any figures or estimates on that?

Mr. Krisher: Normally there is a direct relation between the usual period of the bonds and the depreciation of the plant. The bond issue is designed for 35 years. The bond service, in order to serve those bonds and earn the amount of principal and interest retirement plus 30%. There has to be what is called 30% coverage and the purpose of the 30% coverage is to protect the bonds.

That 30% coverage means that the income, net income, from the sewer operations has to be \$1.30 for each \$1.00 of bond interest and principal. This is required to protect the bond holders.

Due to the fact that there were no other questions from the citizens in attendance, at this point the Mayor entertained the motion that the meeting be closed and that a 10 or 15 minute recess be called before starting the regular scheduled Council Meeting.

The motion was made by Mr. Vernon Casebolt that the meeting be adjourned. This was seconded by Mr. Paul Hill, all Councilmen voted in favor of the motion.

The proposed amendment to the Sanitary Sewer Rate Ordinance, that was the topic of discussion, (a copy of the same being attached hereto and made a part hereof.)

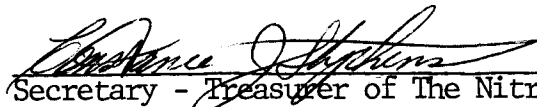
Mayor Gibson expressed his thanks and sincere appreciation to all those in attendance, for their interest in the Sanitary Sewer Improvement project.



Mayor



Recorder



Secretary - Treasurer of The Nitro Sanitary Board



NITRO CITY COUNCIL MEETING

January 15, 1974

The regular meeting of the Nitro City Council was held in the Council Chambers on Tuesday, January 15, 1974, at 9:00 p.m. Those present were William D. Gibson, Mayor; Thomas Melton, City Recorder; Councilman at Large Dr. R. V. Allen; Councilman at Large Hugo Tidquist; Councilman at Large Keith Priddy; Councilman Vernon Casebolt, Councilman Dewey Mann, Councilman Paul Hill, and Councilman Thomas Lilly. The City Attorney, James Kessinger, was also present.

The meeting was called to order by the Honorable William Gibson.

Approval of Minutes: Councilman Thomas Lilly stated that on Page 2 the minutes read: "We cannot use the salt spreader until next winter." Councilman Lilly added that this should be corrected to read that we cannot get delivery until next winter even if we ordered it now. He added that if it snowed tomorrow we could certainly use it. He made a motion that the minutes be approved as amended. Councilman Casebolt seconded the motion - All Council voted in favor.

Approval of December Financial Statement: Councilman Thomas Lilly, Chairman of the Finance Committee, stated that he would like to apologize to the Committee members for the delay in getting the Financial Statement to them. He explained that we have had difficulties with our coping machine and could not be repaired until Monday, January 14, 1974. He reported that the Finance Committee had a meeting on Wednesday, January 9, 1974. Councilman Lilly went on to say that he would like to make a motion that the Financial Statement be approved. Councilman at Large Dr. Allen seconded the motion - All Council voted in favor.

Councilman Thomas Lilly, Chairman of the Insurance Committee, reported that the Insurance Committee met on Wednesday, January 9, 1974. The result of the meeting was that a binder should be obtained on City property not currently covered by insurance and that specifications for bids be made for a package program on our property should be presented to Council.

Councilman Lilly passed out copies of the proposed specifications for this insurance, in addition to Schedule A (Schedule of Properties) and Schedule B (Liability Exposures). Schedule A and B are attached as part of the minutes. Councilman Lilly read the specifications aloud as follows:

A complete bid is requested on the Following:

To cover the attached Schedules of Property against the hazards of fire, extended coverage, and vandalism and malicious mischief in the amounts shown (See Schedule A).

As an alternate, please show credit available for \$100.00 deductible and \$250.00 deductible all hazards.

To cover the entire liability exposure of the City of Nitro (exclusion of motor vehicles). Coverage is desired in the limits of \$250,000.00 / \$500,000.00 bodily injury and \$100,000.00 property damage. A schedule of exposures is attached (See Schedule B).

As an alternate, please show credit available for \$100.00 deductible and \$250.00 deductible on property damage only.

It is requested that a bid be submitted to cover both of the above in one policy.

Eleemosynary Endorsement will be included to preclude use of governmental immunity.

Bids will be received at City Hall until 5 o'clock p.m., Tuesday, February 5, 1974. We reserve the right to reject any or all bids. Please mark on the sealed envelope the word "BID".

Councilman Lilly stated that currently we have approximately seven (7) different policies and some overlapping, creating dual coverage on a lot of the properties. Councilman Lilly explained the Eleemosynary Endorsement. He added that by this we mean that in the event one of our drivers drives through someone's home, we have immunity; and unless this endorsement is in the policy, the carrier can say that he has no liability because we have immunity and we have no liability. In this case, the only one that can sue would be the driver. Councilman Lilly requested that this be advertised in our local newspaper and made a motion that Council authorize bids to be let for a package policy as outlined on the specification sheet, for the City insurance. Councilman Casebolt seconded the motion. Mayor Gibson asked that in the meantime, was there a binder arrangement. Councilman Lilly replied that there was. Councilman Dewey Mann asked how would the value be determined on the amount of insurance. Councilman Lilly stated that as an example, the fire insurance and extended coverage on the exposure on City Hall, includes the Fire Department Building and the garage that are adjacent to it. They are all considered as one building, and are referred to as the Municipal Building. He went on to say that everything is included except the vehicles. He added that if this building burned down, we have a limit of \$250,000.00 on the entire building plus coverage under the group vehicle policy on vehicles that might be burned up. He added that the value is put at \$25,000 on the contents. Councilman Mann asked if the building was appraised. Councilman Lilly replied that independent appraisers came in and measured everything, giving us a complete survey. He added that one thing has been excluded. On Schedule B, under Liability Exposure, our Streets and road hazards was excluded. It was their request that at this particular time we exclude those because this would constitute an assortment of companies coming out and doing the measuring, requesting that this be done before they would assume any liability. He added that this "is in the wind" because it is the feeling of the Insurance Committee that eventually the trend will be no fault insurance on vehicles. If this happens we are going to have a lot of attorneys getting involved in other forms of insurance. Councilman at Large Dr. Allen added that on Schedule A under the Sewage Treatment Plant, these are broken down so that we know actually what these figures are. Councilman Lilly answered that he was correct. Councilman Lilly added that going to a package deal could constitute in the neighborhood of around a savings of 30% to the City by having everything scheduled under one contract. He went on to say that taking in

The Sanitary Department facilities as part of the Package Policy this could be charged to The Sanitary Department. All Council voted in favor of advertising for casualty insurance bids on all City-owned properties including certain Sanitary Department insurance coverage.

Councilman Paul Hill, Chairman of the Building and Planning Committee, reported on the possible location for the City garage. He added that the Committee had several sites in mind. He went on to say that we are trying to find a suitable location. He added that he would like to leave this matter in the Committee for further study unless anyone had a comment.

Under new business, Mayor Gibson stated that in view of the fact that we have just had a Public Meeting tonight on a proposed amendment of the existing sanitary sewer rate ordinance, he would like to entertain a comment from Mr. Warren Means, who, after the Public Meeting, enlightened the Mayor on a letter, he had received a day or two ago. He added that Mr. Means has stayed over for this purpose, and at this time he would like for Mr. Means to have the floor and explain the letter.

Mr. Means reported that he had received a letter from Mr. Fred Grant, who is the deputy director of the Grant's Administration Branch of the EPA in Philadelphia. He added that the EPA has devised a new policy in relation to construction grants in the period that they call the "pre-construct stage period" which begins with the awarding of a federal grant. He added that now they have determined that this must be terminated by the project going into construction within a 24 month period from the day from the award of the grant. He went on to say that if the project is not under construction within this 24 month period, the grant will be withdrawn. He added that he felt that this was something the Mayor and Council should know. Mr. Means further reported that he had been obligated to call two communities in West Virginia that are behind the 24 month period. Their grants will be terminated unless they can give definite proof that they will be able to go under construction in 90 days from January 1 of this year. He added he could send the Mayor a copy of this portion of the letter if the Mayor so desires. The Mayor added that he would appreciate receiving a copy and asked Mr. Means to relay his title and how long Mr. Means had been with this Department he is involved with. Mr. Means explained that this was his third year with the Division of Water Resources, Department of Natural Resources, and the municipal waste section. He added that primarily he is the administrator for the construction grants program for the State of West Virginia. He added that he had a very good report from the EPA, and they have always been very cooperative with him. Councilman at Large Dr. Allen asked Mr. Means if what he said was that if we do not do something within 24 months from the time that the money was allocated, they will withdraw all grants. Mr. Means replied that they will withdraw this particular grant. Councilman Lilly asked if he was speaking of the grant involving the \$604,000.00. Mr. Means replied that this is correct. Councilman Lilly went on to say that we accepted this on January 16, 1973. Mr. Means explained that they are concerned with the date they made the grant commitment, which would be December 28, 1972. Councilman Lilly added that in other words, we have approximately one year. Mr. Means replied that this is true; one year to break ground. The Mayor asked Mr. Means if he would say that at this point there is still a lot to be done to break ground. Mr. Means answered that the things you should be cautious of are while the plans are 98% complete now, the business before the Council tonight has to be resolved first for the rate ordinance. Then, Mr. Hayne will approach the Public Service Commission

(PSC) to establish a hearing date. He added that these hearings are usually four months from the time you ask for a hearing date.

He went on to say that you cannot advertise for bids until after you have had your hearing with the PSC and they have approved your rate structure. Then, you must give the contractor 30-60 days to review the plans or specifications in order that he can make his bid on the contracting the engineer has presented him with. Next, you must accept bids, tabulate the bid offerings, and award the bid to the lowest bidder. You can give him a 10 day notice to proceed. He added that this takes a lot of time and there is no time to delay. Councilman at Large Dr. Allen asked if there was such a thing in the wind as to refunding communities on previous construction programs. Mr. Means replied that this was the reimbursement project. He went on to say that projects that were constructed during the years of 1956-1972 are eligible for reimbursement if they did not receive the full amount eligible at that time. From 1956-1966, the grant level was 30%. If you receive 30%, then you have no reimbursement coming. If you received less than 30%, then you have the difference coming. In the period of 1956-1972, 50 to 55% was the funding level, which was possible providing the State had a matching grant program. The State did not, but the reimbursement law states that these communities can be refunded up to the amount they could have received had the State had a matching grant program which was 50% up to approximately 1969-1970. The EPA determined that the project which met their planning criteria would be eligible for an extra 10% to make it 55%. He went on to say that if your project was constructed between the years of 1966-1972, and you received a 30% grant depending upon what year the construction was completed, you might be eligible the difference between 50% and 30% or 55% and 30%. He added that Mr. Bob Reel, the Deputy Director of the Federal State Relations in the Governor's Office is handling this now. If you are eligible in any way, he will be approaching you sometime this week to make sure that you have a proper application going into the EPA to make yourself eligible for these funds.

Councilman at Large Dr. Allen asked if the people at the State House are organizing any type of bonding force for the communities. Mr. Means replied that under the provisions of the State, the Lower Development Bill, which was passed in 1972 and permits the State to go with a matching grant program to the federal program such arrangements are possible. The two commissioners are Dr. Dyer and Sandy Lattimer, Director of the Departmental Resources. They have appointed three other commissioners and have appointed a director. This director will have to have a staff and office space. He added that, of course, the legislature must first appropriate the money to do this. This is something to look forward to in the future. Mr. Hayne stated that Bob Reel called and set a meeting for January 15, 1974 at 9:00 a.m. in the RIC Office. He added that he had one of his men attend the meeting for Nitro. He further stated that as a result, he brought this letter for us to copy on City Stationary and submit. He added that briefly it says that a copy of a draft of a letter to be written on City of Nitro letterhead is attached and requests reimbursement in the amount of \$19,232.00. This represents the difference between the Federal funds granted in 1959 and the current Federal Law. After signing the letter please return it to Mr. Barrill. He added that Mr. Barrill would take the letter to Philadelphia with him. Mr. Hayne stated that these figures are from information that was available from EPA records. He added that essentially, the eligible cost of the project was \$639,600.00. The total amount of Federal assistance received to date on this project is \$172,648. He went on to say that the amount of additional federal assistance requested under Section II is 30% of the \$639,600.00 which is \$191,080.00. Subtracting \$172,648.00

from \$191,080.00, leaves \$19,232.00. Apparently we are eligible for at least submitting a request to EPA for a reimbursement. This is in line with what Mr. Means has said. Mr. Hayne stated that this is all contrary to the letter he had written the City in December saying that we were not eligible for reimbursement. He added that this was the information that Mr. Barrill had given him in December; there was no money to come for any project. However, now they have looked at it closer, and we were able to get together on this matter. Councilman at Large Dr. Allen asked if this reimbursement could be applied to our program. Mr. Hayne replied that he did not know. Councilman at Large Dr. Allen stated that is there a law that says we cannot do this. Mr. Hayne replied that he did not know. He added that there have been some comments that when money is returned, it should be applied to the old bond indebtedness. He added that if you put this in the Sinking Fund, it over supplies it; and therefore, you do not have to pay as much out of Current Revenues. He added that the Sanitary Board would have to work this out. Mayor Gibson stated that Mr. Hayne was familiar with letters that the City has been receiving pertaining to the fact that the City is supposed to owe them approximately \$14,000.00. The Mayor added that he had received another letter to this effect. Mr. Hayne replied that this was for planning under the old Community Facilities Administration. In 1964 or 1965, there was some planning done for storm sewer project. He added that the plans were prepared, submitted, and approved and the City received the money and they paid for the engineering that was done on these plans. He added that he has not been able to locate these plans. He went on to say that under the CFA act at that time, they advanced this money interest free. He further added that if and when you construct the work on these plans, then you are expected to pay out of the proceeds of that project and repay the CFA. This is the City, not the Sanitary Board. Councilman at Large Dr. Allen asked what we were talking about as far as time. Mr. Hayne replied that it was as far back as 1964 or 1965. He added that we do not have access to the records because the engineering was done by the municipal engineers. He added that Mr. Joe Spence, the principal in this, is deceased, and his records are not available. He added that it is probably a valid project and should be rejuvenated at some time, and that he would attempt to locate a microfilm of the project. Councilman Mann reported that Mr. Means had made a statement that the PSC may not look very favorable on our application for rate increase because it does not include the regional concept. Mr. Means stated that he did not say the Public Service Commission, but the Environmental Protection Agency may not look favorably upon it. Councilman Mann asked what happens then. Mr. Means replied that before they award you a grant, they would ask that you include the Rock Branch area in your collection system. He added that Mr. Krisher pointed out that if the City did this, it would tend to lower the rates in Nitro. He added that it would seem to him that it would be an advantage to the residents in the City of Nitro. Councilman Mann asked if they knew about Rock Branch when this grant was awarded. Mr. Means stated that they did not necessarily know about it. When they received a set of plans they study all the adjacent areas. Councilman Mann asked if the EPA was in the habit of refusing or calling back a grant after they have awarded it. Mr. Means replied that the grant you have for your treatment plant is valid. They will not call this one back. Councilman Mann stated that he was talking about the grant on the proposed collection system on 40th Street and Riverdale Acres. He added that we have our grant on the treatment plant. He added that the other grant is on the top priority list. Councilman Lilly asked Mr. Means if he knew how the City could pick up an additional \$319,000.00 from the Federal Government Committee. Mr. Means replied that he did not know but if anyone should consider Revenue Sharing

money, it can only be applied to the ineligible portions of the project, which is a very small portion. It cannot be applied to eligible portions or any portion that you should apply it to would be deducted from the Federal Grant. The Mayor stated that he had read in the newspaper something to the effect that the Kanawha County Court might propose to allocate some money to the Dunbar situation. He added that he did not know how knowledgeable Mr. Means was of this, but he was wondering what areas they intend to appropriate money; and if they are going to get the money, why would Nitro not be entitled to some from the Kanawha County Court, since a large portion of the City of Nitro is in Kanawha County. Mr. Means replied that Nitro would be just as entitled as Dunbar. He added that he did not know if the Kanawha County Court had promised any money to the City of Dunbar, but what they have said is that to these communities that desire, they will provide 50% of the cost to the system but it is then up to the residents of the particular area in question to come up with the other 50%. He added that actually if it is an organized community, they could do better by going to the EPA. He added that from the EPA they could get 75% of the cost of the project and would only be required to come up with the remaining 25%. Councilman at Large Dr. Allen stated that he thought the County Court was going to allocate \$220,000.00 to the Dunbar situation. Councilman Lilly stated that under Revenue Sharing, the County Court was going to appropriate \$220,000.00, but this is for the other services that cannot be funded or qualified under these funds. He added that our other costs are so small that if we use our Revenue Sharing, it penalizes us on what grant we would receive. On the other token, they are going to a district that is not eligible to Revenue Sharing, and it is therefore, not deducted from theirs. This is what adds up to the 92% they are receiving counting the Revenue Sharing money. Mr. Hayne stated that Putnam County made an allocation to Hurricane, but this was strictly for the purchase of land which is not an eligible cost. He added that the commissioner at the meeting Saturday stated that they will put in 50% if the local area matches the other 50%. Councilman Lilly stated that if we could use Revenue Sharing we would not necessitate putting the citizens of Nitro indebt for 35 years.

Mayor Gibson stated that in view of everything that has been said in regard to the time element and to keep from putting our grant in jeopardy, I would like to entertain a motion that the Nitro City Council accept what the Nitro Sanitary Board has proposed to them in the way of a proposed amendment to the existing Sanitary Sewer Rate Ordinance for the City of Nitro. Councilman Mann stated that he was not quite satisfied with one answer to a question. He added that this was on the \$4.08 rate on mobilehomes in that the main reason was given: this is why they would take this before the Public Service Commission because they have a lobby. He added that to him this is not a good enough reason to base the rate structure. Councilman Lilly reported that what they did not bring out was that traditionally the mobile-home parks generally have one meter. He added that you might have 50 mobilehomes, but you have only one meter that measures the flow of water that goes into this mobile park. This being the case, there could be 50 mobilehomes today, 49 tomorrow, and 37 the next day, 55 the next week and so forth. The regulation of this would have to be done by making provisions to have someone regulate this everyday. He added that there would be so many skips that it would be almost impossible to enforce the situation. He went on to say that by this ordinance they are proposing that we put a minimum per mobilehome that is in this park and in this way, we can charge the owner of the park this minimum. What they are saying is that we are making something that we

can collect and we can enforce. Councilman Lilly went on to add that we have in the neighborhood now of approximately \$6,000.00 of so called "uncollectibles" at this point. He further stated that as he understands the provisions in this, the rating making for this new proposed ordinance is for \$1,000.00 on the new portion. He added that otherwise you would be forcing the Water Company to come out and install a meter at each mobilehome and require a deposit, which we cannot do. He further added that reading through the ordinance, he could get the summation of what they are asking for. It was not in the old ordinance. Under the old ordinance, how many trailer parks have we collected for, and what rate did we use. He went on to say that we had no basis for rate to be used for any existing facilities that are now being serviced under the situation. Councilman at Large Priddy asked if a building permit is now required to move a mobilehome into a set-up or removing it. Councilman Lilly stated that under our zoning situation, two mobilehomes represent a mobile home park, and our zoning law calls for a complete permit or a card. In other words, you must have zones and comply with everything in the zoning situation. He further reported that he read in the paper over the weekend where West Virginia is one of the few states that do not and will not accept the standards that the other states have adopted in dealing with mobile homes. He added that they feel that they are unsafe and are not constructed properly. He added that he felt we should keep our eyes and ears open to see what the State accepts and then adopt this for our City as a guideline. Councilman at Large Priddy stated that in this way we are sort of encouraging the mobile home lobby by giving them a break through. Councilman Lilly stated that we should face the fact that if we can get a \$4.08 out of someone who we could not get anything out of before, what do we want to do? Right now, under our existing ordinance, what are we getting from them? He further explained that we have one pipe that empties into the collector station, and you might have 10 mobile homes or trailers feeding into this. Or you might have 150 mobile homes. Councilman Priddy stated that if we can bill the mobile park owner, why not hold him responsible for \$5.10 instead of \$4.08. Councilman Casebolt asked the Council if he understood Mr. Bess when he stated that if they use 4,000 gallons of water, it would average up to the \$5.10. Mr. Bess replied that this is correct. Mr. Bess added that this \$4.08 is based on a count on a certain day that the meters are read. Mr. Bess further added that if they moved these trailers in the day before, they will be paid for the day before. He added that a trailer park is a fluctuating thing. Councilman at Large Dr. Allen asked if the Sanitary Board charge for a sewer tap. Councilman at Large Priddy added that according to this ordinance, they will. The Mayor replied that there is a \$25.00 tap charge which goes into the General Fund. Councilman Dr. Allen asked if they charged for a sewer tap for every mobile home that went into a park. Mr. Hayne replied no, and Dr. Allen added that this is the secret. Councilman at Large Tidquist asked if he understood that we are responsible for the service in our City. Mr. Hayne replied that this is correct. Councilman Tidquist then added that did he understand that in a trailer park, we are not. Mr. Hayne replied that this was also correct. Mr. Hayne explained that it is just like the case with a private house. You are responsible up to the property line for maintaining the sewer, and from the property line to the house, it is the property owners. The same is true in a mobile home park. The City will run one tap to the property line and then the mobile park developer must run the lines within his park and maintain these lines. He added that the City's tap is usually one tap for any number of trailers within that park. Councilman at Large Tidquist asked if this would make a difference in the cost to the City. Mr. Hayne replied that it would. Councilman at Large Priddy added

that an apartment building has only one tap at the property line. The Mayor added that it minimizes the expense on part of the Sanitary Board. Mr. Hayne added that as Mr. Krisher said this has been accepted by the Public Service Commission as they engage in a way of charging trailer parks. Councilman Mann asked if the Sanitary Board made an inspection of every sewer tap for every trailer park? Councilman Mann asked what is meant by a tap. Mr. Hayne replied that when you talk about a tap in the rate ordinance, you are talking of a physical connection to the main sewer out in the street. Councilman Casebolt added that we only have one tap to the main sewer in a trailer park, and if it stops up in the trailer park, it is no expense to the City. However, if it stops up in the City line it is an expense. He further added that we have no obligation to go into the trailer park and unstop it, because it is on private property. Councilman at Large Tidquist added that it is our expense if it stops at the meter. Mr. Hayne explained that it is the City's obligation to repair the line if it stops up at the property line not the meter. Councilman at Large Priddy then added that we have no meter in a trailer park. Councilman Lilly stated that if we have 25 trailers the day of the reading, and the Water Company's bills show "x" number of dollars based on consumption, you break down this consumption based on the formula that is in our rate ordinance; "x" number of dollars for the first few gallons and so much for the next and so on. He then added that the greater figure the \$4.08, or whatever the actual reading is on the usage would be what they are required to pay, for each mobile home in the park. He again pointed out that if the trailer was there only one day, they must pay for the entire month. Mr. Kermit Thompson, a citizen of Nitro, added that you can get \$5.10 just as easily as you are going to get \$4.10. Councilman Lilly stated that you should bear in mind that we are not getting anything from them now. Mr. Thompson stated that he was aware of this, but assume that when you put this into effect, then you can get \$5.10 just as easily as \$4.10. Councilman Lilly stated that assume you have 50 trailers involved in the situation. He added that we are talking about \$1.01 per trailer per month per year. You would be talking about \$600.00 involved. Councilman Lilly further stated that this would be the situation and is something that the PSC is expecting. We can put it higher and if they don't accept it, then we have to lower the figure. The object behind this ordinance was to get what would be accepted and get this project under way. Mr. Hayne stated that something we are overlooking is that basically, a connection is a connection whether it is one house, one trailer, or a trailer park. Theoretically, the trailer park owner would be charged on the gross amount of water because he buys his water on one meter. Therefore, he would be charged on the gross amount of water that goes through the meter, and the more he uses, the less his rate is going to be. He added that he thought that if you would calculate it out, it would be similar to the schedule for industrial occupants at 40 gallons per person. This means whereby the City would get more money on this flat rate charge even though it is less than the flat rate minimum charge. You get more money by adding up the number of trailers and multiplying it by \$4.08 than you would by taking a meter reading. It is in the ordinance "whichever is larger." If the meter reading is the larger, this is what will be charged. If it is less, you get the minimum flat rate. He went on to say that a trailer park is different from a house. It is one customer, one water meter, and one sewer tap, but you are establishing a rate structure and the PSC has accepted that rate structure that you can charge them on a flat rate basis. Councilman at Large Priddy added that it was suggested that we have a pre-hearing conference. Do you suppose that these questions could be discussed with the PSC at that time. Mr. Hayne replied that he supposed so and stated that Mr. Vaughn, the attorney for the Sanitary Board, had said

tonight that he would call a pre-conference. Councilman Casebolt added that he thought that we had wasted enough time and made a motion that we approach the PSC for the rate establishment in amended ordinance, plus a 2nd reading. Councilman Mann added that when you make application for a hearing with the PSC, you must file the ordinance. He asked if you could amend it then if you so desire. The Mayor replied that if they think it is a reasonable request, he supposed that they would allow this, but it would depend on how much of a change it would encompass. Councilman Lilly seconded Councilman Casebolt's motion. Councilman at Large Tidquist asked if we should not ask the PSC to study these rates. Mr. Hayne added that this is what you are asking for by submitting the application. Councilman at Large Dr. Allen asked that if we go before the PSC with this rate schedule, and they do not allow what we are asking for, it must come back to the Council. Mr. Hayne added that they may arbitrarily establish a rate depending on their analysis and the testimonies at the hearing, and they may say that the rate is too much, not enough, or O.K. Councilman Mann stated that he had reference to the fact that would not the PSC consider this differential between the mobile homes and the homes discriminatory. Mr. Means replied that he doubted it. Mr. Hayne stated that according to Mr. Krisher, this is the pattern that has been used before. Councilman Mann stated that Mr. Krisher had said that it was because they had a strong lobby. Mr. Hayne explained that he did not think that Mr. Krisher meant it this way. He added that he thought that what he said was that in the past the mobile home people have appeared in protest against some community that has established a rate that was different from this, and as a result, the mobile home owners had protested at the public hearing and they had come to some compromise. He went on to say that when they go into the Public Service Commission with this type of rate for mobile homes, then they don't have the opposition from mobile home owners. He added that there were few mobile home park owners that protested the thing which anyone can do by going up there and protesting the rate. This is what happened; a few mobile park owners from some community came in and protested the rate. Councilman Mann asked if we had any mobile home parks in the City. Councilman at Large Priddy stated that there is one in Riverdale Acres called Riverview Trailer Park. Councilman at Large Dr. Allen added that there was one on 40th Street Road. Councilman at Large Priddy added that if we go to a pre-conference hearing, then can we make amendments at this time. Mr. Hayne added that the City still had time to get any amendments finished before going before the PSC. Mr. Means stated that he recommended that the Council go ahead with the ordinance as it is, go to the pre-conference hearing and see what develops there, and if the Council feels that an amendment is necessary and it develops out of this pre-conference, then submit this amendment at that time. He added that in this way, you would have enough time to go through your originating machinery before the hearing actually came about - All Council voted in favor of the increased Sanitary Sewer Rate Ordinance. Mr. Means stated upon leaving that he was glad to appear before the Council and if there was anything he could do in the future to be of further assistance, just call him. The 2nd reading of the ordinance was read. (A copy of the same being attached hereto and made a part hereof.)

Mayor Gibson stated that Dr. Allen had mentioned in the last meeting the fact that we were going to the 1971 edition of the Southern Standard Plumbing Code and that it would be advisable to adopt the 1969 edition of the Southern Standard Building Code. Mayor Gibson stated that the adoption of this Code would be very beneficial to the City. He added that this Code is the modern approach in a booklet form that most municipalities are using. He added that we could have the first reading tonight if the Council desires. Councilman at Large Dr. Allen made a motion that the Code be read for a first reading. Councilman Casebolt seconded the motion. Mr. Kessinger, the City Attorney, stated that he also had passed out a Notice pertaining thereto

that would have to be published in the local newspaper, He went on to say that if the Council so desires, you can pass this Code at the time you pass the Southern Standard Plumbing Code - All Council voted in favor. At this point the first reading of the new building Code took place, a copy of the same being attached hereto, and made a part hereof.

Mayor Gibson stated that he would like to recommend to the Building and Planning Committee to move forward as rapidly as possible and to have specifications to present at the next Council Meeting toward the up-grading of our Police Department office that we have been operating from. He added that he would also like to include into the specification the up-grading, petitioning, doing away with the garage door, and changing what we are now using for a storage room into a headquarters for the Police Chief. Hopefully, another office can be arranged in the storage area for the Sergeants or whatever. He went on to say that he felt that the Police Department needs this. We have already made many changes in this department. We have them on a 5-day work schedule now, in lieu of 6, and have improved their working conditions considerably. The Mayor also added that in his opinion, we should go ahead and extend the duct work into this area for heat supply. He went on to say that it would appear appropriate to him to go ahead and install air conditioning at the same time. He further reported that what he was thinking of was in terms of working up specifications for materials only. Of course, the air conditioning and the extension of the heat ducts would be under a separate bid which would include materials and labor. If the Council does not object, I would like the Committee to work very diligently between now and the next Council Meeting on this. Councilman Lilly stated that as Chairman of the Police Committee, he felt that this was well overdue and should have been started a long time ago. Councilman at Large Tidquist asked if this would be paid for out of Revenue Sharing. Councilman Lilly replied that it would, and incidentally, the repairs to the City Hall including the new entrance-way that have been granted by Council are completed. The allocation was for \$8,340.00. It has been completed with the savings of roughly \$883.00. He further added that this was well within line.

Mayor Gibson stated that we had been having trouble with two of the garbage trucks. Mr. Gene Williams commented that he has been having considerable difficulty getting parts and they have been broken down for two weeks. The Mayor added that he understood that they have been using dump trucks to pick-up garbage and have no way of compressing it. Councilman at Large Dr. Allen asked how many garbage trucks are operating now. Mr. Williams replied that we used to have four, but now only three are operating. Two belong to the City and one is leased. Councilman Dr. Allen asked if these two still operating were the new ones. Mr. Williams replied that they were. Councilman Lilly then asked what models the other two garbage trucks were. Mr. Williams replied that one is a 1967 model, and one is a 1969 model. Councilman Lilly then asked what the normal life expectancy of such a truck is. Mr. Williams replied that it is approximately three years. The Mayor added that if we are not careful we will get behind in our trash pick-up. Mr. Williams commented that they were already behind. Councilman at Large Dr. Allen asked what the solution was. City Attorney James Kessinger suggested that if this were an emergency situation, under the West Virginia Code, Chapter 8, emergency steps could be taken. Councilman Lilly asked Councilman Paul Hill what his suggestion would be as Chairman of Garbage Committee. Councilman Hill said the City now has a 1974 Ford truck and packer leased, and this vehicle could be purchased if the Council so desired, however he went on to say if this were not considered an emergency situation and the Council preferred to

let out bids, he had two specification sheets drawn up, one for an 18 cu. yd. refuse packer, including cab and chassis, and one for a 23 cu. yd. refuse packer including cab and chassis. He went on to say the City now operates two 23 cu. yd. refuse packers, the reason for going to one 18 cu. yd. vehicle is because in Ward Three and Four, there are alleys which make it difficult for a larger truck to get through. Since the 18 cu. yd. is a smaller vehicle it would help to correct this problem. He pointed out that a two weeks delivery date was very possible for the new trucks. If the Council should decide to rent a garbage truck, the approximate cost would be four or five hundred dollars a month, depending on the type of truck. Councilman Tidquist asked if a new garbage truck could be purchased out of Revenue Sharing. Finance Chairman Thomas Lilly answered that \$12,500.00 had been allocated for one garbage truck, this being the case according to Councilman Lilly if the Council so desires to purchase two garbage trucks and they do not exceed \$12,500.00 each. Out of the last allotment we do have the money to pay for them out of Revenue Sharing. Councilman at Large Dr. R. V. Allen suggested that since the City could perhaps get a two week delivery date, he would like to put in the form of a motion that Specifications Sheets be released for one 18 cu. yd. refuse packer, and one 23 cu. yd. refuse packer, properly mounted with cab and chassis. Councilman Casebolt seconded the motion, all Council voted in favor.

Mayor Gibson announced to Council that the West Virginia Code Books from the Michie Company had been received, and there are twenty-one volumes. Mayor Gibson further stated that the Michie Company gave us a 6% discount.

Mayor Gibson noted that he did not ordinarily read letters at Council Meetings, but he had received one recently that was so complimentary that he wanted to share it with Council. A resident on Kanawha Avenue wanted to express his appreciation for the concern that was shown him recently when he was experiencing great difficulties with a sewer line. The resident noted that he would like to thank the Mayor's Secretary, Mrs. Frazier, Mr. Wygal and Mr. Brewer with the Sanitation Department, Mr. Gene Williams, Street Supt., and Councilman Vernon Casebolt for their efforts in helping to correct his problems. The Mayor read the letter which was as follows:

403 Kanawha Ave.
Nitro, W. Va.
January 9, 1973

Dear Mayor Gibson,

For the past three weeks I have been experiencing sewer problems that are very disgusting, and maybe I have made a nuisance of myself at City Hall. After trying to correct these sewer problems on my own, I decided that it was the City's fault, since I did everything I thought possible, without any success. I followed the route I assumed correct, by notifying my Councilman. He then got in touch with the City employees, and although it required some time, I thought I was getting the "Run Around". However, I realize that the holiday season delayed part of this. Yesterday, the City had Cadle Sanitary Company to use an eel on the main sewer servicing this particular block, but it did not help my problems. Today, I had Cadle's to run the eel through my sewer line, (this was the second time they had done this on my line,)

and it seemingly has solved the problems.

I would like for you to personally express my thanks and appreciation to your secretary, Gene Williams, Mr. Wygal, Tom Brewer, and Vernon Casebolt for their efforts. It is nice to know that the City has concern for people and their problems.

Sincerely yours,
Guy L. Arbaugh

Councilman at Large Dr. R. V. Allen asked if the Nitro Police Department had reflector jackets to wear when directing traffic at night time, or before daylight. He referred to an accident recently where the Patrolman was directing a heavy flow of traffic, it would have been very easy for him to have been hurt because of the fog and beaming headlights. Councilman Lilly said he understands there are luminated gloves that can be purchased for this particular use. Mayor Gibson stated that he would discuss this matter with Chief Johnston for his consideration and opinion.

Councilman Priddy mentioned that he had received several phone calls recently regarding burned out street lights throughout the City. In his opinion the correct procedure would be to have the report made from City Hall to Appalachian Power Company. Mayor Gibson agreed this would be the correct procedure, and he was not aware that it was being handled otherwise. Councilman at Large Dr. R. V. Allen mentioned that it is very important to get the pole number when reporting the burned out lights. This would make it easier for the repairman to locate the pole and provide faster service. Councilman Lilly suggested that after the new street light system is completed the City should have a map and a list of pole numbers on file to enable the City to notify the Power Company by exact pole number when making reports.

Councilman Lilly, Chairman of Finance Committee reported that The Finance Committee met January 9, 1974, and one of the items that was covered was Workmans Compensation. Premium rates have been raised from ninety-five cents per one hundred dollars, to \$1.96 per hundred dollars. The workmans Compensation Board notified the City of Nitro in December 1973 that this had happened back the 1st of July, 1973, before this, allocated in the budget was \$2,000.00. What this actually amounts to according to Lilly, is a tremendous rate increase of our compensation premium that we must send into the Compensation Board. Our wages are in the neighborhood of almost \$96,000.00 per quarter, therefore, the premium per quarter is in the neighborhood of \$1,632.00. We are required to maintain a deposit with the Compensation Board one quarterly premium. As of September 30th, we should have a deposit of \$1,632.00, plus a premium of \$1,632.00. So as a result we must go through the mechanism of changing our budgetary alignment and notify the State Tax Department. Councilman Lilly said as Chairman of the Finance Committee he would like to put in the form of a motion that \$5,000.00 be transferred from budgetary item line 21, to budgetary item line 49, and that Mr. Melton, Recorder and Treasurer, notify the State Tax Department of the change in these two lined items in our fiscal year budget. Motion seconded by Councilman Casebolt, all Council voted in favor.

City Attorney James Kessinger brought to the attention of the Council a contract received from Charles Sublett of The Michie Company, in regard to the Nitro City Ordinances and City Code. According to Mr. Kessinger, two contracts have been prepared which must be signed by Mayor Gibson, and Recorder, Tom Melton, and approved by the City Attorney. He

City of Nitro

P. O. BOX 515

NITRO, WEST VIRGINIA 25143

WM. D. (BILL) GIBSON
MAYOR
755-5643

Looking to the Future

JERRY T. MELTON
RECORDER-TREASURER
755-3521

NOTICE

Notice is hereby given that on the fifteenth day of January, 1974, at 10:00 p.m. in the City Council Chamber in the City of Nitro, a Southern Standard Building Code ordinance was passed for first reading in the common City Council in the City of Nitro. The title of said ordinance to be as follows:

Save and except such portions as are hereinafter deleted, modified or amended, the 1969 edition of the Southern Standard Building Code adopted as the Building Code of the city and incorporated by reference herein as fully as if set out verbatim and from the date on which this chapter shall take effect shall be governing and controlling for the purposes therein set forth, mentioned and described.

Said proposed ordinance shall be lodged in the City Recorder's Office for inspection and a Public Hearing is hereby set for the fifth day of February, 1974, at 8:00 p.m. during regular Council Meeting at which time any proponents or opponents may be heard.

ATTESTED BY:

Jerry T. Melton
City Recorder

Building Code

Article I. In General

Sec. 16-1. Building Code-Adopted.

Save and except such portions as are hereinafter deleted, modified or amended, the 1969 edition of the Southern Standard Building Code adopted as the Building Code of the city and incorporated by reference herein as fully as if set out verbatim and from the date on which this chapter shall take effect shall be governing and controlling for the purposes therein set forth mentioned and described.

Three copies of the code adopted hereby shall be filed as a permanent record in the office of the city clerk and shall be the official Building Code of the city.

LEGAL ADVERTISEMENT**NOTICE**

Notice is hereby given that on the third day of January, 1974, at 8:30 p.m. in the City Council Chamber in the City of Nitro, a Southern Standard Plumbing Code ordinance was passed for first reading in the common City Council in the City of Nitro. The title of said ordinance to be as follows:

"Save and except such portions as are hereinafter deleted, modified or amended, the 1971 edition of the Southern Standard Plumbing Code adopted as the Plumbing Code of the city and incorporated by reference herein as fully as if set out verbatim and from the date on which this chapter shall take effect shall be governing and controlling for the purposes therein set forth, mentioned and described."

Said proposed ordinance shall be lodged in the City Recorder's Office for inspection and a Public Hearing is hereby set for the fifth day of February, 1974, at 8:00 p.m. during regular Council Meeting at which time any proponents or opponents may be heard.

ATTESTED BY: Tom Melton, City Recorder

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Said proposed ordinance shall be lodged in the City Recorder's Office for inspection and a Public Hearing is hereby set for the fifth day of February, 1974, at 8:00 p.m. during regular Council Meeting at which time any proponents or opponents may be heard.

ATTESTED BY
Tom Melton, City Recorder

LEGAL ADVERTISEMENT**INVITATION TO BID**

The City of Nitro will receive sealed bids for casualty insurance on certain City-owned properties until 5:00 p.m. Tuesday, February 5, 1974. Specifications and loss exposure information may be obtained in the City Recorder's Office. The bids will be opened during the regular Council Meeting, Tuesday, February 5, 1974, at 8:00 p.m. Please mark on the sealed envelope the word "BID". The City reserves the right to reject any or all bids.

LEGAL ADVERTISEMENT**INVITATION TO BID**

The Nitro City Council will receive sealed bids until 5:00 p.m., Tuesday, February 5, 1974, in the City Recorder's Office at Nitro City Hall for one (1) 1974 model 2 1/2 ton cab and chassis to be equipped with a 23 cubic yard refuse packer and one (1) 1974 model 2 ton cab and chassis to be equipped with an 18 cubic yard refuse packer. The Council reserves the right to reject any or all bids. Sealed Bid should be marked on the outside of the mailing envelope. The bids will be opened during the regular Council Meeting, Tuesday, February 5, 1974, beginning at 8:00 p.m.

went on to say he would like for each Councilman to review the contract before it goes back to Mr. Sublett. He made reference to the section asking that the City's Attorney come to the editorial office of the company in Charlottesville, Virginia, for the purpose of reviewing said manuscript. If the City Attorney elects to come to Charlottesville, Virginia, for such purpose, then the Michie Company agrees to defray his traveling expenses plus lodging. Mr. Kessinger made note that while he, and other city officials were there, they would go over the revised ordinances and charter, for 175 pages, the cost would be \$3,200.00. Councilman Lilly asked if the \$3,200.00 would cover the cost of the charter also. Mr. Kessinger said he assumed that it did. Mayor Gibson related that he had communicated with Mr. Sublett several times recently, and he had indicated to him that the work on the ordinance may not be completed for at least four to six months, however, they would bring the finished product about as soon as possible. Before completion Mayor Gibson suggested that someone from the Governing body make a trip to Charlottesville, it could be himself, or some of the Councilmen, or perhaps both.

Councilman Dr. R. V. Allen asked if a letter had been written to the involved parties on Michigan Avenue in regard to the meeting in an effort to resolve their problems. Mayor Gibson answered, "Yes, the letter had been written." The Mayor further remarked that he intended to be present at the meeting.

Councilman Casebolt made a motion that the meeting adjourn, Councilman Lilly seconded. All Council voted in favor.

Wm. D. Gibson
Mayor

Tom Melton
Recorder

NITRO CITY COUNCIL MEETING MINUTES

February 5, 1974

The regular meeting of the Nitro City Council was held in the Council Chambers February 5, 1974. Those present were William D. Gibson, Mayor; Tom Melton, City 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, and Councilman Dewey Mann. City Attorney, James Kessinger was absent.

The meeting was called to order by the Honorable Mayor William D. Gibson. Rev. James Arbogast gave the invocation.

Mayor Gibson announced that a Sanitary Board Meeting was held in the Council Chambers on February 1, 1974, and the minutes of the Public Meeting that was held January 15, 1974 were approved unanimously by the board and step number two was also taken, insofar as the Sanitary Board is concerned, and approved the minutes of the regular Council Meeting that followed the Public Hearing Meeting which also involve the existing Sanitary Sewer Rate Ordinance.

APPROVAL OF MINUTES OF THE PUBLIC HEARING OF JANUARY 15, 1974, ON THE PROPOSED AMMENDMENT TO THE EXISTING SANITARY SEWER RATE ORDINANCE: Mayor Gibson reminded Council that a copy of the minutes of the Public Hearing Meeting and the regular Council Meeting had been sent to each member of council several days previously so they might have an opportunity to review them in detail. Councilman Dewey Mann asked if there were any discussions at the February 1, Sanitary Board Meeting on the possibility of having a pre-hearing meeting before the actual appeal is made to the Public Service Commission to get the existing sanitary rate increased. Mayor Gibson replied that the board had merely approved the minutes of the Public Hearing and also approved the minutes pertaining thereto involving the regular Council Meeting, which immediately followed, nothing had been changed. According to the Mayor we still intend to travel the same path that was discussed and voted upon in both meetings. Councilman Mann said it was not his opinion but there seemed to be a doubt in the minds of some of the citizens who had been before the Public Service Commission, whether or not there could be a pre-hearing, primarily changing the rate on the Mobile Home. He went on to ask if the Council will be apprised if this can be done. Mayor Gibson said as far as he was concerned he intended to keep the public informed to the best of his ability on what was taking place. He went on to say that he had attempted to in the past, and he certainly intended to in the future. Councilman Casebolt made motion that the minutes of the Public Hearing Meeting be approved as presented. Councilman at Large Hugo Tidquist seconded the motion. Councilman at Large Keith Priddy remarked that he had been giving this some serious thought the past couple of weeks, and he had talked to people about the rate structure that the Council had adopted and if it would be in order at this time a representative of the Nitro Senior Citizens would like to make a statement from the floor. Mayor Gibson said he could see no reason why the Council shouldn't hear from a Senior Citizen. At this point former Mayor W. W. Alexander addressed the Council by saying he was present in regard to the rate structure set up under the proposed new ordinance. In his opinion a hardship would be imposed on a great number of elderly people and he could see no reason why this ordinance could not be changed at this Council Meeting so everyone in the City, or outside of the City whichever the case may be would not pay on a usage figure alone and do away with the minimum charge completely. He went on to say there has been some talk that a pre-hearing meeting is scheduled, this according to the former Mayor, is usually not done. Usually when you go up before the P.S.C. you are asking them to agree with the rates that you have set up in your Ordinance,

in other words if there is going to be any changes made in this ordinance in regard to rates that should be done right here, not before the P.S.C. What you would be doing if you were talking about getting some changes made up there is going up with a paper in one hand giving them the paper, and saying this is what we want, but then you come right back and say we want this changed. He went on to say that if there are going to be any changes made here is the place it should be done, you are the people of Nitro, not the P.S.C. The people of Nitro are not going to look at the P.S.C. to give them relief on these rates, if they are going to have any relief at all, they are going to get it from this body here or they are not going to get it. I have talked to a great number of people in the past two weeks, and I have yet to find anyone who disagrees with this thinking. I don't think the people are going to get any relief at all if we expect them to get it from the P.S.C., they are going to have to get it from you gentlemen here, and there is no way to set up these rates other than by usage alone. He went on to say he could see no reason at all to go to the P.S.C. and ask them to make a change up there. The former Mayor respectfully requested Council to do away with the minimum charge and charge everyone on a straight usage basis. He stated if you don't do it that way, then I am afraid you are going to be in trouble. Mayor Gibson thanked Mr. Alexander for his remarks. Councilman at Large Dr. R. V. Allen asked if he could make a reply to the former Mayor's suggestions. At the time that we approved this, according to Dr. Allen, it was not his intentions to ask the P.S.C. to amend it. It was his intention to go and get some feeling from those people, then come back to Council and ask the Council to amend. He went on to say he was not concerned with the P.S.C. making the amends, for example; the mobile homes situation to him was not fair, however, he was going to check with the owners to find out what their feelings were and as far as a minimum rate, if it can be cut down to 3,000 gallons and start there as a minimum he would like to know how they felt about it. Former Mayor Alexander again said, "if the Council went up and asked the P.S.C. to approve these rates, you wouldn't be coming back before the City Council, the P.S.C. would either prove or disapprove." Council at Large Dr. Allen explained, that Council would not go before P.S.C. the first time, but would go up as a body to a pre-conference meeting, there are some changes that he would like to suggest be made if it would be advisable to change them. Councilman at Large Allen asked Councilman at Large Keith Priddy if this were true. Councilman Priddy answered, "if they would accept this type of pre-conference hearing." The former Mayor said he had never at anytime heard of anyone going to a pre-conference meeting with the P.S.C. Councilman Dewey Mann added that in the past there had been pre-conference hearings held, he went on to say that this matter in his opinion is very big and very important, and we must take the advise of the experts, such as the attorneys, C.P.A.'s and engineers, and he had understood from these experts that a pre-conference could be arranged to seek some information and advice to bring back to Council. He stated also that he had confidence that whatever the governing body could pass they could also amend, and it is his belief that whatever the Council has suggested about the pre-conference meeting is not true, then the City Attorney and the Nitro Sanitary Board Attorney, who were present at the Public Hearing Meeting, would not have agreed to this pre-conference meeting, and they should know about these things. This matter is so important that the issue should not be rushed. Former Mayor Alexander went on to say that the way this is set up now you would be discriminating against 95% of the people of Nitro, and he feels that all Council has to do is say we are going to delete from the ordinance all minimum bills and base rates on usage only. He recalled during his reign in office he had been given citations many times, and on some occasions been threatened to being put in jail; however, the former Mayor said he had never worried about it. He agreed that this project was needed, but his feelings were that all of these people should not be discriminated against in order to get it. Councilman Dewey Mann again referred to the C.P.A.'s, they have advised us as to what rate

structure is necessary, and the governing body does not want to throw the whole system into bankruptcy. If for instance no minimum charges were set up, a mobile home could come in one day and leave in four or five days, and they wouldn't be paying but a very small amount if any, and vacationers who can afford to leave town for several weeks or all winter, apparently would not be paying anything. Councilman Thomas Lilly spoke out to say that for the past six months since this sewage has been discussed, he has not taken the words of any expert pro or con as to what should be done. First of all Councilman Lilly said he would like for it to be known that it is not his intention as a Councilman of letting the current rate increase get through to the Public Service Commission. He made mention that this was his first public statement on this aspect. Secondly, as far as discriminating against the elder based strictly on water usage itself, Councilman Lilly pointed out that at the present time approximately 42% of all residents in Nitro are paying minimum water charge now. In other words, if these were screened very close you would find that probably at least 50% of them have been discriminated against for the past considerable years, not on usage itself, but on the minimum charge. On mobile homes if a survey were made, you would probably find a lot of mobile homes have not been paying at all, except for the last few months, so according to Councilman Lilly the Council is not giving them a big shake over what they have had in the past. He went on to say that he believes that perhaps \$1.00 added to the present \$2.60 minimum charge would be adequate, however, Councilman Lilly said he could see no way that we can go on usage alone because it just will not work out that way what-so-ever. If we are going to go in debt we need X number of dollars to do this, we have to be basically guaranteed that we have minimums coming in to meet those expenses, particularly if you go bond in debt. Councilman at Large Priddy asked if the Sanitary Board Attorney has approached the P.S.C. about a hearing yet. Mayor Gibson replied not to his knowledge, the Sanitary Board Attorney, Mr. Dennis Vaughn, had attended the February 1, meeting however, he made no statement as to whether or not he had contacted P.S.C. Councilman Lilly pointed out that the Sanitary Board Attorney had nothing to do with contacting the P.S.C., it was the Nitro City Council who asked for the rate increase; according to Councilman Lilly the City's attorney would be the one to request the meeting. Councilman at Large Priddy then asked if Mr. Kessinger had contacted the P.S.C. Councilman Lilly replied that by-roads are being made now to get a pre-hearing conference. It has not been ascertained and the meeting will not be with the P.S.C., but it will be with the ones who actually do the investigation in making the rate charges, etc.

Mr. Kermit Thompson stated, "if the majority of Council Members feel that this rate is excessive why proceed any further, why not amend it now, lower the rate, go on the P.S.C. and get it approved. Councilman at Large Dr. R. V. Allen said he was not sure this was the answer, to Mr. Thompson's question, but it is his opinion that the Sanitary Board is supposed to present the proposal to the Council if there is to be a lower rate. Mr. Thompson expressed his belief that the governing body has the authority to change the rate. Councilman Lilly asked Mr. Thompson what he would suggest the rate be changed to. Mr. Thompson replied, "why not leave it the way it was, and proceed on usage basis." Councilman Lilly asked Mr. Thompson if he had sewers in his establishment. Mr. Thompson answered that he did have. Councilman Lilly remarked that half of the residents in his ward (Ward 4) did not even have sewers, he made mention that they had been promised sewers at least ten years ago, but still had none.

Mayor Gibson stated that he had started working on this project immediately upon taking office July 1, 1972, he went on to say he had spent thousands of hours already and the Councilmen had done likewise. He has negotiated with the very best professional people available in the valley, he went on to say that he had made a trip to Pittsburg and was accompanied by two Registered Professional Civil Engineers, and the Executive Director of the Regional Intergovernmental Council,

and they had all spent a considerable amount of time with the federal people. Mayor Gibson mentioned that Mr. Warren Means, who is with the Water Resources Department, a Division of the West Virginia Department of Natural Resources, attended the February 15, Public Hearing Meeting and he so advised the Council that there was only twenty-four months in which to break ground from the time that the Federal Grant was officially awarded. Mr. Means also documented this in letter form. The first grant that was awarded was dated December 28, 1972. Mayor Gibson went on to say that if we only have twenty-four months to break ground he personally feels that we just cannot drag our feet. He reminded Council that a motion was on the floor and had been duly seconded, that the minutes of the Public Hearing Meeting of January 15, 1974 be approved. All Council voted in favor.

APPROVAL OF MINUTES OF THE LAST REGULAR COUNCIL MEETING, BEARING THE DATE OF JANUARY 15, 1974: Councilman Tidquist made a motion that the minutes be approved, Councilman Casebolt seconded the motion. All Council voted in favor.

JANUARY FINANCIAL REPORT: Councilman Thomas Lilly, Chairman of the Finance Committee, reported that at the close of business December 31, 1973, the City had a cash balance on hand of \$27,712.82. Receipts for the month of January 1974 totaled \$40,433.45. This made a total of \$68,146.27. Disbursements for the month of January were \$48,518.76. This left a cash balance at the end of January 1974 of \$19,627.71.

OPENING OF INSURANCE BIDS FOR CASUALTY INSURANCE ON CERTAIN CITY PROPERTIES PACKAGE POLICY: Councilman Thomas Lilly, Chairman of Insurance Committee reported that four bids had been received, and had passed them around to Council to be opened. Councilman at Large Keith Priddy reported on the first bid from McDonough-Caperton-Shepherd-Goldsmith, Ins. Company of New Hampshire: \$100.00 deductible \$2,882.00 \$250.00 deductible \$2,756.00. Councilman Vernon Casebolt reported on the bid from Carson Insurance Company on property insurance, \$100.00 deductible \$1,669.00, and \$250.00 deductible \$1,635.00. The annual premium is \$1,703.00 with no deductibles. Comprehensive General Liability Insurance, the annual premium varies from \$2,707.00 to \$2,550.00. Councilman Casebolt quoted total figures of \$4,410.00 without deductible. \$4,279.00 with \$100.00 deductible, and \$4,185.00 with \$250.00 deductible. Councilman Lilly reported on the bid from Insurance Exchange, Buckeye Insurance Company, no deductible, \$3,397.00, and \$2,822.00 with \$100.00 deductible. Councilman Dewey Mann informed Council that the bid in which he opened was from the Woody Ammar Insurance Company: \$100.00 deductible, \$4,878.00, \$250.00 deductible \$4,686.00. Mayor Gibson recommended that these bids be placed in the Insurance Committee for further study, and report back at next Council Meeting. A copy of the insurance bids are to be made a part hereof, and attached hereto.

SECOND READING FOR THE 1971 EDITION OF THE SOUTHERN STANDARD PLUMBING CODE:

Mayor Gibson asked for approval of the second-reading of the 1971 Edition of the Southern Standard Plumbing Code. Councilman at Large Dr. R. V. Allen made a motion that the second reading be accepted. Councilman Casebolt seconded, all Council voted in favor.

SECOND READING FOR THE 1969 EDITION OF THE SOUTHERN STANDARD BUILDING CODE:

Mayor Gibson asked for approval of the second reading of the 1969 Edition of the Southern Standard Building Code. Councilman Casebolt made a motion that the second reading and the Code be accepted, Councilman Priddy seconded, all Council voted in favor.

SPECIFICATIONS FOR REMODELING AND OFFICE ADDITIONS TO THE POLICE DEPARTMENT (SPECIFICATIONS FOR MATERIALS ONLY): Councilman Paul Hill, Chairman of the

Building and Planning Committee distributed specifications for up-grading the Police Department. He brought to the attention of the Council that these specifications were for materials only. This would include remodeling the present garage, converting it into two offices, suspending the ceilings in the hallways, and glass and stone to fill in the front of the garage, plus a stone planter. Councilman Hill made a motion that the specifications be let for bids, Councilman Casebolt seconded. All Council voted in favor.

SPECIFICATIONS FOR CENTRAL HEAT AND AIR-CONDITIONING FOR ONE SIDE OF CITY HALL, INCLUDING THE NEW OFFICE AREAS PROPOSED FOR THE POLICE DEPARTMENT

Councilman Paul Hill, Chairman of Building and Planning Committee distributed specifications for Central Heat and 60,000 BTU Air Conditioning for the East side of City Hall, running North of the Police Department. This would include the newly proposed office area. He went on to say the duct work in the hallway was also included in the specifications. Councilman Hill made a motion that the specifications be let for bids. Councilman Casebolt seconded, all members of Council voted in favor.

OPENING OF BIDS FOR TWO 1974 MODEL GARBAGE TRUCKS

Councilman Paul Hill, Chairman of Garbage Committee, announced that bids had been received on two 1974 model Garbage Trucks. The first bid opened by Councilman Hill was from Bert Wolfe Ford, Inc., of Charleston, W. Va. One 20 cu. yd. F700 - \$13,592.90. One 23 cu. yd. F700 \$14,522.90 - 30 to 60 days delivery date. Councilman Lilly reported on the second bid from Truxmore, of Richmond, Virginia, One 18 cu. yd. Packer, \$12,500.00 immediate delivery, One 23 cu. yd. Packer \$15,145.00. Councilman Hill made a motion that this be placed in the Garbage Committee in order to give them a chance to closely study the specifications before making a decision. Councilman Lilly seconded the motion. All voted in favor.

✓ Mayor Gibson announced that he had revised the Nitro City Council Committees in order to give a better overall balance. He went on to say if any member of Council would like to discuss this revision he would be happy to discuss it at the present time, or later. Mayor Gibson presented each member of Council with the revised list.

Councilman at Large Dr. R. V. Allen had no new business.

Councilman at Large Keith Priddy reported there currently is no street light on Frederick Street. After checking, he discovered that Appalachian Power Company did not have one listed for Frederick Street on their proposal list. Councilman Priddy went on to say he had checked other areas in town that needed street lights, but found they were listed on the current proposal stations. Mayor Gibson mentioned that the Appalachian Power Company had already done a tremendous amount of work toward up-grading Nitro's street lights. He has received many favorable comments from citizens, and although the job has not been finished yet, the Appalachian Power Company is continuing to work on the project. Councilman Priddy suggested the light be placed midway on Frederick Street. Councilman at Large Keith Priddy made a motion that a letter be sent to Appalachian Power Company, asking them to install a light on Frederick Street. Councilman at Large Dr. R. V. Allen seconded. All voted in favor.

Councilman Keith Priddy, Chairman of the Dog Pound Committee related that he had attended a meeting recently in St. Albans, of the Three City Pet Control Board, and new guidelines had been established. In the future when the Humane Officer is scheduled to work in the Nitro area, he will report to the Police Department, and collect all complaints received from the citizens. At the end of the day he will turn in a work sheet stating which areas he has worked, and

his accomplishments. This, according to Councilman Priddy will enable the citizens to receive a more thorough report of their complaints.

Councilman at Large Keith Priddy still reporting on new business related that he would like to make a motion to approach the Public Service Commission about a pre-hearing conference with the feasibility of eliminating minimum charges on the City's Sewage System, and going with the actual usage. Councilman Lilly said he would like to interject something at this point. We would not approach the Public Service Commission about the usage, this would have to come from some other source. Lilly went on to say, we could approach them about making any changes in our sewage system, and ask for approval of the actual ordinance. Councilman at Large Priddy said he would like to go on record that we will approach the Public Service Commission with this idea. Councilman Mann asked if we could include to ascertain as much information on all matters pertaining to our ordinances. Councilman Casebolt said he was in favor of doing everything that we could do to help the senior citizens of Nitro, but he felt like we could not afford to speculate. It is necessary, in his opinion to know just how much minimum charges that can be counted on each month. Councilman Lilly said he would second the motion made by Councilman Priddy, so it could get on the floor. Councilman Mann said he would like to make an amendment to the motion. He would like to ascertain as much information as possible in regard to all phases of our ordinance, don't restrict it to those two things. Councilman Priddy said he would add that to his motion and to also add we should report back to the people as to the results of the Public Service Commission pre-conference meeting. Councilman Lilly asked if Councilman Priddy would like to withdraw his motion and make a new one. Councilman at Large Priddy said he would like to make a motion that the Council approach the Public Service Commission with the feasibility of eliminating the minimum rates on our sanitary rate structure, going with the actual usage, and that we have the complete information, as much as we can ascertain from them to our complete ordinance, and to have a Public Meeting to relay the information back to the people whom we represent. Mayor Gibson said if this meant advertising again for a Public Meeting, and if it would jeopardize our Federal Grants that he would stand on any and every street corner in Nitro and object to that. He was most definitely in favor of keeping the public informed, but by waiting to advertise a Public Meeting again could jeopardize the Federal Grants that we have worked so long and diligently for, to the tune of almost a million dollars of federal money, he would most certainly object. Councilman Tidquist asked if advertising a Public Meeting would be necessary. Councilman Mann suggested informing the public by regular Council Meeting. Mayor Gibson said in that case he would not object. All Council voted in favor of the motion.

Councilman Casebolt, for Ward Three, reported on several complaints that he had received from residents of the 600 - 900 block of Kanawha Avenue. They have requested that the street be made wider to enable emergency vehicles to travel on that street. Councilman Casebolt narrowed the area in question from Hickory Street to Juniper Street. Councilman Lilly asked if Washington Street could be added to this request, Councilman Casebolt agreed. Mayor Gibson suggested that this be placed in the Street and Traffic Committee, and report back at next Council Meeting.

Councilman at Large Tidquist reported on a poor drainage problem that has existed for several years on 39th Street East, near the property of Freda Patton. He went on to say that during the heavy rains the area was practically flooded, and the children could not get out to go to school. Councilman Tidquist wanted to know what the Council intended to do to correct this problem. Mayor Gibson said on Saturday, February 2nd, Councilman Hill of the 2nd Ward, had requested James Kessinger, City Attorney, to check a situation on 18th Street Hill that needed attention. After checking this problem, He, Mr. Kessinger, and Councilman Hill drove out to 40th Street to check on the much discussed bad health situation that

existed at a residence on 40th Street, that is owned by Reuben Harrison. Since they were so close to 39th Street East, they investigated the problem that Councilman Tidquist is referring to. Councilman Tidquist asked why he had not been notified that they were going to check on this problem. Mayor Gibson again said that when the three of them met at 10:30 Saturday morning, they were totally unaware that they would end up checking the drainage problem on 39th Street. It just so happened that the attorney had some extra time, and they thought since they were so close, it would be well if they had a look at the situation. At this point Mayor Gibson offered to apologize publicly to Councilman Tidquist if he had offended him in any way. Councilman Hill said after checking, it appeared to him that 40th Street was there before the house, and the drain was put in on another lot, and the ditch was extended to the creek. Councilman Hill said that Mr. Kessinger was going to check the map, and also check with the Department of Highways, as to whether or not the City has an easement through that area. Mayor Gibson told Councilman Tidquist that he had already attempted to get the wheels in motion on this, and Mr. Kessinger had so advised that it would be wise to get the Department of Highways involved if possible. Mayor Gibson also said there are other similar situations throughout Nitro that need our attention, referring to one in Brookhaven that had existed for sometime.

Councilman Lilly, Councilman for Ward 4, suggested that a letter be sent to the Department of Highways, requesting them to make every effort to fulfill their responsibility toward keeping the drains and ditches cleaned out along Route 25, in the Riverdale Acres area, and to impress upon the people who live there that it is a criminal offense to stop up these drains. Also to question them when plans for the four-lane highway, that was mentioned, would be made known. Mayor Gibson reminded Council that they each had a copy of the letter from the Department of Highways, notifying him that a stop light would be installed at 40th Street and 1st Ave. Mayor Gibson said immediately upon receiving the letter he called to ask for an approximate date, and was told that it would be installed sometime in July 1974. Councilman Tidquist said he could not understand why a stop light could not be installed at 19th Street and 1st Ave. Councilman Mann mentioned a lot would depend on the traffic count. Mayor Gibson said when this was mentioned before he was told that the light could not be synchronized with the railroad crossing.

Councilman Lilly then made a motion that the Garbage Committee be given the authority to act immediately, on the decision to purchase two new garbage trucks, due to the fact the City is faced with an emergency situation, and is in need of the trucks. Councilman Casebolt seconded the motion, all Council voted in favor.

✓ Councilman Paul Hill, for Ward 2, noted that the 18th Street Hill drainage problem had already been brought to the Council's attention earlier in the meeting. Councilman Hill said he had spoken to Gene Williams, the Street Superintendent, and Mr. Williams stated that possibly the Street Department could do the work. Councilman Hill said he would like to go on record as having let the people in the 18th Street Hill section know that we are trying to get this situation resolved as soon as possible. They have had this problem for such a long time. Councilman Hill made a motion to get a cost estimate on pipe to be used for this project. Dr. R. V. Allen Councilman at Large, seconded the motion. All Council voted in favor. Mayor Gibson pointed out that there is a possibility that we would have to get someone with a smaller back-hoe bucket to help with this job. Councilman Hill went on to say that he had also received complaints about potholes throughout the city. Mr. Williams reported that the reason these holes had not been repaired was because all the asphalt plants have been closed, and are not scheduled to reopen until March. However, just as soon as the materials are available to patch the holes, the Street Department will start to work on them. Mayor Gibson said he thought perhaps the main streets of town should receive attention first.

Councilman Hill brought to the attention of Council that sometime ago we repealed an ordinance that the Parks, Recreation, and Watershed be delegated to the Recreation Committee, and for about six months of course, we had a Recreational Director, and he resigned. Six months have passed and February is here, and March is on us, and we are in a bad need and urgent need for a Park Director. I would like to make a motion that we delegate all of these responsibilities back to the Mayor, so that he can interview and get a Parks and Recreation Director, so we can open this year on time. Councilman Lilly seconded the motion. All Council voted in favor.

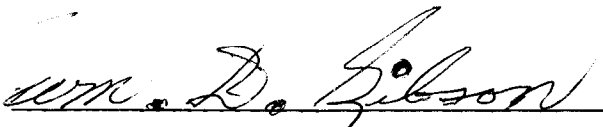
Councilman Dewey Mann, of Ward One, said he had received some complaints from concerned citizens in the Brookhaven section, in regard to youths shooting pellet guns in an undeveloped wooded section of that area. Councilman Mann said he was interested in finding out if it were legal to erect signs stating "Guns prohibited", the property in question is within City limits. He went on to say that Estell & Greenlee Real Estate Company owned the property, and they had agreed to post the signs if it were permissible. Council members agreed that it would be legal to post the signs.

Councilman Mann, Chairman of the Ordinance Committee said that he had received a letter from the Michie Publishing Company, confirming the fact that they had received the Ordinance Books, and the contract had been awarded. Councilman Mann said the Ordinance Committee met on January 31, for the purpose of going over the ordinances and discussing some of the things that should be included. He went on to say that he had contacted each Council member, asking that they make a note of any suggestions as to the additions or amendments that they would like to be referred to the Ordinance Committee for discussion. The Council members thought it might be just as well to wait until the rough draft is received from the Michie Company, before we notify them as to the revisions or additions that we have suggested be made to the ordinances. Mayor Gibson agreed with the Committee that it would be good if each Councilman make a list of additions or amendments, and give them a lot of serious thought, and feed the information into the Committee. Councilman Mann announced that the Committee would wait for the suggestions to be received from Council members.

Councilman Casebolt said he was sure there was an ordinance regarding riding a bicycle on city sidewalks, in the business area. He would like to recommend that the ordinance be enforced. He related that recently he was almost run down by a 10 speed bicycle, as he was leaving Casto's Hardware.

Mr. Okey Kessel spoke from the floor asking where the mobile homes were located that were under discussion earlier in the meeting. Councilman Casebolt said most of them were located outside of City limits. Mr. Kessel remarked that if they receive the convenience such as he, they had no right to pay less than him. Councilman Casebolt said there is one tie-in for a mobile home park, and the City is not responsible to one trailer in that park. He went on to say the only thing the City is responsible for is the one tie, and the main sewer. Anything else is the responsibility of the owner. However, Councilman Casebolt said if it were a mobile home on a private lot, then it is considered a residence. In other words, the proposed lower sewage rate is regarding mobile parks.

Councilman Casebolt moved that the Council Meeting be adjourned, Councilman Priddy seconded the motion. All voted in favor.


Mayor


City Recorder

NITRO CITY COUNCIL MEETING

February 19, 1974

The regular meeting of the Nitro City Council was held in the Council Chambers, February 19, 1974. Those present were: William D. Gibson, Mayor; Tom Melton, City Recorder; Councilman at Large Dr. R. V. Allen, Councilman at Large Hugo Tidquist, Councilman at Large Keith Priddy, Councilman Vernon Casebolt, Councilman Thomas Lilly, Councilman Paul Hill, and Councilman Dewey Mann.

The meeting was called to order by the Honorable William Gibson. Rev. James Arbogast gave the invocation.

Mayor Gibson reminded each councilman that they had received a copy of a letter dated February 18, 1974, from Mr. James Kessinger, Attorney at Law, submitting his resignation as Nitro's City Attorney. After reading the letter to council, Mayor Gibson said that Mr. Kessinger had practiced law in this area for fourteen or fifteen years, and to his knowledge has done an extremely good job, and in his opinion he has done an all-around good job for the City of Nitro, and in many respects Mayor Gibson went on to say, I am very reluctant to make this announcement. However, as Mr. Kessinger so stated in his letter, he has accepted the position as Assistant Prosecuting Attorney of Lincoln County, and feels that his time will be limited to the extent that he could not fulfill his obligation to the City of Nitro. Mayor Gibson said that he would like to recommend to council Mr. Kessinger's letter of resignation be accepted, and that Mr. Frank Armada be appointed to serve as the City Attorney for the City of Nitro. Mayor Gibson said that Mr. Armada has practiced law in this area for ten or twelve years, and has proven himself to be an outstanding attorney. Councilman Casebolt made a motion that Mr. Armada be appointed. Councilman Dewey Mann seconded. All council voted in favor, except Councilman Lilly and Councilman at Large Keith Priddy who opposed.

Approval of Minutes of the February 5, 1974 Nitro City Council Meeting, Councilman at Large Dr. R. V. Allen so moved the minutes be approved, Councilman Dewey Mann seconded. All council voted in favor.

Approval of January Financial Statement: Councilman Thomas Lilly, Chairman of the Finance Committee, made mention that there were a few corrections to be made, the first one being on page 5 dealing with disbursements; item 21 that reads revised estimate \$107,688.00, should be corrected to read \$102,688.00, according to Councilman Lilly this was the revision approved through the State Tax Department, November, 1973. Likewise, item 49, Workman's Compensation Premiums which reads \$2,000.00, should read \$7,000.00. Under item 60B page 5, which reads \$300.00, should be corrected to read \$800.00. After having made these corrections Councilman Lilly moved that the January 1974 Financial Statement be approved. Councilman at Large Dr. R. V. Allen seconded. Councilman at Large Keith Priddy questioned item 23, on page 2 regarding the R.D.A. landfill, the amount of payment being \$703.08. He asked how the usage was determined, by poundage, or volume of the truck. Councilman Lilly answered that we are charged by cubic yards. Initially when this was started, Councilman Lilly went on to say, we were charged for 23 cubic yards, due to the fact that we had a 23 cubic yard refuse truck, so we make sure since that time that our trucks are filled to capacity before they go to the dump. According to Councilman Lilly the City of St. Albans went on record and challenged this situation and he understood that an agreement had been worked out, so they pay only on usage. However, we make sure that we have a full load Mr. Lilly said again.

Councilman at Large Priddy asked how they ascertain their usage. Councilman Lilly said from what he could gather it was just a guesstimation on both parts, in other words the driver says, "I guess I have this much," and the man at the landfill says "I guess you have that much." Councilman at Large Priddy suggested that perhaps we should do a little negotiating since some type of trash will compact more tightly than other. Councilman at Large Hugo Tidquist wanted to know if this pertained only to garbage trucks. Councilman Lilly said this also included trash trucks. He went on to say under the health regulations we are not allowed to dump any more in the City's landfill, so everything has to be transported to the R.D.A. landfill to be disposed of. Mayor Gibson reminded council that a motion was on the floor to approve the January Financial Statement, and had been duly seconded. All council voted in favor.

Report on Insurance Bids For Casualty Insurance On Certain City Properties:

Councilman at Large Keith Priddy, temporary acting Chairman of Insurance Committee, reported that four bids had been submitted, and the low bid was the Buckeye Union Insurance Company with \$100.00 deductible, total bid annual premium \$2,822.00. Councilman Priddy made a motion this bid be accepted. Mayor Gibson mentioned that each councilman had received a copy of each insurance bid that had been made. Councilman Casebolt seconded the motion. All council voted in favor except Councilman Lilly, he did not vote due to the fact he is involved in the insurance business.

Open Bids On Materials For Remodeling Police Department: Councilman Paul Hill, Chairman of Building and Planning Committee reported that two bids had been received. One from Southern Supply \$4,711.67; Councilman Hill noted however, they were unable to bid on one item listed on the specifications; this being 3 equal lites, and glass, this could be purchased from General Glass Company according to Councilman Hill. Councilman Thomas Lilly reported the second bid from Lantz Lumber Company, in the amount of \$6,526.00, including the glass. Councilman at Large Dr. R. V. Allen asked what size glass was asked for; Councilman Hill replied 6' - 8" in height, and 4' - 2" in width; thermopane glass with a 20 year warranty. Mayor Gibson asked Councilman Lilly the approximate cost of the glass listed in the bid. Councilman Lilly replied; for three pieces of thermopane glass 4' - 2" X 6' - 8", 20 year warranty, \$1,574.00. Councilman Casebolt remarked that since this would still not match the first bid from Southern Supply, he would like to make a motion that the council accept the bid from Southern Supply, hire the work done and get the job started. Councilman Lilly seconded the motion. All council voted in favor.

Open Bids For Central Heat & Air Conditioning For East Side of City Building Including Materials and Labor: Councilman Paul Hill, Chairman of Building and Planning Committee said four bids had been received. Councilman Mann reported on the first bid; Mountain-Air Heating and Air Conditioning Company, \$2,790.00, with full payment upon completion. Councilman Hill announced the second bid was from Bonnett Refrigeration Service in Poca, \$3,200.00. Councilman Lilly reported on bid from Teays Valley Heating and Cooling in Hurricane, \$2,208.60, warranty, 1 year free parts and labor; 5 years warranty on compressor. Councilman at Large Keith Priddy opened the fourth bid which was from Kerstein Engineering Company of Charleston, \$2,785.00, completion date 30 days. Councilman Lilly made a motion to place bids in the Building and Planning Committee with the authority to act on the low bid, if it should meet with the specifications. Councilman Vernon Casebolt seconded. All council voted in favor.

Report On Bids For Garbage Trucks: Councilman Paul Hill, Chairman of Garbage-Health and Trash Committee reminded each councilman that they had received a copy of the minutes of the Garbage-Health and Trash Committee Meeting, in which the committee had reviewed the two bids that were received for two new garbage trucks. One bid from Bert Wolfe was \$28,114.90, the other bid from Truxmore was \$27,645.00. The committee recommended that the low bid from Truxmore be accepted, noting

that they meet specifications. Councilman Hill placed in the form of a motion that the two new trucks be purchased from Truxmore. Councilman Casebolt seconded. All council voted in favor.

Traffic Flow Problem 600-900 Block of Kanawha Ave., And Other Areas Nearby:
Councilman at Large Dr. R. V. Allen, Chairman of Street and Traffic Committee, reported that he had been out of town and had not had an opportunity to meet with the committee to make a thorough check of this situation. He went on to say he would try to have a report ready by the next council meeting.

Estimate On Materials In Regard To Storm Drain Problem on 18th St. Hill:
Councilman Hugo Tidquist, Chairman of the Storm Drain Committee, related that he had not been out of town, but had been unable to check this out; he thought Mr. Gene Williams, Street Superintendent, might have a report. Mr. Williams had discussed this problem with Councilman Paul Hill, since this problem exists in his ward. Councilman Hill said to correct this problem, approximately 72 ft. of 10 in. pipe at a cost of \$3.25 per ft. would be needed. Councilman Hill made a motion that 80 ft. of 10 in pipe be purchased to do this job. Councilman at Large Keith Priddy asked if the City's equipment and manpower would be used, he was told that it would be. Councilman Priddy seconded the motion. All members voted in favor. Councilman at Large Dr. Allen asked if the money was available, Councilman Lilly answered "yes."

Mayor Gibson announced that he had met that day with Rev. James Arbogast, Pastor of St. Paul's United Methodist Church, and they had discussed the possibility of the City of Nitro, and the St. Paul's United Methodist Church operating on a cooperative basis a parking lot. According to Mayor Gibson the church owns the lot beside the church, and located directly across from City Hall. The parking lot would provide more parking space for our citizens who frequent City Hall, as well as giving City employees more parking space. Mayor Gibson said oftentimes when there was a funeral, and the present parking area was blocked off, it was very difficult to find a place to park, and it was necessary to park in the Kanawha County School's parking lot, and they are not too happy about this. It was suggested by Rev. Arbogast that the City pave the lot, for the privilege of using it. Rev. Arbogast further stated that the Board of Deacons had voted approval of the plan. Mayor Gibson recommended that this be placed in the Street and Traffic Committee, bring the City Attorney into the picture, and check out the legal aspects, and perhaps report back at the next Council Meeting. Mayor Gibson noted that in his opinion more parking area is very much needed.

Mayor Gibson announced that on February 18, 1974, he had started on the payroll a new Recreational Director, Mr. Stephen Mullins. A resume has been passed out to each councilman Mayor Gibson said, and it should be self explanatory. Mr. Mullins has spent seven years in the Navy. As a yeoman he has worked in an office dealing with high ranking officers. Upon completion of his military service he was given an honorable discharge. He graduated December 1973 from Marshall University with a degree in Physical Education and Health. Mayor Gibson went on to say that he had spent a tremendous amount of time with Mr. Mullins, and he had every reason to believe that he will make a dynamic Recreational Director.

Mayor Gibson said that recently he was approached by the Nitro Businessmen and Professional Association, requesting that the City cooperate with them in every way possible to improve the downtown parking situation. Mayor Gibson said he had met with some representatives of this association, and he had also called Mr. Layman Smith, a high ranking official with the Department of Highways to see if he would send down to the City of Nitro, an engineer, along with some maps to assist us in the parking plaza area, located where the old railroad depot used to be. This could

give us some insight as to what property is owned by the Department of Highways, and if they would be willing for the City to use some of the land for parking. Mr. R. L. Smith and Mr. Kitts were sent down, and a meeting was held in the Mayor's office, along with several of Nitro businessmen. Mayor Gibson said today he was back in touch with Mr. Lee West with the Department of Highways, and he said they wanted to send down a surveyor to determine who owns the land. Mayor Gibson said he would like for the council to become involved, and would like to place this in the Traffic and Street Committee, and request that they work with the City Attorney, and the State Road Commission as to any entanglement that might occur. Mayor Gibson referred to an area extending about 100 ft. in the up river direction. He said if this could be filled in perhaps some angle parking could be made, and encourage motorists to park in a given direction. Councilman at Large Dr. R. V. Allen asked if the State Road Commission had a traffic engineer that we could consult with. Mayor Gibson said they are very cooperative, and he felt sure this could be arranged.

Mayor Gibson said he also discussed, and had taken an on-site look with a Mr. Earl Fields, with the Department of Highways some drainage problems that the City is experiencing; one in the Riverdale Acre section, one out on 40th Street Road that is flowing down underneath the road onto 39th Street East, and he also mentioned to him the drainage problem in Brookhaven. He assured me, Mayor Gibson said, that he would be in touch with Mr. William E. Moore, Maintenance Supervisor, whose responsibility is to work on drainage problems, and he gave me every indication that Mr. Moore would be in touch with me, and if he shouldn't, Mayor Gibson said that he had every intention of getting in touch with Mr. Moore, to see if he will work with us in regard to correcting these drainage problems. Mayor Gibson referred to the particular problem on Brookhaven Drive. He went on to say that we have had a tremendous amount of problems around the residence of George Minner, as you go into Brookhaven there is a storm drain pipe about one-half as large as it should be, and when there is a heavy downpour of rain, water flows down over the road into the resident's yards, and on some occasions has backed up into people's basements. Mayor Gibson suggested that we do have a Brookhaven Storm Sewer Escrow Account. Councilman Lilly reported the January 31, 1974 balance of this account was \$14,101.54. Mayor Gibson said he would like to recommend to the Storm Drain Committee that they seriously consider using this money toward improving the drainage problems, in the lower part of Brookhaven. However, this would have to be let out for bid. Councilman at Large Dr. R. V. Allen indicated that the secret of the whole thing was to see if we could get the Department of Highways to give the City of Nitro a right-a-way to go across the road. He stated further that the present drain underneath the road is of no value to us, what we need is a form or document that will allow us to go under the road. Mayor Gibson said he would like to recommend that this be placed in Committee to check out in detail, and get the City Engineer involved. We do have some monies appropriated for these drains in that area, and we are certainly experiencing very serious problems, the further you come down through Brookhaven, the more compound the problems becomes. Councilman Thomas Lilly made a motion that the engineers make a survey and convey this to the Storm Drain Committee, and get a recommendation from the City engineer so they can ascertain what the situation is, and also ask the City Attorney to check the contract to see if the money from the escrow account could be used for this particular problem, and this information also be submitted to the Storm Drain Committee. Councilman Paul Hill seconded the motion. Councilman at Large Hugo Tidquist asked if this \$14,101.54 was appropriated for the drainage of the new homes being built in Brookhaven. Mayor Gibson said the engineer did go out and make a rough estimate as to the cost of various problems throughout this problem area, and each area was pinpointed as to the approximate amount of money that it would take to correct the problem. As far as I can determine, Mayor Gibson said, the money wasn't specified for any given, but it is to be used in the Brookhaven Sub-division. Councilman
part,

Lilly said this is why he asked if the attorney could ascertain if the money could be used, and make his recommendation to council. Councilman at Large Tidquist said the way he understood it was; we got this money to put in escrow in order for them to go and complete the nine houses that they wanted to build a year or two ago. Councilman at Large Keith Priddy said they were to add to it each time they developed a piece of property, add a certain amount until \$60,900.00 had accumulated to do the storm drain work. Mayor Gibson reminds council that a motion was on the floor, and had been duly seconded. All council voted in favor.

Mayor Gibson announced that he had received a letter from the Southern West Virginia Chapter of the National Sclerosis Society requesting permission to hold a campaign from May 12, 1974, to June 16, 1974. Door to door solicitation will be done by local residents, and canisters will be placed in business places throughout town. Councilman at Large Allen made a motion to grant permission to this Society. Councilman Casebolt seconded. All voted in favor.

Mayor Gibson announced that Councilman Paul Hill, Chairman of the Building and Planning Committee had located a prospective piece of land that might be a good location for a Municipal Maintenance Garage. He would like to encourage each councilman to go down to this area and look at the lot. Councilman Hill asked each councilman and Mayor Gibson to meet with him at City Hall, Friday Feb. the 22nd at 6:00 p.m., so they might go down and check this out.

Mayor Gibson reminded the councilmen that they had each been given a key to the Committee Conference Room, and also a key to their desk drawer.

Mayor Gibson requested that the council give him permission to advertise for sealed bids to sell a few pieces of junky equipment that the City owns. He mentioned that there was a 1963 (1) Ton Truck, and two 1965 Model Easy Pack Refuse Packers, and also a 1969 Garbage Truck with a packer. Councilman at Large Keith Priddy said he had noticed that the City of Charleston recently had an auction and brought in 50% more money then they had in the past. Mayor Gibson said this would perhaps require a professional auctioneer, unless Councilman Priddy would like to volunteer. Councilman Lilly said when the City of Charleston held the auction he thought there were several cars as well as trucks involved. Mayor Gibson suggested that this be placed in the Garbage-Health and Trash Committee, as well as the Street and Traffic Committee. Councilman at Large Hugo Tidquist suggested that Gene Williams, Street Superintendent make a list of the vehicles to be sold, and present to council at the next meeting. Councilman Casebolt made a motion to have Mr. Williams make the list. Councilman Lilly seconded, all members voted in favor.

Councilman at Large Dr. R. V. Allen reported that he was pleased that Dr. Page Seekford, Director of the Kanawha Charleston Health Department, had sent a letter to Mayor Gibson, stating how much the Kanawha Charleston Health Department's Vector Control Program will cost. He went on to say that we are now in the process of making up the budget for the coming year. Sometime ago Dr. Allen said he had requested they send someone down to check on the rat problem along Main Avenue. Someone did come down, and promised the residents in that area that if they had any more problems they would try to correct the situation. Mayor Gibson reminded Council Members that they had also received a copy of the letter from Dr. Seekford.

Councilman at Large Keith Priddy had no new business.

Councilman at Large Hugo Tidquist had no new business to report.

Councilman Thomas Lilly, Councilman for the Fourth Ward, and Chairman of the Finance Committee, announced that a Finance Committee Meeting would be held in the

Committee Conference Room, at 7:00 a.m. Wednesday, February 20, 1974.

Councilman Paul Hill, Councilman for Ward Two, inquired about the progress of the Fire Hydrant Survey throughout the City, especially on 18th Street Hill section. Mayor Gibson said that Mr. Bud Carr, Distribution Manager, with the West Virginia Water Company was down about a week ago, and was reminded that he was to supply us with a map of these fire hydrants. Mr. Carr said that he had supplied the West Virginia Fire Rating Bureau with a copy when they came down and checked out all of the City's property, for specific fire rates. Mr. Carr went on to say that he felt he could obtain another map, he said it was evidently an oversight on his part. Councilman Hill asked who was going to conduct the Fire Department Survey, Mayor Gibson answered, the rating bureau. They do this about once in twenty years, and he understood they plan to do this next Spring or Summer.

Councilman Hill remarked that there seems to be a lot of problems throughout the City with dogs and cats, and according to him we are not getting to the bottom of the problem. Councilman Hill referred to a particular situation on 11th Street. In his opinion this constitutes a health hazard, and he would like to go on record as trying to do something about this. Councilman at Large Priddy asked if this had been reported to the Health Department, and Councilman Hill said he was sure that it had been. Perhaps what we need is a very strong ordinance on dogs and cats. Councilman Casebolt said it would be difficult to have an ordinance stronger than the State Law, and the State Law reads that as long as a dog is fenced in, and kept inside the owners' yard on his private property, there isn't much that can be done. Councilman at Large Dr. R. V. Allen agreed with this, he said this type of problem has come up before many times. Mayor Gibson suggested that perhaps some of the neighbors would sign a warrant, then the owner of the dog could be brought before the judge. Infact he recalled one situation where the case was handled in this manner, and as a result the problem was solved, and this Mayor Gibson said involved four dogs. Dr. Allen said we should discuss this with the Attorney, since it is a ticklish situation. Councilman Lilly said when the new ordinance has been returned to us, it should read according to the laws of the land.

Councilman Hill brought to the attention of the council a problem that he believed existed because of cars parking too close to the curbs, making it difficult for motorists turning into a street. He suggested the end of the curbs be painted three or four feet. Councilman at Large Dr. R. V. Allen asked what area he was referring to. Councilman Hill said from 19th Street throughout the business area. Dr. Allen indicated that we were already having parking problems and this could possibly create even more. However, as Chairman of the Street and Traffic Committee he would check this out.

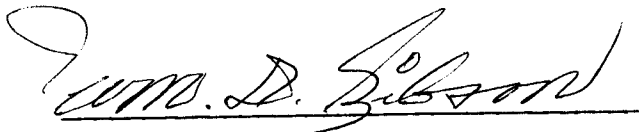
Councilman Dewey Mann of Ward One told council that he had been in touch with the Public Service Commission, about the City of Nitro's application for a sewer rate increase, and they had granted the City a pre-conference meeting on Tuesday, February 26, 1974 at 2:00 p.m., second floor of the East wing room E214 in the Capitol Building. Mrs. Marion Louis, Assistant General Council to the Public Service Commission, was to be in attendance. Mr. Mann was of the opinion that an engineer, and other key personnel of the Public Service Commission would also be there. Councilman Mann suggested that as many members of council attend this meeting as possible. Dr. R. V. Allen announced that he would be unable to be there. Mayor Gibson also encouraged council to attend.

Councilman at Large Dr. R. V. Allen said that he had one more thing to mention before council adjourned. Earlier in the evening at the Nitro Lions Club Meeting,

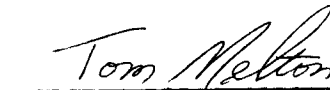
one of Nitro's local citizens, Mr. Larry Smith, who is associated with the Kanawha Valley Bank, asked that a form be brought to council to be analyzed. This form is merely an intent form on the National Flood Insurance Program. Councilman Allen said that some people believe that this does not fall within our realm, but Mr. Smith specifically stated that it was our problem, and we have to comply with this application by July 1, 1975, in order to participate in the Flood Insurance Program. He went on to say that it was his understanding that in the future before a property owner could sell the property, involving financing, it would have to be in compliance with this program. Since Mr. Smith is a neighbor of Councilman at Large Keith Priddy, and Councilman Priddy is on the Insurance Committee, Dr. Allen recommended that this form be taken home by Councilman Priddy and evaluate it and report back as to what action the council has to take in respect to this.

Mayor Gibson stated that before adjournment he would appreciate having everyone stand, while Rev. Arbogast lead us in a closing prayer. Rev. Arbogast gave the benediction.

Councilman Thomas Lilly made a motion that the meeting be adjourned. Councilman Paul Hill seconded the motion. All council voted in favor.



Mayor



City Recorder

NITRO CITY COUNCIL MEETING

March 5, 1974

The regular meeting of the Nitro City Council was held in the Council Chambers, March 5, 1974. Those present were: William D. Gibson, Mayor; Tom Melton, City Recorder; Councilman at Large Dr. R. V. Allen, Councilman at Large Hugo Tidquist, Councilman at Large Keith Priddy, Councilman Vernon Casebolt, Councilman Thomas Lilly, Councilman Paul Hill, and Councilman Dewey Mann. Nitro City Attorney, Frank Armada was also present.

The meeting was called to order by the honorable William Gibson.

Mayor Gibson explained that the Rev. Arlie Cravens of the Nitro Church of God was asked to be present to give the invocation, but due to special church services he was not available.

Approval of Minutes of the February 19, 1974 Nitro City Council Meeting: Councilman Vernon Casebolt made a motion that they be approved, Councilman Hugo Tidquist seconded. All Council voted in favor.

February Financial Report: Councilman Thomas Lilly, Chairman of the Finance Committee, reported that cash balance on hand January 31, 1974, \$19,669.48. Payments received in general fund through the month of February, \$38,537.58. The total amount is \$58,207.06. Disbursements for the month of February \$37,675.41. Cash balance on hand at close of business for the month of February, \$20,531.65.

Report on Bids For Central Heat and Air Conditioning for East Side of City Building: Councilman Paul Hill, Chairman of Building and Planning Committee stated that the committee had met, and after reviewing the four bids that had been received and opened at the February 19, 1974 Council Meeting, the committee decided to accept the low bid from Teays Valley Heating and Cooling, which was for \$2,208.60. He stated that the other bids received were as follows: Mountain-Air Heating and Air Conditioning Company, \$2,790.00; Bonnett Refrigeration Service, \$3,200.00; and Kerstein Engineering Company, \$2,785.00. Mayor Gibson reminded Council that a motion had been passed at the previous Council Meeting to place the bids in committee, with the authority to act on the low bid, should it meet specifications.

Traffic Flow Problem 600-900 Block of Kanawha Avenue and Other Areas Nearby: Councilman at Large Dr. R. V. Allen, Chairman of Street and Traffic Committee, said that in that particular area there is possibly only one solution to the problem, and that would be to widen the street. He mentioned just how receptive the residents would be to the City taking this step, he did not know. He went on to say, in his opinion there is no way these streets could be made one-way, either one-way East or one-way West, because the 600 Block is a dead-end going West, and the 900 Block dead-ends going East. Dr. Allen said that Councilman Vernon Casebolt lived in that Ward, and perhaps he would have something to add to this report. Councilman Casebolt remarked that he did not know how receptive the residents would be either, but he agreed with Dr. Allen, that this would seem to be the only alternative that the City would have, to widen the street back to the sidewalk. Mayor Gibson asked if there were trees along the street, Councilman Casebolt said not in this particular area. Councilman at Large Dr. Allen

said this is a universal problem throughout the town, many streets are too narrow. Councilman Casebolt said perhaps he should talk to the citizens in that area to see what their feelings might be in regard to widening the streets. Councilman at Large Allen said that he had talked to two people out of each block, some were receptive, and others suggested making the street one-way. Councilman Casebolt stated that he would speak to the residents also, so he might get their reactions. This was agreeable with Dr. Allen.

Paving of St. Paul's United Methodist Church Parking Lot For Privilege of City Using it: Councilman at Large Dr. R. V. Allen also reported on this issue, saying that there was a legal technicality involved in paving of this nature, and he hoped that City Attorney, Frank Armada, will have some information in regard to this situation by the next Council Meeting. Councilman at Large Allen stated that Councilman Paul Hill had requested at the February 19, 1974 Council Meeting, the Street and Traffic Committee check on a problem concerning parking too close to the end of the curbs, making it difficult for motorists to turn onto a street in the downtown business area. Dr. Allen said he would like to suggest that the Street Department take into consideration painting the curb back to the sidewalk. He felt this would help to eliminate the problem.

List of City Vehicles to Be Sold by Sealed Bid or Auction: Mayor Gibson reminded Council, that they had been given a list of City owned vehicles to be sold by bid, or Public Auction. The list was prepared by Street Superintendent, Mr. Gene Williams. Mayor Gibson noted that on this list he has two 1965 Refuse Easy Packers, these, he went on to explain, are garbage packers that fit on the back end of a truck. One 12 ft. Dump Truck Bed, one 1963 one-ton Ford Dump Truck, one 1969 F700 Ford Truck with Easy Garbage Packer on the back, this is in average condition. Mayor Gibson asked the Council to decide whether these vehicles should be sold by sealed bid, or by Public Auction. Councilman Lilly asked the size of the two Easy Packers, Mayor Gibson said he believed them to be 18 cu. yards. Councilman Paul Hill entered a motion that the vehicles be let out for sealed bids, with a minimum price range set, the Council having the right to reject all bids if they did not meet with the minimum set price. Councilman at Large Dr. Allen seconded the motion. Mayor Gibson asked who would be responsible for setting the price. Councilman Tidquist suggested that Mr. Williams would be better qualified to set the price. Mayor Gibson asked if all Council Members would be in favor of Mr. Williams using his judgement, and all Council agreed to this. Mayor Gibson mentioned that Mr. Hill had made a motion, and Councilman at Large Allen had seconded it. All Council voted to let the list of City vehicles be advertised, with the Council having the right to reject all bids if they were below the minimum price set.

Pre-Conference Meeting on February 26, 1974, With Officials of the Public Service Commission: Councilman Dewey Mann, who was in charge of making arrangements for the pre-conference meeting with the Public Service Commission, reported that the meeting lasted three hours. It was attended by three members of the Public Service Commission, Jack Vickers, Engineer; George R. Heath, Assistant Accountant; Mrs. Marian Louis, an Attorney Assistant General Council of the Legal Division, for the Public Service Commission. Representing the City of Nitro, and the Nitro City Council, were: Mayor William D. Gibson, Councilman at Large Keith Priddy, Councilman Dewey Mann, and Councilman Thomas Lilly, and Nitro City Attorney, Frank Armada. Representing the Nitro Sanitary Board were: Donald Karnes, Robert Haynes, and Robert Anderson, both engineers for the Sanitary Board, Certified Public Accountant, Donald Krisher, and Mr. Vaughn, Attorney. Councilman Mann said the question was brought up; If the plans were so designed for the regional concept, should the citizens of Nitro shoulder the entire burden for the construction. Mrs. Louis stated that the shopping potential for Nitro would be taken into consideration. It was discussed as to where most of the shopping by

Rock Branch residents is done, and where it will be done. There was no absolute conclusion on that. At this time, Councilman Mann said it was discovered that the application for the rate increase had not yet been submitted to the Public Service Commission, and they did not have the Sanitary Rate Ordinance on file, and the reason given by Mr. Robert Hayne was that the design was not quite complete, and it was discussed that there were two methods for the design for operating the plant. Then it was discussed that if the plant was designed for the region, whether it was or it wasn't, Mr. Hayne explained that it was designed for the growth of Nitro. Mr. Jack Vickers asked the question; Was the cost of Nitro alone calculated? Mr. Hayne answered, "No". Mr. Vickers said it should be done to enlighten the Nitro City Council, and the Nitro Sanitary Board. Mr. Hayne said, "Well", then he was interrupted by Mr. Krisher, who said, "Rock Branch was considered in the service approach only." Mr. Vickers said the design should be for what is needed, and what is required. Mr. Vickers went on to say that the rate ordinance should be considered or re-considered, after any other Public Service District, or any other outsider is brought in on sewage treatment. The question arose as to what would take place, since the rate ordinance is passed, if another Industrial Park would be announced to get underway, which is outside the City, and would serve the sum of 700 people, and Nitro's sewer line would be close by. Question: Could the City be compelled to accept this additional load? The answer was Yes. Not only would you have to admit, and the capacity would become too low, then the City would have to increase their plant capacity. It was also discussed as to whether or not the rates could be structured on usage alone. Public Service Commission's answer: There must be a minimum. Question: What is the feasibility of changing the minimum from 4,000 gallons to 2,000, so it would benefit the older citizens, or the lower income people. Mr. Heath indicated that usually the minimum is 2,000 gallons, and for Nitro 13% uses 1,000 or less, and 26% uses less than 2,000 gallons. There seemed to be an objection as to the rate prescribed for the Mobile Park Trailers at \$4.08, compared to \$5.10 for regular residents. Could this be changed? The answer: The Public Service Commission substantiated as to what Mr. Krisher previously stated, and that is the minimum for any multiple occupancy is based on 80 to 90% of private residents. The rate ordinance for the City of Nitro was passed by the Nitro City Council with the understanding that we would have this pre-conference meeting for the purpose of guidance, and obtaining information. The question was asked if the rate ordinance could be changed, before it appears before the Commissioner, and to what extent such a change would affect your schedule, and has the date been set for the ruling on this ordinance. The answer: It has not been filed, but it was stated by the Public Service Commission that the rate could be changed even to the day of the hearing, and we are six months behind on our docket. The question as to whether or not bonds could be sold locally to avoid \$50,000.00 interest, for a period of 35 years. It is feasible to sell bonds locally based on the ability to pay. It was discussed as to whether or not our Federal Grant may be jeopardized or denied, if we did not follow the concept of the region in sewage treatment. The opinion was that it could be, the Government favors the regional concept. In event a Public Service District is taken in by the Nitro system, and if that Public Service District gets into trouble the question arose; What obligations does Nitro have? Answer: was that Nitro would be obligated only to the extent of the contract that the Sanitary Board had between the two parties. If others are added to the Nitro system, due to the tremendous growth, both parties would be treated alike. Mrs. Louis stated that a budget should be submitted to the Council by the Sanitary Board. Councilman Mann said that Mr. Lilly brought up the question of our original grant, \$604,000.00, which had been approved, and which we had to have \$201,000.00 to match, could they proceed with this without having received approval on the second grant, and would this satisfy the reason for the City being cited in the first place? The answer was that they could proceed, this \$604,000.00 on application approved in

1972. The Sanitary Board Engineer said he wanted to proceed with the entire project. Someone from the Public Service Commission said that we could proceed on the first grant, or we could do it either way. Again he said the meeting lasted three hours, and Mrs. Louis at the conclusion said she assumed that the Sanitary Board, and the Nitro City Council were not compatible. The Public Service Commission is primarily interested in rates, and she understood that the conference was to be concerned with the rates, and they were not prepared for such a large subject matter. It was explained that we thought they had the application, and the rate ordinance, and the other necessary data, and would have had an opportunity to study it before we came up there, and she suggested that the Sanitary Board and Council get together, and work out their problems. She declared a rate ordinance was necessary. Councilman Mann said during a telephone conversation March 5, 1974, the day of the Council Meeting, he was told by Mr. Vickers that it was probably water over the dam, but it was not considered to be the best policy for the same engineers, or accountant to represent two opposing groups ^{on the same} project, such as City of Nitro, and Rock Branch Public Service District. He suggested that any contract with Rock Branch Public Service District should be in two parts, sewage treatment, and operations. It should contain the maximum treatment as well as the minimum. The design of the plant is thoroughly examined by the State Health Department, as well as the Public Service Commission, and their findings reported to the Sanitary Board. He went on to say the Public Health Department is not too interested in whether the design is too great, they just want to be sure it will do the job as far as health is concerned. However, the Public Service Commission looks at the design, not only to be assured that it is adequate, but is scrutinized, and will be studied to determine if it is over designed in size to cause a higher rate than is necessary. The final approval for the Federal Government Grant was not necessary before the rate application was submitted to the Public Service Commission. He went on to say the policy on higher rates for outsiders is generally not allowed, but can be allowed in specific cases. He said there is some logic as to the extent of the citizen of today, not paying for the citizen of tomorrow. He said that 4,000 gallons minimum could be too high, 2,500 seemed to be more reasonable, and if the minimum were lowered, Rule 42 could be revised as late as the day of the hearing. City Attorney Frank Armada referred to Rule 42, as only an accounting exhibit that each applicant for a rate change is required to provide, and the Public Service Commission will have final say in all matters. Councilman Mann said again that it was suggested that the Nitro City Council, and the Sanitary Board work together, and each should pass information on to the other. He said the date of the hearing would be published weeks ahead, and the public would be invited to attend. He said the Public Service Commission would be glad to meet with us again, and they were available anytime to help iron out any problems that we might have. Councilman Mann said members representing the Public Service Commission were exceptionably cooperative.

National Flood Insurance Program: Councilman at Large Keith Priddy, a member of the Insurance Committee reported that the program has to be completed by July 1, 1975, three or four committees will have to become involved in this, the zoning regulations must comply as well as the zoning ordinance. A meeting with the County Planning & Zoning Commission to outline the flood areas in Nitro, might also be necessary. Since there is so much involved, Councilman at Large Priddy said he did not have a complete report at this time. He went on to say that in the future, before a property owner could obtain a government loan, they would have to comply with the Flood Insurance Program. Councilman at Large Priddy said he had been in touch with Mr. Larry Smith, who had brought the form to the attention of the Nitro City Council. Councilman at Large Dr. Allen, said it was his understanding that Mr. Smith was charged by the Federal Government to deliver this form to Nitro, as well as to Poca. Councilman at Large Dr. Allen

went on to say he would have a more complete report later on, after the committees involved had a chance to meet.

Mayor Gibson announced that he had received a letter from Mrs. Elaine Walden of the Cross Lanes Junior Woman's Club, requesting to sell ads for Child Study Day, May 1, 1974. The time requested for selling these ads will be from the present, to the end of March. Councilman at Large Priddy so moved that permission be granted. Councilman at Large Allen seconded. All members voted in favor.

Mayor Gibson recommended to Council that three vacancies in rank, in the Fire Department be declared. Two for the rank of Sgt., and he personally felt that one rank be declared as Captain. He went on to say that he would also like to request that the Firemen Civil Service Commission arrange a test. Councilman Casebolt, Chairman of the Fire Department Committee mentioned that the Firemen's Civil Service Commission had been asked four times to arrange a test, with no results. Mayor Gibson said perhaps he should write a letter making this request. Mayor Gibson pointed out that it was his opinion that this had been discussed previously, but it had not been voted upon. Councilman at Large Dr. R. V. Allen said he so moved that the vacancies be declared. Councilman Casebolt seconded. All voted in favor. Councilman Casebolt requested that the Mayor write a letter to the Civil Service Commission Chairman, asking that a test be given. Mayor Gibson pointed out that the chairman had recently resigned, and he felt an acting chairman should be appointed, and the group could decide among themselves who they want as chairman. He agreed to write the letter, and all Councilmen agreed with Mayor Gibson's feelings on the matter.

Mayor Gibson said his office had received a phone call from Governor Moore's office, regarding the REAP program. It seems that March 14, 1974 at the Moose Club's parking lot, has been designated to be the headquarters of Mr. James Machin, and his crew. Mayor Gibson said he asked several questions in regard to the junk cars, but the lady that was placing the call didn't have much information. She indicated that she would try to find out more about it and call back. Mayor Gibson said he thought often times the junk cars were stored in a given spot, and picked up later. Councilman at Large Keith Priddy said sometimes the local schools become involved, the students would help to locate the junk cars to be picked up. Councilman Lilly jokingly said we should be sure to keep all of our equipment hid, that we plan to let out for bid.

Mayor Gibson announced that the maps had been received from the West Virginia Water Company, regarding the locations of the fire hydrants, he intends to turn them over to Vernon Casebolt, Chairman of the Fire Department Committee, so the committee might have a chance to review them, and make a report back to Council later on.

Mayor Gibson said he, and several members of Council, had been out to look at some property located on 40th Street Road, which was unfit for human habitation. He mentioned that there are two pieces of property, and both are vacant at this time. He went on to say that the former City Attorney was of the same opinion that condemnation proceedings should be started. Mayor Gibson said he had also discussed this with Mr. Rhodes, the City's Building Inspector, and also the Chief of the Fire Department, and they both agreed with Mr. Kessinger. Mayor Gibson said of any member had any objections that he would like to hear them. Dr. R. V. Allen asked if there had been a sign posted on the houses from the health point of view. Mayor Gibson said that the building inspector said he would be willing to sign a notice, and post it, now that we have the Southern Standard Building Code into effect.

The Mayor said he felt like this would be substancial backing. Councilman Mann said he thought everything humanly possible should be done to alleviate this situation, and if necessary, obtain a court order. He further added that he felt the property owner would not like to be publicized, the fact that he was renting a piece of property under these conditions. Mayor Gibson said he felt the newly appointed City Attorney, Frank Armada was at a bit of a disadvantage because he had not had an opportunity to review the City Code, however, he did want him to become involved with this problem. At the present time he would like to know how Council felt. Council agreed to let Mr. Armada check into this further.

Councilman at Large Dr. R. V. Allen had no new business.

Councilman at Large Keith Priddy reported that he would like to go on record to the City Council, as opposing the proposed plan that the Penn Central Railroad has, to discontinue service between Nitro and Point Pleasant. Councilman Priddy said this should be opposed because of the consequences it would have on the down river industry. He mentioned that there was a meeting at that time in Charleston with the Public Hearing Committee. Councilman Priddy said this recommendation was in the form of a motion. Councilman Lilly seconded. Dr. Allen said if no one could attend the Public Hearing Meeting, this could be handled through Congressman John Slack, or Congressman Ken Heckler. He felt sure they are interested in this issue. All voted unanimously.

Councilman at Large Priddy mentioned that he would like to bring to the attention of Council that the Regional Development Landfill, which Nitro is required to use now, does not have scales to weigh the refuse, and in order for everyone to pay their fair share, he would like to request they get scales at the site. Mayor Gibson said it was his understanding that the Kanawha County Court, and the R.D.A. were supposed to put scales out there, also a building to house the equipment, and something for the night watchman, but as yet this has not been done. Mayor Gibson went on to say that Mr. Jack Whitting, Director of R.D.A., had called him a couple of weeks ago, and said that a meeting would be scheduled soon, and he would like for the three Mayors to be present. Mayor Gibson said he would bring this matter up at that meeting, in his opinion it would be almost impossible to operate efficiently without scales or buildings to house the expensive equipment. Councilman Lilly suggested that when dealing with the Mayor of St. Albans, it might be wise to discuss with him the possibility of Nitro, and St. Albans, having a joint landfill. Mayor Gibson asked if perhaps the three cities could be included. Councilman Lilly said the reason he had mentioned St. Albans, was because they already have the site, and the heavy equipment to work with for the site, and if Nitro could get approval through the Health Department, we could be in business tomorrow. Mayor Gibson asked Councilman Lilly if he was saying that we should have a meeting with the governing bodies as a whole. Councilman Lilly said he was suggesting that the two Mayors get together and check into the legal aspects, and Mayor Gibson bring something back, and recommend to Council at this time. He did not mean that the Council should become involved, he went on to say it was his concern that the amount of money that we are paying at the present time, he felt that we are not getting dollar for dollar amount. Mayor Gibson added that on occasion the road has been in such condition that the trucks could not travel it. Councilman Lilly said that we could save approximately \$1,500.00 a month by having our own landfill. This money he said could be utilized for something else. Mayor Gibson asked Councilman at Large Priddy if he had any other report to make, Councilman Priddy said he did not have.

Councilman Casebolt, Councilman for the Third Ward, reported that he had received several calls about Ivy Street. It was the opinion that Ivy Street should be repaired so it might be used, sold, or burned. Being more serious,

Councilman Casebolt said he felt something should be done about this street so it could be used. Councilman Lilly said the opinion of the committee at the time they met, was the City has no liberty, and no money to pay for paving, so under the existing laws, he would suggest that notices should be prepared and sent to the property owners, if it is their decision to have the street paved, then he thought we should abide by the residents wishes. Councilman Lilly said every aspect had been taken into consideration, and this seemed to be the only solution. Mr. John Kraft, a resident in that area, asked Mayor Gibson if he might say a few words; he recalled that quite a few years ago the City wanted to pave a certain street in town, and was told by the Mayor that they would prefer that the people residing on the street be in favor of such action, however, the City could go ahead and pave the street, and charge the property owners. He said some of the people on Ivy Street would say they didn't use the street, others would plead poverty. He expressed his opinion that paving of this street would help a lot of people in that end of town, and it could aid the Fire Department when they are making calls in that direction. Mayor Gibson asked if there were any other unpaved streets in that area. The reply was that Cedar Street, also needed attention. Mayor Gibson asked Mr. Armada if he had any advice to add to this. Mr. Armada asked if any engineering had been done at all on the street in question. After some discussion there was some belief that some engineering may have been done in years past. Councilman Casebolt replied that the City Engineer would have to become involved. He went on to say he was also in favor of notifying the residents of the intent to pave the street, it seems to be the only route to take. Mayor Gibson said he would suggest that Mr. Melton check this out, and find out what engineering, if any, had been done. Councilman Casebolt said at the same time, he would like to have the alleys between Juniper and Washington, Kanawha and Washington, Juniper and Hickory, and Washington and Kanawha upgraded. He went on to say that the alleys are in very bad condition, but he had informed the people that the Street Department would be working on the alleys as weather permitted. Councilman Casebolt said there was one alley in particular that needed attention. Mayor Gibson asked what alley he was referring to, the answer was, the alley between Juniper and Hickory, between Kanawha and Washington.

Councilman at Large Hugo Tidquist reported that he was concerned about not having a caretaker at the Ridenour Memorial Park, particularly on weekends when there are so many people fishing. Mayor Gibson said he had been there the Sunday before, and there were thirty-two cars. Councilman Casebolt said he would like to suggest that this be turned over to Mr. Steve Mullins, the new Recreation Director, and if he thinks there should be a caretaker, let him be in charge of getting one. He felt like this was up to him. Mayor Gibson reported to Council that there had been eight doors torn off of the big shed on the hill. Councilman Casebolt said they had been torn off last Fall, when so much vandalism was going on. Mayor Gibson said he was of the same opinion as Councilman Tidquist, that on Saturdays, and Sundays, we should go ahead and let people go across the dam. Councilman Casebolt said he had been approached concerning the use of private boats on the lake, it was pointed out that no private boats were allowed. Councilman Lilly said this responsibility could go back to the director. He said the City does have John Boats, and they could be used for fishing. It was asked if the City had life preservers, Mayor Gibson said this would be no problem, we could get them almost immediately. It all depends on how much in demand the boats would be right now, and how much help we want to put up there to supervise it. Everyone was in agreement that this should be left up to the Recreation Director.

Councilman at Large Tidquist inquired about the Street Light Survey. Councilman at Large Priddy indicated that progress was being made, in fact they were in Mr. Tidquist's area at the present time.

Councilman Thomas Lilly of Ward Four said a situation had developed on Dupont

Lane, it seemed as though a permit was issued to carry junk and gravel through Dupont Lane to the junk yard. For the last month or 45 days, this has resulted in mud and debris being inflicted on Dupont Lane to the extent that it becomes very dangerous and hazardous, and extremely muddy, to operate a private automobile on the street. In line with this also, the owners of the junk yard are parking tractors and trailers so close to the railroad crossing at Dupont Lane and Michigan Avenue, that anyone approaching from Riverside to 1st Avenue has their view obstructed where they cannot see if there is a train coming. This he pointed out, is creating quite a hazard to the residents using this crossing. In line with this, Councilman Lilly said he would like to make a recommendation to Council, that the position of Building Inspector be a permanent and full-time job. It seems as though he said, particularly in the Fourth Ward, that a lot of these problems that have occurred, have been the result of permits being issued for various things without any guidelines as to the situation, or close inspection or supervision of the aspect, where we have this as a part-time situation, we have created by count roughly 150 violations within the last year and a half. Councilman Lilly recommended to Council that the position of Building Inspector be a permanent and full-time position, and this will allow the City to hire a part-time man. He said he was referring to someone who had retired, and was completely under Social Security, and who would be willing and knowledgeable to pursue this for us. Councilman Mann indicated that he did not understand just what Councilman Lilly meant, was he suggesting that the position be a 40 hour week job. Councilman Lilly using himself as an example, he said, "I am retired, I receive retirement, if my retirement would happen to be Social Security I could only make X number of dollars without losing my Social Security benefits, the recommendation is that the building inspector be a full-time position, but we seek to hire someone that is retired, because there are a number of them in this area that could do an outstanding job, and could follow up on it. Take for instance, here are these trucks hauling junk and gravel, and mudding up the street." Councilman at Large Priddy asked if this was in the form of a motion. Councilman Lilly said "Yes." Councilman Casebolt seconded. Councilman Mann asked if this would be a 40 hour week, or 30 hour week, or just what. He was still not certain what was being suggested, he said a man drawing Social Security could only work a certain amount of time. Councilman Lilly said under the wage and labor laws you can only work him a certain number of hours, but you can have him sign a contract, that you can have him do this for a certain amount of money. Councilman Mann asked if we needed a full-time building inspector, or could we hire someone that could perhaps perform other duties when he is not needed in this capacity. Mr. Tom Melton, City Recorder, was asked how many building permits were issued last year, he answered approximately 300. Councilman Lilly said half of the permits that were issued did not comply with our regulations. Councilman Lilly said the position would be for a full-time inspector. Councilman Lilly stated further that he would withdraw his motion, as far as hiring someone retired, and leave that up to Mayor Gibson to select. Mayor Gibson said "What you are saying is that we should have someone who is available throughout the day, as needed." Councilman Lilly said that under our ordinance, the Building Inspector is responsible to issue, inspect, examine, and correct. He further stated that what he is saying that we need a full-time Building Inspector, who could be on call around the clock. Mr. and Mrs. Clarence Hedrick spoke briefly in regard to the Dupont Lane issue. They said the same thing that Councilman Lilly had said earlier; the mud caused the street to be very hazardous, and they would like to see the City take some type of action. Mayor Gibson mentioned that Mr. Goldberg, the owner of the junk yard in question, had told him that for at least twenty years, big cement trucks have been hauling in and out of there, and is wondering why the residents are just now complaining. Mayor Gibson said he would think the Police Department could be notified when the trucks lose dirt and mud on the street, because there is a State Law against this, and perhaps the owner of the trucks would be responsible for cleaning it up, or possibly fined. Mayor Gibson suggested that Mr. Armada write a letter to the owners of the trucks, if it can be determined who they are, explaining just what is expected of them, and let it be known that

the Police Department would become involved if necessary. He went on to say there was a motion on the floor, and it had been duly seconded. All voted unanimously.

Councilman Lilly said in line with Mr. Armada, he would concur that a letter be sent to these people concerning Dupont Lane. He noted under our new ordinance it will be made clear who is responsible for this type of situation. All of this comes under the realm of the Building Inspector. Councilman at Large Dr. R. V. Allen said under our present ordinance the Building Inspector is the enforcing officer, our Police Department have no grounds, according to our ordinance.

Councilman Paul Hill, Ward Two, reported that he had no new business.

Councilman Dewey Mann said that he only had one thing to bring up and that was in regard to the letter to be sent out for bids on the City's equipment to be sold, we should specify the given time the bids are to be in, and also ask that "Sealed Bid" be marked on the outside of the envelope.

Councilman Vernon Casebolt made a motion that the meeting be adjourned; Councilman at Large Keith Priddy seconded the motion. All voted in favor.

Wm. D. Gibson
Mayor

Tom Melton
City Recorder



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AMENDED MINUTES
OF
NITRO CITY COUNCIL MEETING

MARCH 19, 1974

The regular meeting of the Nitro City Council was held in the Council Chambers March 19, 1974. Those present were: William D. Gibson, Mayor; Tom Melton, City Recorder; Councilman at Large Dr. R. V. Allen, Councilman at Large Hugo Tidquist, Councilman Vernon Casebolt, Councilman at Large Keith Priddy, Councilman Thomas Lilly, Councilman Paul Hill and Councilman Dewey Mann. Nitro City Attorney, Frank Armada was also present.

The meeting was called to order by the Honorable William D. Gibson.

APPROVAL OF MINUTES OF THE MARCH 5, 1974 NITRO COUNCIL MEETING:

Councilman Dewey Mann referred to page 211. The sentence should be corrected to read: "The question as to whether or not bonds could be sold locally to avoid \$850,000.00 interest." On page 212 the sentence should be corrected to read: "The two opposing groups on the same project." Councilman at Large Dr. R. V. Allen so moved the minutes be approved as corrected. Councilman Paul Hill seconded. All Council voted in favor.

APPROVAL OF FEBRUARY FINANCIAL STATEMENT: Councilman Thomas Lilly, Chairman of Finance Committee reminded Council that each member had received a copy of the Financial Statement he asked if there were any questions. Councilman at Large Keith Priddy asked about budget item under Garbage Department Expenses for the amount of \$1,137.96. Councilman Thomas Lilly said this was for a complete overhaul of a 450 case inloader, he went on to say it was a minor job until it got in shop. Councilman Thomas Lilly made a motion that the February Financial Statement be approved. Councilman at Large Dr. R. V. Allen seconded. All Council voted in favor.

POSSIBILITY OF PAVING THE ST. PAUL'S UNITED METHODIST CHURCH PARKING LOT FOR PRIVILEGE OF CITY USE. Councilman at Large Dr. R. V. Allen, Chairman of Street and Traffic Committee asked City Attorney to report on this. Mr. Armada said he had done some research on this and the problem that we are confronted with is that the City funds would be used to improve private property. Legally this cannot be done regardless of what you plan to do with the private property. He went on to say his advice at this time would be that the City could not legally enter into an agreement such as this. There is a possibility, he said, that if the church proceeded and made improvements we could work out an arrangement with them whereby we could lease from them on a year to year basis or whatever, but for the City to spend money to improve private property which would remain titled to another name, cannot be done. Councilman Thomas Lilly asked Mr. Armada what his recommendation would be, at this point, Councilman Mann asked if the City could not pave the lot and then lease it. Mr. Armada said no because the City would be paving their property so actually we would be improving their property, however if they go ahead and improve their property then we could enter into a lease with them whereby we would be leasing the property on a month to month basis, or year to year basis, whatever the agreement would be. Councilman at Large Allen made a motion that this issue be tabled until a report comes back from the church and he mentioned he would relate to them what has been discussed by Council. Councilman Vernon Casebolt seconded. All Council voted in favor.

REGIONAL DEVELOPEMENT AUTHORITY LANDFILL: Mayor Gibson reported that last Friday he had met with Mayor Alford of St. Albans, Mayor Frank Leone of Dunbar, Mr.

Jack Whiting Executive Director of Regional Development Authority, at Nitro City Hall and discussed the problems at the Western Landfill site. Although Mayor Gibson said he had not been aware of it, there is a building at the site to house the large bulldozer and also a building for the employees to protect themselves from the bad weather. However as of yet they do not have scales. It was the opinion of the three Mayors that most definitely scales, were needed. Mr. Whiting said he intended to immediately approach the Kanawha County Court Members and ask them to install scales so we could make sure that we were getting dollar value for dollar spent. Mayor Gibson went on to say the City of Nitro does own several acres of land on Heizer Creek near Poca and he would like to strongly recommend that all Council Members meet with him at this site as soon as possible so a close look could be taken at this land to determine whether this could be used for a sanitary landfill for the City of Nitro. Councilman at Large Hugo Tidquist recalled that the City had attempted to use this land for a landfill several years ago but because of complaints from the citizen in that area the idea was abandoned. Mayor Gibson said Councilman Tidquist was correct, however the best that he could determine at that time they did not go back over the mountain to an out of way area to dump, they just went back a few feet from the main highway. Councilman at Large Allen asked if there was a contract or legal document that the City of Nitro agreed to use the Western Landfill Dump. Mayor Gibson said yes, there was a written contract. He pointed out that information regarding the Western Landfill had been passed out to Council. He also mentioned that he would have a copy of the contract made for each Councilman. He went on to say it was the type of contract that could be broken by a sixty day written notice, with the parties involved. Councilman Lilly mentioned that on page four of the information concerning the landfill that had been given to them for the calendar year 1973, January through December, total services were \$53,226.80. Service cost for the City of Nitro was \$6,370.53, according to them we contributed 11.97 percent of the total operations cost, however, Councilman Lilly said approximately \$4,000.00 would have to be added on to get there and back, and next year it looks like it might be in the neighborhood of \$22,000.00, and our total budget allotted to the year prior to this was about \$34,000.00 total which includes gas, oil and everything else. He pointed out is a tremendous expense to the City of Nitro, so if we could ascertain another area on land that we do own and this would be feasible then he would suggest that this aspect be pursued. Councilman at Large Priddy said it was his opinion that we were subsidizing someone else on this proposition. Mayor Gibson also referred to page four of the report noting that Nitro contributed 11.97 percent as opposed to the City of Dunbar 25.47 percent and City of St. Albans 36.42 percent. Again Mayor Gibson said he would like Council to look over the 47 acres of land that he had spoken of unless they would prefer that the City Engineer become involved and perhaps get the site approved by the proper authorities. Councilman Lilly said he personally would not know a good land site if he saw one. He made a motion that an engineer go down and look this over. Mr. Armada said he felt that an engineer would be better qualified to say whether or not the land site would make a good landfill or a poor landfill, he would suggest that an engineer check this out and report back to Council. Councilman at Large Keith Priddy thought perhaps the same engineer would be used as before and would be familiar with the situation. Mayor Gibson said he still intended to go down and look the property over himself and he would be pleased if any member of Council that wanted to go along would join him.

Councilman Paul Hill ask about the old landfill on Main Avenue, he said he had received several complaints from residents in that area. Mayor Gibson said much improvement has been made to the landfill, but during the winter months the City had not been able to get trucks there and another reason the landfill has to be covered with dirt, and presently no dirt is available. Councilman Hill suggested that we could buy dirt, the short distance that we could haul the garbage would make up the difference for hauling the dirt. Mayor Gibson pointed out

that the City was not allowed to dump garbage in that area and had been told not to dump trash either. Councilman Hill said he thought it would be good to let the people know this. Councilman Lilly ask for an estimation of how much dirt would be required, the answer was approximately 10,000 cubic yards, according to Mr. Williams Street Superintendent, one truck hauls 10 cubic yards. Councilman Lilly pointed out that we are talking about a lot of trucks and a lot of dirt. Councilman Casebolt said the people in the area of this landfill have been told of this before. Councilman Hill thought perhaps they did not understand it. Councilman Casebolt said he had been approached by many of the residents there and they are so much more pleased with the improvements that have been made than what they had in the past. The back side of the landfill still needs work to be done and he said that he explained this to the residents living near the back side. Mayor Gibson said he had talked with a property owner just the other day that lived near the back side and explained the situation to him. Councilman Mann ask if there were any plans to get dirt. Mayor Gibson replied that dirt could be obtained from the property the City has on Heizer Creek it would be quiet a distance to haul it and there is a possibility that we might get some dirt here locally back on the hillside if we can get the proper releases signed if this would meet with the approval of the City Engineer and the City Attorney. Councilman Lilly ask if the two trucks that haul trash throughout the City would be the trucks that would haul the dirt, Mr. Williams answered yes. Councilman Lilly pointed out that right now we are not speaking of just the dirt, but also something to haul the dirt in. Mayor Gibson said as far as he knew that real soon specifications would be presented for a one-ton truck, and if the City has this heavy duty truck it could be used to haul some of the dirt. Councilman Casebolt said he would like to second Mr. Lilly's motion that an engineer be asked to go down and check on the possibility of a landfill on the property near Poca. All Council voted in favor.

POSSIBILITY OF PREVIOUS ENGINEERING OF IVY STREET-CITY RECORDER: Tom Melton said he had spent the better part of one morning checking into the records at City Hall that were available, and he could not find any records indicating that any engineering had been done. Mr. Melton said he had also tried to contact Mr. Anderson with the Appalachian Engineers, and was not able to reach him. If someone had an idea approximately when this would have been done, Mr. Melton said the Council Meeting Minutes could be checked. Councilman Lilly said it would probably be the year of February 1971, he thought it was during the City-wide paving campaign. Councilman at Large Hugo Tidquist said if he remembered right it was the paving project before the one mentioned by Councilman Lilly. Councilman at Large Dr. Allen said he would recall the name and let Mr. Melton know just who the engineer was.

Mayor Gibson reminded Council that they had each received a copy of Nitro Community School's Financial Statement, and a notation from Mr. Charles Graham, director, saying that the Community School's expenses are approximately \$300.00 more per session than their receipts. One more session from April 1974 to June 1974 will run this year. Mr. Graham said if the City could give the Community School \$1,000.00, they could complete the year on a break even basis. Mayor Gibson suggested that this be placed in the Finance Committee, since they are in the process of making up the budget.

Mayor Gibson mentioned that each Council Member had received a copy in detail of the Kanawha Cable Television Financial Statement. Mayor Gibson said an attorney from St. Albans left this, and he had been told that this had been presented to the St. Albans City Council. Mayor Gibson stated that the attorney mentioned that he would be glad to attend Nitro City Council's next meeting if Council so desired. This would give each Councilman a chance to go over the Financial Statement between now and then. Mayor Gibson stated he had asked if this had to go before the Public Service Commission, and the attorney said no, that it did not. Mayor Gibson stated that he had been asked to pass this information out to Council and give them an opportunity to study it.

Mayor Gibson stated that Mr. Gene Williams, Street Superintendent has recommended that the City have a Spring Clean Up Campaign during the month of April. Mr. Williams suggested that the news media be made aware of this and the City trucks and crew would be working overtime if necessary, in order to make this a success. Mayor Gibson stated the trucks would start the first week in April in Ward One, Ward Two the second week, Ward Three the third week, and Ward Four the fourth week.

Mayor Gibson mentioned to Councilman Casebolt, Chairman of the Fire Department Committee, that he had been given the maps to the location of fire hydrants in the City, which were prepared by West Virginia Water Company.

Councilman at Large Dr. Allen reported on new business, saying he would like to call attention to the City Limits sign that is missing, as you are coming from Cross Lanes section to the Brookhaven area. He would like to suggest that the sign be replaced. Mr. Williams said a sign was not available, but we could order one. Mayor Gibson requested that Mr. Williams take care of this matter.

Councilman at Large Dr. Allen, Chairman of Street and Traffic Committee asked Mr. Armada to give a report on the next item for discussion. Mr. Armada said that recently he had been involved in a lawsuit where an automobile accident had occurred in 1972 at the railroad tracks at Wilson Street. Mr. Armada said that he would like to recommend to Council that some type of barricade be installed at this crossing. Councilman Lilly made a motion that a barricade be installed with reflectors on each side of the railroad tracks on Wilson Street. Councilman Casebolt seconded. All Council voted in favor.

Councilman at Large Dr. Allen stated that Mr. Williams did an excellent job on making repair to the storm drain covers on Norwood Road in Brookhaven but someone has already broken it down.

Councilman at Large Keith Priddy made a motion that Mr. Armada, the City Attorney write an ordinance amending the sanitary rate ordinance back to the original rate ordinance. Councilman Casebolt seconded. All Council Voted in favor.

Councilman Casebolt stated that Fire Chief King ask permission to advertise for bids on 1500 ft. of 2½ inch fire hose and 600 ft. of 1½ fire hose for the new fire truck. He would like for the bids to be accepted at the first meeting in April. Councilman Casebolt made a motion that bids be accepted for the new fire hose at the Council Meeting on April 2, 1974. Councilman Priddy seconded. All Council voted in favor.

Councilman Casebolt mentioned the problem on 11th Street concerning the fence and hedge next to the Street. Mr. Armada stated that there are two property owners and that one of the property owners, Mr. Wayne Shafer on 11th Street has had the hedge there since 1956, and that he has retained the property near the street for more than ten years and has the right to keep the fence and hedge on the property. Mayor Gibson stated that the matter will be left as is unless the City wishes to use the property.

Councilman Lilly, Chairman of the Finance Committee, stated that the Finance Committee would like to meet with all department heads and there assistants March 20, 1974 at 1 P.M., in the Committee Room.

Councilman at Large Dr. Allen made a motion to recess until March 26, 1974, at 7 P.M. to discuss the 1974-1975 Financial Budget. Councilman Lilly seconded. All Council voted in favor.

NITRO CITY COUNCIL MEETING

MARCH 26, 1974

APPROVAL OF THE 1974-1975 FINANCIAL BUDGET: The Honorable Mayor Gibson called the meeting to order for the purpose of approval of the 1974-1975 Financial Budget. Those present were: William D. Gibson, Mayor; Tom Melton, City Recorder; Councilman at Large Dr. R.V. Allen, Councilman at Large Hugo Tidquist, Councilman Vernon Casebolt, Councilman Thomas Lilly, Councilman Paul Hill, and Councilman Dewey Mann. Councilman Lilly presented the 1974-1975 Financial Budget to Council.

Councilman Lilly made a motion that the Council accept the 1974-1975 Financial Budget. Councilman Casebolt seconded. All Council voted in favor. Councilman Allen made a motion the meeting be adjourned. Councilman Casebolt seconded the motion. All Council voted in favor.

Wm. D. Gibson
MAYOR

Tom Melton
CITY RECORDER



NITRO CITY COUNCIL MEETING

APRIL 2, 1974

The regular meeting of the Nitro City Council was held in the Council Chambers April 2, 1974. Those present were: William D. Gibson, Mayor; Tom Melton, City Recorder; Councilman at Large Dr. R.V. Allen, Councilman at Large Keith Priddy, Councilman at Large Hugo Tidquist, Councilman Vernon Casebolt, Councilman Dewey Mann, Councilman Thomas Lilly and Mr. Frank Armada, Nitro City Attorney. Councilman Paul Hill was absent.

The meeting was called to order by the Honorable William D. Gibson.

APPROVAL OF MARCH 19, 1974, COUNCIL MEETING MINUTES: Councilman at Large Dr. R.V. Allen made a motion that the Minutes be approved. Councilman Lilly seconded. All Council voted in favor.

MARCH FINANCIAL REPORT: Councilman Thomas Lilly, Chairman of Finance Committee reported that the balance at the close of February business was \$20,531.65. Proceeds through the month of March \$24,027.81, making a total of \$44,559.46. Expenditures for the month of March \$31,663.92, making a cash balance at the close of business the last day of March \$12,895.54.

COMMUNITY SCHOOL'S REQUEST FOR FINANCIAL ASSISTANCE: Councilman Thomas Lilly, Chairman of the Finance Committee, stated that the Finance Committee would like to have the opportunity to meet with some of the members who are now operating the Community School Program. He went on to say that he understood the majority of the members have been replaced since the last meeting with the Finance Committee. He recommended that again the officials of the Community School meet with the Nitro City Council Finance Committee and discuss the financial situation.

APPROVAL OF KANAWHA CABLE TELEVISION RATE INCREASE: Mr. Bennett Burgess, Legal Representative for Kanawha Cable Television presented to Council a proposed amendment to the franchise that was enacted in 1965. Mr. Burgess gave a copy to Mr. Melton, City Recorder and to the City Attorney, Mr. Armada. He stated that the proposed amendment was in one area only and it was to raise the subscription fee from \$5.00 to \$6.25 per single family unit, for an additional outlet in a single family unit per rate of \$1.00 to \$2.00. The franchise section that is being amended is Section 7 in Paragraph C. it presently calls for monthly charges for domestic services for the first outlet in a single family residence, each additional outlet being \$1.00, the proposed change would only change the \$1.00 amount. He went on to say that under Section 9 of the franchise that was established for the Company to pay the City of Nitro 2% of gross income received for less than twelve hundred subscribers or 3% from twelve hundred to twenty five hundred subscribers. Mr. Don Patton, Manager of Kanawha Cable Television stated there are eight hundred and forty two subscribers in the City of Nitro and they expected to have one thousand to one thousand and seventy five subscribers this year, he added that the fee to the City of Nitro is now one thousand dollars but with the new rate the fee should go up between one thousand three hundred dollars and one thousand three hundred and fifty dollars. Councilman Lilly asked about the Riverdale Acres area. Mr. Burgess replied that the problem had been getting the poles in that area. He added that the Appalachian Power Company had advised them that the power poles may have to be moved for additional road widening, however, he went on to say, regardless of whether or not the Appalachian Power Company moves their poles Kanawha Cable Television anticipates going into that area this summer. Mr. Burgess stated that the Company has started movies to offset the rate increase and to attract new subscribers as well as keep the present subscribers. He requested the first reading

be held at the present Council Meeting and any additional information the Council or Finance Committee might desire could be available between now and the second reading of the ordinance. He also stated that the Company would stand the cost for legal advertisement. Councilman at Large Dr. R.V. Allen asked Mr. Burgess if the F.C.C. had any control over the Company. Mr. Burgess answered yes, but that this was an area where a franchise can be changed without F.C.C. approval. Councilman at Large Dr. Allen also asked if the Public Service Commission had any control over the company. Mr. Burgess answered no, they do not have. Mayor Gibson asked how far into the Riverdale Acres area the Kanawha Cable Television went. Mr. Patton answered that it was this side of the W.M.U.L. Studio.

Councilman Thomas Lilly stated that the City of Nitro would stand the cost for legal advertisement. Councilman Lilly made a motion that the Council approve the first reading of the ordinance. Councilman Priddy seconded. All Council voted in favor.

Mr. Tom Melton, City Recorder, read the ordinance as follows:

An ordinance to amend an ordinance granting Kanawha Cable Television Company a franchise to erect and operate a system of distributing and relaying signals by means of wire cable, or other like connections in, through, under, over and from the streets, alleys, public ground and public places to receiving sets of subscribers to its service in the City of Nitro, West Virginia, enacted January 19, 1965 to increase the monthly charges for domestic services.

BIDS FOR FIRE HOSE: Councilman Vernon Casebolt, Chairman of the Fire Department Committee reported to Council that at the last meeting Council approved specifications for bids on fire hose which was 1500 feet 2½ inch and 600 feet 1½ inch. He stated that the Insurance Rating Bureau recommended that 750 feet 2½ inch and 750 feet 3 inch hose be used for the new fire truck. Councilman Casebolt made a motion to accept bids for 750 feet 2½ inch and 750 feet 3 inch fire hose for the new fire truck. Councilman Lilly seconded. All Council voted in favor.

SPECIFICATIONS FOR A ONE TON DUMP TRUCK: Councilman at Large Dr. Allen made a motion for the approval to advertise for bids for a one ton dump truck and request that bids be returned within thirty days. Councilman Lilly seconded. All Council voted in favor. Councilman at Large Keith Priddy asked if this would replace the ones we currently have up for bids. Mayor Gibson answered no and asked Mr. Melton if he had sent a legal advertisement in concerning the old vehicles the City has for sale. Mr. Melton answered yes he had given each Council Member a copy of that advertisement. Councilman Lilly asked if this 350 V-8 engine would be adequate for this type of vehicle. Mr. Williams, Street Superintendent answered yes.

Mayor Gibson presented to Council the Western Landfill Agreement signed June 15, 1972, by his predecessor the former Mayor W.W. Alexander. The agreement was also signed by Mr. Avril Ramsey, former Mayor of St. Albans and by former Mayor Dana Thumm of Dunbar. Councilman Lilly referred to paragraph 2 of the agreement which read as follows: 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. Councilman Lilly asked if any of this had taken place. Mayor Gibson answered that of recently this has taken place. He also mentioned that even though he had looked for the agreement several times it was only about three weeks ago that he located it.

Mayor Gibson reported to Council that recently a test was given by the Policemen Civil Service Commission and twenty nine policemen made application. He asked Council to consider continuing with the eleven policemen for the next fiscal year and the policemen be paid out of Revenue Sharing funds. Councilman Lilly made a motion that the aforementioned be approved. Councilman at Large Dr. Allen seconded. All Council voted in favor.

Councilman Dewey Mann, Councilman Thomas Lilly and Councilman at Large Hugo Tidquist had no new business to report.

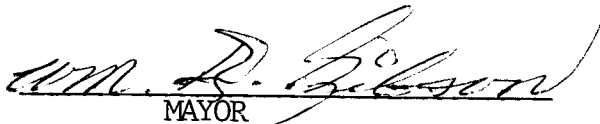
Councilman Vernon Casebolt reported that a few months ago City Council advertised for bids for a one ton cab and chassis for an Emergency Fire Truck and that Childers Chevrolet, Inc. were low bidders. The truck came in without the power pack and color specified on the specification sheet, he added that they wanted \$289.00 more for the power package and they could not do the paint job on the cab of the truck. Councilman Lilly suggested to Council that the truck be painted elsewhere for approximately \$120.00, if the next lowest bid was \$600.00 higher. However, Childers will probably decide to meet the specifications.

Councilman Casebolt ask Mr. Melton if he had received any information pertaining to Ivy Street Engineering. Mr. Melton stated that he received the information that morning and after going through the past Council Meeting Minutes he found the name of the Engineer, Mr. Jess Gandee, and although he did not talk to Mr. Gandee he had talked to Mr. Robert Anderson the present City Engineer who had been in touch with Mr. Gandee. Mr. Melton stated that in the Minute Book 1967 it shows a figure of \$18.40 a foot. After talking to Mr. Gandee, Mr. Anderson said the figures in October, 1969 were \$16.15 a foot. Total cost of the project \$21,873.00 with \$1,354.98 a foot accessible, this included four drop inlets and two manholes, 70 feet of ten inch pipe was used for drainage of the water from Ivy Street to the river. This also included a rock base and black-top twenty feet wide with a curb. The figures are out dated and the price since 1969 has increased from \$16.15 to \$25.00 or \$30.00 per foot..

Councilman Casebolt mentioned he had been called to the Smith Street Landfill three times since last Council Meeting, he had heard that there was plenty of dirt available at Tyler Mountain, however, the only problem was hauling the dirt. He went on to say the situation at the landfill was a health hazard and he wondered if perhaps a few loads of trash, not garbage, could be used to fill and then covered with dirt. Mr. Williams, Street Superintendent, said only dirt could be used. Councilman Casebolt asked Mr. Williams if dirt were hauled in would the storm drains have to be dug up. Mr. Williams answered that there would have to be a drain put in from the Smith Street end and over. Mayor Gibson asked Mr. Williams if he had anything further to report. Mr. Williams said he had made arrangements to have the endloader moved to the Smith Street Landfill that day. Mayor Gibson reminded Council that the Low-Boy had been stolen some time ago, he asked Mr. Williams if he had yet made arrangements with Mr. H.M. Christian for the City to borrow his. Mr. Williams said he had contacted Mr. Christian and he had agreed to let the City borrow this piece of equipment.

Councilman at Large Keith Priddy had no new business.

Councilman at Large Dr. Allen made a motion the meeting be adjourned. Councilman Casebolt seconded. All Council voted in favor.


MAYOR


RECORDER



AN ORDINANCE TO AMEND AN ORDINANCE GRANTING TO KANAWHA CABLE TELEVISION COMPANY A FRANCHISE TO ERECT AND OPERATE A SYSTEM OF DISTRIBUTING AND RELAYING SIGNALS BY MEANS OF WIRE CABLE, OR OTHER LIKE CONNECTIONS IN, THROUGH, UNDER, OVER AND FROM THE STREETS, ALLEYS, PUBLIC GROUNDS AND PUBLIC PLACES TO RECEIVING SETS OF SUBSCRIBERS TO ITS SERVICE IN THE CITY OF NITRO, WEST VIRGINIA, ENACTED January 19, 1965, TO INCREASE THE MONTHLY CHARGES FOR DOMESTIC SERVICE.

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

That an ordinance entitled: "An ordinance granting to Kanawha Cable Television Company a franchise to erect and operate a system or distributing and relaying signals by means of wire cable, or other like connections in, through, under, over and from the streets, alleys, public grounds and public places to receiving sets of subscribers to its service in the City of Nitro, West Virginia," be amended as to Section VII thereof in Paragraph "c" to read as follows: Monthly charges for domestic service for the first outlet in a single family residence, Six Dollars and Twenty-five Cents (\$6.25), for each additional outlet in the same family residence, for the same immediate family on the same premises, Two Dollars (\$2.00).

In all other respects the aforesaid ordinance enacted January 19, 1965, shall remain in effect.

This ordinance was introduced and read for the first time at a regular meeting of the City Council held on the 2 day of April, 1974, and will come up for second reading and adoption at a regular meeting of the City Council to be held on the 16 day of April, 1974.


MAYOR


CITY CLERK

NITRO CITY COUNCIL MEETING

April 19, 1974

The regular meeting of the Nitro City Council was held in the Council Chambers April 19, 1974. Those present were: William D. Gibson, Mayor; Tom Melton, City 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 and Councilman Dewey Mann. City Attorney Frank Armada was also present.

The meeting was called to order by the Honorable William D. Gibson.

Reverend Leroy Beyer, Holy Trinity Catholic Church gave the invocation.

APPROVAL OF APRIL 2, 1974 COUNCIL MEETING MINUTES: Mayor Gibson reminded Council that each member had received a copy of the minutes in the mail and had been given an opportunity to review them. Councilman at Large Dr. R.V. Allen so moved the minutes be approved, Councilman Casebolt seconded the motion. Councilman Lilly pointed out two corrections in the March Financial Report. Expenditures for the month should be corrected to read \$41,663.92 making the cash balance changed to \$2,895.54. All council voted that the minutes be approved as corrected.

APPROVAL OF MARCH FINANCIAL STATEMENT: Councilman Thomas Lilly, Chairman of the Finance Committee made a motion that the March Financial Statement be carried over to the next Council Meeting, due to the fact that the Finance Committee has not had a meeting to review the Financial Statement. Councilman Dewey Mann seconded. Motion was carried by an unanimous vote.

AMENDED APPLICATION FOR THE GREATER KANAWHA RESOURCES CONSERVATION AND DEVELOPMENT PROJECT: Mr. Dixie Shreve, Conservationist for the Capitol Soil Conservation District reminded Council that last November he attended a Nitro City Council Meeting and at that time he discussed in detail the Great Kanawha Resources Conservation and Development Project. At that particular time boundries were being revised from a five county to ten county area. Mr. Shreve presented Mayor Gibson with a copy of the origional application plus the revisions. He announced there was a meeting scheduled for April 25, 1974, 10:00 a.m. at Smileys Restaurant, any member of Council wanting to attend the meeting would be welcome. He also presented each member of Council with the annual report and plan of work for the Soil Conservation District. Mayor Gibson asked Mr. Shreve if there had been any seeding done this spring at the Ridenour Memorial Park, Mr. Shreve replied that to his knowledge there had not been any done yet. However, they still hold the contract left over from last fall when Mr. Kerns did partical seeding. He still has the main spill way area plus a small area in the second parking lot to seed. Mr. Shreve indicated that Mr. Kerns should be starting on this any day now. Councilman at Large Dr. R.V. Allen asked if there were some additional posts to be placed in the area where the boat dock is located. Mr. Shreve replied that all the posts have been placed that were called for in the origional contract, however, he would check on this, he went on to say that April is the month for the annual inspection at the Ridenour Memorial Park, and this would be a good time to check on things along this order. Councilman at Large Tidquist asked if Mr. Shreve had anything to do with stocking the lake. Mr. Shreve said this was handled by Mr. Dave Robinson of the Department of Natural Resources.

SECOND READING OF ORDINANCE APPROVING KANAWHA CABLE TELEVISION RATE INCREASE: Tom Melton, City Recorder, read the second reading of an ordinance to approve a Kanawha Cable Television rate increase, Councilman at Large Keith Priddy moved:

that this be tabled until the next council meeting so Council could have more time to evaluate this ordinance. Councilman Casebolt seconded. All Council voted in favor.

BIDS OPENED FOR CITY VEHICLES TO BE SOLD: The following Councilmen reported on sealed bids that had been received for city vehicles to be sold: Councilman at Large Dr. Allen: One 1963 Dump Truck - \$560.00 - Escoe Haverty; Councilman at Large Keith Priddy: One 1963 Dump Truck - \$251.00, One 1969-20 yard Easy Pack Ford Truck, \$1,500.00 W. C. Carrier; Councilman Casebolt: One 1963 Dump Truck \$200.00 - Clarence Brown; Councilman Lilly: One 1963 Dump Truck - \$301.00, One 12 foot Dump Bed - \$150.00 - Lee H Warner. Councilman at Large Keith Priddy noted that with the exception of the one bid for a 1963 one ton dump truck from Escoe Haverty the bids did not meet the minimum price that had been set. Councilman Lilly made a motion that the bid from Escoe Haverty be accepted. Councilman Casebolt seconded the motion. All members voted in favor. City Attorney, Frank Armada, stated that since the other bids did not meet the minimum price the vehicles would have to be re-advertised in order to sell them to the lowest bidder, he went on to say that all bids will have to be resubmitted. Councilman Mann made a motion that the vehicles be re-advertised and the highest bid be accepted without a minimum price set. Councilman Casebolt seconded. All council voted in favor.

ORDINANCE AMENDING THE SANITARY RATE ORDINANCE BACK TO THE ORIGINAL RATE
ORDINANCE: City Attorney, Frank Armada, stated that Council had directed him to draft an ordinance amending the ordinance that amended the previous ordinance regarding the rate structure of Nitro's Sanitary Sewer System. All this involves is, he added, is that it repeals the rate ordinance whereby initiated. This in effect would repeal that ordinance therefore reinstating the old rates that have been established prior to that. Copies were passed out and the first reading was conducted. A motion was made by Councilman at Large Keith Priddy that Council accept this as the first reading. Councilman Casebolt seconded. All voted in favor. A copy of the same is attached hereto and made a part hereof.

Bids were opened for fire hose for the new Fire Truck that was recently delivered Councilman at Large Keith Priddy reported on a bid from Sutphen: 600 feet of 1½ inch - \$1.45 per foot, 2½ inch - \$2.50 per foot, 3 inch - \$2.80 per foot. Councilman at Large Dr. R.V. Allen stated a bid from Carl Hammack - 750 feet of 3 inch 750 feet of 2½ inch - 600 feet of 1½ inch, total cost would be \$3,496.50, break down per foot, 3 inch \$2.30 - 2½ inch \$1.57, 1½ inch 99¢ per foot. Councilman Casebolt read the bid from Mountaineer Supply - 600 feet of 1½ inch - \$1.90 per foot, 2½ inch - \$1.58, 750 feet of 3 inch - \$2.38 per foot, total cost \$3,624.00. Tom Melton opened bid from Fendley Fire Equipment, 1½ inch - \$1.45 per foot, 2 inch - \$2.05 per foot, 3 inch - \$2.75 per foot, with a 20¢ per foot discount on any order over 2,000 feet. Councilman at Large Dr. R.V. Allen made a motion that this be placed in the Fire Department Committee with the committee having the authority to act. Councilman Lilly seconded and all council voted in favor.

Mayor Gibson introduced three members representing the Nitro Womans Club, Mrs. Helen Colcord, President, Mrs. Lillian Priddy and Mrs. Emma Sizemore. Mayor Gibson recalled the many outstanding contributions the club has made to the community. Mrs. Colcord said the Womans Club was anxious to help in any way possible with the Ridenour Memorial Park project, she offered the clubs cooperation in every way. Mayor Gibson said this was appreciated and felt sure Mr. Steve Mullins, Recreational Director, as well as members of Building and Planning Committee would be most happy to have the club's assistance. Councilman Dewey Mann said he thought council should go on record as expressing appreciation to these ladies for appearing before the governing body and asking what they can

do to help improve our community. He felt they should be commended. This was also the feeling of Mayor Gibson and the other Council Members.

Mr. Steve Mullins, Recreational Director for Nitro, gave a progress report of the Recreation Department since he was hired February 18, 1974. Mr. Mullins stated that he has been preparing a recreational needs and interest survey for Nitro residents, he hopes to supply a recreation program that will benefit citizens of all ages. Included in the events already planned are a mother-daughter fishing derby on Mother's Day weekend and a father-son fishing derby on Father's Day weekend, both events will be held at Ridenour Memorial Park. Changes that have been made at the Municipal Swimming Pool are: Purchase of new sun deck and a sliding board, he added that snow cones will be sold at the concession stand for the first time. First aid equipment has been updated. Two cashiers will be employed this season, in the past lifeguards have filled this capacity. Mr. Mullins told Council the tentative opening date for the pool is May 25. He asked Council to take into consideration raising the fees this season so the pool could perhaps become more self-supporting. He went on to suggest that family passes be raised from \$30.00 to \$36.00 and individual passes be raised from \$15.00 to \$18.00. Mr. Mullins reported that new bleachers are being erected at the City Park, a large sandbox has also been added. In the planning stage is the formation of a Soccer League, he added that he hopes to have chess and checker teams and tournaments for all residents interested, this may be of particular interest to the Senior Citizens. Suggestion boxes will be placed at the swimming pool, city park and Ridenour Memorial Park, these boxes are being made by the students in the Nitro High School Shop Class. Mr. Mullins stated that this will enable citizens and visitors to make recommendations that could improve the recreation program. Under consideration are plans for city sponsored shooting matches, the possibility of this will be investigated by City Attorney, Frank Armada. The stocking program at the lake has been completed according to Mr. Mullins. The Department of Natural Resources has stocked the lake with Largemouth Bass, Sunfish and about three weeks ago they added 3,000 Channel Catfish.

Columbia Gas Company has repaired the parking lot that their heavy equipment had damaged at the Ridenour Park, Mr. Mullins said the area above the parking lot is still very much in need of attention. He added that he had talked to Mr. Gene Simms, owner of the land beyond the parking lot and Mr. Simms said he had been in touch with Columbia Gas Company to make sure they intended to repair the damaged site.

Mayor Gibson reminded Council that they had each been given a copy of the Engineering Report on the drainage problem at 236 Brookhaven Drive, the property owned by Henry Marino. Mayor Gibson suggested that Mr. Armada check this out and report back at the next Council Meeting if possible. Mayor Gibson went on to say it seems as though this problem exists on private property.

Mayor Gibson reported that he had met with Mr. William Moore, Mr. John Fields and Mr. John Miller, West Virginia Department of Highways Officials in regard to the drainage problem near Bailes Drive on 40th Street and East 39th Street. These gentlemen assured the Mayor that the problem would be corrected, however the city might have to assist them to a certain extent. Mayor Gibson said he was told that they had some pipe on order and it was expected to be in by July 1st. About 300 feet of pipe will have to be run and the water will be picked up on the upper side of 40th Street Road and carried into a workable storm drain eliminating the water from going onto property owners lawns. He added that he understood a couple of catch basins would probably be added.

Councilman Dewey Mann, Chairman of the Ordinance Committee, reported that he had spoken to Mr. Charles Sublett, President of the Michie Publishing Company,

as to the progress of the work that had been done on the ordinances thus far. He stated they were still in the preliminary stages but a lot has been accomplished. He indicated it would be several weeks before they are ready to have an editorial conference. Mr. Sublett suggested that Council send immediately any ordinances that have been passed which the Michie Company does not have in their possession, also he recommended that a letter be sent along. He added that they have had to delete several of the ordinances. Councilman Mann reported that the Ordinance Committee had met several times and they would like to recommend that the following recommendations on Ordinances be drafted and codified:

Recommendations of Ordinance Committee - City of Nitro

Councilman Dewey Mann, Chairman
Councilman at Large Keith Priddy
Councilman Thomas Lilly

Immediately notify the Michie City Publication Company to draft ordinances to codified encompassing the following subject matter:

1. All contractors performing work in City to obtain a City License each year and the fee to be \$15.00.
2. Give the Mayor authority to appoint a City Judge.
3. Adoption of ordinances as recommended by The Humane Society of the United States applicable to our City and to include provisions in our present City-County operation. This is ordinance pertaining to control and prevention of cruelty to animals.
4. Approval by Council for solicitation of funds within city by any person or organization. Application forms requiring pertinent data pertaining to applicant to be furnished by City.
5. Bids required for any materials, labor, or materials and labor that cost as much as \$250.00 and separate invoicing to circumvent this provision or colusion between Vendors so as to prevent fair bidding be prohibited and punishable.
6. Schedule for Vacations and Holidays:

VACATIONS - Police & Firemen

Other City Employees

- (a) After 1 year - 2 weeks
- (b) " 2 years - 3 weeks
- (c) " 5 years - 4 weeks

- (a) after 1 year - 1 week
- (b) " 2 years - 2 weeks
- (c) " 5 years - 3 weeks

Seven paid Holidays for all City employees except Police & Firemen
January 1 - May 30 - July 4 - Labor Day - Veterans Day - Thanksgiving
and Christmas. If a Holiday falls on Saturday or Sunday, the day
before or the day after respectively will be taken.

Since the City will be charged \$14.25 per page for any changes made after the Editorial Conference between the City Attorney and The Company, it is recommended that the Ordinance Committee be represented at this Editorial Conference. This was also recommended by Mr. Charles Sublett, President of the Michie City Publication Company.

Any new ordinances or changes in old ordinances that the Company

submits to the City Attorney for approval be also approved by Council before the manuscript is put in final form for publication for Council action.

Longevity

Clerks and Dispatchers of Police Department:

Years	Per Month	Years	Per Month
1	\$ 5.00	6	\$ 30.00
2	10.00	7	35.00
3	15.00	8	40.00
4	20.00	9	45.00
5	25.00	10	50.00

Garbage, Street, Police and Fire Department:

Years	Per Month	Years	Per Month
1	\$ 2.50	11	\$ 27.50
2	5.00	12	30.00
3	7.50	13	32.50
4	10.00	14	35.00
5	12.50	15	37.50
6	15.00	16	40.00
7	17.50	17	42.50
8	20.00	18	45.00
9	22.50	19	47.50
10	25.00	20	50.00

Administrative Department:

Months	Per Month
18	\$10.00
30	20.00
42	30.00
60	40.00
72	50.00

Councilman Mann went on to state that a suggested ordinance for the prevention of cruelty to animals, for the control of animals, and for other purposes, be also sent to the Michie Company with the above mentioned recommendations. He went on to say this ordinance was prepared and recommended by the Humane Society of the United States.

Councilman Mann reported that the Ordinance Committee recommended that some member of the Ordinance Committee be represented at the editorial conference, this was also recommended by Mr. Sublett. Councilman Mann stated that any new ordinance or changes in old ordinance that the company submits to the attorney for approval should also be approved by Nitro City Council before the manuscript is put into final form for publication for Council action. The reason for this recommendation is that after the conference any changes that are made after that time have to be paid for. Councilman at Large Keith Priddy made a motion that this information be forwarded to the Michie Publishing Company, Councilman Lilly seconded the motion. Councilman at Large Dr. R.V. Allen remarked that some of the ordinances have to be written before July 1, 1974, he questioned the fact, would the Michie Company have

them back to City Council so they could be in effect by July 1, 1974. He noted that the ordinances have to be written and two readings held before that date. Councilman Lilly said in the event the ordinances do not get back here then Council will have to make an amendment to the existing ordinance to allow the longevity, holidays and vacation schedule to be ascertained by the first of July. Councilman Lilly went on to say that in the event the ordinances had not been received by the first council meeting in June then a first meeting will be held on all ordinances. Councilman at Large Dr. R.V. Allen said he would go along with that. All council voted in favor of Councilman at Large Keith Priddy's motion.

Councilman Paul Hill had no new business.

Councilman Thomas Lilly said he had received calls within the last week regarding Tractor-Trailer Trucks blocking traffic while serving Rite-Aid Discount Store on 23rd Street and 1st Avenue. Mayor Gibson said he had not heard of this situation and this could be called to the attention of the Police Department.

Councilman Lilly announced that a Revenue Sharing Meeting would be held at 6:30 p.m. on Wednesday, April 20, 1974, in the Committee Room at City Hall.

Councilman at Large Hugo Tidquist asked if any progress had been made in getting a location established for citizens of Nitro to pay their utility bills. Mayor Gibson stated that he was sorry but this was something that he had not talked to Mr. Temple about. He stated that he would contact Mr. Temple very soon.

Tom Melton, City Recorder, said at the last Council Meeting, Council had passed a levy estimate tax for the next fiscal year, he added that a letter had been received saying the State Tax Commission had approved the estimate. Councilman Lilly made a motion that Council approve the levy estimate as presented. Councilman at Large Keith Priddy seconded. All Council voted in favor.

Councilman Vernon Casebolt asked if the Rite-Aid Trucks that have been parking on the City Parking Lot has received permission to do so. Mayor Gibson said he would communicate with the Police Department and ask them to check this situation. Councilman Casebolt said he had received several phone calls within the last few weeks complimenting the City of Nitro on the up-graded Street Lights.

Councilman Casebolt made a motion to adjourn. Councilman at Large Keith Priddy seconded it. All voted in favor.


Mayor


City Recorder

NITRO CITY COUNCIL MEETING

May 7, 1974

The regular meeting of the Nitro City Council was held in the Council Chambers on May 7, 1974. Those present were: William D. Gibson, Mayor; Tom Melton, City 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 and Councilman Dewey Mann. Recreation Director Steve Mullins and City Attorney Frank Armada were also present.

The meeting was called to order by the Honorable William D. Gibson.

Invocation was given by the Reverend Jeff Lovely.

APPROVAL OF APRIL 19, 1974, COUNCIL MEETING MINUTES: Mayor Gibson mentioned that Council members had been provided with copies of the minutes and had been given an opportunity to study them. Councilman at Large D. R. V. Allen moved that the minutes be approved, Councilman Vernon Casebolt seconded the motion. The vote of approval was unanimous.

APPROVAL OF THE MARCH FINANCIAL STATEMENT: Councilman Thomas Lilly, Chairman of the Finance Committee, made a motion that the March financial statement be approved. Councilman at Large Dr. Allen seconded the motion. The motion passed by unanimous vote.

APRIL FINANCIAL REPORT: Councilman Thomas Lilly, Chairman of the Finance Committee gave the April Financial Report as follows:

Cash balance as of March 31, 1974	\$ 2,895.54
Cash receipts - April	\$68,196.72
April - Disbursements	\$50,005.04
Balance	\$21,087.22

SECOND READING OF ORDINANCE APPROVING RATE INCREASE FOR KANAWHA CABLE TELEVISION: City Recorder Tom Melton gave the second reading of the ordinance approving a rate increase for Kanawha Cable Television. Councilman Dewey Mann made a motion to approve the increase. Councilman Vernon Casebolt seconded the motion. All present voted in favor.

REPORT FROM MR. FRANK ARMADA ON THE DRAINAGE PROBLEM AT 236 BROOKHAVEN DRIVE: Mr. Frank Armada, City Attorney, gave his report on the drainage problem at 236 Brookhaven Drive. He said that basically the problem is between two property owners. The city's only liability is to keep open the drainage culvert under the road that drains onto this property. But as to improving or constructing additional drainage, it is private property and the city is not

liable. It is the responsibility of the property owners and not the city.

SECOND READING OF ORDINANCE AMENDING THE SANITARY SEWER RATES: City Recorder Tom Melton read the second reading of the ordinance amending the sanitary sewer rate back to the original rate. A motion was made by Councilman Vernon Casebolt for the approval of this rate change, and it was seconded by Councilman Thomas Lilly. Approval was unanimous. A copy of the same is attached and made a part hereof.

INCREASE IN POOL FEES FOR 1974 SEASON: Councilman at Large Hugo Tidquist, Chairman of the Recreation Committee, presented a motion to raise fees at the Nitro City Pool for this summer. He gave as reasons for the increase, the increase in cost of everything we use at the pool. Chlorine has increased 13%, pool paint increased 33%, soda ash is up 25%, and a comparable increase in all other products used. Salary levels will be up a little this year. Mr. Steve Mullins, Recreation Director, has asked for a 20% increase in fees. Individual passes will be \$18.00, family passes will be \$36.00, with daily rates of \$1.00 and \$1.50.

A discussion followed about the difficulty of getting Soda Ash for the pool.

A motion to increase the fees was made by Councilman at Large Hugo Tidquist and seconded by Councilman at Large Dr. R. V. Allen. The vote in favor was unanimous.

BIDS FOR TRUCK FOR RECREATION DEPARTMENT: Mayor Gibson reminded that all councilmen had a specification sheet for the truck to be advertised for bids for use by the Recreation Department. He explained that the specifications were the same as proposed for the street commissioner's truck except for the radio. Councilman at Large Hugo Tidquist recommended that we submit this for bids as soon as possible because it is almost impossible for the recreation department to operate without a vehicle. A motion was made by Councilman at Large Tidquist and seconded by Councilman Vernon Casebolt. All Councilmen voted in favor except Councilman Paul Hill, who opposed.

OPENING OF BIDS FOR ONE-TON DUMP TRUCK: Bids were opened on the one-ton dump truck to be used primarily by the Street Department. Four bids were received. Councilman Casebolt opened a bid from Tag-Galyean Chevrolet of Charleston. Their total bid was \$4,693.03, and if you desire to paint the dump bed another color, the additional cost would be \$60.00. Councilman at Large Keith Priddy opened a bid from J. D. Moore, Inc. for \$4,990.00. Councilman at Large Dr. Allen opened the bid from Landers Chevrolet Co., Hurricane West Virginia, \$4,824.00, subject to possible dump bed increase; or if you have a trade-in the price will be \$5,445.49. Councilman Dewey Mann opened the fourth bid and no price was included. Councilman Paul Hill made a motion that the bids be turned over to committee for further study with the authority to act. Councilman Casebolt seconded the motion. All Councilmen voted in favor with the exception of Councilman at Large Priddy, Councilman Lilly and

City Recorder Tom Melton who voted against.

Mayor Gibson introduced the President of the Kanawha County Court, Mr. Dewey Kuhns, and welcomed him and Mr. Jack Whiting, Executive Director of the Regional Development Authority, to the council meeting. Mr. Kuhns stated that this was an occasion that most of us had been waiting for for a long time. The consumation of a project which began back in 1962. He was talking about the Blakes Creek Watershed Dam and Recreation area. He stated that this is the first project of this kind the Kanawha County Court has completed, though they have several similar projects under way. The investment in this project is somewhere in the neighborhood of \$440,000.00, and covers approximately 3,680 acres. The recreational potential is tremendous. Mr. Kuhns added that, in his opinion, the investment in this project has been well worthwhile. The Honorable Dewey Kuhns then presented the deed to the property to Mayor William Gibson. The deed, dated April 16, 1974, was signed by all three members of the court. Mayor Gibson thanked Mr. Kuhns and the Regional Development Authority for their cooperation.

Another announcement made by Mr. Kuhns concerned the landfills being operated by the County. He stated that scales will soon be installed at the Western landfill in order to more accurately measure the amount of material being brought to the landfill.

Mayor Gibson announced that Estill & Greenlee want to develop some acreage they own in the Brookhaven area. It was suggested that councilmen take the time to read the proposed agreement in detail before acting on it, and assigned it to the Building and Planning Committee and Mr. Armada for study. The proposed agreement prepared by Estill & Greenlee's attorney had been given to each Councilman prior to the meeting.

United Distribution System requested that council consider a legal document being drawn up to provide them with fire service and police protection to their property. They would like to have A.D.T. install an alarm system in the Fire and Police Departments. Mr. Armada states that their building is outside the city limits, and there is some question about the jurisdiction of the police within one mile of the city limits. He would like to make further study and would not recommend any action at this time. He will have a report by next council meeting, if possible.

The Mayor presented a letter from the State Health Department concerning the overall condition of our present Sanitary Treatment Plant. He asked that the letter be made a part of the minutes of the meeting. Councilman Mann asked why it was necessary, stating that he did not understand some of the terminology used in the letter. Councilman Casebolt stated that when we took office we made a tour of the plant and that most of the Councilmen understood. Councilman Lilly stated that he did not object to the letter becoming part of the minutes, but he would like to have a report from the Sanitary Board why these conditions exist and what steps they intend to take to correct the situation. Mayor Gibson stated that he would attempt to have an answer by the next Council meeting. A copy of the letter is attached hereto and made a part hereof.

Mr. Steve Mullins, Recreation Director, presented a request from the YMCA for a \$50.00 donation to a gymnastic clinic to be held at Dunbar High School. Donations are intended to cut down on the amount boys will have to pay to attend this clinic. Council decided against the donation.

Mayor Gibson announced that Monsanto Chemical Company is donating to the city of Nitro a tract of land on W. Va. Rt. 25 near Armours Creek. The lot size is 150 ft. by 250 ft. Mayor Gibson stated that this gift will be a tremendous asset to our city, and the contribution truly demonstrates a great deal of civic-mindedness on the part of Monsanto Chemical Company. He further emphasized that on behalf of the City, he would like to express appreciation for the company's generous contribution.

Mayor Gibson asked that serious consideration be given to building a city maintenance garage in the area of the Main Avenue landfill that is situated near the old water intake. This would have to be discussed with the zoning appeals board about getting the property rezoned. A letter needs to be written, along with the plan and approximate cost for the garage. Councilman Vernon Casebolt added that he has talked with some of the residents in the area of the proposed garage, and he heard no objections whatsoever. Councilman Lilly made a motion that a plan be compiled and a letter written to the zoning board. It was seconded by Councilman Casebolt and unanimously approved.

Mayor Gibson asked council for approval to have a zoning map made for the city, enlarging it to be easily read, and documenting various zoned areas by street names and zoning numbers. Councilman at Large Dr. R. V. Allen added that this map is needed. Mr. Armada informed council that all that will be done will be enlarging and making a better map, nothing else will be changed. Councilman Thomas Lilly moved that we proceed with this project. Councilman at Large Dr. Allen seconded the motion. It was passed by unanimous vote.

Mayor Gibson reported that he has spoken with Mr. Temple in regard to the possibility of them allowing the other utility companies' customers to pay their utility bills at the Bank of Nitro. Mr. Temple stated that they had taken the water company account on a trial basis, and would prefer to wait and see before taking on any more obligation right now.

NEW BUSINESS:

Councilman at Large Dr. Allen - No new business.

Councilman at Large Keith Priddy - Regarding street lights, a new street off Barrington Road, Brookhaven, that hasn't had street lights erected needs two lights. Councilman Priddy made a motion we erect two new street lights. Councilman Mann seconded the motion. All council voted in favor.

Councilman at Large Priddy stated that regarding the flood insurance program, three resolutions have to be passed and submitted to the Philadelphia office before our citizens could be

eligible to purchase flood insurance under this program. Councilman at Large Priddy made a motion that these resolutions be passed and sent in. Councilman Mann seconded the motion. The vote was unanimous. Copies of which are attached hereto and made a part hereof.

Councilman Vernon Casebolt - The fire chief is now checking fire hydrants throughout the city. He is also checking different areas of town for distance between fire hydrants, places where we need new ones or old ones replaced. He will make a report possibly by next council meeting.

Councilman at Large Hugo Tidquist - No new business.

Councilman Thomas Lilly - Councilman Lilly presented Mrs. Rutledge and allowed her to tell council her complaints regarding things in her neighborhood. Mr. Armada will talk with her after council meeting and try to help her resolve some of the problems. She complained of street blockage, motorcycles, welding at night, etc.

Councilman Paul Hill - No new business.

Councilman Dewey Mann - No new business.

City Recorder Tom Melton - No new business.

Kanawha Cable Television asked about the possibility of leasing the pool for a private party. They were informed that the pool cannot be closed to the public, since it is owned by the city. If they wish any further discussion, they may speak with our city attorney or the recreation director at another time and see if something can be worked out.

Mayor Gibson entertained that a motion be made that the meeting be adjourned. It was moved by Councilman at Large Dr. R. V. Allen and seconded by Councilman Casebolt. All voted in favor and the meeting was adjourned.


MAYOR


CITY RECORDER





State of West Virginia

DEPARTMENT OF HEALTH

CHARLESTON 25305

May 1, 1974

The Honorable William Gibson
Mayor, City of Nitro
City Building
Nitro, West Virginia 25143

Dear Mayor Gibson:

On Monday, April 29, 1974, I inspected the sewage treatment plant for the City of Nitro. The overall operation of the plant could only be considered poor. There are several items that need your prompt attention and should be corrected immediately.

As you are well aware, only one of the two claragesters is in operation and is not doing a very good job of removing setttable solids. The claragester, that is down, needs extensive repairs to all weir, baffles, scrapers, and also needs the top of the digester repaired (it has several large cracks in it). The flow meter is not working and needs to be repaired. The Parshall flume needs to be reworked due to the extensive erosion of the sides. The chlorine contact chamber was acting like a secondary settling basin and needed to be cleaned. I could not check the chlorine feed because the building was locked and no operator was there. The sludge drying beds don't appear to be used as often as they should.

My feeling is that your licensed operator for this plant should be at the plant during the entire shift except for emergencies. Your operator is rarely at the plant. With the shape that your facility is in, the operator would not have to look for work to do.

I realize all of these items cost money, but it has come to the point in time that people are going to have to pay for cleaning the environment.

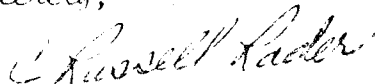
I should also remind you that if you can get your sewage rate up so that the plant is operated as a business and shows a profit, then some of the areas such as 40th Street, Nitro Park Addition, and the up river end of town could and should be sewered. The only way I know of doing these things is with a rate increase.



As you are aware, the Federal monies to upgrade your plant by adding trickling filters and a settling basin are scheduled to expire December 1, 1974, unless construction is started. This information is from Mr. Warren Means, Department of Natural Resources, Federal Money Coordinator. If you lose this federal grant, you can be assured that it will be a long time before Nitro receives another federal grant. Then the people would really be in for a big rate increase to upgrade their sewage treatment plant.

If I can be of any assistance on any of these problems, please advise me.

Sincerely,



C. Russell Rader
Regional Engineer

CRR:bb

cc: Kanawha-Charleston Health Dept.
Putnam County Health Dept.
Nitro Sanitary Board

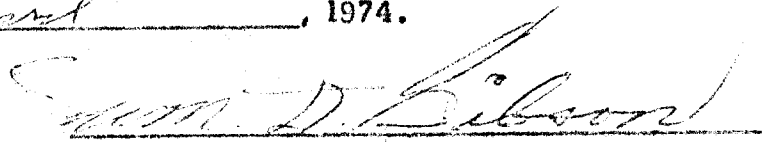
AN ORDINANCE TO AMEND AN ORDINANCE GRANTING TO KANAWHA CABLE TELEVISION COMPANY A FRANCHISE TO ERECT AND OPERATE A SYSTEM OF DISTRIBUTING AND RELAYING SIGNALS BY MEANS OF WIRE CABLE, OR OTHER LIKE CONNECTIONS IN, THROUGH, UNDER, OVER AND FROM THE STREETS, ALLEYS, PUBLIC GROUNDS AND PUBLIC PLACES TO RECEIVING SETS OF SUBSCRIBERS TO ITS SERVICE IN THE CITY OF NITRO, WEST VIRGINIA, ENACTED January 19, 1965, TO INCREASE THE MONTHLY CHARGES FOR DOMESTIC SERVICE.

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

That an ordinance entitled: "An ordinance granting to Kanawha Cable Television Company a franchise to erect and operate a system of distributing and relaying signals by means of wire cable, or other like connections in, through, under, over and from the streets, alleys, public grounds and public places to receiving sets of subscribers to its service in the City of Nitro, West Virginia," be amended as to Section VII thereof in Paragraph "c" to read as follows: Monthly charges for domestic service for the first outlet in a single family residence, Six Dollars and Twenty-five Cents (\$6.25), for each additional outlet in the same family residence, for the same immediate family on the same premises, Two Dollars (\$2.00).

In all other respects the aforesaid ordinance enacted January 19, 1965, shall remain in effect.

This ordinance was introduced and read for the first time at a regular meeting of the City Council held on the 2 day of April, 1974, and will come up for second reading and adoption at a regular meeting of the City Council to be held on the 16 day of April, 1974.


MAYOR


CITY CLERK

WHEREAS, the CITY OF NITRO has adopted and is enforcing the SOUTHERN STANDARD BUILDING CODE, and

WHEREAS, Section of the aforesaid prohibits any person, firm or corporation from erecting, constructing, enlarging, altering, repairing, improving, moving or demolishing any building or structure without first obtaining a separate building permit for each building or structure from the BUILDING INSPECTOR, and

WHEREAS, the BUILDING INSPECTOR must examine all plans and specifications for the proposed construction when application is made to him for a building permit.

NOW, THEREFORE, BE IT RESOLVED By the CITY COUNCIL of the CITY OF NITRO, as follows:

1. That the BUILDING INSPECTOR shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must (i) be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, (ii) use construction materials and utility equipment that are resistant to flood damage, and (iii) use construction methods and practices that will minimize flood damage; and

2. That the BUILDING INSPECTOR shall review subdivision proposals and other proposed new developments to assure that (i) all such proposals are consistent with the need to minimize flood damage, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided so as to reduce exposure to flood hazards; and

3. That the BUILDING INSPECTOR shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

Date Passed 5/2/1974

Certification Wm. A. Gibson

Tom Melton
Recorder

WHEREAS, the CITY OF NITRO has adopted and is enforcing the SOUTHERN STANDARD BUILDING CODE, and

WHEREAS, Section of the aforesaid prohibits any person, firm, or corporation from erecting, constructing, enlarging, altering, repairing, improving, moving, or demolishing any building or structure without first obtaining a separate building permit for each building or structure from the BUILDING INSPECTOR, and

WHEREAS, the BUILDING INSPECTOR must examine all plans and specifications for the proposed construction when application is made to him for a building permit.

NOW, THEREFORE, BE IT RESOLVED by the CITY COUNCIL OF THE CITY OF NITRO as follows:

1. That the BUILDING INSPECTOR shall require the issuance of a permit for any excavation, grading, fill, or construction in the community; and

2. That the BUILDING INSPECTOR shall require review of each permit application to determine whether the proposed site and improvements will be reasonably safe from mudslides. If a proposed site and improvements are in a location that may have mudslide hazards, a further review must be made by persons qualified in geology and soils engineering; and the proposed new construction, substantial improvement, or grading must (i) be adequately protected against mudslide damage and (ii) not aggravate the existing hazard.

Date Passed 5/7/1974

Certification Wm D Gibson
Mayor

Tom Melton
Recorder

WHEREAS, certain areas of NITRO are subject to periodic flooding (and/or mudslides) from KANAWHA RIVER, causing serious damages to properties within these areas; and

WHEREAS, relief is available in the form of Federally subsidized flood insurance as authorized by the National Flood Insurance Act of 1968; and

WHEREAS, it is the intent of this CITY COUNCIL to require the recognition and evaluation of flood and/or mudslide hazards in all official actions relating to land use in the flood plain (and/or mudslide) areas having special flood (and/or mudslide) hazards; and

WHEREAS, this body has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to WEST VIRGINIA CODE;

NOW, THEREFORE, BE IT RESOLVED, that this CITY COUNCIL hereby:

1. Assures the Federal Insurance Administration that it will enact as necessary, and maintain in force for those areas having flood or mudslide hazards, adequate land use and control measures with effective enforcement provisions consistent with the Criteria set forth in Section 1910 of the National Flood Insurance Program Regulations; and
2. Vests the BUILDING INSPECTOR with the responsibility, authority, and means to:
 - (a) Delineate or assist the Administrator, at his request, in delineating the limits of the areas having special flood (and/or mudslide) hazards on available local maps of sufficient scale to identify the location of building sites.
 - (b) Provide such information as the Administrator may request concerning present uses and occupancy of the flood plain (and/or mudslide area).
 - (c) Cooperate with Federal, State, and local agencies and private firms which undertake to study, survey, map, and identify flood plain or mudslide areas, and cooperate with neighboring communities with respect to management of adjoining flood plain and/or mudslide areas in order to prevent aggravation of existing hazards.
 - (d) Submit on the anniversary date of the community's initial eligibility an annual report to the Administrator on the progress made during the past year within the community in the development and implementation of flood plain (and/or mudslide area) management measures.

3. Appoints the BUILDING INSPECTOR to maintain for public inspection and to furnish upon request a record of elevations (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures located in the special flood hazard areas. If the lowest floor is below grade on one or more sides, the elevation of the floor immediately above must also be recorded.

4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program.

Date Passed 5/7/1974

Certification Wm D. Gibson,
Mayor

Tom Melton
Recorder

AN ORDINANCE REPEALING AN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF NITRO ON JANUARY 15, 1974, SAID ORDINANCE ENTITLED "AN ORDINANCE AMENDING AN ORDINANCE RELATING TO THE CONSTRUCTION, ACQUISITION, OPERATION AND MAINTENANCE OF A SEWAGE DISPOSAL SYSTEM IN THE CITY OF NITRO, THE DISCHARGE OF SEWAGE AND INDUSTRIAL WASTES TO THE MUNICIPAL SANITARY SEWAGE SYSTEM, AND THE IMPOSITION OF RATES FOR THE USE OF THE SERVICE RENDERED BY THE SEWAGE SYSTEM, AND FOR THE CONSTRUCTION, ACQUISITION, OPERATION AND MAINTENANCE OF A SECONDARY TREATMENT SANITARY SEWAGE DISPOSAL SYSTEM IN THE CITY OF NITRO AND SEWER SYSTEMS EXTENSIONS FOR 40th STREET AND RIVERDELL ACRES, AND THE IMPOSITION OF RATES FOR THE USE OF THE SERVICES RENDERED BY THE SECONDARY TREATMENT SANITARY SEWAGE SYSTEM".

WHEREAS, the City Council of the City of Nitro on the 15th day of January, 1974, enacted an ordinance amending the rates and standards for the use of the existing sanitary sewage system; and

WHEREAS, the City Council of the City of Nitro after considering said ordinance is of the opinion that a sanitary sewage rate increase is not desirous or necessary at this time; and

WHEREAS, the City Council of the City of Nitro is of the opinion that financing can be obtained in the private sector without increasing sanitary sewage rates; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NITRO, KANAWHA AND PUTNAM COUNTIES, that that certain ordinance passed January 15, 1974, entitled "AN ORDINANCE AMENDING AN ORDINANCE RELATING TO THE CONSTRUCTION, ACQUISITION, OPERATION AND MAINTENANCE OF A SEWAGE DISPOSAL SYSTEM IN THE CITY OF NITRO, THE DISCHARGE OF SEWAGE AND INDUSTRIAL WASTES TO THE MUNICIPAL SANITARY SEWAGE SYSTEM, AND THE IMPOSITION OF RATES FOR THE USE OF THE SERVICE RENDERED BY THE SEWAGE SYSTEM, AND FOR THE CONSTRUCTION, ACQUISITION, OPERATION AND MAINTENANCE OF A SECONDARY TREATMENT SANITARY SEWAGE DISPOSAL SYSTEM IN THE CITY OF NITRO AND SEWER SYSTEMS EXTENSIONS FOR 40th STREET AND RIVERDELL ACRES, AND THE IMPOSITION OF RATES FOR THE USE OF THE SERVICES RENDERED BY THE SECONDARY TREATMENT SANITARY SEWAGE SYSTEM" be and the same is hereby Repealed and that the previous ordinance relating to the imposition of rates for the use of the services rendered by the sewage system be and the same shall remain in full force and effect.

This ordinance shall become effective immediately upon
passage.

WILLIAM D. GIBSON, MAYOR

TOM MELTON, CITY RECORDER

NITRO CITY COUNCIL MEETING

May 21, 1974

The regular meeting of the Nitro City Council was held in the Council Chambers on May 21, 1974, at 8:00 P.M. Those present were Mayor William D. Gibson, City Recorder Tom Melton, Councilman at Large Dr. R. V. Allen, Councilman at Large Keith Priddy, Councilman at Large Hugo Tidquist, Councilman Vernon Casebolt, Councilman Thomas Lilly and Councilman Dewey Mann. Also present was City Attorney Frank Armada. Councilman Paul Hill was absent.

The meeting was called to order by the Honorable William D. Gibson.

Invocation was given by the Reverend Jeff Lovely.

APPROVAL OF COUNCIL MEETING MINUTES FOR MAY 7, 1974: Mayor Gibson reminded councilmen that each had received in the mail a copy of the minutes and had been given an opportunity to study them. Councilman Vernon Casebolt moved that the minutes be approved. Councilman at Large Keith Priddy seconded the motion. All present voted in favor.

APPROVAL OF APRIL FINANCIAL STATEMENT: Councilman Thomas Lilly, Chairman of the Finance Committee, moved that the April financial statement be approved with one correction. A typographical error on Page 5 caused the total under "Balance in hands of Sheriff" to read \$17,068.00 and it should be \$37,068.00. This does not effect the total, which was typed correctly. Councilman at Large Dr. R. V. Allen seconded the motion. The vote of approval was unanimous.

OPENING OF BIDS ON SALE OF USED VEHICLES BY THE CITY: Councilman Vernon Casebolt opened the only bid received. The bid came from Mr. Lee A. Warner, Hurricane, West Virginia, and read as follows:

1969 Ford Easy-Pack	\$1,356.00
12 Ft. Dump Bed	127.00

Mayor Gibson recommended that this be placed in committee for further study, with the committee having the authority to act. Councilman Thomas Lilly made a motion that this be done, and Councilman at Large Keith Priddy seconded. All present voted in favor.

UNITED DISTRIBUTION SYSTEM'S REQUEST FOR FIRE AND POLICE PROTECTION: Mr. Frank Armada, City Attorney, stated that in regard to police protection, we cannot provide police protection outside the municipality. Our officers would be beyond the scope of their authority. He suggested they contact the State Police or the Sheriff of Putnam County for a hook-up in their office.

In regard to fire service, we can legally provide fire service within a 3 mile radius of the city if we enter into an agreement, or have a contract with the company. He suggested that our fire committee get together with United Distribution System on working

out a suitable contract, if the council desires this being done. Councilman Thomas Lilly mentioned that it might be to their best interests to join the Civic Benefits Association, and they should be notified of this.

Mayor Gibson reminded councilmen they had received a copy of a two-page news release regarding the first step being taken toward securing low cost rental housing units for the elderly here in Nitro. A steering committee including Mr. Russell Casto, Jr., Mr. Larry Smith, Reverend Leroy Beyer, and Mr. Elmer Fike met earlier this week with Mayor Gibson regarding this. Most other cities in the Kanawha Valley already have low cost rental housing units for the elderly, and these are badly needed in Nitro. Mayor Gibson stated that a resolution was being presented which, if enacted by Council, would create a housing authority. The housing authority would be necessary prior to making application for the housing units. He recommended that this be placed in committee, and have our city attorney review the resolution and perhaps act on it at the next council meeting.

Mayor Gibson stated that West Virginia Water Company wants to donate to the city of Nitro 1.8 acres of land located near Main Avenue on the Kanawha River involving the old water intake. This strip of land is approximately 80 ft. in depth and 500 ft. wide. He referred this matter to the building and planning committee and the city attorney for study and have them report at next council meeting.

NEW BUSINESS:

Councilman at Large Hugo Tidquist - No new business.

Councilman Thomas Lilly - No new business.

Councilman Dewey Mann - No new business.

City Recorder Tom Melton - No new business.

Councilman Vernon Casebolt - Councilman Casebolt asked about the status of street lights for Ridenour Memorial Park. He wanted to know if any progress had been made toward getting them installed. Councilman at Large Keith Priddy, Chairman of the Street Light Committee, replied that lights are on the construction schedule. There has been some trouble getting in some of the equipment and just as soon as it becomes available, these will be installed. Mayor Gibson stated that he would contact Mr. Ken Judy, Engineer with Appalachian Power Company and ask what progress has been made thus far.

Councilman at Large Keith Priddy - No new business.

Councilman at Large Dr. R. V. Allen - No new business.

Mayor Gibson stated if there were no further business, he

would entertain a motion for adjournment. Councilman Vernon Casebolt moved that the meeting be adjourned. The motion was seconded by Councilman Thomas Lilly. All present voted in favor.

Sam. D. Gibson
Mayor

Tom Melton
City Recorder



NITRO CITY COUNCIL MEETING

June 4, 1974

The regular meeting of the Nitro City Council was held in the Council Chambers on June 4, 1974, at 8:00 P.M. Those present were Mayor William D. Gibson, City Recorder Tom Melton, Councilman at Large Dr. R. V. Allen, Councilman Vernon Casebolt, Councilman at Large Keith Priddy, Councilman at Large Hugo Tidquist, Councilman Thomas Lilly, Councilman Paul Hill, and Councilman Dewey Mann. Also present were City Attorney Frank Armada and Street Commissioner Gene Williams.

The meeting was called to order by the Honorable William D. Gibson.

Invocation was given by the Reverend James Horton of the First Baptist Church.

APPROVAL OF COUNCIL MEETING MINUTES FOR MAY 21, 1974: Mayor Gibson reminded Council that each member had received a copy of the minutes in the mail and had been given an opportunity to review them. Councilman at Large Dr. R. V. Allen moved that the minutes be approved. Councilman Vernon Casebolt seconded the motion. The minutes were approved by unanimous vote.

FINANCIAL REPORT FOR MAY: Councilman Thomas Lilly, Chairman of the Finance Committee, gave the financial report for May as follows:

Cash Balance April 30, 1974 (Includes \$10,000.00 savings)	\$ 21,084.72
Cash receipts for May	<u>52,854.12</u> 73,938.84
Disbursements	<u>42,978.41</u>
Cash Balance on hand May 31, 1974	\$ 30,960.43

LOW-COST RENTAL HOUSING RESOLUTION: Mr. Frank Armada City Attorney, gave a report on his study of the resolution on low-cost rental housing. He stated that the resolution calls for the creation of a housing authority. Council's first step would be to approve the resolution. As to what plans, in the area of low-cost housing, or what the group formed would do, would be subject to Council's approval later on. The projects the newly formed Housing Authority may come up with are of a viable nature. The original press release mentioned housing for the elderly, but the resolution does not specify that the housing must be for the elderly. Low-income housing would include some elderly as well as other families from the lower income group. Mr. Armada feels there would be no problem from the legal standpoint, if Council feels that this is something the city should get involved in.

Councilman at Large Dr. R. V. Allen asked if it were possible

to separate low-income people and the elderly. Mr. Armada replied that many of the elderly living in the housing projects in Charleston are in the low-income group and receive rent supplement payments each month.

Councilman Dewey Mann asked if it would be possible to have separate buildings for the elderly and younger families. Mr. Armada replied that this would be up to the Housing Authority and the type program they choose to present. He added, however, that all projects presented would be subject to approval by Council. The resolution to be voted on by Council at present merely calls for the creation of a Housing Authority.

Councilman at Large Keith Priddy remarked that the steering committee felt that we have a need for low-income rental housing in Nitro.

Mayor Gibson added that he, too, feels there is a need, and the first step in acquiring this is the creation of the Housing Authority, who in turn will be able to apply to the Federal Government for the funding for these projects.

Councilman Thomas Lilly stated that under the Code we could stipulate, or super-impose the word "elderly" on the housing applications, however, he believes funding would be more easily obtained if the housing units are not strictly for the elderly. He feels that no more than 50% of the housing should be designated for low-income families.

Councilman at Large Keith Priddy made a motion that the resolution be passed by Council. Councilman Thomas Lilly seconded the motion. All members voted in favor.

BIDS ON TRUCK FOR THE RECREATION DEPARTMENT: Councilman at Large Hugo Tidquist, Chairman of the Recreation Committee, presented three bids as follows:

C & O Motors (no delivery date)	\$ 3,170.64
Tag Galyean (in stock for immediate delivery)	\$ 3,152.10
Harvey Shreve Ford (delivery 30-45 days)	\$ 3,502.00

Mayor Gibson recommended that the bids be given to the Recreation Committee with authority to act. Councilman at Large Dr. R. V. Allen made a motion that this be done. Motion was seconded by Councilman Vernon Casebolt. The vote of approval was unanimous.

Mayor Gibson stated that he has asked the city attorney, Mr. Frank Armada to prepare an ordinance for next council meeting concerning the longevity pay, vacation pay, etc. for city employees.

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RESOLUTION DETERMINING THE NEED FOR
THE CREATION OF A HOUSING AUTHORITY IN THE
CITY OF NITRO, WEST VIRGINIA

WHEREAS, there exists in the City of Nitro, West Virginia insanitary and/or unsafe dwelling accommodations and persons of low income are forced to reside in such insanitary and/or unsafe accommodations; and in the City of Nitro there is a shortage of safe or sanitary dwelling accommodations available at rents which persons of low income can afford and such persons are forced to occupy overcrowded and congested dwelling accommodations; and the aforesaid conditions cause an increase in and spread of disease and crime and constitute a menace to the health, safety, morals and welfare of the residents of the City of Nitro and impair economic values; and those conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety, fire and accident protection, and other public services and facilities; and

WHEREAS, these slum areas in the City of Nitro cannot be cleared, nor can the shortage of safe and sanitary dwellings for persons of low income be relieved, through the operation of private enterprise, and the construction of housing projects for persons of low income would therefore not be competitive with private enterprise; and

WHEREAS, the clearance, replanning and reconstruction of the areas in which insanitary or unsafe housing conditions exist and the providing of safe and sanitary dwelling accommodations by any public body for persons of low income are public uses and purposes for which public money may be spent and private property acquired are governmental functions, and

WHEREAS, it is in the public interest that work on projects for such purposes be commenced as soon as possible in order to relieve unemployment; and

WHEREAS, in order to protect the health, safety, morals and welfare of the public it is necessary in the public interest to provide for the creation of a public corporate body in the City of Nitro to be known as the Housing Authority of the City of Nitro to engage in low-cost housing and slum clearance projects pursuant to the provisions of Chapter 16, Article 15, Section 3, of the West Virginia Code;

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

Section 1. It is hereby found and determined that insanitary and unsafe inhabited dwelling accommodations exist in the City of Nitro, West Virginia.

Section 2. It is hereby found and determined that there is a shortage of safe and sanitary dwelling accommodations in the City of Nitro, West Virginia, available to families of low income at rentals they can afford.

Section 3. Pursuant to the provisions of Chapter 16, Article 15, Section 3, of the West Virginia Code, it is hereby found, and declared and determined that there is a need for the creation of a public body corporate in the City of Nitro to be known as the Housing Authority of the City of Nitro.

Section 4. The Clerk be, and he hereby is, authorized and directed to promptly notify the Mayor of the adoption of this resolution.

Mayor Gibson also stated that we are having trouble getting property owners to keep vacant lots mowed and free of debris. He said he intends to have the police department rigidly enforce the ordinance regarding this. We do have an ordinance saying the city may mow or clean the vacant lots and send the owner a statement for the work.

NEW BUSINESS:

Councilman at Large Hugo Tidquist - Councilman at Large Tidquist presented a request from the Community School for \$1,000.00 to finish out the year. Councilman Thomas Lilly, Chairman of the Finance Committee, stated that the money was available in the budget, and he would make a motion that the money be given to the Community School. Councilman Vernon Casebolt seconded the motion. All Councilmen voted in favor.

Councilman at Large Tidquist also requested that Council consider the possibility of doing something about a slide on East 31st Street. When cars are parked on the opposite side of the street, it is impossible for fire fighting equipment to get through. Mr. Armada recommended that our street department erect "no parking" signs approximately 25 ft. on either side of the slide. Councilman Thomas Lilly made a motion to have the signs erected, and Councilman Casebolt seconded the motion. The vote of approval was unanimous.

Councilman at Large Tidquist wanted to remind councilmen that school will be out soon and urged everyone to be cautious in their driving.

Councilman Thomas Lilly - Councilman Lilly stated that a discussion had been held about assigning all weed cutting to the street department under the supervision of Mr. Gene Williams. Also discussed was the possibility of providing equipment to cut all areas of the city, park, and watershed. Weeds on the spillway of the dam are getting pretty tall and we have no equipment for this type of mowing. Councilman Lilly made a motion that we let bids to purchase three pieces of equipment for the street department to use for weed and grass cutting throughout the city. The three pieces are: A Ford tractor (or equivalent), a flail mower, and a rear mower. Councilman Lilly presented specifications and pictures of the equipment. Councilman at Large Dr. Allen seconded the motion. All councilmen voted in favor of letting the bids.

Councilman Lilly also asked what plans were being made to clear the two swamp areas in the 4th ward. Mayor Gibson replied that he has been working with the Department of Highways and has been assured something will be done very soon.

Councilman Paul Hill - No new business.

Councilman Dewey Mann - Councilman Mann stated that some of the councilmen had been wanting to know what progress had been made on the modification of our ordinances. He had called Mr. Sublet in Charlottesville and Mr. Sublet informed him they are in the editorial committee right now and within 60 to 90 days he will be

calling for a conference.

Councilman at Large Dr. R. V. Allen - Councilman at Large Allen asked if there were some way to get electrical service into Ridenour Park. Mayor Gibson replied that he has been in touch with Mr. Ken Judy, Engineer with Appalachian Power Company, at least four times since last council meeting, and he will do all he possibly can to speed up the installation of these lights. Mayor Gibson also stated that he did not believe council had approved putting electricity into the buildings at Ridenour Park. Councilman at Large Dr. Allen moved that this be done. Councilman Thomas Lilly seconded the motion. The vote of approval was unanimous.

Councilman Allen also suggested that the Penn Central Railroad be contacted about keeping their right-of-way clear of weeds.

Councilman at Large Allen wanted to know if it were possible to do something about establishing an ambulance service in this area. Mayor Gibson replied that he has spoken with Mr. Brightwell of the Aid Ambulance Service in St. Albans and has been assured they would place an ambulance in this area, but so far, he does not have this in writing. Mayor Gibson stated that he has also spoken with Mr. Fred Cooke of Cooke & Pauley Funeral Home and he said they do not intend to leave this area without service.

Councilman at Large Keith Priddy - No new business.

Councilman Vernon Casebolt - Councilman Casebolt re-emphasized the need to get rid of poison ivy near the picnic shelter at the lake. He suggested getting a chemical to spray the plants. He also wanted to inquire about the status of the stop light for 40th Street and First Avenue. Mayor Gibson stated that he has spoken with Mr. Layman Smith who is in charge of District 3 and was informed that the stop light should be installed by July 1. Councilman Casebolt suggested First Avenue be straightened at 21st Street and a stop light installed there.

Harry Hechesky asked permission to make a comment from the floor. He stated that the Nitro Businessmen's Association were discussing the possibility of having a small bus-stop shelter built on First Ave. across from 21st Street to help encourage people to ride the bus.

Councilman at Large Allen asked when the truck would be spraying for mosquitos. He was told the truck has been in operation for three weeks.

City Recorder Tom Melton - No new business.

Councilman Vernon Casebolt moved that the meeting be adjourned. It was seconded by Councilman at Large Dr. R. V. Allen.



Mayor



City Recorder

NITRO CITY COUNCIL MEETING

June 18, 1974

The regular meeting of the Nitro City Council was held in the Council Chambers on June 18, 1974, at 8:00 P.M. Those present were Mayor William D. Gibson, City Recorder Tom Melton, Councilman at Large Dr. R. V. Allen, Councilman at Large Hugo Tidquist, Councilman at Large Keith Priddy, Councilman Vernon Casebolt, Councilman Thomas Lilly, Councilman Paul Hill and Councilman Dewey Mann.

The meeting was called to order by the Honorable William D. Gibson.

Invocation was given by the Reverend James Horton of the First Baptist Church.

APPROVAL OF COUNCIL MEETING MINUTES FOR JUNE 4, 1974: Mayor Gibson reminded Council that each member had received a copy of the minutes in the mail and had been given an opportunity to review them. Councilman Thomas Lilly, Chairman of the Finance Committee, asked that a correction be made in the June 4, 1974, minutes. The "Financial Report for May" should be corrected to read as follows:

Cash Balance April 30, 1974	19,413.83
(Includes \$10,000.00 savings)	
Cash Receipts for May	<u>52,854.12</u>
	72,267.95
Disbursements	<u>42,978.41</u>
Cash Balance on hand May 31, 1974	\$ 29,289.54

He explained that this does not change the May Financial Statement, which is correct, but merely changes the verbal report given at the first meeting. Councilman Vernon Casebolt made a motion that the minutes be approved as corrected. Councilman at Large Dr. R. V. Allen seconded the motion. The minutes were approved by unanimous vote.

APPROVAL OF MAY FINANCIAL STATEMENT: Councilman Thomas Lilly, Chairman of the Finance Committee, offered as an explanation that the "Cash Balance" of \$38,171.82 is made up of \$19,413.83 cash and \$18,757.99 in outstanding checks. Then after receipts and disbursements for the month, the cash balance as of May 31, 1974, is \$29,289.54. Councilman at Large Keith Priddy made a motion that the financial statement be approved. Councilman Dewey Mann seconded the motion. All present voted in favor.

FIRST READING OF ORDINANCE REGARDING LONGEVITY PAY, VACATION PAY, ETC.: Mr. Tom Melton, City Recorder, explained that Mr. Frank Armada, City Attorney, had prepared two ordinances, one to cover

longevity pay and one to cover vacation pay. The title of the first ordinance is: "An Ordinance Amending Sections (A) (B) and (C) of Ordinance 148, contained in Ordinance Book 2, at Page 235, Pertaining to Vacation Pay and Enacting a New Section (D) Pertaining to Paid Holidays." Councilman Dewey Mann, Chairman of the Ordinance Committee, made a motion that this ordinance be approved as read. Councilman Vernon Casebolt seconded the motion. All councilmen voted in favor.

The title of the second ordinance is: "An Ordinance Amending Sections 1 through 4 of Ordinance 100 Contained in Ordinance Book 2, at Page 85, Pertaining to Longevity Pay of City Employees." Councilman Dewey Mann made a motion that this ordinance also be passed as read. Councilman Thomas Lilly seconded the motion. All councilmen voted in favor.

Copies of these ordinances are made a part hereof and attached hereto.

OPENING OF BIDS FOR WEED CUTTING EQUIPMENT: Councilman Dewey Mann opened and read the bid from the Logan Corporation which quoted a price of \$7,631.57, Net 30 days, F.O.B. Factory, shipping date - 180 days. Councilman Vernon Casebolt opened and read the bid from Interstate Equipment Sales, Inc., Winfield, West Virginia, which quoted a price of \$6,743.00, Net 30 days, delivery date - 3 days. Councilman Vernon Casebolt made a motion that we accept the low bid from Interstate Equipment Sales, Inc. The motion was seconded by Councilman at Large Hugo Tidquist. All present voted in favor.

Mayor Gibson presented Council with an itemized work sheet of the planned expenditures of the Revenue Sharing for the Fifth Entitlement Period which is July 1, 1974, through June 30, 1975. He recommended that this Planned Use Report be approved. Councilman Dewey Mann moved that this be approved. Councilman at Large Dr. R. V. Allen seconded the motion. All present voted in favor.

Copies of this work sheet, showing the following figures, are attached hereto and made a part hereof.

One Police Cruiser	4,000.00
Police Department - Remodeling	3,000.00
One Policeman	8,000.00
Three employees for weed cutting plus cutting equipment	24,000.00
Michie Company	3,200.00
Recreation	47,000.00
Fire Department, including fire hose	20,000.00
Street repairs	10,000.00
Storm Drain	5,000.00
Back Hoe on rubber tires	15,000.00
Public Safety (miscellaneous	11,882.00
Total	\$ 151,082.00

Mayor Gibson recommended that Council approve the appointment of the following commissioners to the Nitro Housing Authority: Reverend James Arbogast, 1 year; Mr. Gene Burdette, 2 years; Mr. Russell Casto, Jr., 3 years; Mrs. Garnet Galloway, 4 years; and Mr. C. Larry Smith, 5 years. Councilman Vernon Casebolt made a motion that the names be approved as presented. Councilman at Large Allen seconded the motion. This motion was approved by unanimous vote.

Mayor Gibson announced that an informal meeting of Councilmen and the Sanitary Board members would be held sometime later next week.

Mayor Gibson has received a letter from the Nitro Fireman's Civil Service Commission announcing that Fire Chief Kenneth King passed his tests and recommends that he be promoted to the rank of Captain. James L. Stover and Clyde Harris both passed the tests for Sergeant and recommends that they be promoted to that rank. These promotions are retroactive to May 1, 1974. Councilman Vernon Casebolt made a motion that we accept the Civil Service Commission's recommendations on these promotions. Councilman Dewey Mann seconded the motion. All present voted in favor.

Mayor Gibson stated that he has been in touch with Mr. Armada, City Attorney, who has been working with attorneys for the West Virginia Water Company, and he would like to recommend to Council that we give the City Recorder permission to write a check for \$9,500.00 to the water company for the purchase of a strip of land near Smith Street and bordering the Kanawha River. Councilman Vernon Casebolt made a motion that permission be given to write the check for the purchase. Councilman Thomas Lilly seconded the motion. The motion passed by unanimous vote.

NEW BUSINESS:

Councilman Dewey Mann - Councilman Mann stated that there has been a request for street repair on Brentwood road.

Councilman Paul Hill - Councilman Hill made a motion that the city purchase an additional uniform for street and garbage department employees. This would be twenty-one uniforms at an approximate cost of \$5.00 each. Councilman Thomas Lilly seconded the motion. All present voted in favor of purchasing these uniforms.

Councilman Hill asked about getting the bleachers repaired where they have been dismantled and painted at the northwest corner of the little league field at the park. Mayor Gibson replied that he would have this matter checked.

Councilman Hill also inquired about the status of street lights in the areas of 6th, 11th, and 18th Streets. He asked about the possibility of additional lights. It was decided to wait until the present lighting program is completed and then check to see if more lights are needed.

Mayor Gibson stated that Mr. Ken Judy of Appalachian Power Company has asked Council to give serious consideration to installing sixteen lights instead of eight at Ridenour Memorial Park. He thinks this would certainly help cut down on vandalism, etc. Councilman Keith Priddy recommended that this be given to the lighting committee for further study and with authority to act. Councilman at Large Dr. R. V. Allen made a motion that this be done, and it was seconded by Councilman Casebolt. All present voted in favor.

Councilman Paul Hill suggested that consideration be given to installing yellow flashing lights in the school areas. This recommendation was given to the Traffic Committee for study.

Councilman Thomas Lilly - Councilman Lilly stated that the revised estimate of the 1973-74 budget had been presented to each councilman. He recommended that this be approved by Council, with his recommendation in the form of a motion. Motion was seconded by Councilman at Large Dr. R. V. Allen. All councilmen voted in favor.

Councilman at Large Hugo Tidquist - Councilman at Large Tidquist requested that the street commissioner check some areas of Second Avenue near 8th Street to see whether cracks there are due to a fault in the paving.

Councilman at Large Dr. R. V. Allen - Councilman at Large Dr. Allen asked about the status of the flood insurance program. Mayor Gibson replied that he had received a request for maps of the city, giving street numbers, etc., and he has had the maps made and forwarded to the proper authority.

Councilman at Large Dr. Allen stated that the Library Committee had met with the Library Commission and the Finance Chairman to study recommendations for improvements to the library. They were particularly interested in a new heating and cooling system and possible insulation of the present library building on Park Avenue.

Councilman at Large Keith Priddy - No new business.

Councilman Vernon Casebolt - Councilman Casebolt stated that he has spoken with our Fire Chief and we still need the siren, red light and radio for our new emergency truck. He was informed by Councilman Lilly that money for these will be available through the Fifth Entitlement of Revenue Sharing.

Councilman Casebolt also remarked that he has had complaints about some garbage bags being dropped back of the parking lot where city garbage trucks are parked.

Councilman Casebolt remarked that cars are parking along the street over by the swimming pool in the "no-parking" areas. Mayor Gibson replied that signs have been ordered for one of the areas

REVENUE SHARING
FIFTH ENTITLEMENT PERIOD

One Police Cruiser	\$ 4,000.00
Police Department - Counter, Shrubbery for Planter, Drapes, etc.	3,000.00
One Policeman	8,000.00
Three employees for weed cutting plus weed cutting equipment	24,000.00
Michie Company	3,200.00
Recreation	47,000.00
Fire Department, including fire hose	20,000.00
Street Repairs	10,000.00
Storm Drain	5,000.00
Back Hoe on rubber tires	15,000.00
Public Safety (miscellaneous)	11,882.00
	<hr/>
	\$ 151,082.00

that is not presently marked, and he will have the police department keep checking on this. Councilman Casebolt also recommended that bicycles be parked in the racks or along the fence in the parking lot, since some are being parked so they block the sidewalk or entrance to the park. Councilman at Large Hugo Tidquist stated that it had been agreed there should be no cars parked inside the city park. The driveway and turning area should be for loading and unloading only, and both he and Councilman Casebolt were wondering if something could be done about enforcing this.

Councilman Casebolt brought up the problem of rats and stagnant water at the Smith Street landfill. He introduced Reverend Dean Miller, who gave Council the views of residents in the area on these problems. Reverend Miller also asked, if the landfill area is zoned commercial in order to build a city garage, could there be a stipulation that should the city discontinue use of the land for a garage, it would revert to its original zoning as residential. He asked that this be done in order to protect the homes in the area.

Recorder Tom Melton - No new business.

Councilman Vernon Casebolt made a motion that the meeting be adjourned. Councilman at Large Hugo Tidquist seconded the motion. The motion carried.

Wm. D. Gibson
Mayor

Tom Melton
Recorder

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AN ORDINANCE AMENDING SECTIONS (A) (B) AND (C) OF ORDINANCE 148 CONTAINED IN ORDINANCE BOOK 2, AT PAGE 235, PERTAINING TO VACATION PAY AND ENACTING A NEW SECTION (D) PERTAINING TO PAID HOLLIDAYS.

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

That Sections (a) (b) and (c) of an ordinance entitled "An Ordinance Granting Annual Vacations To Employees Of The City Of Nitro, West Virginia, A Municipal Corporation", be amended and that a new section (d) be added, all to read as follows:

(a) Police and Fireman

- (1) After one year - two weeks
- (2) After two years - three weeks
- (3) After five years - four weeks

(b) Other City Employees

- (1) After one year - one week
- (2) After two years - two weeks
- (3) After five years - three weeks

(c) The following rules and regulations shall be applicable in regard to vacation pay and periods:

(1) Vacations shall not be accumulated and shall be deemed waived unless taken by the employee in the year earned, and if taken in periods of less than one week at a time prior approval must be granted by the department head.

(2) Applications for vacations to be taken during the period from July 1st to January 1st must be filed with the department head and approved by him and a copy filed in the recorder's office on or before July 15th of each fiscal year.

(3) Applications for vacations to be taken during the period from January 1st to June 30th of each year must be filed with the department head and approved by him and a copy filed in the recorder's office on or before January 15th of each fiscal year. In the event of any conflict as to scheduled vacation time,

seniority as to length of continuous service shall determine priority thereto. The city recorder shall maintain a permanent record of vacations for all departments.

(4) Vacations for two fiscal years may not follow each other consecutively without the approval of the Mayor.

(5) Not more than one person in a department may take a vacation during the same period unless approved by the Mayor.

(6) If the employee so elects, he may, with the consent of the Mayor, allow any and all accumulated vacation credit to be applied to any period of certified sickness or disability which extends beyond the limits of sick leave pay as provided by separate ordinance, provided said employee is not otherwise being compensated for said sickness or disability.

(7) Employees dividing their vacations into more than one period may not exercise more than one first choice of vacation period. For example, an employee desiring to take two weeks vacation, one in June and one in September, may designate first preference, the vacant period should be offered to the next employee according to seniority, and so on down. The employee who gives up his previously scheduled vacation must select another period which does not interfere with other employees who have made a vacation selection.

(d) Paid Hollidays for all city employees except Police and Firemen.

(1) All city employees except policemen and firemen shall receive the following paid hollidays:

January 1st	Veterans Day
May 30th	Thanksgiving Day
July 4th	Christmas
Labor day	

provided that if any of the aforesaid hollidays falls on a Saturday or Sunday the day before or the day after shall be taken as a paid holliday respectively.

(2) This ordinance shall be effective as of July 2,
1974.

Tom. D. Gibson

MAYOR
Tom Nelson

CITY RECORDER

Enacted this 2 day of July, 1974.

AN ORDINANCE AMENDING SECTIONS 1 THROUGH 4 OF ORDINANCE 100 CONTAINED IN ORDINANCE BOOK 2, AT PAGE 85, PERTAINING TO LONGEVITY PAY FOR CITY EMPLOYEES.

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

That Sections 1 through 4 of an ordinance entitled "Longevity Ordinance Based On Length Of Continuous Service Of Salary Employees Of The City Of Nitro, Nitro, West Virginia", be amended as follows:

Section 1 - All city employees specified in the following sections shall be entitled to receive longevity pay, in addition to their regular salary, as provided in Schedules (a), (b) and (c) of Section 3 of this Ordinance and said longevity pay shall be in addition to any salary increases either general or specific that council may hereinafter authorize.

Section 2 - Any break in continuous service in city employment shall terminate any longevity credit previously earned unless such break in service is occasioned by leave of absence granted by the mayor not exceeding six months or any absence which is a result of a prolonged illness, as certified by the employee's treating physician, and such absence of time shall not be credited toward the longevity credit.

Section 3 - The following designated city employees shall be paid longevity pay according to Schedules (a), (b) and (c) of this section and in no event shall any city employee regardless of the duration of employment, receive more than Fifty Dollars (\$50.00) per month as longevity pay.

CITY OF NITRO

LONGEVITY

(a) Clerks and Dispatchers of Police Department :

Years	Per Month	Years	Per Month
1	\$ 5.00	6	\$ 30.00
2	10.00	7	35.00
3	15.00	8	40.00
4	20.00	9	45.00
5	25.00	10	50.00

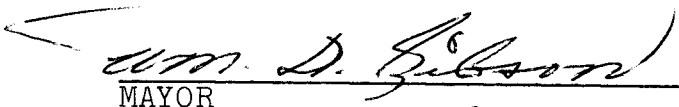
(b) Gargage, Street, Police and Fire Department:

Years	Per Month	Years	Per Month
1	\$ 2.50	11	\$ 27.50
2	5.00	12	30.00
3	7.50	13	32.50
4	10.00	14	35.00
5	12.50	15	37.50
6	15.00	16	40.00
7	17.50	17	42.50
8	20.00	18	45.00
9	22.50	19	47.50
10	25.00	20	50.00

(c) Administrative Department

Months	Per Month
18	\$10.00
30	20.00
42	30.00
60	40.00
72	50.00

Section 4 - This ordinance shall become effective as of July 2, 1974.


MAYOR


CITY RECORDER

Enacted by the City Council on the 2 day of July, 1974.

NITRO CITY COUNCIL MEETING

July 2, 1974

The regular meeting of the Nitro City Council was held in the Council Chambers on July 2, 1974, at 8:00 P.M. Those present were Mayor William D. Gibson, City Recorder Tom Melton, Councilman at Large Dr. R. V. Allen, Councilman at Large Hugo Tidquist, Councilman at Large Keith Priddy, Councilman Vernon Casebolt, Councilman Thomas Lilly, Councilman Paul Hill and Councilman Dewey Mann. Also present were City Attorney Frank Armada and Street Superintendent Gene Williams.

The meeting was called to order by the Honorable William D. Gibson.

APPROVAL OF COUNCIL MEETING MINUTES FOR JUNE 18, 1974:

Mayor Gibson reminded Council that each member had received a copy of the minutes in the mail and had been given an opportunity to study them. Councilman at Large Keith Priddy made a motion that the minutes be approved as presented. Councilman at Large Dr. R. V. Allen seconded the motion. The vote of approval was unanimous.

FINANCIAL REPORT FOR JUNE, 1974: Councilman Thomas Lilly, Chairman of the Finance Committee read the following report for June:

Cash Balance May 31, 1974	29,289.54
Receipts for the month of June	20,545.86
	<u>49,835.40</u>
Disbursements - June	<u>40,053.45</u>
Cash Balance June 30, 1974	9,781.95

Councilman Lilly also stated that a letter had been received from the State Tax Department acknowledging receipt of our estimated budget, and it has been approved.

SECOND READING OF ORDINANCES REGARDING LONGEVITY PAY, VACATION PAY, ETC.: Mr. Tom Melton, City Recorder, gave the second reading of the two ordinances concerning longevity pay and vacation pay for city employees. The first ordinance is: "An Ordinance Amending Sections (A) (B) and (C) of Ordinance 148, contained in Ordinance Book 2, at Page 235, Pertaining to Vacation Pay and Enacting a New Section (D) Pertaining to Paid Holidays." Councilman at Large Dr. R. V. Allen made a motion that this ordinance be approved as read. Councilman Vernon Casebolt seconded the motion. All councilmen voted in favor.

The second ordinance is: "An Ordinance Amending Sections 1 through 4 of Ordinance 100 contained in Ordinance Book 2, at

Page 85, Pertaining to Longevity Pay for City Employees." Councilman Thomas Lilly made a motion that this ordinance be approved as read. Councilman at Large Hugo Tidquist seconded the motion. All councilmen voted in favor.

Mayor Gibson read a letter from Miss Connie Townsend giving her resignation from the Nitro Library Commission, effective June 24, 1974. Mayor Gibson asked Council for approval to appoint Reverend William W. Westlund to the Nitro Library Commission to fill the unexpired term of Miss Townsend. Councilman at Large Dr. R. V. Allen made a motion for the approval, and it was seconded by Councilman at Large Keith Priddy. The vote of approval was unanimous.

Mayor Gibson also asked approval of Council to re-appoint Mr. David Hart to the Nitro Library Commission for a term of 5 years. Councilman at Large Dr. R. V. Allen made a motion that Mr. Hart's appointment be accepted. The motion was seconded by Councilman Vernon Casebolt. The vote of approval was unanimous.

NEW BUSINESS:

Councilman at Large Dr. R. V. Allen - Councilman at Large Dr. Allen passed out specification sheets for the heating and cooling system under consideration for the Nitro Library. He stated that the Finance Committee, the Council members serving on the Library Committee, and the Nitro Library Commission members had met and had studied this in detail. He made a motion that these specifications be advertised for bids as soon as possible, and that bids be opened at the next Council meeting. Councilman Dewey Mann seconded the motion. The motion passed by unanimous vote.

Councilman at Large Dr. Allen asked if it were the responsibility of the city or the Department of Highways to do something about the large pond of water that stands between the highway and the railroad tracks in east Nitro. Mayor Gibson replied that this definitely is the responsibility of the Department of Highways. Their engineers have checked the area, but so far nothing has been done. Mayor Gibson stated that he would be in touch with Mr. Layman Smith again regarding the matter.

Councilman at Large Keith Priddy: Councilman at Large Priddy, Chairman of the Street Light Committee, gave a report on the study for lighting Ridenour Memorial Park. He stated that the committee has agreed that we can use 16 lights at the park as the Appalachian Power Company recommended. He also said they had met with the Recreation Director, Mr. Steve Mullins, and had his recommendation on where the lights should be placed. Councilman at Large Priddy made a motion that we approve the installation of the 16 lights, and electricity to the buildings, and that we have these installed as soon as possible. Councilman at Large Dr. Allen seconded the motion. The motion carried.

Councilman Vernon Casebolt - Councilman Casebolt stated that he would like to have the city engineer check the area between Layne Avenue, Main Avenue, Boundary Street and Lock Street and see how much it would cost the city to open up an existing alley. He said he has talked with Mr. Williams of the Street Department who says it would be a help to be able to get his trucks through the area, and also the residents of the area are in favor of this. The alley would be an unpaved one. Mayor Gibson recommended that this be given to the Street Committee as well as the City Engineer for study.

Councilman Casebolt stated that he would like to have Council or the Recreation Department consider changing the closing time at Ridenour Memorial Park after the installation of electricity.

Councilman Dewey Mann - No new business.

Councilman Paul Hill - No new business.

Councilman Thomas Lilly - Councilman Lilly stated that he understands the state may auction 2 or 3 lots that were recently cleared of weeds and snakes. He feels the city should check into this and possibly purchase these lots for future use, such as a new fire department.

Councilman Lilly also stated that the Library Commission has recommended the purchase of a rebuilt Royal typewriter, price \$129.00, for use in the Library. Councilman Lilly made a motion that this purchase be authorized. Councilman at Large Dr. Allen seconded the motion. All present voted in favor.

The Library Commission also recommended that a budget of \$150.00 monthly be allocated to the library for the purchase of supplies, reading materials, etc. Councilman Lilly made a motion that this be approved for a 12-month period. The motion was seconded by Councilman Vernon Casebolt, and the motion carried unanimously.

The Library Commission has asked that the salary of Mrs. Paxton, Librarian, be increased from \$2.00 per hour to \$2.50 per hour; and that the salary of Mrs. Harmon, her assistant, be increased to \$2.00 per hour, and Mrs. Harmon's time increased from 8 to 10 hours weekly. Councilman Thomas Lilly made a motion that these recommendations of the Library Commission be approved. Councilman Vernon Casebolt seconded the motion. All present voted in favor.

Councilman at Large Hugo Tidquist - Councilman at Large Tidquist remarked that a dangerous situation exists near Ridenour Park where the Department of Highways resurfaced Blake Road but did not build up the berm to the level of the pavement. He stated that in some places the drop off is 4 to 6 inches. He feels the Department of Highways should be contacted with the request to build up the berm or install guard rails on the road. Also he

feels the road is not wide enough to handle the amount of traffic we now have in this area. Councilman Casebolt added that he, too, thinks this is a hazardous condition. Mayor Gibson replied that he will get in touch with Mr. Layman Smith of the Department of Highways by telephone and possibly by letter.

Councilman at Large Tidquist stated that Mr. Steve Mullins our recreation director has spent a lot of time working out plans for our 4th of July celebration to be held at Nitro City Park. The program consists of a list of events beginning at 10:00 A.M. and continuing until evening. Mayor Gibson added that Mr. Mullins is doing a fantastic job as director of the Recreation Department. He puts in many evening and week end hours. He is extremely dedicated. Mayor Gibson also stated that Mr. Mullins has had new signs installed in the loading and unloading zone at the City Park, and new signs at the entrance to inform motorists they should not enter except to load or unload. Councilman at Large Tidquist said our summer league basketball games are well attended with six teams playing in the league. He added that we are badly in need of another basketball court at the park. It was recommended that the Recreation Director, Recreation Committee, and Finance Committee have a meeting to check out the possibility of another basketball court being installed in the area just to the south of the present one.

Mayor Gibson stated that he would entertain a motion to adjourn. Councilman Vernon Casebolt made a motion for adjournment. The motion was seconded by Councilman at Large Keith Priddy. The motion carried.

Wm. D. Gibson
Mayor

Tom Melton
Recorder

NITRO CITY COUNCIL MEETING

July 16, 1974

The regular meeting of the Nitro City Council was held in the Council Chambers on July 16, 1974, at 8:00 P.M. Present were Mayor William D. Gibson, City Recorder Tom Melton, Councilman at Large Dr. R. V. Allen, Councilman at Large Hugo Tidquist, Councilman at Large Keith Priddy, Councilman Vernon Casebolt, Councilman Thomas Lilly, Councilman Paul Hill, Councilman Dewey Mann and City Attorney Frank Armada.

The meeting was called to order by the Honorable William D. Gibson.

Invocation was given by Reverend William W. Westlund of the First Presbyterian Church.

APPROVAL OF COUNCIL MEETING MINUTES FOR JULY 2, 1974:

Mayor Gibson reminded council members that each had received a copy of the minutes for the previous meeting in the mail and had been given an opportunity to review them. Councilman at Large Dr. R. V. Allen made a motion that the minutes be approved as presented. Councilman Vernon Casebolt seconded the motion. All present voted in favor.

APPROVAL OF JUNE, 1974, FINANCIAL STATEMENT: Councilman Thomas Lilly, Chairman of the Finance Committee, asked that one correction be made on the cover sheet of the June Financial Statement. The balance should read \$9,781.95 instead of \$9,881.95. He made a motion that the Financial Statement be approved with this one correction. Councilman Dewey Mann seconded the motion. The vote of approval was unanimous.

OPENING OF BIDS FOR HEATING AND AIR CONDITIONING FOR THE NITRO PUBLIC LIBRARY: Councilman at Large Dr. R. V. Allen, Chairman of the Library Committee, reported that we had received five bids to be opened. Councilman at Large Keith Priddy opened the first one from Teays Valley Heating and Cooling bidding on a 3-1/2 ton air conditioner, 133,000 BTU furnace, and 8" blown-in insulation in the ceiling of the Library, Price \$2,835.44. Councilman Vernon Casebolt read the second bid from Aerodyne Corp. of Dunbar bidding on 3-1/2 ton air conditioner, 140,000 BTU gas furnace, no insulation included, Price \$2,753.00. Councilman Dewey Mann read the bid from Landers Heating and Plumbing, Inc., bidding on 140,000 BTU furnace, air conditioning, blown-in insulation in the ceiling, Price \$2,237.00. Councilman Thomas Lilly opened the bid from Kerstein Engineering, 150,000 BTU furnace, 42,000 cooling, 6" blown-in insulation, Price \$2,798.00. Councilman at Large Hugo Tidquist opened a bid from Darnold, Inc., of South Charleston, bidding on 150,000 BTU furnace, 42,000 air, no insulation included, Price \$2,951.00.

Councilman at Large Dr. Allen made a motion that the bids be given to the Library Committee to study with authority to act. Councilman at Large Tidquist seconded the motion. The vote of approval was unanimous.

Mayor Gibson read a letter from the Kidney Foundation of West Virginia, Inc., in which they asked permission to place boxes of candy for sale in various business establishments in Nitro. Councilman at Large Allen made a motion that approval be given. Councilman Dewey Mann seconded the motion. The motion carried.

Mayor Gibson read a letter from the Civil Service Commission concerning the tests given June 19, 1974, for police promotions. The Commission recommended that Sergeant Kenneth Webb be promoted from Sergeant to Lieutenant, and Patrolmen R. D. Lusher and E. M. Brown be promoted to Sergeant. The Commission feels that if it is at all possible, both these patrolmen should be promoted to Sergeant, since it would give the Nitro Police Force sufficient sergeants for each 8-hour shift. However, if only one can be promoted, it should be Patrolman Lusher, as his scores on the test were slightly higher. Councilman Thomas Lilly made a motion that Sergeant Webb be promoted to Lieutenant and Patrolman Lusher be promoted to Sergeant. Councilman at Large Dr. R. V. Allen seconded the motion, and all Councilmen voted in favor. A copy of the letter from the Civil Service Commission is attached hereto and made a part hereof. Mayor Gibson stated that he would strongly recommend the promotion of Patrolman Brown and he asked that the Police Committee study this matter and give their recommendations at the next council meeting if possible.

Mayor Gibson stated that each councilman had received a copy of a letter from Mr. G. Michael Cox, City Administrator, South Charleston, in reference to Intergovernmental Personnel Grants which are available to groups of governments serving a population of 50,000 people. Dunbar, St. Albans, and South Charleston have already passed the necessary resolution and wanted to know if Nitro would be interested in joining the group. Mayor Gibson gave each Councilman a copy of the resolution. After some discussion, Councilman Dewey Mann made a motion that application be made for this. Councilman Vernon Casebolt seconded the motion. This was passed by unanimous vote. A copy of the resolution and letter are attached hereto and made a part hereof.

POSSIBILITY OF OPENING UP AN ALLEY BETWEEN LAYNE AVENUE AND MAIN AVENUE: Councilman at Large Dr. Allen, Chairman of the Street Committee, gave the following report. The alley has not been used all the way through, grass is growing there, and the residents have been using it as part of their lawns. To get an accurate estimate of the cost of opening up this alley, an engineering study should be made. Mayor Gibson stated that he would get the City Engineer involved.

Mayor Gibson made the announcement that we have received a deed from the West Virginia Water Company for almost two acres of

July 2, 1974

To: William D. Gibson, Mayor
K. R. Webb, Sgt.
F. M. Brown, Patrolman
R. D. Lusher, Patrolman
Paul Hill, Civil Service
James Jeffries, Civil Service

Re: Tests for promotion within the Nitro Police Department

On June 19, 1974 a test was given to qualify for promotions within the Nitro Police Department.

Kenneth
Sgt. Webb gave very good answers to the written questions and is recommended for promotion to Lieutenant.

Patrolman Lusher and Patrolman Brown were given test for promotion to Sergeant. The first test ended in a tie score, an additional ten questions were given. Patrolman Lusher made the best score on this test, however, because of the closeness of the score, if it is at all possible, both men should be promoted to Sergeant. This will give the department enough Sergeants to have one on each eight-hour shift of a 24 hour day and still have one scheduled off.

If it is not possible to promote both men, the commission will request the promotion of Patrolman R. D. Lusher, due to the better test score.

Paul Hill, Chairman -
James Jeffries

THIS DEED, Made as of the 30th day of June, 1974, by and between WEST VIRGINIA WATER COMPANY, a corporation, Grantor, and THE CITY OF NITRO, a municipal corporation, situate in Kanawha and Putnam Counties of West Virginia, party of the second part, Grantee.

W I T N E S S E T H:

That for and in consideration of the sum of Nine Thousand Five Hundred Dollars (\$9,500.00) cash in hand paid, the receipt and sufficiency of which is hereby acknowledged, Grantor does hereby convey to the Grantee that certain lot and parcel of land containing approximately 1.8 acres, situate in Nitro, Kanawha County, West Virginia, being the same property which was conveyed to West Virginia Water Service Company, a corporation, (predecessor in title of the Grantor) by Deed from Kanawha Valley Water Corporation dated as of March 28, 1935, of record in the Office of the Clerk of the County Court of Kanawha County, West Virginia in Deed Book 401 at Page 577, and therein described as follows:

'First, (Intake Site): A certain tract or parcel of land, with all the buildings and improvements thereon and appurtenances thereunto belonging, situate in the Independent District of Nitro, in Kanawha County, West Virginia, more particularly bounded and described as follows:

BEGINNING at a point in the east bank of the Kanawha River at low water mark, common corner to properties conveyed by the Charleston Industrial Corporation to the East View Land Company by deed dated the 17th day of November, 1923, recorded in the office of the Clerk of the County Court of said Kanawha County in Deed Book 262, page 230; and running thence in an easterly direction paralleling the north wall of the

intake building for a distance of 140 feet; thence 90 degrees to the right in a southerly direction for a distance of 520 feet; thence at an angle of 90 degrees to the right in a westerly direction for a distance of 80 feet to a point at low water mark of Kanawha River; thence with said low water mark, down the river, in a northerly direction to the place of beginning; containing 1.8 acres, more or less, and being a part of Area "P" of the Reservation of Nitro (being the name or designation adopted and used for said District by the Federal Government).'

This conveyance is authorized to be made by Section 5.09 of the Grantor's Mortgage Indenture dated as of April 1, 1936, in which West Virginia Water Service Company was Mortgagor and Central Hanover Bank and Trust Company and Frank Wolfe were Trustees, as supplemented by Thirty-Six (36) Supplemental Indentures. Since it is no longer necessary or expedient for the Grantor to retain such property in the conduct of its business, the full value thereof is less than Ten Thousand Dollars (\$10,000) and the Grantor has made no other conveyances during this calendar year pursuant to the aforesaid Section 5.09 in its Mortgage Indentures.

IN WITNESS WHEREOF, the Grantor has caused its corporate name and seal to be affixed hereto by its officers thereunto duly authorized as of June 30, 1974.

(Corporate Seal)

WEST VIRGINIA WATER COMPANY

By


Its President

STATE OF WEST VIRGINIA)
COUNTY OF KANAWHA) To-Wit:

I, Harold Lambert, a Notary Public in and for said County of Kanawha, do certify that John B. Murphy, who signed the writing above bearing date the 30th day of June, 1974, for WEST VIRGINIA WATER COMPANY, a corporation, has this day in my said County, before me, acknowledged the said writing to be the act and deed of said corporation.

Given under my hand and official notarial seal this 10
day of July, 1974

My commission expires 8-8-78

(Notarial Seal)

Harold Lambert
Notary Public

DECLARATION OF CONSIDERATION OR VALUE

I hereby declare that the true and actual value of the property transferred by the document to which this Declaration is appended is, to the best of my knowledge and belief, \$9,500.00

Given under my hand this 10th day of July, 1974.

John B. Murphy
John B. Murphy, President
West Virginia Water Company
Peoples Building
Charleston, West Virginia

This document was prepared by
F. Paul Chambers
Attorney at Law
1601 Kanawha Valley Building
Charleston, West Virginia

RESOLUTION AUTHORIZING APPLICATION FOR FUNDS
UNDER THE INTERGOVERNMENTAL PERSONNEL ACT

WHEREAS, The City of Nitro recognizes that the quality of its public service can be improved by the development of a personnel system based upon merit principles; and

WHEREAS, The City is interested in providing such a system in order to recruit, select, and advance employees on the basis of their knowledge, skills and relative ability; and

WHEREAS, The Intergovernmental Personnel Act of 1970 has declared the aforementioned and other principles as being basic to sound personnel management; and

WHEREAS, The City of Nitro desires to upgrade its personnel system through the provisions established by the Intergovernmental Personnel Act of 1970;

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NITRO:

That the Mayor be authorized to file an application for grant consideration under the Intergovernmental Personnel Act of 1970, including all understandings and assurances contained therein and directing and authorizing the Mayor to act in connection with the application and to provide such additional information as may be required.

INTRODUCED BY MAYOR GIBSON JULY 16, 1974

ATTEST:

Tom Melton
CITY RECORDER, CITY OF NITRO

Sam. D. Gibson
MAYOR, CITY OF NITRO



City of South Charleston

South Charleston, West Virginia 25303

July 5, 1974

The Honorable William D. Gibson
Mayor of Nitro
P. O. Box 515
Nitro, WV 25143

Dear Mayor Gibson:

In response to our recent conversation, the Intergovernmental Personnel Act of 1970 is designed to establish merit principles throughout states and municipalities. These principles include hiring based upon qualification, equal pay for equal work and properly trained personnel to mention only a few.

As we discussed, there is a criterion of 50,000 population which must be met in order to qualify for the grant and thus the main reason for the four cities of Nitro, Dunbar, St. Albans, and South Charleston grouping together. As you know, the other three cities have already agreed to undertake the study and have passed the necessary resolution.

The cost to the City of Nitro will be zero dollars as far as cash from any revenue fund. There is a matching provision of 75-25 of which the 25% (local share) would be an in kind match. This simply means that someone on the local level would serve as the coordinator of the project.

After approval of the application, a Consultant would be hired to make a job classification and pay study for each City. This study would, we hope, be completed in time for its inclusion into the fiscal budget for 1975-76. I might add that the participating cities are under no obligation to accept the study and thus are not bound by its findings. We do feel, however, that such a study will eliminate many of the problems we now face with our outdated personnel systems.

The attached description is taken from the "Catalog of Domestic Assistance Programs" and may be of some help in filling in necessary details.

Thank you for your anticipated cooperation and we look forward to a strengthened relationship among our four cities.

Sincerely,

A handwritten signature in cursive script that reads "G. Michael Cox".

G. Michael Cox

FEDERAL AGENCY: CIVIL SERVICE COMMISSION

AUTHORIZATION: Intergovernmental Personnel Act of 1970, Titles II and III, Public Law 91-648.

OBJECTIVES: To assist State and local governments in developing and implementing programs consistent with merit principles; to improve personnel administration; and to train administrative, professional, and technical personnel.

TYPES OF ASSISTANCE: Project Grants; Formula Grants.

USES AND USE RESTRICTIONS: Grants are available for personnel administration improvements, training of certain employees, and government service fellowships or any combination of these. Approval of the project grant must not result in a reduction in relevant State or local government expenditures or the substitution of Federal funds for State or local funds previously made available for personnel administration or training purposes. This does not preclude use of existing appropriations, budgets, or resources toward the matching share of the grant program. Administration of programs supported by an IPA grant must be consistent with the applicable merit principles stated in the Act. At least 50 percent of the amount allocated to any State must directly benefit local governments.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: Any State or any group of States which might enter into a compact or other agreement consistent with law, and any general local government or group of general local governments serving a population of 50,000 or more, are eligible. Under certain circumstances, CSC may make a grant to a general local government, or group thereof that serves a population of less than 50,000 provided it is involved in programs of national interest and is experiencing personnel administration problems or training needs related to such national interest programs. Organizations representing State and local governments, associations of State or local public officials, and nonprofit organizations which provide requested services to governments may receive a grant for training State and local government employees.

Beneficiary Eligibility: Same as applicant eligibility.

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acknowledge all applications upon receipt, generally, the average time for taking final action upon the application is within 30 days.

Appeals: Not applicable.

Renewals: Not applicable.

ASSISTANCE CONSIDERATIONS:

Formula and Matching Requirements: The amount of 80 percent of the total available for grants each fiscal year will be allocated on the basis of an objective weighted formula which includes the factors of population and number of State and local government employees. The remaining 20 percent of the funds will be distributed at the discretion of the Commission to further IPA objectives. Grants may represent up to 75 percent of program costs initially and up to 50 percent after July 1975. No State, as a whole, may receive more than 12.5 percent of the total available funds.

Length and Time Phasing of Assistance: Awards are normally made for a 12-month period, or less; however, projects may be multi-year. Payments may be made on a letter of credit, advance payment, or reimbursable basis.

POST ASSISTANCE REQUIREMENTS:

Reports: The Commission will request from time to time performance, program status, statistical, and financial reports of IPA supported programs.

Audits: To the maximum extent possible, reliance will be placed with State and local government accounting, audit and other internal control systems to insure financial accountability.

Records: Grantee will also be asked to maintain certain financial records for a specified period of time as verification for reports.

Credentials/Documentation: Applications must be submitted and signed by the chief executive of the jurisdiction applying for a grant. The chief executive must certify that approval of a grant will not result in a reduction in relevant State or local government expenditures nor the substitution of Federal funds for State or local funds previously made available for personnel administration or training purposes. Further, that administration of programs or projects supported by a grant will be consistent with the applicable merit principles stated in the Act.

APPLICATION AND AWARD PROCESS:

Preapplication Coordination: Joint discussions among State and local governments concerning possible arrangements for interjurisdictional cooperation under IPA to facilitate effective program development are suggested. In addition, all local government applications must first be submitted to the Governor for review, comments, and recommendations. However, if the general local government certifies to the CSC that the application has been before the State government for 60 days without action, the Commission will accept the application without the Governor's comments or recommendation. Pre-application consultation with the Commission's staff is also encouraged. The standard application forms as furnished by CSC and required by OMB Circular A-102 must be used for this program.

Application Procedure: Applicant completes the required application form and forwards it to appropriate regional CSC office listed in the appendix.

Award Procedure: Regional offices and the Central Office Bureau of Intergovernmental Personnel Programs will receive and process applications, approve grants, and arrange payments to the grantee. Notification of grant award must be made to the State Central Information-Reception Agency and OMB on SF 240.

Deadlines: There are no nationwide cutoff dates. However, individual CSC offices may set a deadline for receipt of competitive applications for discretionary (20 percent) funds.

Range of Approval/Disapproval Time: The Commission will

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FINANCIAL INFORMATION:

Account Identification: 30-28-0300-0-1-906.

Obligations: (Grants) FY 72 \$12,500,000; FY 73 est \$15,000,000; and FY 74 est \$10,000,000.

Range and Average of Financial Assistance: \$1,200 to \$1,000,000; \$120,000.

PROGRAM ACCOMPLISHMENTS: During fiscal year 1972, 60 statewide grants were made. An additional 173 grants to individual State and local governments and other eligible organizations were made. These 213 grants involved 503 individual projects.

REGULATIONS, GUIDELINES, AND LITERATURE: Guidelines for the IPA Grant Program, no charge; IPA Grant Administration Handbook, no charge; Summary of IPA Products, single copies at no charge.

INFORMATION CONTACTS:

Regional or Local Office: Contact the nearest Civil Service Commission Regional Office (Attention: Chief, Intergovernmental Personnel Programs Division) listed in the appendix.

Headquarters Office: Director for Grant Operations, Bureau of Intergovernmental Personnel Programs, Civil Service Commission, 1900 E Street, N.W., Washington, DC 20415. Telephone: (202) 632-6274.

RELATED PROGRAMS: 27.008, Intergovernmental Cooperation in Recruiting and Examining; 27.009, Training Assistance to State and Local Governments; 27.010, State Personnel Merit Systems—Technical Assistance; 27.011, Intergovernmental Mobility of Federal, State, and Local Employees.

land near Smith Street bordering on the Kanawha River. He stated that this is a valuable piece of land and this is a great contribution to the city from the West Virginia Water Co. A copy of this deed will be attached hereto and made a part hereof.

Mayor Gibson stated that he would like to re-appoint Mr. William Harris of 1540 Fenton Circle for four more years on the Fireman's Civil Service Commission from the date his present appointment expired. All Councilmen agreed.

The Nitro Sanitary Board hopes to soon reach an agreement with the Rock Branch Public Service District on a workable contract whereby the City of Nitro might be able to treat the sewage from the Rock Branch Public Service District. As soon as this contract is completed, Councilmen will be presented with copies. The Sanitary Board also hopes to have, within the next few days, a newly revised sanitary sewer rate schedule. Possibly by next council meeting we will be able to act on the new rate schedule.

NEW BUSINESS

Councilman at Large Hugo Tidquist: Regarding the signs in the fishing area at Ridenour Memorial Park, Councilman Tidquist was wondering if these could be changed so that a child catching a bluegill or sunfish would be allowed to take it home, as these seldom grow to be 10 inches long; but keep the 10 inch requirement on bass. Mayor Gibson replied that he could see no objection to this if the Recreation Committee wanted to do this. Councilman Casebolt recommended that it be put into the Recreation Committee for further study.

Councilman Thomas Lilly: Councilman Lilly suggested that the City of Nitro appoint a committee to study and make recommendations on ambulance service and emergency equipment personnel for the city. He further stated that he would like to see one or two councilmen on the committee and at least one representative from each ward. Mayor Gibson replied that he would give it serious consideration.

Councilman Lilly also asked for a Finance Committee meeting to be held on Tuesday, July 23, at 6:30.

Councilman Paul Hill: No new business.

Councilman Dewey Mann: No new business, but Councilman Mann remarked that the order to enforce parking regulations at the park must be working. Councilman Casebolt added that it is now possible to drive in to load or unload without any trouble.

Councilman at Large Dr. R. V. Allen: No new business.

Councilman at Large Keith Priddy: Councilman Priddy asked about the insurance on the City's bank account. He was informed that it is insured for \$200,000.00 in addition to the Federal

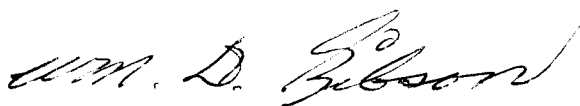
Reserve amount of \$20,000.00. He also wanted to know if something could be done about the Penn Central trains blocking the crossings for long periods of time, especially during peak traffic periods. Mayor Gibson replied that he had not received any complaints about the crossings being blocked lately, but if this were the case, he would place a notice on the bulletin board in the Police Station asking the Police Department to check on this situation.

Councilman Vernon Casebolt: Councilman Casebolt wanted to question when the city can get started on plans for the proposed city garage to be built on the Smith Street landfill. With all the new equipment now owned by the city, he would like to see the garage started as soon as possible so the equipment can be protected next winter. Mayor Gibson replied that nothing could be done until the deed had been received from the West Virginia Water Company, and he had just received the deed a few days ago. Now that we have the deed, we can take steps to have the land rezoned and get the plans under way.

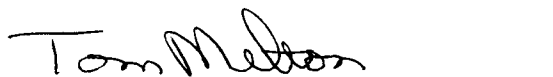
Councilman Casebolt also suggested that the Police Department have the area patrolled closely, and perhaps we should have some "No Trespassing" signs installed. Mayor Gibson stated that he would instruct the Police Department to patrol this area frequently.

Recorder Tom Melton: No new business.

Councilman Casebolt made a motion for adjournment. The motion was seconded by Councilman at Large Priddy. The motion carried.



William D. Gibson, Mayor



Tom Melton, Recorder

NITRO CITY COUNCIL MEETING

August 6, 1974

The regular meeting of the Nitro City Council was held in the Council Chambers on August 6, 1974, at 8:00 P.M. Present were Mayor William D. Gibson, City Recorder Tom Melton, Councilman at Large Hugo Tidquist, Councilman at Large Keith Priddy, Councilman Vernon Casebolt, Councilman Paul Hill, Councilman Dewey Mann and City Attorney Frank Armada. Councilman at Large Dr. R. V. Allen and Councilman Thomas Lilly were on vacation.

The meeting was called to order by the Honorable William D. Gibson.

Invocation was given by Reverend James Arbogast of the St. Pauls United Methodist Church.

APPROVAL OF COUNCIL MEETING MINUTES FOR JULY 16, 1974: Mayor Gibson reminded council members that each had received a copy of the minutes for the previous meeting in the mail and had been given an opportunity to review them. Councilman Vernon Casebolt made a motion that the minutes be approved as presented. Councilman at Large Hugo Tidquist seconded the motion. The motion passed by unanimous vote.

FINANCIAL REPORT FOR JULY, 1974: In the absence of Councilman Thomas Lilly, Chairman of the Finance Committee, the following report was read by Mr. Tom Melton, City Recorder:

Cash Balance as of July 1, 1974	9,781.95
Receipts for July	<u>64,453.11</u>
	74,235.06
Disbursements	<u>56,133.03</u>
Balance	18,102.03

Mayor Gibson read a letter from the Youth Minister of the Cross Lanes Bible Church which asked permission to hold an evangelistic street meeting on the evening of August 10, 1974, conducted by their college age group. Councilman at Large Hugo Tidquist made a motion that approval be given. Councilman at Large Keith Priddy seconded the motion. All present voted in favor.

Mayor Gibson also read a letter from Columbia Gas Transmission Corporation concerning a right-of-way across a portion of the Blakes Creek Watershed property. He passed out copies of a blueprint showing where this right-of-way is needed, and also copies of a proposed agreement for this. Mayor Gibson recommended that this matter be given to the Building & Planning Committee, and since it does concern Ridenour Memorial Park, the Recreation Committee should also be included. Councilman at Large Keith

Priddy asked if the Soil Conservation Commission would not also need to be included in the agreement. Mayor Gibson replied that he feels sure they have already been contacted. However, a copy of the letter from Columbia Gas along with a copy of the blueprint should be sent to them for their review.

Mayor Gibson stated that he had given each councilman a copy of a letter from Senator Robert Byrd with attached Notification of Grant Award Action in the amount of \$20,250.00. This is the Step 2 grant of our sewage treatment project.

The Mayor stated that he had received a copy of a resolution from the Business and Professional Mens' Association, but since Councilman at Large Dr. Allen is the only member of Council who is also a member of this association, he would withhold further comment until Dr. Allen returns from vacation.

As a further announcement, Mayor Gibson stated that as of today, the Nitro Sanitary Board and the Rock Branch Public Service District had reached an agreement after working many long hours on this project.

NEW BUSINESS:

Councilman at Large Hugo Tidquist: Councilman at Large Tidquist asked if something could be done to cut down on, or eliminate, bicycle riding on the sidewalk in the business area, particularly on First Avenue near Casto Hardware. In this area cars sometimes pull up too far and partially block the sidewalk and there is just not enough room for bicycles and pedestrians. It was suggested that signs be erected in the congested areas stating that bicycles were prohibited on the sidewalk. Councilman at Large Tidquist said he believed that there is an ordinance on the books about this. Councilman Paul Hill suggested we also provide parking racks for bicycles at different locations, since bicycle riding is becoming so popular with both children and adults. Councilman at Large Tidquist asked if it would be possible to have a patrolman on foot patrolling the congested area. Mayor Gibson replied that he would check into it, but he was not sure whether this would be possible on a large scale. He assured Council, however, that the matter would be given attention.

Councilman Paul Hill: No new business.

Councilman Dewey Mann: Councilman Mann asked what the developments were concerning the drainage problem in Brookhaven. Mayor Gibson stated that Appalachian Engineering has already done a tremendous amount of engineering in the area and it seems that the Department of Highways may have to enlarge the drainage pipe that goes under the highway or install a new one. They should already have given us a report on this, but as of this date it has not been received. He stated that through telephone conversations, he has been given to understand that they will give at least two solutions to the problem. The work could then be advertised for bids. Mayor Gibson added that he will get in touch with the

firm and have a report by next council meeting.

Councilman Mann asked about the contract with the Rock Branch Public Service District. He was of the opinion this would be signed without the approval of Council. Mayor Gibson replied that this had been changed along with several other amendments to the agreement which he was sure would please council members. He also stated that Mr. Armada, the city attorney, and Mr. Vaughn, the attorney for the Sanitary Board, had studied the contract. Mayor Gibson added that each councilman would soon receive a packet in the mail giving him a copy of the revised contract along with other information, including a revised Sanitary Sewer Rate Ordinance that has been approved by the Nitro Sanitary Board.

Councilman Paul Hill asked about the status of street lights for the 18th, 11th, and 6th Street areas between Second and Third Avenues. Mayor Gibson replied that we had been waiting for the entire new lighting system to be completed and then have these areas checked, plus other areas throughout the city, to see if additional lights were needed. Councilman at Large Keith Priddy stated that he would check with Mr. Jones of Appalachian Power regarding the program and also the status of lights at Ridenour Memorial Park.

Councilman at Large Keith Priddy also mentioned the fact that we have a broken power pole on First Avenue near Eighth Street that has been there for some time. Appalachian Power Company should be contacted about this also. Mayor Gibson stated that he would check into the matter.

Councilman Vernon Casebolt stated that a month ago he made a proposal that an alley between Layne and Main Avenues be opened. Since that time he has talked to more people in the area, and he is of the opinion that the majority do not want this alley opened, so he asked that his original proposal be withdrawn.

Mr. Charles Miller, spokesman for the residents of Layne and Main Avenue, gave several reasons why the residents did not want this alley opened. (1) It is a good area for children to play in the back of the homes. (2) Ten years ago the residents had the street paved so they could be away from dirt, cinders and gravel. If the alley were opened as an unpaved street, they would be back in exactly the same situation. (3) Sewer lines run underneath the alley and they fear the traffic or the heavy church busses would break the sewer lines. (4) The lady who lives on the end of the street has a garage near the alley, and there is one across the alley. They think it would be almost impossible for busses to turn the corner without hitting one of them. And Boundary Street is too narrow.

Mr. Miller asked permission to speak to Council on another subject. He says when we have a substantial rain, the water runs curb deep on Layne Avenue, and it seems to be worse now than it was five years ago. He asked about the storm drains for Broadway Gardens. Mayor Gibson replied that the storm drains from Broadway Gardens are connected to another that runs directly into Kanawha

River. Mr. Miller asked if it would be possible to get something done that would relieve the water problem. Mayor Gibson replied that we will do the best we can to keep the storm drains open and free of debris, until we can come up with a plan of relief that is financially feasible. He also stated that we have several trouble spots around the city that get flooded following a heavy downpour. Councilman Dewey Mann stated that the Finance Committee has discussed the problem of drainage throughout the city and they are well aware of the existing problems, and have expressed a desire to do something about it. Mayor Gibson stated that there might also be the possibility of getting some federal matching funds for this.

Mayor Gibson stated that he did appreciate the citizens coming out to council meeting and expressing their views.

Councilman Vernon Casebolt stated that he wanted to propose that our City Attorney draw up an ordinance limiting our Mayor to two consecutive terms in office. This was one of the promises we made to the people before we were elected to office. Mayor Gibson suggested that this be put into the Ordinance Committee for their recommendations to be presented to council. Councilman Casebolt stated that he would like for the Ordinance Committee to have their recommendations ready for next council meeting.

Councilman Casebolt asked what progress was being made on the proposed city garage. Mayor Gibson replied that it takes a lot of time to get all the data collected, the engineering studies done, etc. The Mayor stated that he is having the engineer check the water levels over the last 50 years for the area, and also we are having a lot of dirt hauled into the area, so progress is being made.

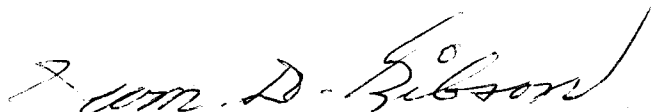
Councilman Casebolt stated that the Penn Central Railroad had written a letter confirming a telephone conversation with Mayor Gibson about the crossings being blocked for long periods of time. Mayor Gibson stated that he had been very firm in his conversation with the gentleman, and this gentleman had promised to write letters to the people involved. Also our Police Department has been asked to watch for unnecessary blockage of the crossings. The Mayor further stated that the policemen have talked with some of the engineers and told them to move on or else.

Councilman at Large Hugo Tidquist asked about the status of the dump truck which was advertised for bids some time ago. Mayor Gibson stated that he has made numerous telephone calls to Stewart Equipment Company of Charleston and J. D. Moores, Inc., of Cross Lanes in an effort to get faster delivery of this truck. The delay seems to be in parts for the hoist and the bed. Delivery should be some time soon.

Recorder Tom Melton: No new business.

Councilman Vernon Casebolt made a motion for adjournment which was seconded by Councilman Paul Hill.

Reverend James Arbogast gave a closing prayer.



William D. Gibson, Mayor

Tom Melton, Recorder



NITRO CITY COUNCIL MEETING

August 20, 1974

The regular meeting of the Nitro City Council was held in the Council Chambers on August 20, 1974, at 8:00 P.M. Present were Mayor William D. Gibson, City Recorder Tom Melton, City Attorney Frank Armada, Councilman at Large Hugo Tidquist, Councilman at Large Keith Priddy, Councilman at Large Dr. R. V. Allen, Councilman Vernon Casebolt, Councilman Paul Hill, Councilman Thomas Lilly and Councilman Dewey Mann.

The meeting was called to order by the Honorable William D. Gibson. Invocation was given by Reverend James Arbogast of the St. Pauls United Methodist Church.

APPROVAL OF COUNCIL MEETING MINUTES FOR AUGUST 6, 1974: Mayor Gibson reminded Council that each member had received a copy of the minutes for the previous meeting in the mail and had been given an opportunity to review them. Councilman Vernon Casebolt made a motion for approval of the minutes. Councilman Dewey Mann seconded the motion. The minutes were approved by unanimous vote.

APPROVAL OF THE FINANCIAL STATEMENT FOR JULY, 1974: Chairman of the Finance Committee, Mr. Thomas Lilly, asked that approval of the financial statement be delayed until next council meeting since the Finance Committee had not had an opportunity to review the report.

ORDINANCE REGARDING THE POSSIBILITY OF LIMITING THE MAYOR TO TWO CONSECUTIVE TERMS IN OFFICE: Councilman Dewey Mann, Chairman of the Ordinance Committee, reported that the Ordinance Committee had a meeting August 12, 1974. At this meeting it was decided there should be no ordinance to limit the Mayor's tenure of office. It is recommended that this be treated by incorporating it in a City Charter. By Charter, it would be a direct mandate of the people.

NEW BUSINESS

Mayor Gibson stated that he was very happy to announce to Council that we are bringing to Nitro Colonel Lawrence Craft, who originally started out in State Police work in April, 1947, with a detachment assigned to Nitro. Colonel Craft will be appointed to Police Chief effective September 1, 1974. Over a period of years he worked his way up through the ranks to become second in command over the entire state of West Virginia in the Department of Public Safety. He added that he was sure Colonel Craft would be a tremendous asset to the police force of the city of Nitro. Councilman at Large Dr. R. V. Allen said he felt that the city is very fortunate to get a man of this caliber, and that other communities had wanted him also. Councilman Vernon Casebolt stated that all comments have been very favorable, and that people have told him they consider Colonel Craft a good policeman, that

he knows his business, and that he would be an asset to the community.

Mayor Gibson read the following statement: A meeting involving the Nitro Sanitary Board was held at Nitro City Hall on July 6, 1974. By unanimous vote it was decided that the Nitro Sanitary Board should introduce the proposed amendment to the existing Sanitary Sewer Rate Ordinance for the Nitro City Council's consideration. The vote of the Sanitary Board also included that certain resolutions or documents be drawn up in a legal manner and that the Nitro citizens be kept informed as prescribed by law. The primary objectives of the Nitro Sanitary Board are as follows: (1) Up-grade our present sewage treatment plant to meet state and federal secondary treatment standards. (2) Provide sanitary sewers to various areas inside our corporate limits, including the areas of Riverdale Acres and the 40th Street Road section. (3) Provide better maintenance in the future to the overall Sanitary Sewer System. (4) To provide 25% matching money, thereby making it possible to take advantage of approximately \$1,166,250.00 of 75% matching federal grants. The Mayor stated that all Councilmen had been given a copy of the proposed amendment to the Ordinance, and he strongly recommended that Council consider enacting this Ordinance and have the first reading tonight. Councilman at Large Dr. R. V. Allen made a motion that we accept the rate Ordinance at the first reading. Councilman Thomas Lilly seconded the motion. The vote of approval was unanimous. City Recorder, Tom Melton, read the title for the new Ordinance as follows: "An Ordinance Amending an Ordinance Relating to the Construction, Acquisition, Operation and Maintenance of a Sewage Disposal System in the City of Nitro, the Discharge of Sewage and Industrial Waste to the Municipal Sanitary Sewage System and the Imposition of Rates for the Use of the Service Rendered by the Sewage System and for the Construction, Acquisition, Operation and Maintenance of a Secondary Treatment Sanitary Sewage Disposal System in the City of Nitro and Sewer System Extensions for the 40th Street and Riverdale Acres, and the Imposition of Rates for the Use of the Services Rendered by the Secondary Treatment Sanitary Sewage System." A copy of the same is made a part hereof and attached hereto.

Mr. Tom Melton, City Recorder, also read aloud the Resolution passed by City Council to hold a public meeting Friday, September 6, 1974, at 7:00 in the P.M., in the Council Chambers for the purpose of allowing the citizens an opportunity to discuss the proposed rates. Mayor Gibson stated that the Resolution announcing the public meeting would be published in the Kanawha Valley Leader. The Resolution carried by a majority vote and reads as follows: "Be it resolved by the Common Council of the City of Nitro, West Virginia, at a regular meeting held on August 20, 1974, that notice be given to all subscribers and users of the Sanitary System of the City of Nitro of a public meeting to be held on Friday, September 6, 1974, at 7:00 o'clock in the P.M., in the council room of City Hall as required by Chapter 8, Article 16, Section 7 of the Code of West Virginia of 1931, as last amended, by publication as therein specified.

Mayor Gibson stated that all councilmen had received copies of the engineering report from Appalachian Engineers, Inc., on the Brookhaven storm drain system. He recommended that this be given to the Storm Drain Committee for study, and have them make a report back to Council at their earliest convenience. Perhaps the Finance Committee should work with them on this.

Mayor Gibson also stated that he has checked on the broken pole at 6th Street and First Avenue, and has found that it does not belong to the Appalachian Power Company, but belongs to the Penn Central Railroad. He has talked with Penn Central about this by telephone and it should be taken care of very shortly.

Tom Melton, Recorder: No new business.

Councilman Vernon Casebolt: Councilman Casebolt brought up the subject of uncompleted work at Broadway Gardens, and trash left in the area by the contractors. He cited an incidence of a fire in a pile of trash a few days ago, and he wanted to know if the city had a law under which it could make the contractor complete the project according to specifications. Mr. Frank Armada, City Attorney, replied that the city cannot compel an individual to complete a project contracted with another individual. The city issues a permit, but is not a party to the contract. However, if a hazardous condition exists, then, the city can, through its police powers, have the condition corrected. The people who have bought the apartments can bring suit against the contractor to force him to finish his job, but the city cannot. Councilman Casebolt stated that he would like to have the Mayor instruct the Police Department to contact the builders about cleaning up the area just north of the apartments. He believes this area is hazardous to children who might play in the area. Councilman Casebolt also asked Mayor Gibson if he would call the Charleston Federal Savings and Loan to see if they could also put pressure on the contractor to clean up the area. Mayor Gibson added that Fire Chief King had also called Mr. Davis, the contractor for the apartments, and that Mr. Davis had assured him that it would be cleaned up.

Councilman Casebolt stated that the Fire Department Committee has received a copy of the Southern Standard Fire Prevention Code-1974 Edition, and they would like to have time to study it before making recommendations to Council.

Councilman Casebolt recommended that consideration be given to forming a Charter Board for the City of Nitro. He asked if a Charter Board is appointed by the Mayor, or voted on by the people. Mr. Frank Armada, City Attorney, replied that he had had no recent experience with forming a Charter Board, and he would like a little time to research the code.

Councilman at Large Keith Priddy: Councilman at Large Priddy recommended that we erect signs at the park giving recognition to our Little League baseball team, and our girl's softball team

for becoming state champions this year. Mayor Gibson suggested this be given to the Recreation Committee for recommendation as to the size and type of signs, etc.

Councilman at Large Dr. R. V. Allen: Councilman at Large Dr. Allen reported that the central heating and air conditioning have been installed in the Library and are operating well. It makes a much nicer place to visit.

Councilman Dewey Mann: No new business.

Councilman Paul Hill: Councilman Hill asked about the possibility of installing flashing lights on Second Avenue near Nitro Elementary School and on Park Avenue near the Junior High School to warn motorists that they are approaching a school zone. Councilman at Large Dr. Allen replied that the Traffic Committee would have to join with the Finance Committee for a study on this. Mayor Gibson added that the PTA at Nitro Putnam Elementary had purchased the lights for use at the school, and the City had agreed to pay the electric bill for their use. Councilman Hill added he would like to have the Traffic Committee study this, and if necessary, put it in the hands of the PTA, but he does not think this should go unnoticed.

Councilman Hill asked again about having the Street Light Committee study the possibility of having extra lights installed on 6th, 11th, and 18th Streets. He said he gets many calls about dark areas.

Councilman Thomas Lilly: Councilman Lilly gave the following report of the Finance Committee meeting held July 24, at 6:30 P.M.: Those present were Mayor Gibson, Dewey Mann, Dr. Allen, Tom Melton and himself. The first item on their agenda was Workmen's Compensation for volunteer firemen. Under a new enactment of the state legislation, volunteer firemen can come under our Workmen's Compensation laws. Councilman Lilly made a motion that Council authorize an amendment to the budget so this Workmen's Compensation for the volunteer firemen could be paid. Councilman Vernon Casebolt seconded the motion. All councilmen voted in favor.

The second item on the agenda of the Finance Committee meeting was to find an insurance company to write a policy for Police Professional Liability. Councilman Lilly made a motion that this policy be purchased to cover all eleven of our policemen. Councilman at Large Dr. R. V. Allen seconded the motion. The motion passed by unanimous vote.

Councilman Lilly stated that during the March 5, 1974, council meeting a vote authorized the hiring of a full time building inspector. He wanted to re-affirm this, and requested a motion be passed that the Mayor search for and hire a full time building inspector. Mayor Gibson asked what salary Council expected to pay a building inspector. Councilman Mann asked about the duties of

the building inspector, and if there was some way it could be determined if he were doing the job satisfactorily, and he wanted to know approximately how many building permits were issued. Tom Melton replied that approximately 10 to 15 permits a week are issued during the spring and summer. Councilman Casebolt seconded the motion made by Councilman Lilly, adding that he believed the job required a full time man, and he thinks we should hire one if the money is available. Mayor Gibson said he had searched a long time before hiring our present building inspector, and ads were run in the Charleston Gazette and the Charleston Daily Mail for at least two weeks. Several made application when the job was advertised, but most of them lived as far away as Hurricane or Charleston. Mayor Gibson also stated that he feels we need to know how much we can pay a man and what his working conditions will be before we can interview applicants for the job. Councilman Keith Priddy asked if it were necessary for the inspector to live in the City of Nitro. Mayor Gibson replied that he thought it would be unconstitutional to require someone to live in the city to work here, but he thought it would be better if we could hire someone who does live here. Mayor Gibson said he thought the matter should be given to the Building and Planning Committee, and they, in working with the Finance Committee, could report back perhaps at next council meeting. Councilman Dewey Mann said there seems to be no objection to hiring a full time building inspector, but he feels that Council should give the Mayor some idea of the salary they would expect to offer. Councilman Lilly mentioned \$800.00 to \$1,000.00 per month, but stated that by negotiation it might be possible to attract a qualified person for considerably less. Mayor Gibson again stated that he was perfectly willing to cooperate with Council to get a building inspector, but he feels he should have some guidelines on salary, whether we will furnish a car, or pay for gasoline, etc. The Mayor further stated that he would not interview anyone until he knew the salary and working conditions. At this point Councilman Lilly asked Mayor Gibson if he had a vote of Council when he hired the Chief of Police. The Mayor stated that he very definitely did and it was so stated in the Current Fiscal Budget. Councilman Dewey Mann stated that some time ago in Council the possibility of hiring a retired person for this job was discussed, a person who could only work part time because of being on Social Security. Now the opinion seems to be changed, and the feeling is that we need a full time man. Councilman Mann suggested that this be put into Committee for study and some research done on it before reaching a decision. He also stated that he believes St. Albans has a retired man doing their job as building inspector.

Mayor Gibson stated that he personally thinks Mr. Jarrell is a very conscientious man, he has worked hard, he has cooperated with everyone connected with the city administration. He doesn't want anyone to think the conversation taking place here tonight has any reflection on Mr. Jarrell. Councilman Thomas Lilly added that Mr. Jarrell had told him he would like to have a chance at the job if it was declared. At this point a vote was taken on

Councilman Lilly's motion to hire a full time building inspector and was defeated. Voting against the measure were Councilman at Large Dr. Allen, Councilman Mann, Councilman at Large Tidquist, and Councilman Paul Hill. Voting in favor were Councilman at Large Priddy, Councilman Casebolt and Councilman Lilly.

In other new business, Councilman Lilly asked about the progress on the city maintenance building. Mayor Gibson replied that progress is being made. The Appalachian Engineers have been assigned to the job, deeds to the two pieces of property have been sent to them, from these they can come up with the property dimensions and give us elevations, water levels over the last several years, and they can also give us drawings of the garage if we so desire. The wheels are very definitely in motion on this project. Councilman Vernon Casebolt stated that we have a problem in this area and we will have to get on with the city garage and get the whole area taken care of, or we will have to put forth some money to correct an area where the city dump was first started. He stated that the area he is referring to has been bulldozed and now water is standing in the hole creating a health hazard for residents. Approximately 200 feet of pipe would be needed for the city to drain this. This water is on city property, but it is causing damage to private property nearby. This is on what is supposed to be a 12 foot alley. He added, however, if we are going to move ahead with the plans for the garage, then this problem will take care of itself. If not, the city will have to move in to correct this problem or perhaps the landowner will take legal action against the city. Councilman Casebolt added that he was hoping the plans could go ahead under the proposal and the whole area could be taken care of. The money has been set aside for it, and he would like to see it done before winter time. Mayor Gibson stated that we have been having dirt hauled into the area. We had three trucks running four days and two another. Councilman Casebolt agreed that approximately 300 yards of dirt had been hauled into the landfill, but said they were not in the area he was talking about. Councilman at Large Dr. Allen stated that Mayor Gibson had been working real hard to get something done up there, and he felt more had been done there in the last two years than had been done in the ten previous years. Councilman Casebolt agreed, but he reiterated that we need pipe to drain this water in the area where the landfill started. He repeated that when the proposal came up, he was of the understanding we would have a contractor fill the area, build the garage, landscape it, and make it a place of beauty instead of the hazard that it is now. Mayor Gibson stated that he could not understand the problem, since he has already informed Council that he has Appalachian Engineers working on it, we had the land donated to us just recently, no longer than a month ago, and as far as he is concerned the wheels are in motion full speed ahead to bring this about. "Quite frankly" he added, "I do not understand your problem." Councilman Casebolt remarked that the Mayor should go up to Nitro Electric and look over the back side of their property. The Mayor stated that he had been up there at least two times. Mayor Gibson replied that we are going to take care of the problem,

Kanawha Valley LEADER

1ST AVENUE AT 35TH STREET
NITRO, WEST VIRGINIA 25143

AFFIDAVIT OF PUBLICATION

STATE OF WEST VIRGINIA

COUNTY OF PUTNAM, to wit:

I, **M.K. Buster**, being first duly sworn upon my oath, do depose and say that I am **Manager** of Kanawha Valley Leader, Inc., publisher of the newspaper entitled the Kanawha Valley Leader; that I have been duly authorized by the Board of Directors of the corporation to execute this affidavit of Publication; that such newspaper has been published for more than one year prior to publication of the annexed notice described below; that such newspaper is regularly published weekly, for at least fifty weeks during the calendar year, in the Municipality of Nitro, Kanawha and Putnam Counties, West Virginia; that such newspaper is a newspaper of "general circulation," as that term is defined in Article Three, Chapter Fifty-nine of the Code of West Virginia, 1931, as amended, within the publication areas of Putnam and Kanawha Counties, the City of Nitro and the Municipalities of Poca, Bancroft, Eleanor, and Buffalo; that such newspaper averages in length four or more pages, exclusive of any cover, per issue; that such newspaper is circulated to the general public at a definite price or consideration; that such newspaper is a newspaper to which the general public resorts for passing events of a political, religious, commercial and social nature and for current happenings, announcements, miscellaneous reading matters, advertising and other notices; the annexed notice of:

Addition to Proposed Amendment
To Sanitary Sewer Rate
City of Nitro

was published in said newspaper once a week for . 2 . . . successive weeks commencing with the issue of the 22 . . . day of . . August . . ., 19. 74 . ., and ending with the issue of . 29 . . day of . August . ., 19. 74 . ., and that the cost of publishing said annexed notice was \$15.89

Taken, subscribed and sworn to before me in my said county this . 5 . . day of . Sept. ., 19. 74 . .
My commission expires June 13, 1982

David A. Ringle
Notary Public of Putnam County,
West Virginia

Kanawha Valley LEADER

1ST AVENUE AT 35TH STREET
NITRO, WEST VIRGINIA 25143

AFFIDAVIT OF PUBLICATION

STATE OF WEST VIRGINIA

COUNTY OF PUTNAM, to wit:

I, M.K. Buster, being first duly sworn upon my oath, do depose and say that I am Manager of Kanawha Valley Leader, Inc., publisher of the newspaper entitled the Kanawha Valley Leader; that I have been duly authorized by the Board of Directors of the corporation to execute this affidavit of Publication; that such newspaper has been published for more than one year prior to publication of the annexed notice described below; that such newspaper is regularly published weekly, for at least fifty weeks during the calendar year, in the Municipality of Nitro, Kanawha and Putnam Counties, West Virginia; that such newspaper is a newspaper of "general circulation," as that term is defined in Article Three, Chapter Fifty-nine of the Code of West Virginia, 1931, as amended, within the publication areas of Putnam and Kanawha Counties, the City of Nitro and the Municipalities of Poca, Bancroft, Eleanor, and Buffalo; that such newspaper averages in length four or more pages, exclusive of any cover, per issue; that such newspaper is circulated to the general public at a definite price or consideration; that such newspaper is a newspaper to which the general public resorts for passing events of a political, religious, commercial and social nature and for current happenings, announcements, miscellaneous reading matters, advertising and other notices; the annexed notice of:

Notice of Public Meeting, Sept. 6, 1974
City of Nitro

was published in said newspaper once a week for 2 successive weeks commencing with the issue of the 22 day of August, 1974, and ending with the issue of 29 day of August, 1974, and that the cost of publishing said annexed notice was \$9.08

Taken, subscribed and sworn to before me in my said county this 5 day of Sept., 1974 .
My commission expires June 13, 1982

Do as R. Pungle
Notary Public of Putnam County,
West Virginia

Kanawha Valley LEADER

1ST AVENUE AT 35TH STREET
NITRO, WEST VIRGINIA 25143

AFFIDAVIT OF PUBLICATION

STATE OF WEST VIRGINIA

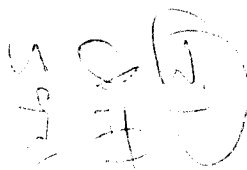
COUNTY OF PUTNAM, to wit:

I, M.K. Buster, being first duly sworn upon my oath, do depose and say that I am Manager of Kanawha Valley Leader, Inc., publisher of the newspaper entitled the Kanawha Valley Leader; that I have been duly authorized by the Board of Directors of the corporation to execute this affidavit of Publication; that such newspaper has been published for more than one year prior to publication of the annexed notice described below; that such newspaper is regularly published weekly, for at least fifty weeks during the calendar year, in the Municipality of Nitro, Kanawha and Putnam Counties, West Virginia; that such newspaper is a newspaper of "general circulation," as that term is defined in Article Three, Chapter Fifty-nine of the Code of West Virginia, 1931, as amended, within the publication areas of Putnam and Kanawha Counties, the City of Nitro and the Municipalities of Poca, Bancroft, Eleanor, and Buffalo; that such newspaper averages in length four or more pages, exclusive of any cover, per issue; that such newspaper is circulated to the general public at a definite price or consideration; that such newspaper is a newspaper to which the general public resorts for passing events of a political, religious, commercial and social nature and for current happenings, announcements, miscellaneous reading matters, advertising and other notices; the annexed notice of:

Proposed Ordinance
Operation, Maintenance, Sewage Disposal System
City of Nitro

was published in said newspaper once a week for 2 successive weeks commencing with the issue of the 22 day of August, 1974, and ending with the issue of 29 day of August, 1974, and that the cost of publishing said annexed notice was \$231.54.

Taken, subscribed and sworn to before me in my said county this 5 day of Sept., 1974 .
My commission expires June 13, 1982



Doris A. Pringle
Notary Public of Putnam County,
West Virginia

but he understood that we were going to do it all in one operation, but if Council decides that they want to approach the problem in three or four projects, then he needs to know. If Council wants pipe put up there between now and the next council meeting, he should be told, and he will see if we can get the pipe in, but even with that we will have to get estimates, have it surveyed, get elevations, etc. He added that as far as he is concerned, he feels we have made tremendous progress, and that we have acted in good faith, and he believes most people realize this. It takes time. We are involved in trying to upgrade so many things throughout the city. It takes quite a bit of time, and we depend on other people to help us in these matters, just like the comprehensive report that was given you earlier on the Brookhaven drainage system. Mayor Gibson added that he would like for the councilmen to look through the report to see how much engineering work was involved, and that this type of work cannot be done in a day if you want to do a professional job. However, if Council wants pipe installed in the area under discussion, he will try to get it done before next council meeting. Councilman Casebolt stated that he wanted to point out the necessity of getting this job done, especially since we have no where to park city equipment, and he feels that this should be No. 1 priority.

In other new business Councilman Lilly asked about the zoning maps which were to be made up following council approval. Mayor Gibson replied that these have been ordered.


Councilman Lilly brought before Council the problem of parked cars blocking access to the Old County Road behind Thomas Tire Shop. He stated that he has received complaints from residents of the area. Cars park in there late at night and residents who need to go to work early in the morning cannot get through. They are asking that signs be erected to prohibit parking. Mayor Gibson stated that the Police Department should check on this, and if the road is being blocked it should be corrected. Mr. Frank Armada, City Attorney, stated that the car owners could be cited for obstructing traffic whether or not there are "No Parking" signs in the area. One of the residents of the area spoke with Council about the problems of the area. Councilman at Large Hugo Tidquist remarked that he, too, was familiar with these parking problems, and he also stated that it would be impossible for a fire truck or garbage truck to get through the road with the way some of the cars are parked. Mayor Gibson said he would ask the Street and Traffic Committee to investigate this, and could possibly have some signs erected.

Councilman at Large Hugo Tidquist: Councilman at Large Tidquist said that he has been asked if it would be possible for the city to build a boat dock on the recently acquired land on the Kanawha River. Mayor Gibson replied that he, too, has been asked this at least a dozen times and a boat dock is something to be given serious consideration. Councilman Keith Priddy


added that a launching ramp would make it easier for the Fire Department to get to the river to test their pumps.

Motion for the adjournment of the meeting was made by Councilman Paul Hill. Councilman Vernon Casebolt seconded the motion. The motion carried.

The benediction was given by the Reverend James Arbogast of the St. Pauls United Methodist Church.



William D. Gibson, Mayor



Tom Melton, Recorder

NITRO CITY COUNCIL MEETING

September 3, 1974

The regular meeting of the Nitro City Council was held in the Council Chambers on September 3, 1974, at 8:00 P.M. Present were Mayor William D. Gibson, City Recorder Tom Melton, City Attorney Frank Armada, Councilman Thomas Lilly, Councilman Paul Hill, Councilman Vernon Casebolt, Councilman at Large Keith Priddy, Councilman at Large Dr. R. V. Allen, and Councilman at Large Hugo Tidquist. Councilman Dewey Mann was on vacation.

The meeting was called to order by the Honorable William D. Gibson.

APPROVAL OF COUNCIL MEETING MINUTES FOR AUGUST 20, 1974: Mayor Gibson reminded Council that each had received a copy of the minutes for the meeting of August 20, 1974, and had been given an opportunity to review them. Councilman at Large Dr. R. V. Allen made a motion for approval of the minutes. Councilman Vernon Casebolt seconded the motion. All present voted in favor.

APPROVAL OF THE JULY FINANCIAL STATEMENT: Councilman Thomas Lilly, Chairman of the Finance Committee, asked if everyone had received the amended copies of the financial statement, and if there were any questions. Councilman at Large Dr. R. V. Allen made a motion that the financial statement be approved. Councilman at Large Hugo Tidquist seconded the motion. The vote of approval was unanimous.

AUGUST FINANCIAL REPORT: Councilman Thomas Lilly gave the following report:

Balance July 31, 1974	18,102.03
Receipts for the month of August	<u>58,435.10</u>
	76,537.13
Disbursements for August	<u>46,270.02</u>
Balance	\$ 30,267.11

ENGINEERING REPORT ON THE STORM DRAINS AT BROOKHAVEN: Councilman at Large Hugo Tidquist, Chairman of the Storm Drain Committee, stated that the Storm Drain Committee feels they should have additional time to study the Engineering report, and they would like to have a meeting with the Finance Committee and the Engineer, in order to make the determination on the best possible solution. He also feels that if the State Department of Highways is going to install a larger drain under the highway, this should be done before the city starts work on the project. The larger drain will be needed regardless of which plan the city decides to use.

REPORT ON UPGRADING OF THE STREET LIGHTS: Councilman at Large Keith Priddy, Chairman of the Street Lighting Committee, gave the following report: The up-grading of the street lights has been completed as per the engineering survey that Appalachian Power Company made. Councilman at Large Priddy asked that each councilman check his ward to see if the lighting is adequate and give what recommendations he may have by next council meeting, and then the Street Light Committee will act on it.

SOUTHERN STANDARD FIRE PREVENTION CODE: Councilman Vernon Casebolt, Chairman of the Fire Department Committee, stated that his committee has been unable to complete their study of this, and he would like to wait until next council meeting before making recommendations.

BLOCKING OF OLD COUNTY ROAD: Councilman at Large Dr. R. V. Allen, Chairman of the Street and Traffic Committee, reported that he and another councilman visited the area before council meeting and that the road was clear. He also stated that in conversations with the lady who had visited council meeting, she told him that the road is being kept open. Mayor Gibson said that he had advised the Police Department of the problem, and had asked them to make sure the road is not blocked any more.

REFERENCE TO THE CHARTER BOARD: Mr. Frank Armada, City Attorney, gave the following report: There is an alternate plan for amending a city charter, which would be required if you wish to put a limit on the number of terms of the mayor, city recorder, or a member of council. The alternate plan, which is included in Chapter 8, Article 4, Section 8, Code of West Virginia, is that Council by Ordinance may propose the amendment, and that the public is to be given notice of a public meeting in regard to the consideration of that ordinance. In the event that there is one or more written protests in regard to the proposal, then an election must be held. It could be either at the next general election, or Council by two-thirds vote could provide for a special election. Mr. Armada stressed that Council can propose the ordinance, but must remember that it is not like a regular ordinance because you must give the people notice and eventually it would probably involve a vote of the people on the question.

Councilman Thomas Lilly asked about the procedure to draft a complete new charter. Mr. Armada replied that he had not researched this, but it would appear to be a rather involved procedure. Mr. Armada added that we are operating now under Chapter 8 of the West Virginia Code, as most cities are, and this code was up-dated by the West Virginia legislature in 1969. The alternate plan he had already described is for amending one specific area of a city charter. To consider forming a complete new charter, Council would need to have a two-thirds vote and call for a special election of the people to determine if they want a new charter. If this vote passes, then there are special provisions in the code in regard to forming a Charter Board, etc. If Council wishes to be informed on this area, Mr. Armada stated that he would research it. Mr. Armada stated that apparently Council's major concern was with an amendment,

of certain elected officials succession rather than a complete new charter. Councilman at Large Tidquist asked "What do we really expect to gain by a new charter?" Councilman Casebolt replied, "If you mean limiting the Mayor, you ought to know that Particularly you and Dr. Allen." Councilman at Large Dr. Allen responded "If it's a matter of saying the Mayor or an elected official should only serve two terms, couldn't this group pass a resolution which is a moral obligation wouldn't that suffice?" Councilman at Large Keith Priddy stated that it was the Ordinance Committee's thought that our city charter is forty-two years old, and possibly should have some changes made in it. Mr. Armada replied that our charter has been amended whether we like it or not by the state Legislature in 1969. When Chapter 8 of the West Virginia Code was recodified it stipulated that should a city charter be silent on a subject, the West Virginia code would apply; and if a city charter is in conflict with the Code, the Code would still apply. Mr. Armada told Council, "In regard to forming a new charter, you must have agreement of the Charter Board members, and in that you're talking about a year of debate before you can present it to the public." Mr. Armada stated that he knew of no local municipality that has adopted a new charter, and once again pointed out that the 1969 amendment of the State Legislature recodified municipal laws.

NEW BUSINESS: Mayor Gibson read a letter from the United Fund of Kanawha Valley asking permission to continue their yearly fund drive in the city. Councilman at Large Dr. R. V. Allen made a motion that permission be granted. Councilman at Large Hugo Tidquist seconded the motion. All councilmen voted in favor.

Mayor Gibson stated that there have been some leaks on different occasions in the roof of the city building. We presently have a bad leak in the Police Department. Some repairs will be made as soon as it is dry enough. Councilman at Large Keith Priddy stated that a leak had also appeared in the Fire Department. Mayor Gibson recommended that the Building and Planning Committee investigate the possibility of having a new roof installed since it appears that the present roof is the original one installed when the City Hall was built.

Mayor Gibson reported that one police cruiser has well over 100,000 miles on it, and he would like to recommend that consideration be given to buying a new cruiser. He asked that the Police Department Committee study this matter.

Councilman at Large Hugo Tidquist: No new business.

Councilman Thomas Lilly: No new business.

Councilman Paul Hill: No new business.

Councilman at Large Dr. R. V. Allen: No new business.

Councilman at Large Keith Priddy: Councilman at Large Priddy wanted to know if our community had been asked to participate with the proposed Putnam County Clinic. Councilman at Large Dr. Allen replied that he has had a few conversations with them on the telephone.

Councilman Vernon Casebolt: Councilman Casebolt asked that a storm drain at the corner of DuPont and Dogwood be checked. He also asked that the Street Committee look into the matter of food trucks using the back streets behind Fas Chek Market. Councilman Casebolt stated that he has calls about cars speeding in the vicinity of Main Avenue near Ash and Kapok Streets and the bridge. Another area of speeding is between Lock and West 11th on Broadway. He asked if this area could possibly be designated a 15 miles per hour zone.

Recorder Tom Melton: No new business.

Councilman Vernon Casebolt made a motion for adjournment of the meeting. The motion was seconded by Councilman at Large Keith Priddy. The motion carried.

William D. Gibson
William D. Gibson, Mayor

Tom Melton
Tom Melton, Recorder

NITRO CITY COUNCIL MEETING

September 17, 1974

The regular meeting of the Nitro City Council was held in the Council Chambers on September 17, 1974, at 8:00 P.M. Present were Mayor William D. Gibson, City Recorder Tom Melton, Councilman at Large Keith Priddy, Councilman at Large Dr. R. V. Allen, Councilman Vernon Casebolt, Councilman Thomas Lilly, Councilman Dewey Mann and Councilman Paul Hill. Councilman at Large Hugo Tidquist was absent. Also present were City Attorney Frank Armada and Street Superintendent Gene Williams.

Mayor William D. Gibson called the meeting to order.

APPROVAL OF COUNCIL MEETING MINUTES FOR SEPTEMBER 3, 1974:

Mayor Gibson reminded Council that each member had received a copy of the minutes in the mail and had been given an opportunity to review them. Councilman Vernon Casebolt made a motion that the minutes be approved as presented. Councilman at Large Dr. R. V. Allen seconded the motion. All present voted in favor.

APPROVAL OF THE AUGUST, 1974, FINANCIAL STATEMENT:

Councilman Thomas Lilly, Chairman of the Finance Committee, asked if there were any questions regarding the August financial statement. Councilman at Large Priddy questioned an expenditure of \$459.00 to Smith & Lewis Trucking Company. Mayor Gibson explained that a tandem truck with a driver was rented from the company to haul dirt from the Church of Christ church to the City's landfill. The Church of Christ furnished equipment and loaded the truck. Councilman Lilly moved that the financial statement be accepted as presented, and it was seconded by Councilman at Large Dr. Allen. The vote of approval was unanimous.

SECOND READING OF THE PROPOSED SANITARY SEWER RATE ORDINANCE:

The second reading of the proposed Sanitary Sewer Rate Ordinance was read by Mr. Tom Melton, City Recorder. Councilman at Large Dr. Allen moved that the Sanitary Sewer Rate Ordinance be accepted. The motion was seconded by Councilman Lilly. Councilman Vernon Casebolt expressed disapproval of the Ordinance, saying that an increase in sewer rates would be a hardship on people with fixed incomes who have been hard hit by rising prices. Councilman at Large Dr. Allen said he, too, feels sympathy for these people, but the sewage disposal plant is something that must be built. The first grant approved by the Federal Government for this will expire unless ground is broken for the beginning of the plant soon. Councilman Lilly added that for every month of delay, Council may expect the cost estimates to increase from 3 to 7 per cent, and should the first grant be lost, it could very well be possible for sewer bills to run a \$15.00 or \$20.00 minimum. And then, too, there are some areas of Nitro that have been promised sewers for a long time. Councilman Lilly also explained that the first grant approved through the Federal Government is for \$604,500.00 toward the secondary improvement of our existing primary plant. The second grant is in the process of approval at

this time, and it will be in the approximate amount of \$300,000.00, and unless we take advantage of what we currently have at this time, and break ground by December 12, we stand the possibility of losing the 75% matching money on the first grant. At this point a vote was taken, and all present voted in favor except for Councilman Vernon Casebolt. A copy of said Ordinance is attached hereto and made a part hereof.

SOUTHERN STANDARD FIRE PREVENTION CODE: Councilman Vernon Casebolt, Chairman of the Fire Department Committee, stated that the Fire Department Committee had met with Chief K. K. King, and after reviewing the Southern Standard Fire Prevention Code, they would like to recommend an ordinance be drafted adopting this code for the city of Nitro. This would be the 1974 edition of the code. His motion was seconded by Councilman Thomas Lilly, and was passed by unanimous vote.

RECOMMENDATIONS FOR STREET LIGHTS: Councilman at Large Keith Priddy, Chairman of the Street Light Committee, stated that he has two requests for street lights from the Fourth Ward, and he feels they are justified, but he would like to keep this matter in committee until he has heard from all Councilmen so the recommendations can all be handled at one time.

ROOF REPAIRS TO THE CITY BUILDING, GARAGE AND FIRE DEPARTMENT: Councilman Paul Hill, Chairman of the Building and Planning Committee, presented each Councilman with a set of specifications and made a motion that bids be advertised for the reroofing. The motion was seconded by Councilman Casebolt. All Councilmen voted to let out bids for reroofing per specifications. Sealed bids are to be opened at next council meeting on October 1, 1974.

NEW POLICE CRUISER: Councilman Paul Hill, Chairman of the Police Department Committee, presented each Councilman with a set of specifications and moved that bids be let for a new 1975 Police Cruiser to replace the 1971 Dodge which has more than 100,000 miles on it. Councilman Vernon Casebolt seconded the motion, and it passed by unanimous vote. Sealed bids are to be opened at regular Council meeting October 1, 1974.

NEW BUSINESS: Mayor Gibson stated that there has been a good deal of damage done to city owned land near the Ridenour Memorial Park by the Burdette Oil & Gas Company. In an effort to get heavy equipment in to the site of an old oil or gas well, the company had bulldozed a new road, torn down several trees, and had equipment stuck in the mud. They had obtained no permit to be working in the area at all. Among personnel investigating the situation were Mr. Kenneth Rumbaugh of the Department of Highways, and Mr. Tighe of the West Virginia Water Resources Department. The state conservation officers, Mr. Mearns and Mr. Dunn, issued a citation to Mr. Burdette for operating a sewage disposal system without a permit. Mr. Burdette is to appear before Magistrate Al Shepherd. Others investigating were Mr. Chester Johnson, project coordinator for the watersheds in Kanawha County; and

Mr. Dixie Shreve of the U. S. Soil Conservation office. The Mayor further stated that Mr. Armada and Chief Craft had taken a look at the area. Mayor Gibson recommended that we turn this matter over to our city attorney, Mr. Frank Armada. He can work along with Mr. Hayne, the city engineer, and Mr. Dixie Shreve of the Soil Conservation District to document how much damage has been done to city property. Councilman at Large Dr. Allen stated that he personally has gone up to see the damaged area, and he recommended that each councilman should go to see it. He said there was quite a bit of mud on the road and during the rainy season it was slippery and dangerous. Councilman at Large Dr. Allen made a motion that this matter be turned over to our city attorney. Councilman Vernon Casebolt seconded the motion. All present voted in favor.

Councilman Vernon Casebolt asked about an area on the north side of the lake that appears to need seeding. Mayor Gibson replied that he thought this was a recommendation of Mr. Dixie Shreve in recent correspondence from him. Mayor Gibson also mentioned that he has had correspondence from Mr. Shreve; Mr. Ken Judy of Applachian Power; and Appalachian Engineers, Inc., regarding the Columbia Gas Transmission Company's request for permission to install a ground bed in an area near the lake. If Council has no objection he would like to have Mr. Armada make a study of this and have it put on the agenda for next council meeting.

Mayor Gibson read a letter from the Putnam County School Board's director of music requesting permission to have a parade on Saturday morning, September 21, and asking for police cooperation in stopping traffic and escorting the parade. Councilman at Large Keith Priddy made the motion for approval, which was seconded by Councilman at Large Dr. Allen. All present voted in favor.

Mayor Gibson also read a letter from the Kidney Foundation of West Virginia asking permission to have a candy sale during the month of October. Councilman Thomas Lilly moved that permission be granted. Councilman Vernon Casebolt seconded. All voted in favor.

Councilman at Large Hugo Tidquist, Chairman of the Storm Drain Committee, had requested that a meeting be called for involving the Storm Drain C ommittee, the Finance Committee, and Mr. Hayne of Appalachian Engineers, in order to make faster progress on the storm drains for Brookhaven. This meeting was set for Wednesday, September 25, 1974, from 9 to 11 A. M., to be held in the Mayor's Conference Room.

Mayor Gibson stated that he has received a letter from Etna Life & Casualty Company which questions our claim for damages sustained by our fire truck and emergency vehicle while fighting a fire at Fike Chemical. If Council has no objections, he will turn this letter over to Mr. Frank Armada, the city attorney, and request that he answer the same.

Councilman Thomas Lilly: Councilman Lilly asked about the progress on the plans for the garage. Mayor Gibson replied that Appalachian Engineers are still working on their study of the area and we should have their full report in time for next council meeting. The recently ordered zoning maps should be ready for us by the last of this week.

Councilman Lilly also asked about the mobile home that had been moved into a residential area. Mr. Frank Armada stated that he was waiting until we receive the zoning maps from Appalachian Engineers before any action is taken.

Councilman Lilly's next question concerned the water that stands by the road across from the Bobbie Brooks plant. Mayor Gibson replied that Mr. John Miller of the State Department of Highways, who is an assistant to Commissioner Ritchie, has been down to check on the situation, and he feels sure something will be done soon. The Department of Highways is trying to force the original contractor to return and fix the drainage.

Councilman Paul Hill: No new business.

Councilman Dewey Mann: Councilman Mann reported that he has had recent conversations with Mr. Sublet of the Mische Company and he has been informed they hope to speed up the process of codifying the ordinances for the city of Nitro. No definite date could be set for the conference on this, but he did request that the conference be held in Charlottesville. Mr. Sublet will send a letter as soon as a definite date can be set for the conference. Mr. Sublet also stated that they will make the amendments to the city charter which were passed recently by the West Virginia Legislature.

Councilman at Large Dr. R. V. Allen: Councilman at Large Dr. Allen stated that the Lions Club wanted him to express their appreciation to the city government and to the Police Department for their cooperation during the Antique Car Show held last Saturday.

In regard to Councilman Casebolt's remarks about trucks using the back streets near Fas Chek Market, Councilman at Large Dr. Allen stated that this seems to be a universal problem. He believes that when a truck enters a side street in order to make a delivery, they are permitted to proceed to the next exit. A discussion followed regarding busses traveling on Second Avenue. Dr. Allen said he had also had a complaint about church busses.

Councilman at Large Keith Priddy: No new business.

Councilman Vernon Casebolt: Councilman Casebolt asked about the status of lights at Ridenour Memorial Park. Mayor

September 6, 1974

Members of the Nitro City Council present were: Councilman, Dewey Mann; Councilman, Tom Lilly; Councilman at Large, Keith Iriddy; Councilman at Large, Dr. R. V. Allen. Members of the Nitro City Council absent: Councilman Paul Hill; Councilman, Vernon Gasebolt; Councilman at Large, Hugo Tidquist; and City Recorder, Tom Melton.

Members of the Nitro Sanitary Board in attendance were: Chairman, Mayor Gibson, Board member, Douglas Bess. Absent was Donald Karnes, Board member.

The meeting was called to order by Mayor Gibson followed by a welcoming speech, thanking those citizens of Nitro for being concerned enough to attend a Public Hearing on the Nitro Sanitary Board Rate Case. Mayor Gibson asked that those present wishing to ask questions, or discuss other items, should be recognized, then to state their name, before proceeding on to their question.

At this point Mayor Gibson proceeded to read items of importance into the minutes of the meeting.

A meeting involving the Nitro Sanitary Board was held at the Nitro City Hall on July 6, 1974. By unanimous vote it was decided that the Nitro Sanitary Board should introduce a proposed amendment to the existing Sanitary Sewer Rate Ordinance, for the Nitro City Council's consideration. The vote of the Sanitary Board also included that certain Resolution or documents be drawn up in a legal manner, and the Nitro Citizens be kept informed as prescribed by law. The primary objectives of the Nitro Sanitary Board are as follows:

1. Up-grade our present sewer treatment plant to meet State and Federal secondary treatment standards.
2. Provide Sanitary Sewers to various areas within our corporate limits, including the areas of Riverdale Acres and the 40th Street Road section.
3. Provide better maintenance in the future to the over-all sanitary sewer system.
4. To provide 25% matching money, thereby, making it possible to take advantage of approximately \$1,666,250.00 of 75% Federal Matching Grants.

A Resolution was passed by the Nitro City Council as follows:

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF NITRO, NITRO WEST VIRGINIA, AT A REGULAR MEETING HELD ON AUGUST 20, 1974, THAT NOTICE BE GIVEN TO ALL SUBSCRIBERS AND USERS OF THE SANITARY SEWER OF THE CITY OF NITRO, OF A PUBLIC MEETING TO BE HELD FRIDAY, SEPTEMBER 6, 1974 AT 7:00 PM, IN THE COUNCIL ROOM OF CITY HALL; AS REQUIRED BY CIVIL WAR 8, ARTICLE 16, SECTION 7 OF THE CODE OF WEST VIRGINIA, OF 1931, AS LAST AMENDED BY PUBLICATION AS HEREIN SPECIFIED.

to have published everything in the local news media, the Kanawha Valley Leader, with an article appearing in the Kanawha paper, the Daily Mail, informing the citizens of Nitro of said meeting to do.

At this point Mayor Gibson introduced the members of the Nitro

City Council and the Nitro Sanitary Board to the citizens present.

The meeting was then opened for questions from citizens of Nitro.

Q. Leo Knowlton: I notice that the old sewage rate was \$2.60 based on 4,000 gallons, now it is going to be raised to \$3.75 based on 2,500 gallons of water used.

A. Mayor Gibson: I wouldn't we have a second reading, approved by Nitro City Council on this proposed Rate Ordinance, and providing the Public Service Commission of West Virginia approves the rate structure.

City Council must vote again after the second reading, then we must go to the Public Service Commission for their final approval.

Q. Leo Knowlton: This goes into effect at midnight tonight, is this correct?

A. Mayor Gibson: No sir, it does not. We must bring it before Council again, then Council has to decide on the matter, vote to accept or reject the rate. If passed, then it will be taken into the Public Service Commission for the final decision.

Q. Douglas Boss: Do you have some question other than the rates going up?

Leo Knowlton: I can see possibly raising the minimum fee, but I cannot see raising the amount of gallons.

A. Douglas Boss: All we take the proposed rate for 4,000 gallons, which is

the same as it is today, which would not be the minimum. The proposed rate now is, \$5.70 if you need 4,000 gallons of water per month, as opposed to the \$2.60, but the comments we had at the last public hearing for the proposed rate ordinance, there were a number of comments, although the 4,000 gallons had been the minimum ever since there was a sewage fee. That there were a lot of elderly that do not use that much water, but they pay for that amount. The previous proposal was that the rate be based on 4,000 gallons per month, the rate would have been \$5.10; which would have resulted in the minimum fee going from \$2.60 to \$5.10. This would be almost double, presently it is \$5.70, which is more than double, but what we have done, is response to the comments we have received before. I think some of the Council thought perhaps in the same way, that we should drop back the minimum usage, so that those people that use a lower amount of water without the rate doubling. What in essence, this does is that those who are using more water are paying somewhat more. The rate the last time represented almost a doubling between the bill and the proposed rate. It is still in essence doubling the rate, this as I am sure you know, due to the fact that we must acquire a certain amount of bonded indebtedness to build a Secondary Treatment Plant. This the State of West Virginia has told us that this is our responsibility to provide this secondary treatment, plus the fact that the most recently annexed areas, the people there deserve, as citizens of Nitro, to have sewage. There is a construction project, consisting of about \$1,500,000.00, the local share being about \$350,000.00 and the bonded indebtedness in paying that off, accounts for part of the increase, the balance of the increase is to cover the cost of operating a secondary treatment plant.

A. Dr. Allen: To help you answer Mr. Knowlton's question, we did not just pick this out of the air, at the last protest meeting, as Mr. Boss stated, there were here representing the Senate Citizens, and this was one of the things they brought to our attention. Also at the time we went before the Public Service Commission, they

stated that the percentage of the people living within our community that use less than 2,000 gallons of water. Those people are the ones that cannot really afford to pay a large bill. This is the reason we made the change in the gallons of usage. Mr. Lilly may have the percentage breakdown on those coming under this low usage.

A. Tom Lilly: The percentage is 42% using less than 2,000 gallon. All of this is geared into the rate structure. Had the former rate as proposed gone all the way, with the approval of City Council, then the approval of the Public Service Commission, then the elderly retired couple using say less than 2,500 gallons, they would have been paying a minimum of \$5.10 at that time. With the cost of construction going up at this time, the rate would have been \$5.70 minimum, had we used the same

The Council at that time, rather than have a greater burden on this particular area, we would rather charge the minimum that the rate is based on. In other words, spread it around a little more, so that the people that were in a position to pay would be paying a little bit more, so that the people that were not in a position to pay would still be able to have the usage of the service.

A. Douglas Bess: As you know, there are counter arguments that we have discussed about that, I felt might be worth mentioning. One of the thoughts being that you have to have a sewage treatment plant built, it must be built to handle the capacity of sewage we may reach, so even though you don't use water, you can't charge solely on the basis of water, in other words, if you don't use any water you don't get billed that month. Because a treatment plant had to be built in the anticipation that you might use some water. I think that is the reason behind the minimum charge.

I think the feeling of the Sanitary Board when we went into the last hearing, we did propose 4,000 minimum stay at that amount. I guess we chose not to make a change in the minimum. I think some logic behind that is that the original rate went into effect in 1959, probably \$2.60 in 1959, and \$5.10 in 1974, are not too far from being equivalent in number of dollars. As Mr. Lilly pointed out there seemed to be the feeling on the part of the people at the last meeting that they would like to see the minimum figure dropped. We have just responded to that. A person using 4,000 gallon will pay \$5.70 under the proposed new rate structure, as opposed to the \$5.10 under the rate structure as proposed at the beginning of the year. I think we feel that this seems to be a reasonable approach.

Q. Leo Knowlton: Is this disposal plant been built?

A. Douglas Bess: No, it has not been built.

Q. Leo Knowlton: Was this brought up several years ago?

A. Douglas Bess: Yes, as a matter of fact the State required this in 1966, asking that all municipalities in the valley to build a waste treatment plant. I believe we received the Order from the State in 1968. We did not rush out to build this, as you can readily see. It is a long standing order, it is something the other cities of Dunbar, St. Albans, as I understand it are at the point of starting construction. The City of Charleston, the City of So. Charleston also has to do this. Probably in the order of population, we may be a little bit further behind than some of the other cities are.

Yes, we have been required by the State of West Virginia, of course, the 1972 Federal Water Pollution Control Act also regard on that we have secondary treatment by 1977.

A. Dewey Mann: Mr. Knowlton, on that 42% that was mentioned was not too clear, the 42% of the residents were using less than the minimum, which was 4,000. Yet they pay, then 13% of the residents use less than 1,000 gallons, and 26% use less than 2,000, but they pay the minimum.

That is the reason they thought to shift the burden of payment to those who actually used more.

2. G. F. Sizemore: In connection with the minimum on the Sanitary Fee, along with that the West Virginia Water Company, has all but doubled our water rate, the power company is putting about 20% more. Now my question is, is the City of Nitro protesting this huge water rate, or taking this into consideration?

A. Mayor Gibson: We have faith, or at least I do, those who are up on how the Public Service Commission operates, realizes that the Public Service Commission deals with a real iron fist, and just recently the Telephone Company has had to refund about \$10,000,000.00 to the users. Not too long back they made the Power Company refund some money, as well as at one time the Water Company. The Public Service Commission is under the gun all the time, and you have to convince them that the charges are necessary. They have experts on the Commission, they have an engineering staff, and an attorney staff, some very knowledgeable persons are connected with the PSC.

It is just the idea that if we are adding too much, not using good business judgment, with the staff of persons we are surrounding ourselves with, an awful lot of this information we have been supplied to us by Certified Public Accountants, registered professional civil engineers, again as Dr. Allen pointed out awhile ago, we are not just pulling figures out of the air, these have been documented and must be approved by the Public Service Commission. This is just a matter of upgrading the treatment system, matter of taking advantage of over \$1,000,000.00 in Federal money, we must prove this to the Public Service Commission.

If we are off base, then they will not approve the rate increase, they will make us cut it down.

I have a letter from the State of West Virginia, Department of Health, any-one wanting a copy may have one if so desired. This is over the signature of C. Russell Rader, dated May 1, 1974. The letter is addressed to me and reads as follows:
"Dear Mayor Gibson: On Monday, April 29th, 1974, I inspected the sewage treatment plant for the City of Nitro. The overall operation of the treatment plant could only be considered poor, there are several items that need your prompt attention, and should be corrected immediately. As you all are well aware, only one of the two clarifiers is in operation and is not doing a very good job of removing settleable solids. The clarifier, that is down, needs extensive repairs to all weir, baffles, scrapers, and also needs the top of the digester repaired (it has several large cracks in it.) The flow meter is not working and needs to be repaired. The Parshall Tube needs to be removed due to the extensive erosion of the sides. The chlorine gas chamber was acting like a secondary settling basin and needed to be cleaned. I could not check the chlorine feed because the building was locked and no operator was there. The sludge drying beds don't appear to be used as often as they should. My feeling is that your licensed operator for this plant should be at the plant during the entire shift except for emergencies. Your operator is rarely at the plant. With the shape that your facility is in, the operator would not have to look for work to do."

I realize all of these items cost money, but it has come to the point in time that people are going to have to pay for cleaning the environment.

I should also remind you that if you don't get your sewage rate up so that the plant is operated as a business and shows a profit, then some of the areas such as 13th Street, Nitro Park Addition, and the up-river end of town could and should be covered. The only way I know of doing these things is with a rate increase.

As you are aware, the Federal monies to up-grade your plant by adding trickling filters and a settling basin are scheduled to expire December 1, 1974, unless construction is started. This information is from Mr. Warren Means, Department of Natural Resources, Federal Money Co-ordinator. If you lose this Federal grant, you can be assured that it will be a long time before Nitro receives another Federal grant. Then the people would really be in for a big rate increase to up-grade their sewage treatment plant.

If I can be of any assistance on any of these problems, please advise me."

Mr. Rader is the Regional Engineer from the State of West Virginia Department of Health.

The present rates that the sanitary sewage system has, have not been sufficient to maintain what we have now. All we have now is just the Primary Sewage treatment. We have two employees total, trying to operate the system. If we have a problem anywhere, in the lines or anywhere else, we have two men that answer the call, that is day and night. You would be surprised how many times at night they must go out. We have two men operating the entire sewer system, that includes the plant and the lines. We have one pick-up truck, it is a 1969 Model Ford. No other equipment. We have been in financial difficulty for some time, you can tell from the letter from the Health Department that we have to do something to maintain what we do have.

Q. Dewey Mann: Did you ask when the rate would go into effect?

A. Leo Knowlton: I thought the paper said somewhere around midnight tonight.

A. Mayor Gibson: This is incorrect. The Rate Ordinance would not go into effect until the Public Service Commission gives their approval, and then not until the project of construction has been pretty well completed.

Q. Mrs. G. L. Sizemore: Recently, I read in one of the Daily papers that Mrs. Hallman stated that she had received only five complaints from Nitro about the increase of the water rates. She is a member of the Public Service Commission, and further that the reason she had not received more, being that we were enjoying the wonderful water that was now available to us.

I am wondering why more do not complain about the water rates in Nitro?

A. Mayor Gibson: I think this goes back to quite a few years ago, when a large amount of persons in Nitro were very upset about the very poor water we were receiving from Kanawha River, over here at the water treatment plant.

The water company was having to treat the water so much with chemicals to get it where it was drinkable, that the West Virginia Water Company saw fit to raise enough money to put a 36" line starting about 28th or 29th Street, and went all the way into Charleston with this line, taking water from Elk River. They put in a modern plant in the area there, and our water comes from Elk River.

I think a lot of persons remember when we did have very distasteful water to drink, and I think they realize that it did take a tremendous amount of money to put the line to Charleston, and to build what I understand is one of the most modern treatment plants in the country.

Q. Ed Maguire: I was recently rather shocked to see an ad you had put in the paper, concerning the revenue sharing money that you intend to spend this year and you asked for comments from the citizens, which I am attempting to give here tonight, that you were going to spend something like \$100,000.00 as operational maintenance, rather than as capital expense, which I believe that the majority of the revenue money has up to this time been used as capital expense. In view of the way some of these politicians are moving around lately, I hate to see you fellows leave here and leave us in the habit of spending \$440,000.00 a year for operating expenses and then have the revenue sharing stop.

A. R. V. Allen: I don't think that has any point in this meeting.

Ed Maguire: It doesn't, but like I said, it asked for comments, this is a Public Meeting, and I am going to throw that in.

A. Mayor Gibson: This is a public hearing to discuss the sanitary sewer system of the City of Little Rock.

Q. Ed Maguire: Is it possible that we can talk about Revenue Sharing on this money then?

A. Tom Lilly: Revenue sharing money under the guidelines as laid down by the Federal Government, cannot be used as matching money, in other words, it cannot be to match other money from the Federal Government. Since the 75% total cost of the whole project is Federal money, we cannot use any portion of the money as our 25% matching money.

Q. Ed Maguire: We could though, use the money to operate the personnel, the chemicals and so forth.

A. Tom Lilly: Yes, it could be used for operation expense.

Q. Ed Maguire: I notice we do not have a statement of the Sanitary Board of the past year. Does that come out every so often?

A. Mayor Gibson: It is due to be published soon. The Auditors each year audit the books, and as soon as they get their figures calculated, and all the facts are in, then our Secretary publishes this in the paper.

Q. Ed Maguire: You don't know at this time if you lost money or made money during the last year?

A. Mrs. Stephens: Our income was greater than our expenses, but this was due to collecting delinquencies that have been on standing for several years.

Q. Ed Maguire: Was any of the outstanding debt paid off, or is that information available at this time.

A. Mr. Douglas Beas and Mrs. Stephens: The amount of \$3,750.00 a month was paid toward retirement of the bonded indebtedness. Mr. Beas added this information was available in the report and that the State maintains that.

Q. Ed Maguire: I did not see anything this time about the rate that we will be charging Rock Branch Public Service District. Is this covered by this Rate Ordinance?

A. Douglas Bess: No, that will be covered by an agreement with Rock Branch Public Service District. This is a bond rate ordinance for the City of Nitro, I agree that there is an out of city rate, but this would be an out of city passing through the Nitro sewer system, rather than going directly into the treatment plant, such as Rock Branch will do.

Q. Ed Maguire: Some of the figures I have heard here tonight, 13% use less than 1,000 gallons, 26% use less than 2,000, and 42% use less than 4,000 gallons. A. Douglas Bess: Those are not added, a total of 42% use less than the 4,000; 13% and the 26% is part of the 42% figure.

Q. Ed Maguire: Overall the rates that you are showing us here tonight are pretty much 10% higher than they were back in the first of the year when you voted and accepted them. Would you care to explain whether this is due to inflation or to lowering the minimum rate?

A. Mr. Bess: It is actually, though I cannot break these down, a combination of the two. There was some inflation due to the estimate of the capital cost of the project being higher than it was at that time. There is also some modification as a result of changing the rate structure.

Q. Ed Maguire: Have you all ever figured out how you will keep from losing this government money in December?

A. Mayor Gibson: I don't know that it has ever been documented that we are going to lose it.

Q. Ed Maguire: The last meeting I attended down here you set a timetable up, and according to that timetable on July 17, you had to file your rate increase at that time in order to get this done by the 28th day of December. This is the 6th of September.

A. Douglas Bess: That was our estimated schedule, the schedule we hoped to be able to follow, we were not able to follow that schedule. The whole problem is the length of time that it takes us to go to the Public Service Commission, as I am sure you know. Our hopes, that we can persuade the Public Service Commission to promptly hear our case because of this impending potential for losing the Federal Grant. We certainly hope that the Federal Government will be sympathetic to the fact that we are moving, and moving as fast as we can, you know we can't get any assurance that we cannot lose that grant.

Q. Ed Maguire: Just one more question, and I am sure that this will be one of their leading questions to there: Why didn't you set the rates that had been approved back in February? Why did Council change their minds?

A. Keith Priddy: I might answer that. I think I was the one that made the motion to revert back to our original rate structure. We met with the Public Service Commission in a conference and due to the information received at this time, the guidelines and suggestions, and again because of some of the comments made by our people on fixed income, we felt it was not a realistic figure. As it turns out now, by the re-engineering and the inflation factor, it has not been a realistic figure. We have had to up grade the engineering, because of the inflation factor

the fact we had a new engineering report on the figures, and inflation has advanced quite a bit. Not just since February but since the original plans were made on it.

Q. Ed Maguire: The figures that you gave back in June 28, you said that they had increased from a \$1,200,000.00 up to \$1,550,000.00, which is pretty close to a 20% increase.

It keeps bugging me, why you didn't go on with that increase that you had. If this isn't the right one, are you going to change your minds again?

A. Keith Fridley: That figure didn't change 20% from February to June, it changed in two years. The original plans were made about two years ago and the figures we had in February were based on those figures. Then two years later, they were refigured because of the inflationary figures, and came up 20% higher.

Q. Ed Maguire: Surely when you get into handling that kind of money you are taking inflation and your engineers are taking inflation into consideration. What kind of figures are you using today, have it as June 28, with \$1,200,000.00, what are your figures going to look like today?

A. Dr. Allen: Those figures were established two years ago, the \$1,200,000.00

Q. Ed Maguire: You mean your engineer would come here and tell us in February about something that happened two years ago?

A. Mayor Gibson: We requested that they up-grade the figures.

Q. Ed Maguire: Do you think that the figures that you have here tonight will do the job with this rate increase?

A. Mayor Gibson: We are very confident that it will.

A. Tom Lilly: As in hopes to the answer, when the primary plant was initially proposed or engineered and an estimate was given for construction. The total cost factor was in the neighborhood of about \$605,000.00, this is what we currently have our primary financed. However, by the time this had been done, the rates had been secured, and the plant was actually constructed, we ended up with a bond indebtedness of \$750,000.00 plus \$155,000.00 from the Federal Government. So you can see, even then, there must have been something going by the time you engineered something, get an estimate, file for your rates, etc., the cost had gone up.

Again when the initial rates were presented to us, \$1,250,000.00 for the new construction aspect, this was all based on an estimate completed in 1972. After the first public meeting, before you can have a good public meeting, Council has to do some action. So Council took the liberty of going ahead and approving the initial reading of the first rate Ordinance, so that we could have a Public Meeting. We never have anyone come and say anything unless you do have a Public Meeting. Then the citizens come in and voice their feelings, they let it be known.

At that last meeting, after they had voiced the pros and cons, we took this under advisement, and decided that one, we didn't think there was enough money to actually do the job. So we requested the Sanitary Board to go back and have this re-estimated. This they did, and they came back with the estimated cost factor as of right now. Now, changes are, even if we break around by December 1, to save the first grant; we have time money involved. The first grant we have received \$601,500.00 and if we break around by the last part of December this is safe. This

is just for the primary up-grading of the primary to the secondary treatment plant. We have the second grant, that will be forth-coming to complete the collection lines into the 40th Street area and the Riverside area. Those people have been promised sewage since 1965, this was part of their deal of coming into the city, they would get sewage treatment.

By the time all this is said, Bond Ordinances are written, you go to the market to find people that will lend us money; it is conceivable that we might end up having to have another Rate Ordinance passed before it is ever completed. To go back to the Public Service Commission to ask for more money. Because it is no use of going through what we went through before. Someone dropped the ball somewhere by not going back and asking for a rate increase after the last plant was built. They took money that was used to operate the plant and paid on bonds, so this has meant that over all these years now, the plant has not been operated properly. As we read the audit reports, we find that the City, form the General Fund, has subsidized each year the operation of the plant. So that money that should have gone for garbage collection, street repairs, and things of this nature, has actually been put into some maintenance to be done on the sanitary plant itself.

So, in response to your question, no one knows, because we do not know what is going to happen tomorrow. You received your electricity bill in the last couple of days, what is going to happen when it goes on a monthly basis? There is an exonerated figure jacked into the program, in other words, you do have some inflationary cost that is already in the program, which you are allowed under guidelines. I don't know if it is 15% or what that is on top of everything else. Chances are that could be eat up in a month or two months, really we do not know, I can only say this, that as a member of Council, if when it comes to pass, if there is not enough money to operate it properly, then I would ask for another rate increase.

Q. Ed Maguire: It seems to me that we are getting an awful lot of money

and very, very, very few figures here tonight. Other than two year old figures and the figures from the Public Service Commission on how many people use water here in the City of Nitro.

A. Douglas Bess: What would you like to have?

Q. Ed Maguire: What do you estimate you are going to sell your bonds at, and what amount of bonds do you hope to sell?

A. Tom Lilly: I am the Finance Chairman for the City of Nitro, and it is the City of Nitro that actually sells the bonds, it is not the Sanitary Board, the Sanitary Board has petitioned the Council that they need more money to operate and that they need more money to add the additional service, to up-grade the plant, add the collective lines, etc. Presently, it looks as though we will have to sell \$388,000.00 in bonds. This is 388 bonds, we will have to sell them at a 5% Discount, and we are hoping at a 7% interest factor. Now, right now, if you go to the market on bonds, there is no takers, what this actually amounts to, everything looks as though we will end up with in the neighborhood of about \$13,000.00 a year that you pay your fees that you pay back these bonds over a 30 year period.

Back this up a little bit, you are currently paying roughly \$53,000.00 a year now for 35 years for that \$750,000.00 you used to build the primary plant, back when. Currently there is about \$700,000.00 owed on that, so you still have \$53,000 of your income right now from the users based on the \$2.60 rate means primarily that the Sanitary Board is receiving in the neighborhood of \$100,000.00 a year. You have \$53,000.00 of that going for bond indebtedness the additional \$17,000.00 of that must go for materials, equipment, processing and the operation costs of this particular facility. The new cost of operation will practically double, in other words, if we

anticipate about \$13,000.00 more dollars of bonded indebtedness, you can see we are close to \$100,000.00 each year just being paid for borrowing money. Now if there is some way, and we are looking at means to alleviate this situation, hopefully we can save some money on this route. Now we cannot use Revenue Sharing money, if we could we would. We get approximately \$150,000.00 each year in Revenue Sharing money. If we could have used this money, and I for one, and I am sure that each of the Councilmen and all concerned would say let's use all this money and use for matching money and leave the rates what they are. If that could be done, this is what we would have done.

We can use Revenue Sharing money for operation money for the plant, there is no criteria there, at the same token we are not sure Revenue Sharing is going to continue, so we would end up with the same ballgame again. We have to go for more rates to get operating money, so actually we are denying the city improvements that have long been overdue.

A. Dr. Allen: I think Mr. Lilly made a statement there which is very, very true. You go out on the bond market today and try to sell 388 bonds, or \$388,000.00 we are going to have a tough time, as they don't want to pick that type of bonding up. They are dealing in millions of dollars, we are anticipating 7%, they may charge us 9%. Where do we stand, how can we put figures out? All this, even the bonds, have to be approved by the Public Service Commission; they will make us protect the bond holders.

A. Tom Lilly: The City of Eleanor just completed a bond sale, and the only people that would buy them was the FIA, and they picked them up, and Eleanor is on the hook for the rest of everyone's life down there. The discounts and the interest factor is out of this world. We have a good bond background, the City of Nitro is in good accord, because we don't owe that type of money. We are hoping that if we must go to the bond market, we can get some local people that will pick up the bonds. In all fairness, a 5% discount, this means for every \$100.00 you deduct 5%. You get 5% less, say \$95.00 on every \$100.00 bond. Therefore, you must sell a lot more bonds to come up with the "x" number dollars to initially match the moneys with.

At 7%, this means as a bare minimum, you have \$388,000.00 bonds, and it will cost you, depending on how the market is, anywhere from \$115.00 to \$134.00 per bond per year for 35 years. If you figure that out, it is somewhere close to \$40,000.00 and \$50,000.00 a year just to borrow \$388,000.00. True, we should have done something a long time ago, we should have done it back in 1966, when the first citation came out. Nothing had been done, we are hoping to move now, before things get any higher.

A. Mayor Gibson: We are going to be forced into it, the Federal Government and State Government; they are forcing, not only Nitro, they are forcing all local Governments to up-grade their sewage treatment to secondary treatment.

Just like this letter from the State of West Virginia, Department of Health, from their head engineer. He mentions in the last paragraph, "As you are aware, the Federal monies to up-grade your plant by adding trickling filters and settling basin are scheduled to expire December 1, 1974, unless construction is started. This information is from Mr. Warren Means, Department of Natural Resources, Federal Money Coordinator. If you lose this Federal grant, you can be assured that it will be a long time before Nitro receives another Federal grant. Then the people would really be in for a big rate increase to up-grade their sewage treatment plant.

If I can be of any assistance on any of these problems, please advise me. C. Russell Rader, Regional Engineer, State Health Department."

So we are forced into doing something, not only that but you know, as someone else stated there awhile ago, I think it was Mr. Lilly, that when Alverdale Acres and 14th Street Road area, were annexed into Nitro, these citizens were promised fire protection, police protection, street maintenance, street lights, garbage and trash pick-up; they were promised these things. They were promised eventually, within a reasonable length of time to have sewage treatment service. Those citizens from about Blackwood all the way up to the end of the City Limits, then out 14th Street from about Baller Drive out, were promised sanitary sewer systems. These people are crying for sanitary sewage treatment and the fact that they are within our Corporate Limits, they are entitled to this service.

Q. A. Gabany: Are these people paying sewer fees now?

A. Mayor Gibson: No, they are not.

Q. A. Gabany: Why not?

A. Mayor Gibson: They are not receiving the service.

Q. A. Gabany: They are going to receive the service, it seems to me that they should have been charged the service when they were brought into the city.

A. Mayor Gibson: You can't really charge a sanitary sewer service if they are having to maintain their own septic tanks.

Q. A. Gabany: You are charging the sanitary sewer rate on the amount of water used, they are using water aren't they? If you promise the people something, then you should charge them for what they get.

A. Mayor Gibson: They haven't got the service as yet.

Q. A. Gabany: They would have had the service had they been paying from the beginning.

A. Mayor Gibson: It isn't that easy or that simple.

Q. A. Gabany: Well, you would have had the money, let's put it that way.

Q. I. Sizemore: I would like to throw this out, South Charleston tried this and had to refund the money.

A. Tom Lilly: The Public Service Commission, we had asked this question when we were at the previous meeting with them, and they said by no means will anyone pay one nickel until they are actually receiving the service. This means that even now, we are looking at a possible wait until they are actually connected, they will not pay the initial rate. Until everything is constructed, the pipes are in and they can turn the water on that goes out, we can't charge them.

I for one, and the rest of the Councilman, for the last year, we have attended a lot of meetings, looked at a lot of things, looked from every angle we could. We have requested at numerous times that the Sanitary Board go back and have the engineers check about letting our plant go to waste and piping into St. Albans, or South Charleston. We have looked at every aspect of this thing. We have looked at figures on every avenue, hoping that we could keep everything down to the bare minimum, that the citizens of Nitro would have to pay.

We can see no way, other than going ahead with what we have while we have the Federal money available. As the letter indicated, if we do not use this money, and we lose the grant, the Federal Government is going to make us go to Secondary Treatment and they will not give us any help, then we will have to pay 100% of the cost. If it cost on the average of \$125.00 on the year for each \$100.00 that would it cost for another one or two million dollars to do the job. That is one. Second, the Federal Government says, after these last grants, all the grants have more guidelines added to them. In other words, the grants we are getting, we have to provide under a certain amount of supervision from the Federal Government, how these plants are operated. It will cost us in the neighborhood of about \$60,000.00 a year to operate these now, under the Federal guidelines. This is going to be a requirement of accepting these grants.

The next grants have more, if you start looking at what you have to quality for these other grants, it would be out of this world.

Q. R. A. Collins: This question to Mr. Lilly. What was the total amount of the improvement cost on the sewage treatment plant plus the other improvements?

A. Tom Lilly: On the plant itself, the old figure, was \$805,000.00. In other words, in 1972, when the engineering was completed and they got a cost estimate, it would cost \$805,000.00, that is what Nitro submitted to the Federal Government.

The Federal Government approved this and came back and said we are giving you \$604,500.00 to work this project. We have received approval of the grant, in other words they have approved and we have the \$604,500.00 waiting to start the project on. Now, before, just on that one project, we have gone back: What is it going to cost now, with the inflationary trend for everything, and the new figures are \$1,555,000.00 with 75% matching money from the FWA is \$1,166,250.00.

Q. R. A. Collins: Then Nitro has to come up with the difference?

A. Tom Lilly: Yes, with roughly \$400,000.00.

A. Mayor Gibson: The amount is \$388,000.00, as presently calculated.

Q. R. A. Collins: To Mr. Lilly. Will the Rock Branch Public Service District pay anything to this plant project?

A. Tom Lilly: The agreement that the Nitro Sanitary Board and the Rock Branch Public Service District reached, was to treat their sanitation. They have in for a grant, they have received the grant, however, this would be contingent on someone agreeing to treat their wastes.

The Nitro Sanitary Board has entered into an agreement with the Rock Branch Public Service District and, I might add it is a very good agreement for the City of Nitro, why I say for the City of Nitro, is that the operation costs and the cost of building the secondary plant, money is going to come from them on this. In other words, the difference in having a plant to service say 10,000 people and treat it, and a plant to service 12,500 people, is roughly \$55,000.00 additional cost factor. Rock Branch is putting up the difference in what usage they would be having; really what it amounts to is, since they are doing this, it actually reduces our cost factor on the operations.

It is a good agreement that they did enter into, and it was beautiful that it happened at this particular time, because this could be geared in to keep our rates down. This is why when they were trying to solicit the Sanitary Board to enter on to our system, we said let's find out what it would cost us to enter into St. Albans, and let them build a larger setup, and treat all our sewage. After we found out the cost factor in this, it seemed better to go ahead with what we initially had proposed to do here.

Dr. Allen: I would like for Doug Bess, with is Union Carbide interest and experience, to make a few comments, with everyone seem to think we may not have enough money, or are not going to have enough money, he may make a comment on the Carbide experience along the lines of the costs of materials.

Mr. Bess: Carbide is running into the situation now, just in general buying, of large pieces of equipment for new facilities that are being installed, where the delivery times are becoming outrageous. You cannot get a firm price quoted on a piece of equipment now; you will get today's price, but when you purchase the equipment you purchase it at the then current price. In the past we have run into the situation where they would provide some potential estimation in delivery, but at the present time each piece of equipment we buy we will pay the price that is current when it is ready for delivery. We are running into 90 weeks in delivery time when it use to take less than a year. We are also having our own problems of having estimated a cost of a project a couple of years ago, and decided to build it today, and find that it has inflated quite seriously.

This is most certainly a universal problem, by their refusing to quote on something, unless they have the material on hand and can do the job the next day. Mr. Maguire, you asked a question about the cause of the rate increase. I noticed that Mr. Krieger stated in a letter that overall sewer rate increases is somewhat higher than originally offered, but he says that there is an approximate 10% increase, and he attributes that to the change in the cost of the project.

Mayor Gibson: I would like to elaborate a little on the Rock Branch agreement. We did enter into an agreement, however, we are not responsible in any way for any maintenance of their lines. All we have agreed to do is accept their sewage and to give them a fair price. Again this will have to be approved by the Public Service Commission. All we are willing to do and all we have agreed to do is to treat their sewage at a fair price to the City of Milwaukee and to Rock Branch Public Service District.

We will not go to Rock Branch, we are not responsible to them in any manner for their maintenance. They have organized a Public Service District of their own, and they also must deal with the Public Service Commission.

Ed Maguire: When do you expect to vote on this as a City Council?

Mayor Gibson: This will be up to the Council, but there is a chance that they may vote on it in the next Council meeting, and a slight chance that we may call a special meeting.

Mr. Bess: I would like to make a comment. In our discussion with the Council, as you know the last time, we had a public meeting, which was immediately followed by the Council meeting. A number of the Council members have made it clear to the Sanitary Board that we were pushing the Council trying to get them to expedite their approval. It was expressed by several Council members that they did not want to get into that situation again, that they wanted to have some time between this public hearing and the next convening of the City Council. This, in case something would

be brought up that could not be immediately answered, and some chance for Council to reflect upon the comments made by the public.

Keth Friday: If I may summarize my opinion on this project that we are

considering now. When we had the original rate increase ordinance, I had misgivings about it, and because I was not real familiar with the engineering and the accounting that had gone into it, and then after we had the conference with the Public Service Commission, I had some further doubts. All this has been re-engineered, since that time, the accountants has taken the engineers cost figures that he has to have to build the plant, and I am satisfied that the accountants have put this on a more equitable basis by lowering the minimum. That was one of my big hang-ups, I knew there were people on fixed incomes, to go from \$2.60 to \$5.10 and use less than 2,000 gallons of water, just didn't hold right. I am satisfied with the new rate structure that it is on an equitable basis, we have no choice but to build the plant, and supposedly our engineers and our accountants are qualified, certified people, and anyone you go to for an opinion, if you are not going to accept their expertise, then you are wasting your time and theirs to go to them to begin with. I feel that our main objective at this time is to go ahead with the project, whatever decision is made, if we do decide to adopt this rate Ordinance, we can break ground and not loose this Federal money that is involved. It would put all of us in a very embarrassing situation to loose the grant and still have to go ahead with the plant. I feel it is as equitable as it can be made and I am sure that as the Mayor pointed out while ago, if the Public Service Commission does not feel that it is, they are not bashful about letting us know.

A. Gabany: Going back on this price again, if this rate increase goes through, when do you expect the customer to have to start paying? Also, then if it goes through, and you start your construction, when do you expect construction to be ended so that the new people that are getting the benefits of it will start paying their fair share?

A. Mayor Gibson: Number one, it is our understanding that the Public Service Commission will not allow us to charge anyone for sewage treatment, unless they are in fact being allowed to tie on and take advantage of the facilities. It is a Public Service Commission ruling that they will not allow us to charge anyone for a service that they are not supplied with.

A. Gabany: That is not answering my question, if the rate goes through, when do those persons on the system start paying the new rate? After the construction gets started, when do you expect it to be ended, so that the new people who are not paying rates at all will have to start paying their fair share.

A. Mayor Gibson: The first thing is going to be to up-grade our primary treatment plant, to secondary sewage treatment. Those who are already tied in, when this plant is completed, then at that time they would have to start paying. Not before then, the plant will be completed, maybe a year to a year and a half. It depends on how fast the contractor can get the job completed. This was the opinion that we received during our conference with the Public Service Commission.

A. Douglas Bass stated that the date for completion must be by mid 1977. I am guessing the construction period will be a year to 15 months.

A. Tom Kelly: In clarification of this, there is two that is being started. In other words, the one group will start on the plant itself, convert from primary to secondary treatment; at the same time we are hopeful to let contracts to the extension lines to areas that are not sewaged at this time, we are hoping that it will all be

completed during the same interim. There again it would all depend on how fast we can get people to do this, when they can get the materials, etc.

In response to your second question, until you actually get usage of the secondary, you do not pay any additional rate. The new persons not currently being sewerer at this time, until the lines are in, they do not start paying for it. You must receive the benefit before you pay for it.

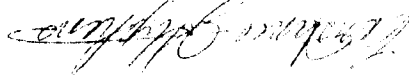
In the interim, we have to have this money to pay the contractors before, this is where the bond indebtedness comes in. We will have a lot of out-go, but no income from it, so this is the possibility of 16 months to two years paying for all this construction. How it works is a contractor comes in, does a months work, then submits a bill to the Contracting Officer, which will be in all probability, the Mayor. The Contracting Officer, then has to have this certified by one of the current engineers, making sure this is correct. Then this is sent on to the Federal Government, they send back their bill, we have to have our bill to pay this man. Generally it is two months after he has submitted his first bill before he gets his first check. The contractor is working two or three months before he gets his first payment. This goes on and on until completion of the total contract, they must be inspected and certified before any revenue is generated.

At this point Mayor Gibson asked if there were any other questions. As there were no further questions, Mayor Gibson entertained the motion that the meeting be adjourned.

The motion for adjournment was made by Councilman at Large, Dr. R. V. Allen, and seconded by Councilman Dewey Mann.

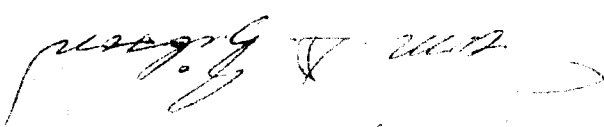
All present voted unanimously for adjournment.

Respectfully Submitted:



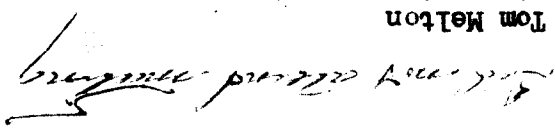
Wm. D. Gibson

Secretary-Treasurer



Wm. D. Gibson

Mayor-Chairman/Nitro Sanitary Board



Tom Melton

Nitro City Recorder

Kanawha Valley LEADER

1st AVENUE AT 35th STREET
NITRO, WEST VIRGINIA 25143

AFFIDAVIT OF PUBLICATION

STATE OF WEST VIRGINIA

COUNTY OF PUTNAM

, to wit:

I, M. K. Buxter, being first duly sworn upon my oath, do depose and say that I am

Manager

of Kanawha Valley Leader, Inc., publisher of the newspaper entitled the Kanawha Valley Leader; that I have been duly authorized by the Board of Directors of the corporation to execute this affidavit of Publication; that such newspaper has been published for more than one year prior to publication of the annexed notice described below; that such newspaper is regularly published weekly, for at least fifty weeks during the calendar year, in the Municipality of Nitro, Kanawha and Putnam Counties, West Virginia; that such newspaper is a newspaper of "general circulation," as that term is defined in Article Three, Chapter Fifty-nine of the Code of West Virginia, 1931, as amended, within the publication areas of Putnam and Kanawha Counties, the City of Nitro and the Municipalities of Poca, Bancroft, Eleanor, and Buffalo; that such newspaper averages in length four or more pages, exclusive of any cover, per issue; that such newspaper is circulated to the general public at a definite price or consideration; that such newspaper is a newspaper to which the general public resorts for passing events of a political, religious, commercial and social nature and for current happenings, announcements, miscellaneous reading matters, advertising and other notices; the annexed notice of:

Notice of Public Meeting, Sept. 6, 1974
City of Nitro

was published in said newspaper once a week for 2 successive weeks commencing with the issue of the 22 day of August, 1974, and ending with the issue of the 29 day of August, 1974, and that the cost of publishing said annexed notice was \$9.08

Taken, subscribed and sworn to before me in my said county this 5 day of Sept., 1974.
My commission expires June 13, 1982

Notary Public of Putnam County,
West Virginia

Kanawha Valley LEADER

1ST AVENUE AT 35TH STREET
NITRO, WEST VIRGINIA 25143

AFFIDAVIT OF PUBLICATION

STATE OF WEST VIRGINIA

COUNTY OF PUTNAM

to wit:

I, **M. K. Buxter**, being first duly sworn upon my oath, do depose and say that I am **Manager**.

of Kanawha Valley Leader, Inc., publisher of the newspaper entitled the Kanawha Valley Leader; that I have been duly authorized by the Board of Directors of the corporation to execute this affidavit of Publication; that such newspaper has been published for more than one year prior to publication of the annexed notice described below; that such newspaper is regularly published weekly, for at least fifty weeks during the calendar year, in the Municipality of Nitro, Kanawha and Putnam Counties, West Virginia; that such newspaper is a newspaper of "general circulation," as that term is defined in Article Three, Chapter Fifty-nine of the Code of West Virginia, 1931, as amended, within the publication areas of Putnam and Kanawha Counties, the City of Nitro and the Municipalities of Pocahontas, Hancock, Eleanor, and Buffalo; that such newspaper averages in length four or more pages, exclusive of any cover, per issue; that such newspaper is circulated to the general public at a definite price or consideration; that such newspaper is a newspaper to which the general public resorts for passing events of a political, religious, commercial and social nature and for current happenings, announcements, miscellaneous reading matters, advertising and other notices; the annexed notice of:

Proposed Ordinance

Operation, Maintenance, Sewage Disposal System

City of Nitro

was published in said newspaper once a week for 2 successive weeks commencing with the issue of the 22 day of August, 1974, and ending with the issue of the 29 day of August, 1974, and that the cost of publishing said annexed notice was \$231.54.

Taken, subscribed and sworn to before me in my said county this 5 day of Sept., 1974.
My commission expires June 13, 1982

Notary Public of Putnam County, West Virginia

David R. Hargis

Kanawha Valley LEADER

1st AVENUE AT 35th STREET

NITRO, WEST VIRGINIA 25143

AFFIDAVIT OF PUBLICATION

STATE OF WEST VIRGINIA

COUNTY OF PUTNAM

to wit:

I, **M. K. Buster**, being first duly sworn upon my oath, do depose and say that I am **Manager**

of Kanawha Valley Leader, Inc., publisher of the newspaper entitled the Kanawha Valley Leader; that I have been duly authorized by the Board of Directors of the corporation to execute this affidavit of Publication; that such newspaper has been published for more than one year prior to publication of the annexed notice described below; that such newspaper is regularly published weekly, for at least fifty weeks during the calendar year, in the Municipality of Nitro, Kanawha and Putnam Counties, West Virginia; that such newspaper is a newspaper of "general circulation," as that term is defined in Article Three, Chapter Fifty-nine of the Code of West Virginia, 1931, as amended, within the publication areas of Putnam and Kanawha Counties, the City of Nitro and the Municipalities of Poca, Bancroft, Eleanor, and Buffalo; that such newspaper averages in length four or more pages, exclusive of any cover, per issue; that such newspaper is circulated to the general public at a definite price or consideration; that such newspaper is a newspaper to which the general public resorts for passing events of a political, religious, commercial and social nature and for current happenings, announcements, miscellaneous reading matters, advertising and other notices; the annexed notice of:

Addition to Proposed Amendment To Sanitary Sewer Rate City of Nitro

was published in said newspaper once a week for 26 successive weeks commencing with the issue of the 22 day of August, 1974, and ending with the issue of 29 day of August, 1974, and that the cost of publishing said annexed notice was \$15.89

Taken, subscribed and sworn to before me in my said county this 5 day of Sept., 1974
My commission expires June 13, 1982

Notary Public of Putnam County,
West Virginia

AN ORDINANCE AMENDING AN ORDINANCE RELATING TO THE CONSTRUCTION, ACQUISITION, OPERATION AND MAINTENANCE OF A SEWAGE DISPOSAL SYSTEM IN THE CITY OF NITRO, THE DISCHARGE OF SEWAGE AND INDUSTRIAL WASTES TO THE MUNICIPAL SANITARY SEWAGE SYSTEM, AND THE IMPOSITION OF RATES FOR THE USE OF THE SERVICE RENDERED BY THE SEWAGE SYSTEM, AND FOR THE CONSTRUCTION, ACQUISITION, OPERATION AND MAINTENANCE OF A SECONDARY TREATMENT SANITARY SEWAGE DISPOSAL SYSTEM IN THE CITY OF NITRO AND SEWER SYSTEMS EXTENSIONS FOR 40th STREET AND RIVERDELL ACRES, AND THE IMPOSITION OF RATES FOR THE USE OF THE SERVICES RENDERED BY THE SECONDARY TREATMENT SANITARY SEWAGE SYSTEM.

WHEREAS, the City of Nitro, Kanawha and Putnam Counties, West Virginia, presently own a sanitary sewage system and proposes to acquire and construct a secondary treatment sanitary sewage system supplying sewer system in and to the City of Nitro and surrounding territory, and sewer system extensions for 40th Street and Riverdell Acres; and

WHEREAS, the West Virginia Department of Natural Resources has cited the City of Nitro, which citation required the said City to cease and desist from polluting the Great Kanawha River with the sewage from said City, and to construct a secondary sanitary sewage system; and

WHEREAS, the compliance with the citation of the West Virginia Department of Natural Resources required the construction and acquisition of a secondary sanitary sewage system in the City of Nitro; and

WHEREAS, the City of Nitro, in order to promote the health, safety, and welfare of the people of the City and to comply with the citation of the West Virginia Department of Natural Resources aforesaid, deems it advisable to construct and acquire a secondary sanitary sewage system and extensions of the existing system for residents of 40th Street and Riverdell Acres; and

WHEREAS, the estimated cost of the acquisition and construction of a secondary sanitary sewage system and extensions according to estimates prepared by Robert Y. Hayne, of Appalachian Engineers, Inc., Consulting Engineers is approximately \$1,555,000.00 and

WHEREAS, the City does not have available funds for the construction and acquisition of the addition to its present sanitary sewage system as required by the citation of the West Virginia Department of Natural Resources; and

WHEREAS, the City of Nitro does not have funds within the sources now available to it to pay the costs of administration, management, operation, maintenance, acquisition, enlargement and replacement of the present sanitary sewage system, and the intercepting sewer lines, pumping stations, treatment works and appurtenances; and

WHEREAS, it is necessary for the City to impose rates and charges for the use of the services afforded by the proposed secondary sanitary sewage system to obtain such funds; and

WHEREAS, the Environmental Protection Agency of the United States of America as authorized to grant the City of Nitro through the West Virginia Department of Natural Resources the amount of \$1,166,250.00 or seventy five (75%) percent of the cost of the project, and which grant requires the said City of demonstrate to the Environmental Protection Agency of United States of America, its ability to pay the remaining cost of said project; and

WHEREAS, it is the obligation of the producers of sewage and industrial waste to supply such revenue to the City in an equitable manner and in proportion to the service rendered to the benefits derived; and

WHEREAS, the City of Nitro, is authorized under the authority of Chapter 8, Article 8, of the West Virginis Code of 1931, as last amended, to fix, establish, and maintain, by ordinance, just and equitable rates or charges for the use of the services and facilities to be rendered upon completion of any works and system necessary to comply with any citation issued by the West Virginia Department of Natural Resources; and

WHEREAS, the Sanitary Board of the City of Nitro, after proper investigation has determined that the rates and standards for the use of the secondary sanitary sewage system and the computation of rates to be charged therefor as fixed by this ordinance are reasonable, necessary and proper for the work required to be done by the citation of the West Virginia Department of Natural Resources aforesaid, and have petitioned the City Council of the City of Nitro, to enact this ordinance establishing such rates and standards; and

WHEREAS, the City Council of the City of Nitro has previously enacted an Ordinance providing for rates and standards for the use of the existing sanitary sewage system; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NITRO, KANAWHA AND PUTNAM COUNTIES, that the certain Ordinances previously enacted by the City Council of the City of Nitro, entitled, "AN ORDINANCE RELATING TO THE CONSTRUCTION, ACQUISITION, OPERATION, AND MAINTENANCE OF A SEWAGE DISPOSAL SYSTEM IN THE CITY OF NITRO, THE DISCHARGE OF SEWAGE AND INDUSTRIAL WASTES TO THE MUNICIPAL SANITARY SEWAGE SYSTEM, AND THE IMPOSITION OF RATES FOR THE USE OF THE SERVICE RENDERED BY THE SEWAGE SYSTEM" is amended, to reflect the following new rates for the construction, acquisition, operation and maintenance of a secondary sanitary sewage system, but in all other regulations and such ordinances shall remain in full force and effect unless otherwise Amended by this Ordinance.

DIVISION 1-- Amending Division 5--

SEWER SERVICE SCHEDULE OF RATES:

1. There is hereby levied and assessed against all owners, tenants, or occupants of each and every lot or parcel of real estate or building having any active connection with the public sanitary sewage system or otherwise discharging sewage, industrial wastes, water or other liquids, either directly or indirectly unto said system or any part thereof, a service charge payable as hereinafter provided for and in the amount hereinafter provided.

2. The service charge for any owner, tenant, or occupant of each and every lot or parcel of real estate or building situated within or outside the corporate limits of the City of Nitro, having any connection with the City's public sanitary sewage system and discharging sewer, industrial wastes, water or other liquids into said system, shall be as follows:

SCHEDULE # 1

Applicable within the corporate limits of the City of Nitro.

AVAILABILITY OF SERVICE

Available for sanitary sewer service.

RATE (Based upon the metered amount of water supplied)

First	2,000 gallons used per month	\$ 1.55 per thousand gallons
Next	3,000 gallons used per month	1.30 per thousand gallons
Next	25,000 gallons used per month	1.00 per thousand gallons
Next	70,000 gallons used per month	.88 per thousand gallons
Next	100,000 gallons used per month	.70 per thousand gallons
All over	200,000 gallons used per month	.54 per thousand gallons

MONTHLY MINIMUM CHARGE - 2,500 gallons per month - - - \$3.75

DELAYED PAYMENT PENALTY

The above schedule is net. On all accounts not paid in full within (10) days of the date of bill, ten percent (10%) will be added to the net amount shown.

QUARTERLY OR BI-MONTHLY BILLING

The above rates and charges may be adjusted to a quarterly or by-monthly basis, providing no lower charges.

MULTIPLE OCCUPANCY

On apartment buildings, or other multiple occupancy buildings, each family or business unit shall be required to pay not less than the minimum monthly charge herein established. Motels and hotels shall pay according to the metered amount of water used. So-called mobile homes or house trailers grouped on so-called trailer courts will be billed like any other multiple-occupancy units.

House trailers, either mobile or immobile, located on sites other than a park or court shall be billed in the same manner as any other family or business unit and, if applicable, subject to the multiple occupancy provision of this rate schedule.

SCHEDULE # 2

Applicable outside the corporate limits of the City of Nitro.

AVAILABILITY OF SERVICE

Available for sanitary sewer service.

RATE (Based on the metered amount of water supplied)

First	2,000 gallons used per month	\$1.94 per thousand gallons
Next	3,000 gallons used per month	1.63 per thousand gallons
Next	25,000 gallons used per month	1.25 per thousand gallons
Next	70,000 gallons used per month	1.10 per thousand gallons
Next	100,000 gallons used per month	.88 per thousand gallons
All over	200,000 gallons used per month	.67 per thousand gallons

MONTHLY MINIMUM CHARGE - 2,500 gallons per month - - \$4.70

DELAYED PAYMENT PENALTY

The above schedule is net. On all accounts not paid in full within ten (10) days of the date of bill, ten percent (10%) will be added to the net amount shown.

QUARTERLY OR BI-MONTHLY BILLING

The above rates and charges may be adjusted to a quarterly or bi-monthly basis, providing no lower charges.

MULTIPLE OCCUPANCY

On apartment buildings, or other multiple occupancy buildings, each family or business unit shall be required to pay not less than the minimum monthly charge herein established. Motels and hotels shall pay according to the metered amount of water used. So-called mobile homes or house trailers grouped on so-called trailer courts will be billed like any other multiple occupancy units.

House trailers, either mobile or immobile, located on sites other than a park or court shall be billed in the same manner as any other family or business unit and, if applicable, subject to the multiple occupancy provision of this rate schedule.

SCHEDULE # 3

INDUSTRIAL SERVICE

The charge for the treatment of industrial waste will be calculated on the basis of the following formula:

$$Ci = VoVi + BoBi + SoSi$$

Ci=charge to industrial users per year.

Vo=average unit cost of transport and treatment chargeable to volume, in dollars per gallon.

Vi=Volume of waste water from industrial users, in gallons per year.

Bo=average unit of cost of treatment, chargeable to Biochemical Oxygen Demand (BOD), in dollars per pound.

Bi=weight of BOD from industrial users, in pounds per year.

So=average unit cost of treatment (including sludge treatment) chargeable to total solids, in dollars per pound.

Si=weight of total solids from industrial users, in pounds per year.

When and industrial user is to be served, a preliminary study of its waste, and the cost of transport and treatment thereof will be made. Waste containing materials which, in the judgment of the Sanitary Board, should not be introduced into the sewer system need not be handled by it. The results of this preliminary study will be used to determine the feasibility of the proposed sewer service and the charge thereof, based upon the formula set out above.

Thereafter, industrial sewage will be monitored on a regular basis at the conclusion of each fiscal year, based on the investigation aforesaid and audit of Sanitary Board records, new costs figures will be calculated for use in the above formula. The cost of establishing the monitoring facilities shall be paid by the industrial user. Based on these audited figures, additional billings covering the past fiscal year will be made for payment by each industrial user, or refund given by the Sanitary Board, as the case may be. Such audited figures will be used for the preliminary billing for the next fiscal year, at the end of which an adjustment will be made as aforesaid.

SCHEDULE # 4

APPLICABLE INSIDE AND OUTSIDE OF THE CORPORATE LIMITS OF THE CITY OF NITRO.

Where the amount of sanitary sewage discharge into the Nitro waste treatment system by certain industrial plant or plants cannot be accurately determined by the use of the plant's water meter or meters, a special formula will be used whereby such plant or plants will pay to the Sanitary Board of the City of Nitro a sewer charge calculated at fifty (50) gallons of water per each employee at the plant each working day.

SCHEDULE # 5

Applicable inside and outside the Corporate limits of the City of Nitro.

SERVICE CONNECTION FEE

1. Service Connection Inspection Fee - \$25.00

To apply where the service connection is in place ready for the owner to connect, generally at the property line.

2. Service Connection Fee - \$150.00

To apply where an opening must be made by the Sanitary Board in said Sanitary Board's collector sewer, and service line laid from such opening (tap) to owner's property line.

Gibson replied that both he and Councilman Priddy have talked with Mr. Ken Judy of Appalachian Power and they are working on it. Right now, however, he is unable to give us an exact time.

Recorder Tom Melton: No new business.

Councilman Vernon Casebolt made the motion for adjournment, which was seconded by Councilman Paul Hill. The motion carried.

Wm. D. Gibson
Mayor, William D. Gibson

Tom Melton
Recorder Tom Melton

Affidavit of Publication

No. _____

STATE OF WEST VIRGINIA,

Kanawha County, to-wit:

I, Kathryn Stewart of the

☐ Sunday Gazette-Mail ☒ Charleston Gazette, a daily Democratic newspaper ☐ Daily Mail, a daily Republican newspaper, published in the City of Charleston, Kanawha County, West Virginia, do solemnly swear that the annexed notice of Bids- 1975 Nelson Co

was duly published in said paper once a day for 30 successive days commencing with the issue of the 1st day of Sept., 19 74, and ending with the issue of the 30th day of Sept., 19 74, and was posted at the front door of the Court House of said Kanawha County, West Virginia, on the 22nd day of Sept., 19 74.

Dates Published: Sept. 21, 22, 23, 24, 25, 26, 27, 28, 30, 1974

Kathryn Stewart
Subscribed and sworn to before me this 30 day of Sept., 19 74

Charlotte Cox

Notary Public of Kanawha³County, West Virginia

My Commission expires January 15, 1980

Printer's Fee \$ 34.00

ACCT-7

Affidavit of Publication

No. _____

STATE OF WEST VIRGINIA,

Kanawha County, to-wit:

I, Kathryn Stewart of the

☐ Sunday Gazette-Mail ☐ Charleston Gazette, a daily Democratic newspaper ☒ Daily Mail, a daily Republican newspaper, published in the City of Charleston, Kanawha County, West Virginia, do solemnly swear that the annexed notice of Bids- 1975 Police Garage

was duly published in said paper once a day for _____ successive days commencing with the issue of the _____ day of _____, 19 74, and ending with the issue of the _____ day of _____, 19 74, and was posted at the front door of the Court House of said Kanawha County, West Virginia, on the _____ day of _____, 19 74.

Dates Published: Sept. 27, 28, 29, 30, 1974

Subscribed and sworn to before me this 30 day of Sept., 19 74

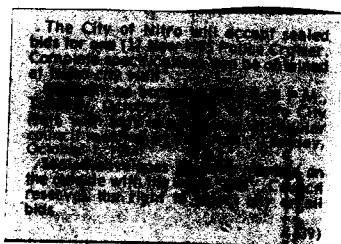
Charlotte Cox

Notary Public of Kanawha County, West Virginia

My Commission expires January 15, 1980

Printer's Fee \$ 10.76

ACCT-7



Affidavit of Publication

No. _____

STATE OF WEST VIRGINIA,

Kanawha County, to-wit:

I, William Stewart of the

☐ Sunday Gazette-Mail ☒ Charleston Gazette, a daily Democratic newspaper ☐ Daily Mail, a daily Republican newspaper, published in the City of Charleston, Kanawha County, West Virginia, do solemnly swear that the annexed notice of Bids- re: coal City Hall

was duly published in said paper once a week for 8 successive days commencing with the issue of the _____ day of _____, 19 71, and ending with the issue of the 30th day of _____, 19 71, and was posted at the front door of the Court House of said Kanawha County, West Virginia, on the 22nd day of _____, 19 71

Dates Published: Oct. 21, 22, 23, 25, 26, 27, 28, 29, 1971

Kathryn Stewart
Subscribed and sworn to before me this 30 day of _____, 19 71

Charlotta Cox
Notary Public of Kanawha County, West Virginia

My Commission expires January 15, 1980

Printer's Fee \$ 31.50

ACCT-7

Affidavit of Publication

No. _____

STATE OF WEST VIRGINIA,

Kanawha County, to-wit:

I, Dorothy Stewart of the

☐ Sunday Gazette-Mail ☐ Charleston Gazette, a daily Democratic newspaper ☒ Daily Mail, a daily Republican newspaper, published in the City of Charleston, Kanawha County, West Virginia, do solemnly swear that the annexed notice of Bids- reroof City Hall

was duly published in said paper once a day for _____ successive _____ commencing with the issue of the _____ day of _____, 1971, and ending with the issue of the 20th day of Sept., 1971, and was posted at the front door of the Court House of said Kanawha County, West Virginia, on the 23rd day of Sept., 1971.

Dates Published: Sept. 22, 23, 24, 25, 26, 27, 28, 1971

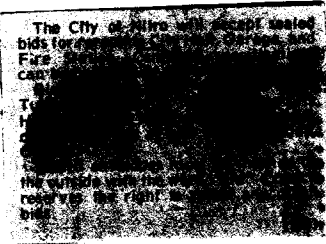
Dorothy Stewart
Subscribed and sworn to before me this 30 day of Sept., 1971

Charlotte Orr
Notary Public of Kanawha County, West Virginia

My Commission expires January 15, 1980

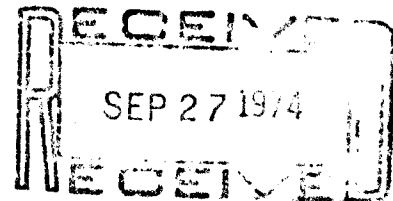
Printer's Fee \$ 12.76

ACCT-7



Kanawha Valley LEADER

1ST AVENUE AT 35TH STREET
NITRO, WEST VIRGINIA 25143



AFFIDAVIT OF PUBLICATION

STATE OF WEST VIRGINIA

COUNTY OF PUTNAM, to wit:

I, M. K. Buster, being first duly sworn upon my oath, do depose and say that I am Manager of Kanawha Valley Leader, Inc., publisher of the newspaper entitled the Kanawha Valley Leader; that I have been duly authorized by the Board of Directors of the corporation to execute this affidavit of Publication; that such newspaper has been published for more than one year prior to publication of the annexed notice described below; that such newspaper is regularly published weekly, for at least fifty weeks during the calendar year, in the Municipality of Nitro, Kanawha and Putnam Counties, West Virginia; that such newspaper is a newspaper of "general circulation," as that term is defined in Article Three, Chapter Fifty-nine of the Code of West Virginia, 1931, as amended, within the publication areas of Putnam and Kanawha Counties, the City of Nitro and the Municipalities of Poca, Bancroft, Eleanor, and Buffalo; that such newspaper averages in length four or more pages, exclusive of any cover, per issue; that such newspaper is circulated to the general public at a definite price or consideration; that such newspaper is a newspaper to which the general public resorts for passing events of a political, religious, commercial and social nature and for current happenings, announcements, miscellaneous reading matters, advertising and other notices; the annexed notice of:

INVITATION TO BID 1975 Police Cruiser

was published in said newspaper once a week for 1 successive weeks commencing with the issue of the 26 day of Sept., 1974, and ending with the issue of 26 day of Sept., 1974, and that the cost of publishing said annexed notice was \$5.68.

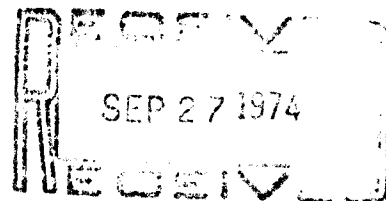
M. K. Buster

Taken, subscribed and sworn to before me in my said county this 26 day of Sept., 1974.
My commission expires June 13, 1982

Doris A. Pingle
Notary Public of Putnam County,
West Virginia

Kanawha Valley LEADER

1ST AVENUE AT 35TH STREET
NITRO, WEST VIRGINIA 25143



AFFIDAVIT OF PUBLICATION

STATE OF WEST VIRGINIA

COUNTY OF PUTNAM, to wit:

I, M.K. Buster, being first duly sworn upon my oath, do depose and say that I am Manager of Kanawha Valley Leader, Inc., publisher of the newspaper entitled the Kanawha Valley Leader; that I have been duly authorized by the Board of Directors of the corporation to execute this affidavit of Publication; that such newspaper has been published for more than one year prior to publication of the annexed notice described below; that such newspaper is regularly published weekly, for at least fifty weeks during the calendar year, in the Municipality of Nitro, Kanawha and Putnam Counties, West Virginia; that such newspaper is a newspaper of "general circulation," as that term is defined in Article Three, Chapter Fifty-nine of the Code of West Virginia, 1931, as amended, within the publication areas of Putnam and Kanawha Counties, the City of Nitro and the Municipalities of Poca, Bancroft, Eleanor, and Buffalo; that such newspaper averages in length four or more pages, exclusive of any cover, per issue; that such newspaper is circulated to the general public at a definite price or consideration; that such newspaper is a newspaper to which the general public resorts for passing events of a political, religious, commercial and social nature and for current happenings, announcements, miscellaneous reading matters, advertising and other notices; the annexed notice of:

INVITATION TO BID Reroofing of City Hall, Garage, & Fire Station

was published in said newspaper once a week for 1 successive weeks commencing with the issue of the 26 day of Sept., 1974, and ending with the issue of 26 day of Sept., 1974, and that the cost of publishing said annexed notice was \$5.68.

M K Buster

Taken, subscribed and sworn to before me in my said county this 26 day of Sept., 1974.
My commission expires June 13, 1982

Doris A. Pringle
Notary Public of Putnam County,
West Virginia

NITRO CITY COUNCIL MEETING

October 1, 1974

The regular meeting of the Nitro City Council was held in the Council Chambers on October 1, 1974, at 8:00 P.M. Those present included Mayor William D. Gibson, City Recorder Tom Melton, Councilman at Large Keith Priddy, Councilman at Large Dr. R. V. Allen, Councilman Vernon Casebolt, Councilman Dewey Mann and Councilman Paul Hill. Also present for the meeting were City Attorney Frank Armada and Street Superintendent Gene Williams. Absent were Councilman at Large Hugo Tidquist and Councilman Thomas Lilly.

The meeting was called to order by the Honorable William D. Gibson. Mayor Gibson reported that Councilman at Large Tidquist was on vacation and stated that he was sorry to have to report that Councilman Lilly was in St. Mary's Hospital due to injuries resulting from an automobile accident. The mayor stated that he had been in touch with Mrs. Lilly, and three of the councilmen had been to visit Mr. Lilly at the hospital.

APPROVAL OF COUNCIL MEETING MINUTES FOR SEPTEMBER 17, 1974: Mayor Gibson reminded Council that each member had received a copy of the minutes for the previous meeting in the mail and had been given an opportunity to review them. Councilman at Large Keith Priddy made a motion for approval of the minutes, which was seconded by Councilman at Large Dr. R. V. Allen. The vote of approval was unanimous.

SEPTEMBER FINANCIAL REPORT: Mr. Tom Melton, City Recorder, read the following financial report:

Cash balance as of September 1, 1974	30,267.11
Receipts for the month of September	31,036.48
	<u>61,303.59</u>
Disbursements	<u>37,583.52</u>
Balance September 30, 1974	23,720.07

FIRST READING OF ORDINANCE REGARDING THE ADOPTION OF THE SOUTHERN STANDARD FIRE PREVENTION CODE (1974 EDITION): Mr. Tom Melton, City Recorder, read the following ordinance:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NITRO: "Save and except such portions as are hereinafter deleted, modified, or amended, the 1974 edition of the Southern Standard Fire Prevention Code adopted as the Fire Prevention Code of the City and incorporated by reference herein as fully as if set out verbatim and from the date on which this chapter shall take effect shall be governing and controlling for the purposes therein set forth, mentioned and described."

Councilman Vernon Casebolt made a motion that this be accepted as the first reading. Councilman Dewey Mann seconded. Approval was unanimous.

BIDS TO BE OPENED FOR 1975 POLICE CRUISER: Councilman Paul Hill, Chairman of the Police Department Committee, announced that three bids had been received. These were opened and read as follows:

Childers Chevrolet, \$4,458.87 less the
trade in allowance of \$468.87-----\$3,990.00

C & O Motors, \$4,523.43 less the
trade in of \$400.00-----\$4,123.43

Capitol Chrysler Plymouth \$5,144.83 less
trade in of \$500.00-----\$4,644.83

Councilman Paul Hill made a motion that this matter be given to the Police Department Committee with authority to act after the specifications have been checked. Councilman Vernon Casebolt seconded the motion, and all present voted in favor.

BIDS TO BE OPENED FOR REROOFING OF CITY BUILDING, GARAGE AND FIRE DEPARTMENT: Councilman Paul Hill, Chairman of the Building and Planning Committee, passed out the four bids to be opened, as follows:

Don Ray Roofing Company
South Charleston, West Virginia-----\$10,820.00

Harris Bros. Roofing
Charleston, West Virginia-----\$10,277.00

Hills General & Painting Co.
Charleston, West Virginia-----\$22,562.50

Tri State Roof and Sheet Metal Co.
Charleston, West Virginia-----\$12,536.00

Councilman Vernon Casebolt made a motion that this be given to the Building & Planning Committee with authority to act. The motion was seconded by Councilman at Large Dr. Allen. Councilman at Large Keith Priddy asked about the funding for this project, and wanted to know if it had been established that the money was available. Mayor Gibson replied that the money is available. Whether it will come from the general fund or Revenue Sharing hasn't been decided yet. Councilman at Large Priddy told Council that he had discussed the question of funds that afternoon with Councilman Lilly while visiting him at the hospital. Councilman at Large Dr. Allen stated that something had to be done soon. Mayor Gibson agreed and said "Winter is just around the corner." After a brief discussion, the motion was brought to a vote. All present voted in favor of the motion except Councilman at Large Keith Priddy.

COLUMBIA GAS COMPANY'S REQUEST TO INSTALL A GROUND BED IN THE AREA OF RIDENOUR PARK: Mr. Frank Armada, City Attorney, gave the following report: Columbia Gas Company wants to install certain items in regard to protecting their pipeline which is already across the area. In so doing they will of necessity have to remove the top soil, disturb the terrain, etc. According to their agreement, this would all be put back in proper condition. However, we have had problems with proper seeding in some areas and it could happen in this area which already has a drainage problem. Mr. Armada feels that the Columbia Gas Company should pay the city for the use of this property, since they will need future access to the area too, and there is the possibility of problems in the future. The matter was turned over to Mr. Armada to see if he could reach a satisfactory agreement with Columbia Gas Transmission Corp.

RECOMMENDATIONS FOR ADDITIONAL STREET LIGHTS IN EACH WARD: Councilman at Large Keith Priddy, Chairman of the Street Light Committee, stated that he has recommendations from two wards, and that he should have all of them in time to give a report at next council meeting. Councilman Dewey Mann gave the report for his ward. He stated that he has made a survey, and he feels that lights are needed on 24th through 39th between First and Second Avenues. Also on 40th Street in the same area. He also feels a light is needed on East 31st Street near house No. 71. A burned out light needs to be replaced at the corner of 40th Street and Easter Road. Councilman Mann stated that people are very pleased with the possibility of getting additional lights, and also that he has heard compliments on our garbage service.

NEW BUSINESS: Mayor Gibson read a letter from Mr. David Tidquist of Nitro Junior High requesting permission to have a parade on October 4, 1974, Friday evening before their homecoming football game, and asking for police escort. The motion for approval was made by Councilman at Large Dr. R. V. Allen, and was seconded by Councilman Vernon Casebolt. All present voted in favor.

Mayor Gibson also read a letter from the Nitro Fire Department asking permission for a parade on October 10, 1974, during Fire Prevention Week. Again the motion for approval was made by Councilman at Large Dr. Allen, and was seconded by Councilman Casebolt. All present voted in favor.

Mayor Gibson announced that the gentleman who had made a bid to purchase the 1969 garbage truck and dump bed had been in and had made the purchase. Mayor Gibson also asked that Council give serious consideration to selling the 1948 Model Ford Fire Truck, and the 1953 Model Ford panel truck which was replaced recently with the purchase of the new Fire Department emergency truck. He suggested that this be given to the Fire Department Committee for study and let them make a report perhaps by the next council meeting.

The Mayor reported that Trick or Treat night has been

discussed recently, and other nearby municipalities had decided on October 31. Council agreed it should be on that date and the hours should be from 6 to 9 P.M. Councilman at Large Priddy made a motion for the approval of this, and it was seconded by Councilman Vernon Casebolt. All present voted in favor.

Mayor Gibson gave each councilman a list of the revised committees which included the addition of two new committees. (1) Consumer Protection Committee and (2) Emergency Ambulance Service Committee. A copy of the revised committee list is attached hereto and made a part hereof.

Tom Melton, Recorder: No new business.

Councilman Vernon Casebolt: Councilman Casebolt had a request from some residents in his ward that the curb at Juniper Street and Main Avenue, and Dogwood and Main Avenue be painted yellow for 15 feet, if possible, from the corner. When cars are parked near the corner, it is impossible to see oncoming traffic on Main Avenue. Mr. Gene Williams, Street Supt., was asked to have this checked.

Councilman at Large Keith Priddy: Councilman at Large Priddy stated that the Storm Drain Committee had met with the city engineer, Mr. Hayne, on Wednesday, Sept. 25, 1974, to discuss the recommendations made for the storm drains at Brookhaven. The Storm Drain Committee would like to recommend that we proceed with the first alternate plan listed in the engineer's report. Councilman at Large Priddy made a motion that we advertise this for bids according to the specifications in the engineering report. Councilman Dewey Mann seconded the motion. It was agreed that more detailed specifications would have to be prepared by Appalachian Engineering, Inc. The vote of approval was unanimous.

Councilman at Large Dr. R. V. Allen: Councilman at Large Dr. Allen asked about the possibility of making two or three parking spaces to be designated for 5-minutes only in front of City Hall, for people who are stopping only long enough to pay bills, etc. He asked if someone could observe for a few days and see if this is needed. Mayor Gibson stated that there was a parking problem, and requested that Mr. Melton assist him in watching the traffic pattern.

Councilman Dewey Mann: Councilman Mann wanted to know about repairs for the bad section of 21st St. that has been damaged by a slide. He stated that the engineer seemed to think this could best be corrected by leveling with asphalt. Mr. Williams, Street Supt., stated that he has already contacted Orders and Haynes Paving Company about making an inspection of this, and some work should be done soon.

Councilman Paul Hill: No new business.

Councilman Paul Hill made the motion for adjournment of the meeting which was seconded by Councilman Casebolt. The motion carried.

Wm. D. Gibson
Mayor

Tom Melton
Recorder

ANNEXATION COMMITTEE

Dewey Mann (Chairman)
Dr. R. V. Allen
Thomas Lilly

BUILDING AND PLANNING COMMITTEE

Paul Hill (Chairman)
Vernon Casebolt
Dewey Mann

CLINIC COMMITTEE

To assist the Putnam County Health
Committee and the Putnam County
Court in their efforts to establish
an out Patient Clinic in Putnam County

Dr. R. V. Allen (Chairman)
Keith Priddy
Dewey Mann

CONSUMER PROTECTION COMMITTEE

Thomas Lilly (Chairman)
Hugo Tidquist
Keith Priddy

DOG POUND COMMITTEE

Keith Priddy (Chairman)
Vernon Casebolt
Dewey Mann

EMERGENCY AMBULANCE SERVICE COMMITTEE

To assist Kanawha County Court and
Putnam County Court in their efforts
to establish an ambulance service

Thomas Lilly (Chairman)
Hugo Tidquist
Keith Priddy

FINANCE COMMITTEE

Dewey Mann (Chairman)
Dr. R. V. Allen
Paul Hill
William Gibson
Tom Melton

FIRE DEPARTMENT COMMITTEE

Vernon Casebolt (Chairman)
Hugo Tidquist
Paul Hill

GARBAGE-HEALTH AND TRASH COMMITTEE

Paul Hill (Chairman)
Dr. R. V. Allen
William Gibson

BRIEF COMMITTEE GUIDELINES

1. The Chairman should cause all committee meetings to function properly, with every member being notified in advance of said scheduled meetings.
2. The Chairman should cause the minutes of each committee meeting to become a matter of public record by placing a copy of the same in the office of the City Recorder.

William D. Gibson, Mayor

INSURANCE COMMITTEE

Thomas Lilly (Chairman)
Keith Priddy
Dr. R. V. Allen

LIBRARY COMMITTEE

Dr. R. V. Allen (Chairman)
Thomas Lilly
Dewey Mann

ORDINANCE COMMITTEE

Dewey Mann (Chairman)
Keith Priddy
Dr. R. V. Allen

POLICE DEPARTMENT COMMITTEE

Paul Hill (Chairman)
Dewey Mann
William Gibson

RECREATION COMMITTEE

Hugo Tidquist (Chairman)
Dr. R. V. Allen
Vernon Casebolt

SIDEWALK COMMITTEE

Keith Priddy (Chairman)
Vernon Casebolt
Paul Hill

STORM DRAIN COMMITTEE

Hugo Tidquist (Chairman)
Dr. R. V. Allen
Keith Priddy

STREET AND TRAFFIC COMMITTEE

STREET LIGHT-STREET NUMBERING

AND STREET SIGN COMMITTEE

Keith Priddy (Chairman)
Vernon Casebolt
Paul Hill

NITRO CITY COUNCIL MEETING

October 15, 1974

The regular meeting of the Nitro City Council was held in the Council Chambers on October 15, 1974, at 8:00 P.M. Those present for the meeting were: Mayor William D. Gibson, City Recorder Tom Melton, Councilman at Large Hugo Tidquist, Councilman at Large Dr. R. V. Allen, Councilman at Large Keith Priddy, Councilman Vernon Casebolt, and Councilman Dewey Mann. Also present was Street Superintendent Gene Williams. Absent were: Councilman Paul Hill and Councilman Thomas Lilly.

Mayor William D. Gibson called the meeting to order.

APPROVAL OF MINUTES FOR OCTOBER 1, 1974, MEETING: Mayor Gibson reminded Council that each member had received a copy of the minutes for the previous meeting in the mail and had been given an opportunity to review them. Councilman Vernon Casebolt made a motion that the minutes be approved as presented. The motion was seconded by Councilman at Large Dr. R. V. Allen. All present voted in favor.

APPROVAL OF SEPTEMBER, 1974, FINANCIAL STATEMENT: Councilman Dewey Mann, Chairman of the Finance Committee, remarked that a copy of the September financial statement had been sent to each councilman for their review, and he read the following:

Cash balance September 30, 1974	33,762.39
Less outstanding checks	<u>10,042.32</u>
Net balance September 30, 1974	\$ 23,720.07

Councilman Mann made a motion for the approval of the financial statement. The motion was seconded by Councilman at Large Dr. Allen. The vote of approval was unanimous.

RECOMMENDATIONS FOR ADDITIONAL STREET LIGHTS: Councilman at Large Keith Priddy, Chairman of the Street Light Committee, stated that he would like to keep this in committee until next meeting. The committee has run into a problem of trying to locate lights in areas where there are no poles. He stated they should have this worked out and have a complete report by next council meeting.

POSSIBILITY OF SELLING THE 1948 MODEL FORD FIRE TRUCK AND THE 1953 MODEL FORD PANEL TRUCK: Councilman Vernon Casebolt, Chairman of the Fire Department Committee, stated that he would like to have these trucks advertised for bid, and have it listed in the description of these trucks that they are in excellent condition. Also that the committee has the right to accept or reject all bids, and that bids should be in Council hands by 8:00 P.M. the 19th of November, 1974. Councilman at Large Hugo

Tidquist asked if there would be a use for the 1953 panel truck in some other department, or if the Fire Chief would have a use for it. Councilman Casebolt replied that all departments have good trucks, and this one for sale is small. Also, there could be a problem getting parts if needed. Mayor Gibson stated that he had discussed this with the Fire Chief, and he agreed it should be sold. Councilman Casebolt made a motion that these trucks be advertised and the sealed bids be opened at regular council meeting November 19, 1974. The motion was seconded by Councilman at Large Keith Priddy. The motion passed by unanimous vote.

NEW BUSINESS: In the absence of Councilman Paul Hill, Chairman of the Building & Planning Committee and the Police Department Committee, Mayor Gibson announced to Council that the order for the new police cruiser had been awarded to Childers Chevrolet of Nitro who gave the lowest of three bids with a price of \$3,990.00; and the bid for reroofing the city building and fire station had been awarded to Harris Brothers Roofing Company of Charleston who submitted the lowest of four bids for the job with a price of \$10,277.00.

Mayor Gibson read a letter from the Salvation Army asking permission to use kettles or booths in Nitro to collect donations to be used for their Christmas fund. Councilman at Large Dr. Allen stated that it has been the city's customary policy to cooperate with the Salvation Army, and he made a motion that permission be granted. The motion was seconded by Councilman Dewey Mann. All present voted in favor.

Mayor Gibson stated that he has had several inquiries from citizens about the city not providing a school guard to help the children cross First Avenue at 19th Street. He stated that he has talked with Chief Craft who has checked the area, and is in agreement with the requests that we place a school guard there. It is the opinion of many that a school guard may be needed there more than in other areas where we have guards. Councilman Casebolt asked why we are unable to get a stop light for 19th and First Avenue, as this is one of the busiest areas in town. Mayor Gibson replied that the Department of Highways had checked, but did not approve a light for this area, because they could not synchronize the light with the Penn Central Railroad crossing, though one was approved for 40th Street and First Avenue. Councilman Dewey Mann stated that he feels the crossing at 19th Street and First Avenue is hazardous to adults and is certainly more so for children. He has been told by one lady that she takes her children to school because she will not allow them to try to cross the highway, and also that he has been told one school guard has said the area is too dangerous for her to work in. He made a motion that this be considered an emergency and a crossing guard be placed there. This motion was seconded by Councilman Vernon Casebolt. The question was discussed of identifying or easily seen clothing to be worn by the crossing guard. Several suggestions were made. The motion for a guard to be placed at 19th Street passed by unanimous vote.

Mayor Gibson stated that he has talked with Street Superintendent Gene Williams, and it has been decided that November shall be designated as the month for special leaf and tree trimming pick up. One truck will start in Brookhaven on November 1, and the other one will start in Riverdell Acres on November 1, and each work toward the center of town. This should be announced in the paper to keep the public informed.

Mayor Gibson also said he has been asked to check and see if some 10-minute parking spaces were needed by people stopping long enough to pay bills here at city hall. He asked City Recorder Tom Melton for a report on this. Mr. Melton recommended that all four spaces on 20th Street in front of City Hall be reserved for 10-minute parking. Councilman Casebolt made a motion that this recommendation be accepted and that the four parking spaces in front of City Hall be limited to 10-minute parking between the hours of 9 to 5, Monday through Friday. Councilman at Large Hugo Tidquist. The motion carried by a unanimous vote.

Mayor Gibson stated that Gene Williams, Street Superintendent, has asked two or three asphalt paving companies for an estimate on the amount of asphalt needed to repair 21st Street in the area damaged by a slide. The estimate called for approximately 105 tons of asphalt to be placed in the area with proper drainage at an approximate cost of \$2,000.00. He recommended that we advertise this for bids, so the work can be done before winter sets in. Councilman Casebolt questioned if the money were available for street repair. Mayor Gibson replied that we do have a fund set aside for street repair through Revenue Sharing. Councilman Casebolt stated that this street is traveled by a lot of traffic, and gets busier all the time with traffic going to Ridenour Memorial Park. He made a motion that this street repair be advertised for bids, with bids to be in by next council meeting at 8:00 P.M. He said some people like to bring their bids in personally. The motion was seconded by Councilman Mann, and was passed by unanimous vote.

Mayor Gibson also announced that Appalachian Engineers, Inc., are drawing up specifications for the Brookhaven storm drains. They are also doing a considerable amount of engineering at our landfill for the proposed city garage, and are working with the Department of Highways in an effort to clear up the water standing by the road near the Bobby Brooks plant. They are also working on our zoning maps which they brought down yesterday and discussed with him. They may have to get with the City Attorney and maybe City Council before the zoning maps are finished. It is taking a tremendous amount of work on these various projects.

Councilman Dewey Mann: No new business.

Councilman at Large Hugo Tidquist: Councilman at Large Tidquist asked about the proposed purchase of a salt spreader for the street department's use this winter. He stated that

councilmen had been presented with a rough sketch of the salt spreader, and he and Gene Williams had gone over this and marked what they thought was needed. Councilman at Large Tidquist made a motion that we have the specifications typed and advertise for bids with bids to be opened in council meeting November 5, 1974. Councilman Dewey Mann asked about the cost and was told that the money had already been allocated for its purchase. Councilman at Large Tidquist said the price quoted previously had been between 2 and 3 thousand dollars, but we do not know how much it will have increased. Councilman at Large Priddy asked about the type truck needed for pulling. Superintendent Williams replied that we will use the Chevrolet truck we already have. The motion was seconded by Councilman Dewey Mann, and was passed by unanimous vote.

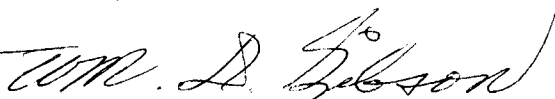
Councilman at Large Dr. R. V. Allen: Councilman at Large Allen told Council that the Library Committee met with the Library Commission on October 14, 1974, and they are moving forward with their program at the Library and hopefully they can do some work that is necessary before winter. They are enthusiastic, and they are doing a good job.

Councilman at Large Keith Priddy: Councilman at Large Priddy expressed concern over possibility of not being able to meet the dates set for completion of certain projects under the first Entitlement of Revenue Sharing Funds. Mayor Gibson replied that he feels the time limit on the funds can be extended by written request if we see that for some reason we are not able to complete a project. Councilman Priddy asked when we received the first funds under the First Entitlement period. Recorder Tom Melton said he thought it was in December and has not been two years ago. Councilman Priddy asked if we will be able to get started on the treatment plant, after advertising the specifications for bid, etc., before the time limit expires. Mayor Gibson replied that he hopes we can. The treatment plant plans have been approved by the West Virginia State Health Department plus the drawings for the interceptor and collector lines. The Environmental Protection Agency has the plans and specifications. He also said that he has written Mr. Warren Means and requested an extension on the grant, and while he feels sure it will be allowed, he has no guarantee of it. Two other municipalities in the area have been awarded extensions, and we have every reason to believe that our extension will be granted.

Councilman Vernon Casebolt: Councilman Vernon Casebolt said he would like to have the city attorney look into the matter of oil in the lake at Ridenour Park.

City Recorder Tom Melton: No new business.

Councilman Vernon Casebolt made a motion for adjournment which was seconded by Councilman at Large Dr. Allen. The motion carried.


Mayor


Recorder

NITRO CITY COUNCIL MEETING

November 5, 1974

The regular meeting of the Nitro City Council was held in the Council Chambers on November 5, 1974, at 8:00 P.M. Those present for the meeting were: Mayor William D. Gibson, City Recorder Tom Melton, Councilman at Large Hugo Tidquist, Councilman at Large Dr. R. V. Allen, Councilman at Large Keith Priddy, Councilman Vernon Casebolt, Councilman Paul Hill, Councilman Thomas Lilly and Councilman Dewey Mann. Mr Frank Armada, City Attorney, was also present. The meeting was called to order by Mayor William D. Gibson.

APPROVAL OF MINUTES FOR OCTOBER 15, 1974, MEETING: Mayor Gibson reminded Council that each member had received a copy of the minutes for the previous meeting in the mail and had been given an opportunity to review them. Councilman at Large Dr. R. V. Allen made a motion that the minutes be approved as presented. The motion was seconded by Councilman at Large Hugo Tidquist and all present voted in favor.

OCTOBER FINANCIAL REPORT: Councilman Dewey Mann, Chairman of the Finance Committee gave the following report:

Cash balance September 30, 1974	23,720.07
Receipts for the month of October	<u>90,921.98</u>
	114,642.05
Disbursements for October	<u>53,592.11</u>
Balance October 31, 1974	61,049.94

RECOMMENDATIONS FOR ADDITIONAL STREET LIGHTS IN EACH WARD: Councilman at Large Keith Priddy, Chairman of the Street Light Committee gave a report on the recommendations of each ward councilman. In Ward I lights were recommended for No. 71 31st Street, and in the middle of the block on 39th, 38th, 37th, 32nd, 31st, 30th and 29th Streets. In Ward II lights were recommended for 18th, 11th and 6th Streets in the middle of the block. In Ward III lights were recommended for the corner of Boundary and Layne; 100 block of Kanawha; corner of Kapok and DuPont; in the middle of the block on Dogwood, Washington and Kanawha; and the middle of the block on Minor Avenue. In Ward IV lights were recommended for Plank Drive, entrance to Red Oak Drive and Michigan Avenue. Councilman at Large Priddy stated that he would supply a list showing pole numbers and where new poles might be needed. Councilman at Large Priddy made a motion that these recommendations be approved. Councilman Dewey Mann asked if a light could be included for the area near the American Legion Hall on Second Avenue. After some discussion, it was decided to include this light in the motion for approval. Councilman Paul Hill seconded the motion. The vote of approval was unanimous.

BIDS TO BE OPENED ON PAVING OF ONE SECTION IN THE AREA OF 2129 and 2130 21st STREET: Two bids were received on this work. Councilman Dewey Mann opened the bid from Orders & Haynes Paving Company which quoted \$26.00 a ton for approximately 100 tons of asphalt, or a total of \$2600.00 including labor. Councilman Vernon Casebolt opened the bid from Lone Star Paving Company which quoted \$18.00 a ton for approximately 100 tons of asphalt, or a total of \$1800.00 including labor. Councilman at Large Dr. Allen asked what type of drainage was in the specifications. Councilman Casebolt replied that the specifications requested proper drainage with the building of a curb with asphalt if necessary. Councilman at Large Dr. Allen stated that he feels this will have to be watched very closely to be sure we do get proper drainage in, because it could throw water on the people across the street very easily. Councilman at Large Tidquist asked about the driveways coming into the street in the area. Superintendent Gene Williams replied that both bidders had inspected the section of the street to be paved and had been informed that the entrance to the driveways would have to be fixed in such a way that cars would not drag going in or out. The bids from both paving companies are attached hereto and made a part hereof. (Amended Nov. 19, 1974, meeting, see side of page*)

BIDS TO BE OPENED FOR SALT SPREADER FOR PICK UP TRUCK: Councilman at large Hugo Tidquist, Chairman of the Special Committee, said four sealed bids had been received as follows: Councilman Paul Hill opened one from Machinery, Inc., of Charleston, bidding on

- 1 Taco Big Scottie Jr. FOB Nitro \$ 1,955.00
Delivery 30 to 45 days

Councilman Dewey Mann opened one from Logan Corporation of Nitro, bidding on

- 1 Big Scottie Jr., FOB Saratoga
Springs, New York, delivery
30 to 45 days 1,780.00

Councilman at Large Keith Priddy opened one from Rish Equipment Company of St. Albans, bidding on

- 1 Swinson Model KV-200, delivery
45 days after order, FOB factory 2,092.50
(This is a standard model and does
not necessarily meet specifications)

Councilman Vernon Casebolt opened one from West Virginia Tractor & Equipment Company of Charleston, bidding on

- 1 Highway Model P self-propelled
FOB Nitro, Delivery approximately 45
days. For payment within 15 days you
may deduct \$81.00 1,630.00

A copy of the advertised specifications are attached hereto and made a part hereof. Letters were received from Walker Machinery of Charleston and Interstate Equipment of Scott Depot stating they were unable to bid.

* Councilman Lilly moved that this paving job be awarded to the low bidder. Move was seconded by Councilman Tidquist. The motion carried.

Councilman Vernon Casebolt made a motion that these be given to committee, with authority to act. He would like to have Councilman at Large Tidquist work with the Street and Traffic Committee in checking the specifications on the Salt Spreaders, and if they meet the city's specifications, they would have authority to accept the low bid, otherwise the second lowest bid. Councilman at Large Keith Priddy asked if we could legally give a committee the power to act on a purchase. Mr. Frank Armada, city attorney, replied that Council can delegate its authority to a duly constituted committee of Council. The motion was seconded by Councilman Paul Hill. All present voted in favor.

SECOND READING OF ORDINANCE REGARDING THE ADOPTION OF THE SOUTHERN STANDARD FIRE PREVENTION CODE (1974 EDITION): City Recorder Tom Melton read the ordinance for adoption of the Southern Standard Fire Prevention Code (1974 Edition) as follows:

"Be it ordained by the Common Council of the City of Nitro: Save and except such portions as are herein-after deleted, modified, or amended, the 1974 Edition of the Southern Standard Fire Prevention Code adopted as the Fire Prevention Code of the City and incorporated by reference herein as fully as if set out verbatim and from the date on which this chapter shall take effect shall be governing and controlling for the purposes therein set forth, mentioned and described."

Councilman Vernon Casebolt made a motion that it be accepted as second reading. Councilman at Large Dr. Allen seconded the motion, which passed by unanimous vote.

NEW BUSINESS: Mayor Gibson read a letter from the Muscular Dystrophy Association asking permission to conduct a campaign for funds in the city of Nitro during November. Councilman at Large Dr. Allen made a motion that permission be given. The motion was seconded by Councilman Thomas Lilly. All councilmen voted in favor.

Mayor Gibson also read a letter from Mr. Warren Means, Special Engineer with the West Virginia Department of Natural Resources, to Mr. Warren Carter of the Advanced Coordination Division, Environmental Protection Agency in Philadelphia, Pa., regarding the city of Nitro's Sanitary Treatment Project No. C-540179, in which he asked for an extension of time to begin construction on the project. A copy of this letter is attached hereto and made a part hereof.

Councilman at Large Hugo Tidquist: Councilman at Large Tidquist, Chairman of the Recreation Committee, gave a brief report on the meeting held by the Recreation Committee on October 17, 1974. He stated that Mr. Mullins had given out reports on what had been done this past year, and what his plans are for the coming year. He also stated that the income from the pool had not been up to expectations because of the bad weather this summer. The income from the boat rental at Ridenour Memorial Park was above

expectations for the year. He believes Mr. Mullins has a very good program. The Recreation Committee will continue to meet on the first Thursday of each month. Mayor Gibson said he would like to add that Steve Mullins, our Recreation Director, is very enthusiastic, seems to be dedicated, and aside from putting in his hours every day, he is around on Saturdays, Sundays, holidays, or whenever he is needed. He stated that he has had no criticism whatsoever from the general public regarding Steve's ability to perform. Councilman Casebolt remarked that they were having a little trouble getting the public to return questionnaires given out by the Recreation Department concerning recreation needs in Nitro. He said these would be a real help in planning future recreation for the area.

Councilman Thomas Lilly: No new business.

Councilman Paul Hill: Councilman Hill said he had been asked if the city could help furnish rain gear for the children who assist as school patrols. He asked that this be given to committee for a report back at next council meeting. Councilman at Large Dr. Allen recommended that this go into the Police Department Committee. Mayor Gibson added that it has been brought to the attention of the Police Chief Craft regarding our school crossing guard for 19th and First Avenue which was voted on at last council meeting. He stated that he is doing everything possible to find one, and if anyone has someone in mind, he would appreciate hearing about it.

Councilman Hill asked if there were any plans to work on the ball fields over at the park during the winter months. Councilman at Large Tidquist replied that he had planned to discuss this with the Recreation Director at the meeting of the Recreation Committee next Thursday.

Councilman Dewey Mann: Councilman Mann stated that he would like to report on the codification of the Ordinances. He said he has talked with Mr. Charles Sublett on October 23, and asked why the long delay. Mr. Sublett said that progress is being made, each ordinance must be checked thoroughly for punctuation, etc. No definite date was set, but Mr. Sublett did say the manuscript would be ready before too long. He also requested that any new ordinances adopted be forwarded on to them. Councilman Mann reported that the original contract with the Miche Company did not specify a time limit. After a discussion it was decided that Mr. Armada should write a letter to the Miche Company asking if he could come down and examine what has been done so far.

Councilman at Large Dr. R. V. Allen: Councilman at Large Dr. Allen said he would like to announce that the Library Committee meets with the Library Commission on the first Monday of each month at 7:00 P.M. Dr. Allen asked if it were a city law that each business have a suitable container to put trash in. Mayor Gibson said there was and any problem should be reported to Gene Williams. Councilman at Large Dr. Allen also requested that a stop sign be installed on North 21st Street where it joins

21st Street. Dr. Allen made a motion that this sign be erected as soon as possible. The motion was seconded by Councilman Casebolt. All present voted in favor.

Councilman at Large Dr. Allen stated that he felt the governing body of the city should write a letter to our congressman or senator stating that we are highly in favor of continuing railroad service between Nitro and Point Pleasant. Mayor Gibson said he would be glad to do so. Councilman Thomas Lilly asked if it would be possible to expound a little more and say that we are also in favor of Revenue Sharing being continued. Councilman Dewey Mann made a motion that these letters be written. The motion was seconded by Councilman Casebolt. All voted in favor.

Councilman at Large Dr. Allen stated that he would have a report on the Health Clinic for next council meeting.

In other new business, Councilman at Large Allen said he would like to refer to the Building and Planning Committee the job of writing specifications for the carpeting and tile needed for the library and already voted on and approved as needed by the Library Commission. This would probably have to conform to the Fire Marshall's standard.

Councilman at Large Keith Priddy: Councilman at Large Priddy asked about the signs which were to be erected at the park announcing that our senior Little League and the girl's soft ball team were the state champions. Councilman at Large Tidquist said he had asked the director of Little League, Ivan Meadows, about the type sign and the wording they would like to have, and he has had no answer. Councilman Casebolt suggested this be discussed at the meeting with the Recreation Committee on Thursday night.

Councilman at Large Priddy also said he felt there should be some meeting on the Emergency Ambulance Service, since the deadline is getting closer and certain requirements have to be met. Mayor Gibson said he attended a meeting at the office of the Mayor of St. Albans on October 31 and that the Emergency Ambulance Service was discussed. The meeting was attended by the Mayor of Dunbar, the Mayor of South Charleston and a representative of the South Charleston Chamber of Commerce. He said that another meeting is to be called soon which will include other representatives of city government, plus members of the Kanawha County Court. It is hoped a county wide plan can be developed.

Councilman Vernon Casebolt: No new business.

Recorder Tom Melton: No new business.

Councilman Vernon Casebolt made a motion for adjournment of the meeting. The motion was seconded by Councilman Thomas Lilly. The motion carried.

Tom D. Gibson, Mayor

Tom Melton



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Kanawha Valley LEADER

1ST AVENUE AT 35TH STREET
NITRO, WEST VIRGINIA 25143

AFFIDAVIT OF PUBLICATION

STATE OF WEST VIRGINIA

COUNTY OF PUTNAM to wit:

I, M.K. Buster being first duly sworn on my oath, do depose and say that I am Manager of Kanawha Valley Leader, Inc., publisher of the newspaper entitled the Kanawha Valley Leader; that I have been duly authorized by the Board of Directors of the corporation to execute this affidavit of Publication; that such newspaper has been published for more than one year prior to publication of the annexed notice described below; that such newspaper is regularly published weekly, for at least fifty weeks during the calendar year, in the Municipality of Nitro, Kanawha and Putnam Counties, West Virginia; that such newspaper is a newspaper of "general circulation," as that term is defined in Article Three, Chapter Fifty-nine of the Code of West Virginia, 1931, as amended, within the publication areas of Putnam and Kanawha Counties, the City of Nitro and the Municipalities of Poca, Bancroft, Eleanor, and Buffalo; that such newspaper averages in length four or more pages, exclusive of any cover, per issue; that such newspaper is circulated to the general public at a definite price or consideration; that such newspaper is a newspaper to which the general public resorts for passing events of a political, religious, commercial and social nature and for current happenings, announcements, miscellaneous reading matters, advertising and other notices; the annexed notice of:

Sealed Bids for — Salt Spreader
City of Nitro

was published in said newspaper once a week for 2 successive weeks commencing with the issue of the 24 day of October, 1974, and ending with the issue of 31 day of Oct., 1974, and that the cost of publishing said annexed notice was \$9.08.

M.K. Buster

Taken, subscribed and sworn to before me in my said county this 1 day of Nov., 1974.
My commission expires June 15, 1982

James A. Finkle
Notary Public of Putnam County,
West Virginia

Kanawha Valley LEADER

1ST AVENUE AT 35TH STREET
NITRO, WEST VIRGINIA 25143

AFFIDAVIT OF PUBLICATION

STATE OF WEST VIRGINIA

COUNTY OF PUTNAM to wit:

I, M.K. Buster, being first duly sworn upon my oath, do depose and say that I am Manager of Kanawha Valley Leader, Inc., publisher of the newspaper entitled the Kanawha Valley Leader; that I have been duly authorized by the Board of Directors of the corporation to execute this Affidavit of Publication; that such newspaper has been published for more than one year prior to publication of the annexed notice described below; that such newspaper is regularly published weekly, or at least fifty weeks during the calendar year, in the Municipality of Nitro, Kanawha and Putnam Counties, West Virginia; that such newspaper is a newspaper of "general circulation," as that term is defined in Article Three, Chapter Fifty-nine of the Code of West Virginia, 1931, as amended, within the publication areas of Putnam and Kanawha Counties, the City of Nitro and the Municipalities of Poca, Bancroft, Eleanor, and Buffalo; that such newspaper averages in length four or more pages, exclusive of any cover, per issue; that such newspaper is circulated to the general public at a definite price or consideration; that such newspaper is a newspaper to which the general public resorts for passing events of a political, religious, commercial and social nature and for current happenings, announcements, miscellaneous reading matters, advertising and other notices; the annexed notice of:

Sealed Bids for Paving in area of 2129 and 2130
21st Street, Nitro, WV

was published in said newspaper once a week for 2 successive weeks commencing with the issue of the 24 day of October, 1974, and ending with the issue of 31 day of October, 1974, and that the cost of publishing said annexed notice was \$9.08.

M.K. Buster

Taken, subscribed and sworn to before me in my said county this 1 day of NOV, 1974.
My commission expires June 13, 1982

[Signature]
Notary Public of Putnam County,
West Virginia

Kanawha Valley LEADER

1ST AVENUE AT 35TH STREET
NITRO, WEST VIRGINIA 25143

AFFIDAVIT OF PUBLICATION

STATE OF WEST VIRGINIA

PUTNAM

COUNTY OF to wit:

I, M. K. Buster, being first duly sworn upon my oath, do depose and say that I am Business Manager of Kanawha Valley Leader, Inc., publisher of the newspaper entitled the Kanawha Valley Leader; that I have been duly authorized by the Board of Directors of the corporation to execute this affidavit of Publication; that such newspaper has been published for more than one year prior to publication of the annexed notice described below; that such newspaper is regularly published weekly, for at least fifty weeks during the calendar year, in the Municipality of Nitro, Kanawha and Putnam Counties, West Virginia; that such newspaper is a newspaper of "general circulation," as that term is defined in Article Three, Chapter Fifty-nine of the Code of West Virginia, 1931, as amended, within the publication areas of Putnam and Kanawha Counties, the City of Nitro and the Municipalities of Poca, Bancroft, Eleanor, and Buffalo; that such newspaper averages in length four or more pages, exclusive of any cover, per issue; that such newspaper is circulated to the general public at a definite price or consideration; that such newspaper is a newspaper to which the general public resorts for passing events of a political, religious, commercial and social nature and for current happenings, announcements, miscellaneous reading matters, advertising and other notices; the annexed notice of:

ORDINANCE

Fire Code

was published in said newspaper once a week for 1 successive weeks commencing with the issue of the 10th day of October, 1974, and ending with the issue of 10th day of October, 1974, and that the cost of publishing said annexed notice was \$ 4.97

M. K. Buster

Taken, subscribed and sworn to before me in my said county this 21st day of October, 1974...
My commission expires March 13, 1982

Doris A. Rungle
Notary Public of PUTNAM County,
West Virginia

SPECIFICATIONS

Steel Hopper Body Salt Spreader for Pick Up Truck

HOPPER BODY: Hopper length- 7 foot long, level capacity of 1.5 cubic yards. This all welded hopper shall have 45° sloping sides; fully boxed, top edges to accept a top grid or hopper extension; shall have a 2-3/8" O.D. steel longitudinal member with midship cross brace and single point balanced lifting eye; shall have channel cross bars underneath with three external gussets for each side; shall have a 10 gauge internally hinged gate providing for maximum and minimum discharge rates; shall have four 1/4" thick anchoring pads; shall have steel guide rails for locating slide-in type material conveyor systems ; auger type material conveyor. (or equal)

POWER UNIT: Shall consist of a 7 H.P., 1 cylinder, 4 cycle air-cooled heavy duty gasoline engine with all necessary controls. Engine starting - 12 volt electric starting with generating system. This engine with one gallon capacity fuel tank to be mounted on a 3/16" thick pressed steel base and designed as a cartridge type unit for quick removal. This engine to be equipped with a centrifugal type clutch; having cadmium dichromate finished corrosion resistant parts; to have output power in excess of 40 foot pound torque at 3000 R.P.M.; to have internally mounted dual "B" section belt sheaves. A sturdy sheet metal cover supplied shall: have 180 square inches of ventilating area; be secured by three (3) spring-loaded fasteners; hinged down for complete engine accessibility; be detached by removing three (3) bolts. (or equal)

AUGER CONVEYOR ASSEMBLY: A 3-1/2" O.D. auger with 3/8" thick hard surfaced flighting turns on 1" sealed self-aligning external pillow block bearings. As part of this complete assembly there is: a fully enclosed stainless steel material discharge chute fitted with an internal spread control device and provisions for receiving a tubular, telescoping material deflector assembly; a 14" diameter stainless steel spinner disc with four (4) replaceable stainless contoured vanes secured by stainless bolts to a 1-1/4" diameter spinner shaft having 5 inches of vertical adjustment equipped with lower rust-proof bearing; sealed, right angle gear box spinner drive having hardened gears equipped with internal upper and lower roller bearings spaced apart a minimum of 5-3/4" and driven by a roller chain protected by a steel guard. This entire cartridge-type assembly to be installed or removed from the hopper body as a fully assembled unit. (or equal)

THROTTLE CONTROLS: To be manually controlled by driver through truck cab window.

STORAGE BATTERY: A 55 ampere hour, 12 volt battery with hold downs and all required power and ground cables.



DEFLECTOR ASSEMBLY: To be of tubular design, telescoping for vertical adjustment with two adjustable hinged deflectors.

HOPPER CLAMPING DEVICE: Four (4) threaded clamping devices, having 6" minimum threaded adjustment with flexible means to fit pick-up truck stake pockets.

TOP GRID: One piece galvanized top grid in angle iron frame having 2" openings shall be supplied with the attaching hardware.

FLASHER LIGHT: Two mounted 7" diameter, amber, rear blinking safety lights to be supplied fully installed with flasher unit.

TARPAULIN: A water and mildew resistant tarpaulin with brass grommets and tie down cord to be supplied for top of hopper with tie down clips spaced evenly along sides of hopper.

PAINTING: The spreader shall be treated with two coats of zinc chromate primer and a finish coat of chrome yellow enamel unless otherwise specified.

APPROXIMATE DIMENSIONS: Overall Length: 8 ft. 9 in. Height: 32 in.
Width of Hopper at Top: 54 in.

APPROXIMATE DELIVERY DATE: _____

Council reserves the right to reject any or all bids.

REPAVING OF ROAD SURFACE
SPECIFICATIONS FOR PAVING ONE SECTION (30' x 235') IN THE AREA OF
2129 AND 2130, 21st STREET, NITRO, WEST VIRGINIA

1. CLEAN AND SWEEP AREA AS MEASURED.
2. PAVE WITH HOT LAID ASPHALTIC CONCRETE WEARING COURSE AT FROM
1 1/2" TO 8" COMPACTED DEPTH.
3. ONE HUNDRED (100) TONS OF MATERIALS TO BE USED WITH LABOR INCLUDED.
4. IT IS RESPECTFULLY REQUESTED THAT THE REPAIRS BE MADE IN
SUCH A MANNER THAT ADEQUATE DRAINAGE WILL BE PROVIDED;
SUCH AS BUILDING UP A CURB WITH ASPHALT IF NECESSARY.
THIS REQUEST EXCLUDES ANY DIGGING OR CONSTRUCTION OF
MANHOLES ETC.
5. WEIGHT TICKETS OF MATERIAL TO BE FURNISHED TO THE CITY OF
NITRO UPON COMPLETION.

DATE YOU EXPECT TO COMPLETE JOB WITH IN 7 Days

THE COUNCIL RESERVES THE RIGHT TO REJECT ANY OR ALL BIDS.

\$18.00 Per Ton. IN Place

Royce Kead

Signature

*Lone Star Paving Co.
P.O. Box 126
Scott Depot W.Va.*

**ORDERS
& HAYNES****PAVING CO., INC.**POST OFFICE BOX 9444
SOUTH CHARLESTON, W. VA. 253096416 MacCORKLE AVE. S.W.
ST. ALBANS, W. VA. 25177
TELEPHONE: 304-762-0007 768-0007City of Nitro
Nitro
West Virginia

November 5, 1974

Attention: Mayor Wm. D. (Bill) Gibson

PROJECT Paving one Section (30' X 235')

WE ARE PLEASED TO QUOTE AS FOLLOWS:

1. Clean and sweep area as measured.
2. Pave with Hot Laid Asphaltic Concrete Wearing Course at from 1 1/2" to 8" compacted depth.
3. Weight tickets will be furnished.

Approximately 100 tons @ \$26.00/ton

If accepted, please sign and return one copy.

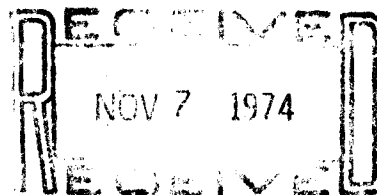
SIGNED BY

James W. Haynes

CORRECTED COPY



STATE OF WEST VIRGINIA
DEPARTMENT OF NATURAL RESOURCES
CHARLESTON 25305



Copy

RA S. LATIMER, Jr.
Director

October 31, 1974

Mr. Warren L. Carter, Director
Grants Coordination Division
Environmental Protection Agency
Region III
6th & Walnut Streets
Philadelphia, Pennsylvania 19106

Re: City of Nitro, West Virginia
C-540179

Dear Mr. Carter:

Enclosed is a copy of a letter from William D. Gibson, Mayor and Chairman of the Sanitary Board, Nitro, West Virginia, requesting an extension of time for the referenced project to begin construction until April 15, 1975.

To the six (6) listed items relating the current history of the project can be added that the plans and specifications have been approved by this agency and forwarded to your agency for your review.

It is felt that this project has moved with good effort and the state concurs with this request and desires that this extension be granted if indeed the rate structure by the West Virginia Public Service Commission is not received in time to permit advertising and contract award by the 24 month deadline.

Very truly yours,

WATER RESOURCES DIVISION

Warren H. Means, P. E.
Head
Municipal Wastes Section

WHM/lr
enclosure

c: William O. Gibson, Mayor of Nitro

Appalachian Engineers, Inc.

Donald Krisher, Accountant

Affidavit of Publication

No. _____

STATE OF WEST VIRGINIA,

Kanawha County, to-wit:

I, Kathryn Stewart of the

☐ Sunday Gazette-Mail ☒ Charleston Gazette, a daily Democratic newspaper ☐ Daily Mail, a daily Republican newspaper, published in the City of Charleston, Kanawha County, West Virginia, do solemnly swear that the annexed notice of Bids- Sale Spreader

was duly published in said paper once a day for 11 successive days commencing with the issue of the 1st day of Oct., 19 74, and ending with the issue of the 5th day of Nov., 19 74, and was posted at the front door of the Court House of said Kanawha County, West Virginia, on the 22nd day of Oct., 19 74.

Dates Published: Oct. 21, 22, 23, 24, 25, 26, 28, 29, 30, 31,
Nov. 1, 2, 4, 5, 1974

Subscribed and sworn to before me this 5 day of Nov., 19 74

Charlotte Cox

Notary Public of Kanawha County, West Virginia

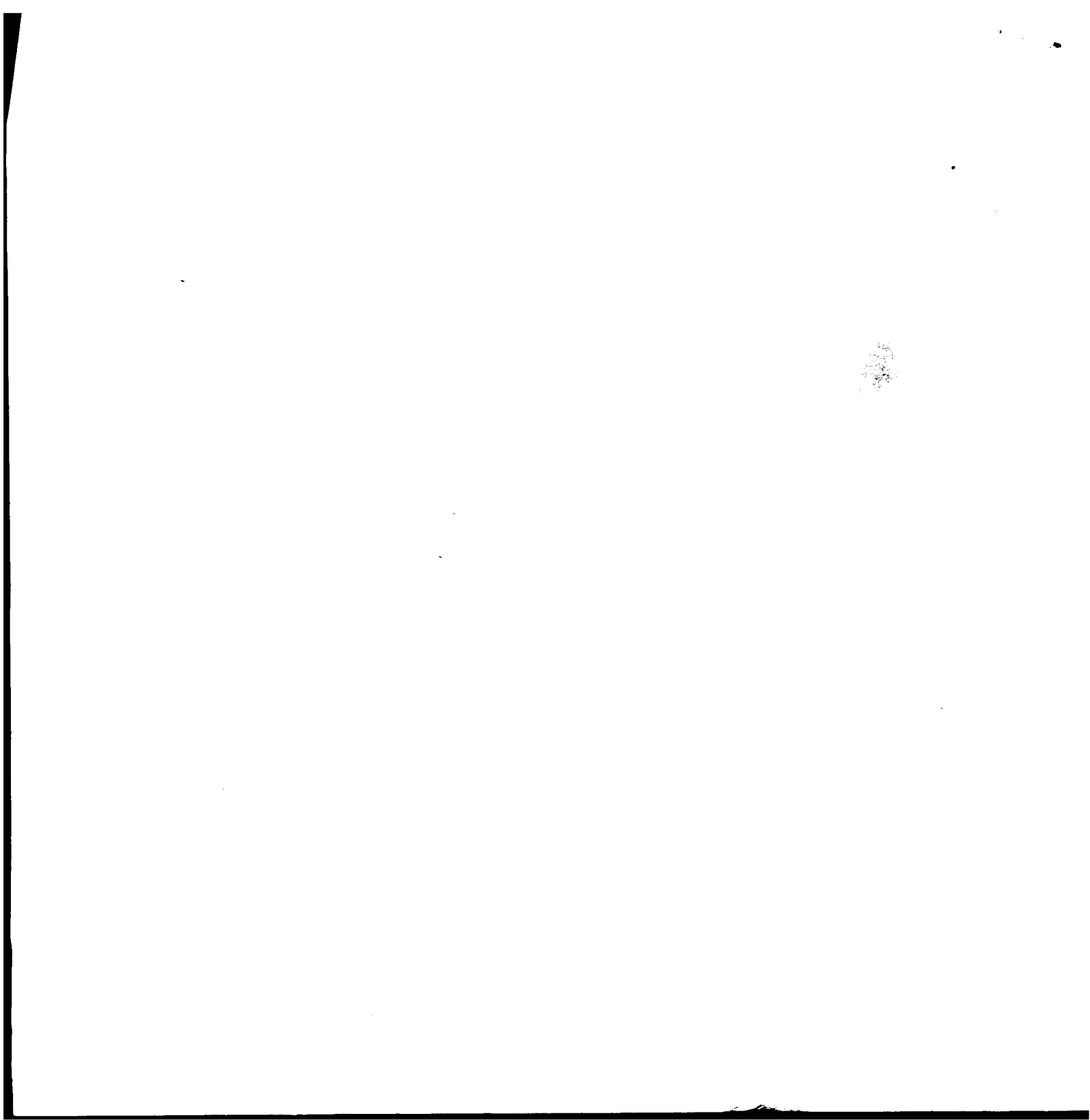
My Commission expires January 15, 1980

Printer's Fee \$ 52.65

ACCT-7

The Council will accept sealed bids for the purchase of a spreader. Bids will be accepted on Tuesday, November 5, 1974. Sealed bids must be marked outside with the name of the bidder. The Council reserves the right to reject any or all bids.

(749)



Affidavit of Publication

No. _____

STATE OF WEST VIRGINIA,

Kanawha County, to-wit:

I, Kathryn Stewart of the

☐ Sunday Gazette-Mail ☐ Charleston Gazette, a daily Democratic newspaper, ☒ Daily Mail, a daily Republican newspaper, published in the City of Charleston, Kanawha County, West Virginia, do solemnly swear that the annexed notice of Bids- Salt Spreader

was duly published in said paper once a day for 21 successive days commencing with the issue of the 21st day of Oct., 19 74, and ending with the issue of the 5th day of Nov., 19 74, and was posted at the front door of the Court House of said Kanawha County, West Virginia, on the 22nd day of Oct., 19 74

Dates Published: Oct. 21, 22, 23, 24, 25, 26, 28, 29, 30, 31

Kathryn Stewart Nov. 1, 2, 4, 5, 1974

Subscribed and sworn to before me this 5 day of Nov., 19 74

Charlotte Cox
Notary Public of Kanawha County, West Virginia

My Commission expires January 15, 1980

Printer's Fee \$ 21.06

ACCT-7

Affidavit of Publication

No. _____

STATE OF WEST VIRGINIA,

Kanawha County, to-wit:

I, Kathryn Stewart of the

☐ Sunday Gazette-Mail ☐ Charleston Gazette, a daily Democratic newspaper ☒ Daily Mail, a daily Republican newspaper, published in the City of Charleston, Kanawha County, West Virginia, do solemnly swear that the annexed notice of Bids- Paving 21st Street

was duly published in said paper once a day for 21 successive days commencing with the issue of the 21st day of Oct., 19 74, and ending with the issue of the 5th day of Nov., 19 74, and was posted at the front door of the Court House of said Kanawha County, West Virginia, on the 22nd day of Oct., 19 74

Dates Published: Oct. 21, 22, 23, 24, 25, 26, 28, 29, 30, 31,
Nov. 1, 2, 4, 5, 1974

Kathryn Stewart
Subscribed and sworn to before me this 5 day of Nov., 19 74

Charles C. Coe
Notary Public of Kanawha County, West Virginia

My Commission expires January 15, 1980

Printer's Fee \$ 23.29

ACCT-7

Affidavit of Publication

No. _____

STATE OF WEST VIRGINIA,

Kanawha County, to-wit:

I, Kathryn Stewart of the

☐ Sunday Gazette-Mail ☒ Charleston Gazette, a daily Democratic newspaper ☐ Daily Mail, a daily Republican newspaper, published in the City of Charleston, Kanawha County, West Virginia, do solemnly swear that the annexed notice of Bids- Paving 21st Street

was duly published in said paper once a day for 21 successive days commencing with the issue of the first day of Oct., 19 74, and ending with the issue of the 5th day of Nov., 19 74, and was posted at the front door of the Court House of said Kanawha County, West Virginia, on the 22nd day of Oct., 19 74

Dates Published: Oct. 21, 22, 23, 24, 25, 26, 28, 29, 30, 31,
Nov. 1, 2, 4, 5, 1974

Kathryn Stewart
Subscribed and sworn to before me this 5 day of Nov., 19 74

Charlotte Cox
Notary Public of Kanawha County, West Virginia

My Commission expires January 15, 1980

Printer's Fee \$ 50.22

ACCT-7

The City Council will accept
seals for the seal (2" x
22" x 22") for the City of
Charleston, Kanawha County,
West Virginia.
The seal shall be made of
any or all of the following:
(748)

NITRO CITY COUNCIL MEETING

November 19, 1974

The regular meeting of the Nitro City Council was held in the Council Chambers on November 19, 1974, at 8:00 P.M. Present were Mayor William D. Gibson, City Recorder Tom Melton, City Attorney Frank Armada, Councilman Thomas Lilly, Councilman Paul Hill, Councilman Vernon Casebolt, Councilman Dewey Mann, Councilman at Large Hugo Tidquist, Councilman at Large Dr. R. V. Allen, and Councilman at Large Keith Priddy.

The meeting was called to order by the Honorable William D. Gibson. Invocation was given by Reverend Leroy Beyer of the Holy Trinity Catholic Church.

APPROVAL OF COUNCIL MEETING MINUTES FOR NOVEMBER 5, 1974: Mayor Gibson reminded Council that each had received a copy of the minutes for the meeting of November 5, 1974, and had been given an opportunity to review them. Councilman Paul Hill made a motion that the minutes be approved, which Councilman Dewey Mann seconded. Councilman Lilly stated that under Item No. 4, Paving one section of 21st Street, the minutes do not show what action Council took on this bid. He believes a motion was made and seconded to award this job to the low bidder, with all councilmen voting in favor. Councilman Mann made a motion that the minutes be amended to conform. Councilman Vernon Casebolt seconded the motion and all voted in favor.

APPROVAL OF OCTOBER FINANCIAL STATEMENT: Councilman Dewey Mann, Chairman of the Finance Committee, asked that approval of the financial statement be delayed until next council meeting. Due to extra work, the city recorder had been unable to get the report ready before today.

BIDS TO BE OPENED ON 1948 MODEL FIRE TRUCK AND 1953 MODEL PANEL TRUCK FOR SALE: Councilman Vernon Casebolt, Chairman of the Fire Department Committee stated that 21 sealed bids had been received on the equipment. Each councilman took part in reading the bids which were as follows:

On the 1953 Model Ford Panel Truck -

James Marion, Marions Autoville 4411 Washington St. West Charleston, WV	\$ 1,202.00
Richard Wheeler, 1318 Tenth Ave. Huntington, WV	702.60
Clay V. Miller III 105 First Street Oak Drive Spencer, WV 25276	463.00
Jerald E. Withrow, 202 Broadway Ave. Nitro, WV 25143	410.00

Thomas M. Miller, 8 Main Ave. Nitro, WV	401.00
John L. Trullutos 945 Lotus Road, St. Albans, WV	395.00
Steve Adams 716 Jefferson St., South Chas., WV	386.00
James D. Woodrum, 924 Lincoln Drive South Charleston, WV	380.00
Charles Gunnoe, 1017 Tenth St. Nitro, WV	353.00
Robert W. Lowe, Jr. 414 Spotswood Road, Charleston, WV	325.00
Sam Elmore P.O. Box 3184, Charleston, WV	311.13
K. H. West #5 Washington Avenue, Nitro, WV	301.00
William W. Fortune 204 DuPont Avenue, Nitro, WV	301.00
John C. Huffman 233 Fairview Avenue, Beckley, WV	177.77
Paul Wright 1510 Lewis St., Charleston, WV	169.00
John C. Callihan, Jr. 102 Juniper St., Nitro, WV	151.00
Ben Gee, Vice President Williamsburg, V.F.D., Trout, WV	126.00
Orvan E. Hammen, Jr. P.O. Box 72, Glasgow, WV	50.00

On the 1948 Model Fire Truck -

David L. Carte 903 Washington Ave., Nitro, WV	777.77
Ben Gee, Vice President Williamsburg V.F.D., Trout, WV	776.00
Jay Goldman 1014 Bridge Road, Charleston, WV	321.17
William S. Shultz 201 Sargeant St., St. Albans, WV	301.00

Marions Autoville

4411 Washington St., Charleston, WV

As is	256.00
With equipment restored	306.00
If put back in running condition	406.00

Councilman Vernon Casebolt made a motion that the 1953 Ford Panel Truck be sold to the high bidder, Marions Autoville, for the bid of \$1,202.00. Mr. Marion asked if he could use the signs "City of Nitro" on the truck since it would only be used for parades, etc., as an antique vehicle. City Attorney Frank Armada said he did not think the city should give permission for this as it might be misleading to the public, although this would not be intended. He also said the city could not prevent the use of the signs. After some discussion it was decided to leave the matter of the signs dormant. Councilman Thomas Lilly seconded the motion to sell the truck to the high bidder. The vote of approval was unanimous.

Councilman Vernon Casebolt made a motion that the 1948 Fire Truck be sold to the high bidder, Mr. David Carte, the high bid being \$777.77. Also included in the motion was the stipulation that the vehicle be paid for within one week after notification by registered letter of the awarding, and if it were not paid for, then it would go to the next highest bidder. Councilman Paul Hill seconded the motion. It was suggested that in the future a time be set for delivery of equipment advertised for sale. The motion passed by unanimous vote.

SPECIFICATIONS FOR INSTALLATION OF CARPETING IN THE NITRO LIBRARY: Councilman at Large Dr. Allen requested that this be left in committee until the chairman of the Building and Planning Committee gets the final specifications written. This should be ready for presentation at the next council meeting.

NEW BUSINESS: Mayor Gibson stated that he had received a letter dated November 7, 1974, from Mr. Jeffrey H. Schiff, Manager of Intergovernmental Relations, Office of Revenue Sharing, in regard to Section 51-40B of the Revenue Sharing regulations. Accompanying the letter was a copy of the July 1974, newsletter, and the October 4, 1974, check letter. Both of these discuss the 24-month time limit in great detail. Councilman Dewey Mann asked if this letter means that we are OK as far as the 24-month time limit on the first entitlement. Mayor Gibson replied that it was explained to him by telephone that we are completely safe and within our limits and guide lines. Copies of these letters had been previously mailed to the councilmen. Copies of these are attached hereto and made a part hereof.

The Mayor also stated that he had received a letter from Mr. Darrell Brightwell of Ade Ambulance Service pertaining to his desire to offer emergency ambulance service in the city of Nitro. Several attachments were with the letter, including copies of letters from members of the South Charleston Chamber of Commerce

regarding their meeting on Emergency Ambulance Service. The Mayor asked that these letters be made a part of the minutes if no one has any objection. Councilman Thomas Lilly recommended that these letters be given to the Emergency Ambulance Service Committee for study and a report back at a later date. He made a motion to that effect. It was seconded by Councilman at Large Keith Priddy. It was passed by unanimous vote that these letters do not become part of the minutes, but be given to the Committee for study.

Another letter called to the attention of councilmen by Mayor Gibson was dated November 6, 1974, from the Fire Chief to the Mayor. An inspection of the Library by the Chief resulted in the following recommendations: A metal trash can with lid for the rest room; remove all trash from underneath building; cover the mail chute - recommend metal box inside of chute with lid; one 2-1/2 gallon pressurized water fire extinguisher. Councilman Thomas Lilly made a motion that this be given to the Library Committee for a report back after their next meeting which will be early in December. Councilman at Large Keith Priddy seconded the motion and all present voted in favor.

The Mayor also reported that Mr. Hayne and Mr. Danny Warner of Appalachian Engineers had been to his office today. They have assured him that the zoning maps for Nitro will be ready by next council meeting. They made an inspection of several problem sites in Nitro including the area where water stands near the Bobby Brooks plant and Weather-Tite, the intersection of Bailes Drive and 40th Street where they did quite a bit of surveying, and the 18th Street hill section. The Mayor said he had been assured they would have the final specifications on the storm drains for Brookhaven by next council meeting.

A request was presented to council for permission to have a parade on December 7, 1974, sponsored by the Nitro Business and Professional Men's Association. Mayor Gibson said Chief Craft feels it would be all right. Councilman Thomas Lilly made a motion for approval of the request. Councilman Casebolt seconded the motion. The vote of approval was unanimous.

Councilman Mann made a motion that Council pass a resolution giving the Mayor authority to grant permission for parades without bringing these before council. Councilman Vernon Casebolt seconded the motion. This passed by unanimous vote.

Mayor Gibson said he would like to inform Council that the Sanitary Board has organized a study budget for the months of July, August, September and October. At the last Sanitary Board meeting the budget was accepted by vote. The Mayor requested that a meeting be set up for the Sanitary Board with the Finance Committee so this could be studied in detail. Councilman Lilly wanted to know when this would be presented to Council. He was told it would probably be next council meeting.

Councilman at Large Hugo Tidquist - Councilman at Large Tidquist said he had a request for street signs at Easter Road and at East 39th Street. He understood there had been signs there at one time, but they are no longer there. Mayor Gibson remarked that we have had our fair share of trouble in some areas trying

to keep signs in place. We try to keep a close watch on this, but it is not always possible. Councilman at Large Priddy asked if it would be better to make a survey of the entire city for street and traffic signs rather than approach it piecemeal. Councilman Casebolt said he thought the signs requested by Councilman Tidquist should be ordered and erected. Superintendent Gene Williams said the signs were already on order, but have not arrived.

Councilman Thomas Lilly: Councilman Lilly reported that the Emergency Ambulance Committee held their first meeting on November 12, 1974. So far they have nothing new to report to Council.

Councilman Paul Hill: No new business.

Councilman Dewey Mann: Councilman Mann asked about the bids on the salt spreader. He wanted to know who had been given the order. Councilman at Large Tidquist replied that the order had not been placed yet. Councilman Mann also stated that Dr. Allen had told him that the low bidder did not meet the city's specifications. Councilman at Large Tidquist reported that three or four items which he feels are really necessary had been left off the low bid. These items included a grating, flasher lights, and a tarpaulin. When the price of these items was added, this bid was higher than the next one. Councilman Mann also asked about the freight charges. It was suggested that in the future we request all equipment be bid FOB Nitro. Councilman Casebolt said he felt the order should go to Logan Corp. with a bid of \$1,780.50 less 4-1/2 per cent (\$81.12) if paid in 10 days, and we should get it ordered. He was informed that the Committee had already been given authority to act on this.

During a pause for a tape change in the TV recorder, Mr. Jim Marion asked if he could speak. He said he had asked permission to have a small car and an underage driver in the antique car parade in Nitro and had been told by the Nitro Police Department that he could not do this. He said it has been done in other cities and he wondered if it could possibly be done in Nitro. He was referred to Mr. Romie Hughart who was chairman of the Antique Car Show.

Councilman Mann asked about the crossing guard for 19th Street and First Avenue. Mayor Gibson said he has given this to the police chief, Lawrence Craft, and he is attempting to locate one. The Mayor asked the councilmen if they knew of anyone that they could recommend. Councilman Mann made a motion this be advertised in the newspapers to see if we can find someone for the job. Councilman Casebolt seconded the motion. All voted in favor.

Councilman Mann reported that the Ordinance Committee held a meeting November 5, 1974, after regular council meeting and those in attendance were: Dewey Mann, Keith Priddy and Dr. R. V. Allen. The purpose of the meeting was to recommend that certain

ordinances be brought before council for passage, and have the first reading November 19, 1974. The recommendations were as follows:

1. All contractors performing work in the city to obtain a City License each year and the fee to be \$15.00.

Here Councilman Mann made a motion that the first reading be made tonight, but after a short conference with the City Attorney he withdrew the motion, and stated that he would read all the ordinances the committee recommends. The motion is that an ordinance be drawn for the first reading at our next council meeting.

1. All contractors performing work in the city to obtain a city license each year and the fee to be \$15.00. This was seconded by Councilman Casebolt. Passed unanimously.

2. Give the Mayor authority in respect to the appointment of city officials. This was in the form of a motion. It was seconded by Councilman Casebolt. Passed by unanimous vote.

3. Councilman Mann made a motion that we adopt an ordinance as recommended by the Humane Society of the United States applicable to our City and to include provisions in our present City-County operation pertaining to animals. Councilman at Large Priddy seconded this motion. All voted in favor.

4. A motion for - Approval by Council for solicitation of funds within city by any person or organization. Application forms requiring pertinent data pertaining to applicant to be furnished by City. Councilman Casebolt seconded the motion, but added that the forms would have to be in two, or sometimes three weeks before the solicitation time, or council would be forced to have a special meeting. Councilman Mann said all he is asking here is that it be required to get council approval. When the ordinance is written, it can spell out the details. Councilman Casebolt seconded and all voted in favor.

5. Councilman Mann made a motion that bids be required for any materials, labor, or materials and labor that cost as much as \$250.00 and separate invoicing to circumvent this provision or collusion between Vendors so as to prevent fair bidding be prohibited and punishable. Councilman Casebolt seconded this motion. Mayor Gibson said he would like to offer a statement. He said he thought this would tie at least one of his hands behind him and often times both hands unless there would be a stipulation in there that in case of emergency he could exceed the \$250.00. With today's prices the way they are, and inflation the way it is, \$250.00 just doesn't go very far when you try to operate a city this size. Mayor Gibson stated that if Council feels that this is right and wants to operate this way it is fine with him, but he thinks you will find we will have to have some special council meetings pretty often. He said he is willing to do this if council members are willing to

be a part of it. The Mayor said "If you pass an ordinance like this I do not intend to violate it." He added that on a week to week basis things do crop up where you have to make decisions to make certain purchases or suffer the consequences, but again he said he would leave it up to Council, but he wanted Council to know that he feels \$250.00 is too low. Councilman Keith Priddy stated that he had checked our October financial statement, and other than budgetary items such as salaries, he did not see any expenditures over \$250.00. The Mayor said "We need to spell out - for instance such as the purchase of gasoline--" Councilman Priddy interrupted with "Isn't that a contractual item?" The Mayor said the contract had expired and with gasoline the way it has been, we have all been advised we had better stay where we are, with prices the way they are and the gasoline shortage. He said if Council wants to have an ordinance like this, he wants it spelled out in detail exactly where he stands on any purchase he might make, whether it be on gasoline, or whether it be on a good buy on motor oil we would happen to run into. Mayor Gibson said he and Mr. Gene Williams, Street Superintendent, try to buy as cheaply as they can and if they find a good buy, try to take advantage of it. As an example, he cited Prestone. Mr. Williams said he bought it for \$4.89 a gallon and could only get 60 gallon. Councilman Mann stated that in order to know whether you get a good buy or not you have to have a bid. Councilman Mann stated that the state of West Virginia right now operates with a \$200.00 limitation, and if labor is involved, it must go through the purchasing regardless of the amount. Councilman Mann said he would like to add that these ordinances have been passed and after they were passed it was voted to have these ordinances drawn up by the Michie Company in Charlottesville, Virginia, about a year ago, and the purpose of this meeting was to see whether or not we couldn't go ahead and get them in force, because it is taking this publishing company so long to codify our ordinances. And, he added, they are not really dragging their feet as far as I am concerned, it took 1-1/2 to 2 years to finish South Charleston's code, so apparently Mr. Sublett is on the level when he says they are working on it. Councilman Mann stated this particular ordinance has been approved previously at a Council meeting on April 19, of this year and it was submitted by letter from the Mayor to the publishing company to be put in force. He stated that it was not intended to tie anybody's hands, and as he was looking through the financial statement, there were very few items that amounted to more than \$100.00. The Mayor asked what we were going to do about gasoline. Councilman Casebolt asked if Council doesn't let the contract to whoever keeps our tank full. Councilman Lilly stated that it is a bid item, however due to the gasoline shortage, since the last bidder that had been the low bidder the previous year had indicated we saw what happened to the city of Charleston when they advertised for bids (they got no bids, or maybe one) they would agree to continue serving the city of Nitro under the previous contract with basically the same figures on it. The only thing this ordinance is going to mean is that we will have to go back and ask for bids. Mayor Gibson stated that he is not against the ordinance, but he could not operate the city of Nitro in an efficient manner

with restrictions of this nature.

Superintendent Gene Williams asked what he would do if a pump went bad on a garbage truck, would this have to go out on bids? Councilman Lilly replied that it would have to if it exceeds \$250.00. Councilman Casebolt asked how much one would cost. Supt. Williams replied about \$400.00. Councilman Mann said, "I don't see any reason why -- is there any reason why you couldn't get a bid on it?" Supt. Williams replied that with the pump out the truck could be down six weeks. Keith Priddy asked if it takes that long to get a bid. Councilman Mann said "I'm not talking about it being down, I'm talking about getting it repaired. How long would it take to get a bid and get it repaired?" Gene Williams replied, "Before we can go have it repaired, we have to buy a pump or have it rebuilt. We have to let somebody order one, let somebody turn in a bid on one." Councilman Lilly asked how many concerns we have in Nitro that can do this type of work. Gene Williams replied "One." Councilman Lilly said that if there is only one concern that does that type of work, then we could only get one bid. Gene Williams asked if it would have to run in the papers. Keith Priddy said that depends on whether a person is asking for sealed bids, or getting three estimates from different concerns. Councilman Lilly remarked that he thought there should be no objections along this line except for possibly asphalt. Asphalt you might buy in \$500.00 lots. He said if this presents a problem, then we can amend it to solidify the purchase of asphalt, or any other item for that matter. Councilman Lilly added, this is a start. In the beginning we know there will be problems that will have to be looked at and worked out. Councilman Mann said he doesn't think the other cities, or the state, are any smarter than we are, and if they can operate under ordinances like this, we can too.

After some additional discussion this was put to a vote. All councilmen voted in favor.

6. Councilman Dewey Mann made a motion that expenditures exceeding \$100.00 must have council approval, but excluding emergencies. The ordinance is to define emergencies. Councilman Keith Priddy seconded the motion. Mayor Gibson said, "Again I want to tell you gentlemen you are tying both hands behind me. There is no way I can operate this city on this basis, and I do protest this type of an ordinance. And I will make a further statement that you just may have a resignation from William D. Gibson, Mayor of the city of Nitro, if council wants to tie my hands behind me to this extend. The resignation will probably come pretty soon. Any other questions?" Councilman Mann stated that in the Police Department in October only four out of 21 items amounted to \$100.00. In the Fire Department one out of ten items amounted to over \$100.00; in the Garbage Department three out of 14; in the Street Department excluding salaries, out of 13 items none of them exceeded \$100.00. Councilman Mann added that he would like to state that this council has been charged by the people of Nitro to be responsible for the expenditures and to govern the finances of the city, and in order to do this, they have to know

what is being spent before they spend it. Councilman Mann said he would like to continue with his report. He asked if it had been seconded and was informed it had been. The motion was put to a vote and the motion carried. Councilman at Large Tidquist abstained, and Councilman at Large Dr. Allen opposed. Dr. Allen stated that he was against this, he stated that he has sat in Council and he knows the responsibility that is placed on the Mayor, or anyone who sits in that chair. He said he is for the recommendation on the \$250.00 and up being let for bids, but not for the \$100.00 on items necessary for the operation of the city. The question was asked if other cities operate this way. Dr. Allen replied that they have to have more money. The question was asked if other cities operate under a restriction like this. He replied, "Not a \$100.00 restriction." Mayor Gibson stated that he has a copy of the minutes of a meeting held August 21, 1973, wherein Councilman Lilly stated he would make a motion, which was passed, that Council authorize all department heads to be able to issue and sign purchase orders for amounts up to and including \$100.00. Councilman Lilly further stated in the August 21, 1973, meeting minutes, that since July 1, 1972, when all departments were reorganized the department heads had been assigned and given their department to operate. Councilman Lilly added that as a result of this, this city has a \$100.00 limitation. Councilman Lilly said he had visited a city today that operates under the \$100.00 limitation and it works like this: A requisition is filled out prior to issuing the purchase order. The requisition states who is making the purchase, who it is ordered from, the quantity they are purchasing and the description, the dollar amount of the order, what department is requesting this, was it approved by the department head, and was it approved by Council if the purchase exceeds \$100.00. Councilman Lilly said this city he is talking about has made two exceptions, one is for asphalt for the Street Department, and the other is for overtime for one of the Police Departments, and they have had this in force for numerous years. There again, it seems to work because it shows the requisition number, the date, the purchase order number and invoice number. This allows appropriate control over the expenditures for all concerned. You have to have a requisition number to match up with the purchase order and the invoice, and everything being equal, you pay the bills. It hasn't been any detriment to the one community, which incidently is a lot larger than our community, but it has seemed to work with a couple of exceptions. Councilman Keith Priddy stated that this is the reason for the second part of the recommendation which says that the ordinance will define an emergency. Councilman Lilly added that this could be something good for the city of Nitro, and on the other hand, if it doesn't seem to work, we can ask the Ordinance Committee to reconsider.

Councilman Dewey Mann said he would like to add, this was brought up in the Finance Committee meeting last April, and was discussed and was recommended by the Finance Committee, and was given to the Ordinance Committee. He also said he would like to go ahead and finish his report on Item No. 6. He said that in the Ordinance Committee meeting on November 5, the Chairman,

(at this point Councilman Lilly passed a copy of the requisition form under discussion to the Mayor, a copy is attached here to and made a part hereof)

Dewey W. Mann, pointed out that the above recommendations, except No. 2 were introduced and approved by Council April 19, 1974, including No. 6, that expenditures exceeding \$100.00 should have Council approval, but excluding emergencies; the ordinance is to define emergencies. And that No. 6 was deleted from the official minutes and was not included in the letter to the Michie Publishing Company transmitting the subject ordinances to them for drafting and codification. Councilman Mann said that this seems highly irregular. Mayor Gibson said that we have the tape of that council meeting, and at this time he would like for Mrs. Frazier to go get the tape and play it for council members so they may hear how this report was made to Council. A short recess was called in order for this to be done.

After the recess, the tape had been placed into the hands of the city recorder, Tom Melton, and Mayor Gibson asked Council if they would like to hear the entire tape or just the part where Councilman Mann had made the recommendation for ordinances, which is on Page 232 of the copies of the minutes for the meeting which were passed out to councilmen. Mayor Gibson explained the minutes should show the date of April 16, 1974, instead of the 19th, which was a typographical error. He also passed out a copy of a letter he had written on April 17, 1974, transmitting the ordinance recommendations to the Michie Company and a copy of their reply dated April 22, 1974. He asked that these letters be made a part of the minutes. Councilman Casebolt asked why we were to listen to the tape. Mayor Gibson replied that it was to document the accuracy of the minutes for that particular meeting, because the minutes had been questioned as to their accuracy. Councilman Keith Priddy asked if Council had not approved copies of the minutes making them official. And he asked if a copy of the minutes for the Ordinance Committee meeting had been given. Councilman Mann stated that he had written a letter on the first Ordinance Committee meeting which contained 7 items including a schedule of salaries and that he had been charged with the responsibility of making this report to Council with the exception of No. 2. The question was asked if the motion had carried on No. 6. Keith Priddy replied that the motion had carried. Councilman at Large Priddy said he thought we should play the tape to clarify that the minutes were typed accurately. Councilman at Large Hugo Tidquist was also in favor of hearing the tape played. Councilman Vernon Casebolt said he did not think it was necessary to hear the tape, that it would just take up time. Councilman Mann stated that Council has approved the recommendation and they will be in this week's minutes. Councilman Paul Hill asked just what is considered the official record of the meeting, would it be shorthand or the tape of the meeting. City Attorney, Frank Armada stated that he doubts that any procedure has been established as the official method of taking notes. Shorthand was not taken at the meeting in question, a tape is not good evidence as far as a court of law is concerned, but since shorthand was not taken at that time, the tape is used for the minutes of the meeting. Councilman Lilly stated that official minutes are what we have written and approved by Council, and there was no motion made to change these. Councilman Casebolt made a motion that the minutes be presented to Council as they have in the past, only within three or four days after council meeting. He said that we have a tendency

to forget, and if we can get them early we can remember what was said. Mr. Frank Armada, City Attorney, said that minutes are only a summary of what took place at a meeting. Councilman Mann refers to minutes about ordinances, you made no ordinances, you made recommendations. Councilman Casebolt gave this summary of the discussion thus far: 'These ordinances were recommended by the Ordinance Committee to be sent to the Michie Company for codification in our ordinances, and when they were sent to the company, No. 6 was left out. In our minutes then you state that No. 6 has been changed to read the Vacation Schedule for our city employees and this has been moved up from No. 7 to 6. At the time we got our minutes just prior to, maybe on Friday or so before next council meeting, when you read this you skipped over and did not know it, and we approved a group of pages, as Mr. Armada said, a record of our last council meeting, just a transcript of what happened in our last council meeting, which doesn't have any bearing at all.' Councilman Casebolt added, "This is why I made the motion I made. I would like to have the minutes soon enough that you can remember all of the items that you put in this, such as the ordinances that you propose here, although I know this is not an ordinance. I know this did not adopt the ordinances, but the question is it was left out. Maybe by oversight, maybe just, I don't know." Mayor Gibson said that is why he would like to have the tape played just to clarify it in the minds of everyone around the table. He said he was not trying to - Councilman Mann interrupted saying "I second that motion." A vote was taken on the motion and the motion carried. Councilman Mann said, "Now that is a motion that we will get our minutes sooner." Councilman Casebolt said "three days, 3 or 4 days."

Councilman Dewey Mann said he had a statement he would like to make, "I talked to the Mayor about two hours I guess on the phone probably pertaining to this matter, and I only said that they were deleted, I did not say how it was done or in what manner it was done, but I said that it should be looked into and that our secretary and recorder, and I understand that the recorder is actually responsible for the official minutes, and he should read the minutes before they are typed, and because he is elected to do this, and I know that in the past, and the only thing I contend is that there was an error made and I could listen to a thousand tapes and I still say that I made that report just as I say I did." Mayor Gibson asked why not listen to the tape it would just take a jiffy. City Attorney Frank Armada suggested that all future committee reports should be submitted in writing to the council over the signature of the committee chairman, and these reports made a part of the minutes. Actually all the minutes are to do is summarize the meeting. Councilman Priddy added that this was why he had asked if Dewey had turned in his recommendations in writing. Councilman Mann said that he thought he did give it to Bill. He added that he was the one who suggested that we put our committee meeting in writing and he said that he knew we had to have a copy of it, had to have it to send the report to the Michie Company. Mayor Gibson stated that we had a rough draft copy. Councilman Casebolt said that this is a reason this could easily have been overlooked, that he did not feel there had been any reflection thrown on anybody here.

Mayor Gibson said he thought it was unfair to the lady who typed the minutes and who is responsible for taking down the minutes and that it was unfair to him to say that there was an error made in the minutes when the minutes were copied off the tape and he thought if you would play the tape -- Councilman Mann said, "The only thing is, if you play the tape I'll reject what's on it. As far as I'm concerned I could swear under oath that I made that report - - - " Councilman Thomas Lilly made a motion that we leave the matter dormant and continue council business. Motion was seconded by Councilman at Large Tidquist. All voted in favor.

Councilman Dewey Mann continued. He stated that this has to do with an ordinance dated March 4, 1948, pertaining to the Sanitary Board. He read a section of the ordinance which he was concerned with. He said this was brought up in council before some time ago and nothing was pursued as to its advocacy. Before Section 3 of this ordinance, the Board shall elect a vice-chairman from its members and shall designate a secretary and treasurer who may be one and the same person who need not be members of the board and who shall hold office at the will of the board. Each member of the board other than the Mayor shall receive a salary of \$25.00 a month and shall be entitled to payment for his reasonable expenses incurred in the performance of his duties. He stated that he has discussed this with the Mayor and there are minutes which change this, and to pay the Mayor \$100.00 and the Board members \$50.00, council minutes subsequent to this date. Councilman Mann stated that he would like to bring this up, because it seems to him that we need an ordinance to substantiate the minutes. He said he was sure the minutes would not over ride an ordinance. Councilman Casebolt said that what is being asked for, then is another ordinance to establish the fee paid the members and the Mayor. Councilman Casebolt asked Mr. Armada if it would be possible to amend the ordinance which Mr. Mann had read to read that the Mayor will receive \$100.00 and the members \$50.00 per month. Mr. Armada said it would have to be passed by Council. Councilman Mann asked before the motion be made "With all due respect to your remarks, Bill, about resigning, nobody had any intention of causing that, but I do think we ought to be able to coordinate our activities and see eye to eye, I don't think the Mayor is being paid enough, and I think everybody will agree with me, and the reason I said to hold up on that, if there is any legality in the thought to maybe increasing it a little bit in this manner then maybe this should be considered. That is my suggestion, that's the reason I wanted to discuss it." Councilman Priddy asked if it would be better to do this through the general fund rather than through the Sanitary Board because at some future date it might make the difference in the Sanitary Board operating in the black or in the red. The Mayor stated that he had minutes from the meeting of March 23, 1959, of the Sanitary Board, which state that members and officers will be paid as follows: Chairman of the Board \$100.00 per month, Secretary and Treasurer \$75.00 and members of the Board \$50.00 retroactive to January 1, 1959. And then on April 7, 1959, in the copy of the minutes of City Council meeting it states that the salaries were recommended by the Sanitary Board as follows: Chairman \$100.00, Secretary and Treasurer \$75.00 and Members \$50.00. These were

passed by Council and made retroactive to January 1, 1959. Photo copies of these minutes were passed out to each councilman. Councilman Casebolt made a motion that our city attorney draw up an ordinance amending Ordinance No. 94 to read - (there was some question about the correct ordinance number) Book No. 15 - to read that the salary for the chairman of the board shall be \$100.00 and the members \$50.00. Councilman Mann asked if there was a way the salary could be increased and was told no, that it would have to be approved by the Sanitary Board. Councilman Casebolt changed his motion to amend the previous ordinance instead of making a new one. Councilman Mann seconded. After a discussion with City Attorney Frank Armada it was decided an ordinance was not required, since there was an ordinance already regarding the payment of salaries, and Council could approve the rate increase.

Councilman Casebolt made a motion that the attorney draw up an amendment to the Ordinance in Book 15 regarding the Sanitary Board, that the Chairman be paid \$100.00 and the members \$50.00. He stated that this is the Sanitary Board's recommendation to City Council which was approved. He stated that Council cannot raise the Chairman's salary without a recommendation from the Sanitary Board. Councilman Keith Priddy suggested that the matter be turned over to the Ordinance Committee who can work with the attorney to decide just exactly what is needed here.

Mayor Gibson stated that he had talked to Mr. Saber of the Kanawha County Health Dept. about regulations governing the Sanitary Board of municipalities and had been sent a copy of these regulations. Councilmen were given a copy of these regulations.

Councilman at Large Dr. R. V. Allen: No new business.

Councilman at Large Keith Priddy: No new business.

Councilman Vernon Casebolt: Councilman Casebolt asked about the progress on the signs for the Little League. He was informed that they have been received and the decision on where to place them has not been made. It will possibly be over the main gate or somewhere near by.

Councilman Casebolt said that a few weeks ago the subject was discussed to limit the term of office of the Mayor to two terms. He said he had been informed by the City Attorney that this would have to be done through an amendment to the city Charter. This would have to be advertised, a protest meeting held, and if one person voiced an opinion against it, then an election would have to be held, and voted on by the people. Councilman Casebolt made a motion that our city attorney have an ordinance drawn up and ready for the first reading at the next council meeting to change our charter to read that the Mayor cannot serve more than two consecutive terms in office, and after the first reading he would like to have this published and at that time set the date for the public meeting and then take

it from there. Councilman Casebolt changed his motion to ask for the first reading the second meeting in December instead of the first. Councilman at Large Priddy asked if the ordinance is drawn up and the protest meeting held, do we have any alternative but to go ahead with the full process. He was told no. Councilman at Large Allen said the election must be held within a certain period of time. Mr. Frank Armada said he would need to do some research on this to be absolutely certain of this. He would study this and report back. Councilman Casebolt withdrew his motion, and asked that Mr. Armada also research what steps would need to be taken to set up a Charter Committee, or to change our Charter to set up a two party system in Nitro and let us have a report back by next council meeting.

Councilman Casebolt made a motion for adjournment which was seconded by Councilman at Large Priddy. All voted in favor.



Mayor



Recorder

NITRO CITY COUNCIL MEETING

December 3, 1974

The regular meeting of the Nitro City Council was held in the Council Chambers on December 3, 1974, at 8:00 P.M. Those present were Mayor William D. Gibson, City Recorder Tom Melton, Councilman at Large Hugo Tidquist, Councilman at Large Keith Priddy, Councilman Vernon Casebolt, Councilman Paul Hill, Councilman Thomas Lilly and Councilman Dewey Mann. Councilman at Large Dr. R. V. Allen was absent. Also absent was the city attorney, Mr. Frank Armada.

The meeting was called to order by the Honorable William D. Gibson.

APPROVAL OF COUNCIL MEETING MINUTES FOR NOVEMBER 19, 1974:

Mayor Gibson reminded Council that each member had received a copy of the minutes for the previous meeting in the mail and had been given an opportunity to review them. Councilman Lilly made a motion for approval of the minutes, which was seconded by Councilman Mann. The vote of approval was unanimous.

APPROVAL OF OCTOBER FINANCIAL STATEMENT: Councilman Dewey Mann, Chairman of the Finance Committee, reported that the financial statement had been sent to each councilman so that each could have time to go over it. The bank balance as of the end of October was as follows:

Balance October 31, 1974	67,276.67
Less outstanding checks	<u>6,226.73</u>
Balance	\$ 61,049.94

Councilman Mann said if there were no questions, he would move that the statement be approved. Councilman Lilly seconded the motion. The vote of approval was unanimous.

NOVEMBER FINANCIAL REPORT: Councilman Mann gave the following report:

Balance October 31, 1974	61,049.94
Receipts for November	<u>35,640.18</u>
	96,690.12
Disbursements for November	<u>43,272.06</u>
Balance	\$ 53,418.06

FIRST READING OF ORDINANCES PROPOSED BY ORDINANCE COMMITTEE: Mayor Gibson said that in the absence of the city attorney, he had been asked to inform Council that the attorney is working on these ordinances and hopes to have them ready by next council meeting.

Councilman Dewey Mann, Chairman of the Ordinance Committee, reported that he has good news on the codification of the ordinances. An editorial conference can be held here in Nitro as early as December 9. It would take two days. Councilman Mann said "These ordinances on the agenda have been brought up at this time as there was no assurance when the Michie Publishing Company would complete their work. Apparently the time is here. These people are experts at writing ordinances. They are specialists as far as the laws of West Virginia are concerned. Mr. Sublett, the president, has informed and convinced me that they will provide us with a well organized, codified set of laws with which the city of Nitro can be fairly and properly administered. I am sure their recommendations will well be worth considering and waiting for. In view of this, I would like to make a motion that these prepared ordinances be held over and worked out with these trained experts." The motion was seconded by Councilman Casebolt and passed by unanimous vote.

SPECIFICATIONS FOR INSTALLATION OF CARPET AND TILE AT THE NITRO PUBLIC LIBRARY: In the absence of Councilman at Large Dr. Allen, Councilman Paul Hill, Chairman of the Building and Planning Committee, made a few minor changes in the specification sheet on the carpet. He also made a motion that this be let for bids, with bids to be opened at next council meeting, December 17, 1974. Councilman Casebolt seconded the motion. It was recommended that a completion date for the work be added to the specification sheet. This was to be listed as Item No. 16 and the completion date to be January 17, 1975. The motion carried.

Councilman Mann stated that he had been informed that two dusk-to-dawn lights at the library are not working, also that the Library Commission had accepted the recommendation of the Fire Chief.

NEW BUSINESS: Mayor Gibson stated that he had received a letter from Mr. Robert Hayne of Appalachian Engineers, Inc., with several attachments, including a supplemental agreement to be signed by the Mayor as the contracting officer of the Blakes Creek watershed project; copy of a letter dated September 14, 1972, from Mr. Joseph S. Jones, State Highway Engineer of the construction department; and copy of a letter dated October 22, 1971, from Mr. Norris R. Caryl, Assistant State Conservationist with the U. S. Department of Agriculture Soil Conservation Service, Morgantown, West Virginia; copy of a letter dated May 26, 1972, to Mayor Alexander from Mr. Joseph H. Jones; and other attachments. The Mayor stated that he has been communicating with Mr. Hayne and Mr. Armada, city attorney, over a period of several months trying to bring this matter to a rapid conclusion. This supplemental agreement concerns the road changes and repairs which took place during the building of the dam. After this agreement is signed by both the city and the Department of Highways, the city may invoice the Department of Highways for \$10,170.00. The city of Nitro is due this \$10,170.00 as a result of money paid when the road had to be raised in the last stages of construction of the watershed. (Secondary Route 25-1). These letters are attached hereto and made a part hereof.

Another letter the Mayor called to the attention of Council, was from Appalachian Engineers concerning the storm drains for Brookhaven. Attached was one print of plan and profile sheet on this project, plus 17 pages of specifications, which is a pretty comprehensive report. Mayor Gibson stated that he would like to put this in the hands of the Storm Drain Committee and request they discuss it with Mr. Armada and make a report back by next council meeting. Councilman Priddy said he thought Council had already voted to let the first phase for bids as soon as we got the specifications. The Mayor replied that these specifications are to a point in rough draft, and he would like for the attorney to go over them for any legal aspect that might be necessary. He said we had approved for Appalachian Engineers to draw up the specifications, but he did not think Council had voted to accept the specifications as they are now written. The Mayor further stated that he had just received the specifications today and had not had the time to look them over thoroughly. Councilman Priddy stated that what had been voted on was Mr. Hayne's recommendation that we complete the work in three phases, and it was voted to proceed with phase one on which he had an approximate cost and money was in the escrow account to cover it. Mayor Gibson remarked that the first report was in very brief form. Councilman Priddy said we had been waiting on the specifications to advertise it for bids. The Mayor said that the specifications were rather lengthy, but if Council wants to review them and make a decision tonight, and vote on these specifications, he has no objections.

Councilman at Large Tidquist, Chairman of the Storm Drain Committee, stated that he would prefer to have Mr. Armada go over the specifications because of any legal technicalities that might be in them and we, as laymen, might not understand it. Councilman Mann wanted to know if the committee could go over this with the attorney and have authority to go ahead and advertise for bids without bringing it back to council. Councilman Lilly stated that we only have \$14,000.00 to spend, which is allocated for Phase I of the project, and this is the bids we will recommend and receive. Councilman Casebolt made a motion that it be put in committee with the attorney to go over it, and if any drastic changes need to be made, it should be brought back to Council, but if no big changes are needed, then the committee should have the authority to act. Councilman Mann seconded the motion. The motion carried by majority vote. The two opposing councilmen were Priddy and Lilly.

Another letter brought to the attention of Council by the Mayor was also from Appalachian Engineers concerning the zoning map for the city. He recommended that the letter and the accompanying map be turned over to the Building and Planning Committee, with a suggestion that they may want to touch base with the city attorney, Mr. Frank Armada, who will make a report back at the next council meeting. Mayor Gibson said that Appalachian Engineers feel that this map is in complete agreement with a zoning map adopted by Council October 6, 1970, but is more clearly written with better instructions as to zoning areas, etc. When the committee makes its report to Council, he would like it made part of the minutes.

Mayor Gibson stated that he has spent a tremendous amount of time on the National Flood Insurance Program, and that he disagrees to a great extent with the map that was sent to the city of Nitro by the Department of Housing and Urban Development. He had prepared a letter to the Corps of Engineers, Huntington District, Huntington, West Virginia, which he read. A copy of this letter is attached hereto and made a part hereof.

Mayor Gibson read a letter from West Virginia State College, with an attached copy of a resolution stating that Council feels a community college is needed at West Virginia State. The resolution was read to Council as follows:

"WHEREAS, The City Council of Nitro sees the need for expanded career programs for citizens of our area; and

WHEREAS, West Virginia State College has demonstrated its ability to provide valuable educational and community services;

THEREFORE BE IT RESOLVED that Council requests that the West Virginia Board of Regents establish a Community College at West Virginia State College."

Councilman Lilly made a motion that Council adopt the resolution. This was seconded by Councilman Priddy, and passed by unanimous vote.

The Mayor stated that he has a letter from the Regional Intergovernmental Council regarding meetings to be held in the near future pertaining to the Kanawha County Transportation Citizen's Advisory Committee. He feels there may be times when he will be unable to attend these meetings, and he asked if any Councilman would like to attend as the representative of Nitro. Councilman Mann indicated that he may attempt to attend and questioned as to the time and place of the meetings.

The Mayor stated that he had attended a meeting of the Mayors on November 21, 1974, regarding the Western Landfill. As soon as he receives a copy of the minutes of the meeting, he will forward them to councilmen.

Councilman at Large Hugo Tidquist: Councilman at Large Tidquist announced that the bid on the salt spreader was awarded to the Logan Corp., because after going through the specifications they were the low bidder.

Councilman Tidquist asked about the possibility of putting a weight limit on Main Avenue from the corner of Lock Street to Boundary Street. He said he has had complaints of heavy cement trucks and busses using the street. Councilman Casebolt remarked that construction in the area would make it necessary for trucks to be on this street. Councilman at Large Tidquist said perhaps the Traffic Committee could study this.

Councilman Thomas Lilly: No new business.

Councilman Paul Hill: Councilman Hill said he had been asked if anything could be done to open a ditch on 18th Street hill where the road is closed. Superintendent Gene Williams explained that Mr. Hayne of Appalachian Engineers felt this street should remain closed until they finish an engineering study of the situation. A slide is causing damage to the street.

Councilman Dewey Mann: Councilman Mann remarked that he was glad Mayor Gibson could make it tonight. The Mayor replied that he was glad to be here, that the Man up above had been good to him all his life, and the Mayor added that he was happy that everyone else in the Council Chambers were in attendance.


Councilman Keith Priddy: Councilman Priddy said he had received numerous complaints yesterday and again this evening from residents of the Easter Road area. He said he had been told that they have been unable to get a response from the Dog Warden even though they have made both phone and written requests. One lady told him she had been in and signed a complaint and still nothing had been done. Another complaint was that the garbage trucks have been tearing up the embankment as they try to avoid chuck holes in the road and pull off the pavement onto the berm. The third complaint was that these same residents have been unable to get a street light replaced that has been burned out. Councilman Priddy was told that residents had notified Appalachian Power as well as the city office at least three times. Councilman Priddy said he thought these things should be investigated. It was suggested that he get the pole number of the burned out light so this information could be sent to the power company. Mayor Gibson said he would check with the Police Department regarding the Dog Warden. He is supposed to be in Nitro every third day.

Councilman Vernon Casebolt: Councilman Casebolt said we have a serious problem with traffic at the corner of Lock and Main Streets. He suggested that a blinking light be considered to make this corner a 4-way stop instead of 3-way. He said he thought the Traffic Committee should study this and give their recommendations.

Councilman Casebolt asked if we have an ordinance prohibiting dumpsters in the city. Mayor Gibson replied that we do. Councilman Casebolt said that on a recent visit to South Carolina, he noticed that Aiken County has a system of dumpsters county-wide and it seems to work well. He wanted to know what the reasons were for not allowing them in Nitro. The Mayor said he did not know just what the specific reasons were, the ordinance was passed prior to his administration. Councilman Casebolt said he feels the dumpster is better and cleaner than bins such as is used behind Rite-Aid and other business establishments. He wondered if Council would consider amending the ordinance to allow business places to use them, if they continue to pay their municipal service fee. Mayor Gibson said he thought

this should go into the Garbage, Health & Trash Committee and let them do some research on it.

Councilman Vernon Casebolt made a motion for adjournment. The motion was seconded by Councilman Paul Hill. The motion carried.



Mayor



Recorder

NITRO CITY COUNCIL MEETING

December 17, 1974

The regular meeting of the Nitro City Council was held in the Council Chambers on December 17, 1974, at 8:00 P.M. Those present were Mayor William D. Gibson, City Recorder Tom Melton, Councilman at Large Hugo Tidquist, Councilman at Large Dr. R. V. Allen, Councilman at Large Keith Priddy, Councilman Vernon Casebolt, Councilman Dewey Mann, Councilman Thomas Lilly and Councilman Paul Hill. Also present was Mr. Frank Armada, City Attorney.

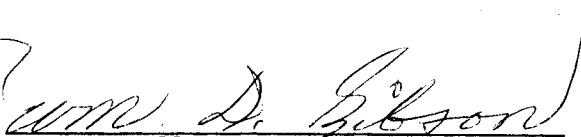
Mayor William D. Gibson called the meeting to order.

Item I on the agenda was the approval of minutes for the December 3, 1974. meeting which all councilmen had received in the mail.

Councilman Thomas Lilly made a motion that the first two items on the agenda be suspended; and on Item No. 3 Bids to be Opened for Carpet for the Nitro Public Library, that these bids be opened and given to the Library Committee for action on the low bid; and that the meeting be recessed in memory of Mrs. Betty Gibson. The motion was seconded by Councilman Paul Hill. The motion carried by unanimous vote.

Bids on carpet for the Library were as follows:

Lawson's, Inc.	1,606.35
Kanawha Office & Equipment	1,500.00
Modern Supply	1,569.23
King Floor Covering	2,247.46



Mayor



Recorder

NITRO CITY COUNCIL MEETING

January 7, 1975

The regular meeting of the Nitro City Council was held in the Council Chambers on January 7, 1975, at 8:00 P.M. Present for the meeting were Mayor William D. Gibson, City Recorder Tom Melton, Councilman at Large Hugo Tidquist, Councilman at Large Dr. R. V. Allen, Councilman at Large Keith Priddy, Councilman Vernon Casebolt, Councilman Dewey Mann, Councilman Thomas Lilly and Councilman Paul Hill. Also present were City Attorney Frank Armada and Street Superintendent Gene Williams. The meeting was called to order by the Honorable William D. Gibson.

APPROVAL OF MINUTES FOR DECEMBER 3, 1974, MEETING: Mayor Gibson reminded Council that each member had received a copy of the minutes for the previous meeting in the mail and had been given an opportunity to review them. Councilman at Large Dr. Allen made a motion for the approval of the minutes. The motion was seconded by Councilman Casebolt. The vote of approval was unanimous.

APPROVAL OF MINUTES FOR DECEMBER 17, 1974, MEETING: Mayor Gibson mentioned that these minutes, too, had been mailed to each councilman. Councilman Casebolt made a motion that these minutes be approved. The motion was seconded by Councilman Thomas Lilly. The vote of approval was unanimous.

APPROVAL OF NOVEMBER 1974 FINANCIAL STATEMENT: Councilman Dewey Mann, Chairman of the Finance Committee, stated that all councilmen had been given a copy of the statement. He made a motion that it be approved. The motion was seconded by Councilman at Large Tidquist. Councilman Lilly stated that he had a question. He then presented three purchase orders; #1443 dated Sept. 25, 1974, for \$180.00, #1487 dated October 2, 1974, for \$166.95, and #1488 dated October 3, 1974, for \$129.20; each exceeding \$100.00 and signed by a department head. He said that on August 21, 1973, Council had voted to allow department heads to make purchases up to and including \$100.00. He also questioned the fact that one department under Budget Line Item No. 11 as of the month of November had used \$8,000.00 of its estimated yearly budget of \$10,000.00. He asked if anyone was aware of this. The Mayor replied that he was aware of the three purchases, and that he had told the department to make the purchases and that he would sign the purchase orders over or under the department head's signature. Councilman Lilly repeated that Council action on the 21st of August, 1973, authorized purchase orders to be signed by the department head up to and including \$100.00, and these three exceed that amount. The Mayor stated that he knew about the purchases in advance, that he told the department head that he would sign either over or underneath his signature. He asked Councilman Lilly if he were trying to say that this department head is guilty of wrongdoing. Councilman Lilly replied that he was just saying this department head has no premission to sign

purchase orders over \$100.00, yet he has on three of them. The Mayor said, "He had permission from me to sign them." The Mayor also called to their attention a purchase order #1373 dated November 29, 1974, as yet unsigned that covered a front tire for the Mack fire truck. However, he stated that he did intend to sign the purchase order. The Fire Chief had called to report the punctured tire, and it was needed in a hurry in order to keep the fire truck in running condition. The Mayor had given permission by telephone to purchase the tire from Wright Tire and Battery Company in Charleston, purchase price \$140.66. He added "What is the use of having a \$50,000.00 fire truck if you can't run it because of a tire?"

Councilman Priddy said "I think what Councilman Lilly is trying to point out, Mayor, is that Council took action which carried, but evidently that action hasn't been followed, so it has seemingly little value." The Mayor said that he would recommend very strongly that Council seriously consider giving the department heads more leeway in making purchases. Councilman Lilly remarked, "If this is an example of the leeway that they exercise with what they've got, I recommend taking everything from them on purchases whatsoever." City Attorney Frank Armada asked if this was an ordinance which was passed or was it a resolution as far as council policy was concerned. Tom Melton replied that he did not believe it was a formal resolution, the minutes record it as a motion made and passed in council meeting. He further stated that the purchases were uniforms for new policemen and such purchases had been authorized by Council. Councilman Lilly said he was not questioning the purchases, only who signed the purchase order, that Council's direction was for department heads to sign for purchases up to \$100.00. The Mayor stated that he felt Councilman Lilly was making an issue over a very petty thing, and unless some other councilman had something to add, he would like to continue with Council business.

Councilman Mann said he would like to add one thing. He feels that the ruling on the purchases to exceed \$100.00 should either be changed or complied with. Mr. Frank Armada offered the suggestion that Council have an ordinance drafted covering purchasing policy, providing for penalties, etc., instead of doing it by an informal resolution. Councilman Paul Hill suggested that perhaps the limit should be revised from \$100.00 to \$200.00, since we will have to go with the times, and at today's prices it is hard to buy anything for \$100.00 to be used on our equipment.

The motion for approval of the November financial statement was brought to a vote. Voting in favor were City Recorder Tom Melton, Councilmen Dr. Allen, Hugo Tidquist, Vernon Casebolt and Dewey Mann. Opposing votes were from Councilmen Thomas Lilly and Keith Priddy. Councilman Paul Hill abstained. The motion carried.

DECEMBER FINANCIAL REPORT: Councilman Dewey Mann gave the following report:

Balance December 1, 1974	\$ 53,418.06
Receipts	<u>48,499.99</u>
	101.918.05
Disbursements	<u>48,748.18</u>
Balance December 31, 1974	\$ 53,169.87

NEW BUSINESS:

Mayor Gibson read a letter from the Church of Christ asking for an area of Main Avenue near the church to be marked for church parking only. He recommended that this be given to the Street Sign and Traffic Committees for a recommendation at the next council meeting. Councilman Casebolt asked if he could give an explanation of the request. He explained that the area asked for is on Main Avenue beside the church, and they would like to be able to leave the church busses there during the Sunday morning services. The longest they would be parked in this area at any given time would be two hours, then they would be parked on the parking lot across the street. A copy of the letter is attached hereto and made a part hereof.

A letter from the Kidney Foundation of West Virginia asked permission for a solicitation campaign to be held during the period of March 16 - 23, 1975. Councilman at Large Dr. Allen made a motion that permission be granted. The motion was seconded by Councilman Casebolt and passed by unanimous vote.

A letter from the Kanawha County Unit of the American Cancer Society requested permission for a campaign from March 15 to May 15, 1975. Councilman Casebolt made a motion that approval be given. The motion was seconded by Councilman Lilly, and passed by unanimous vote.

The Mayor asked if a list of poles or pole numbers was available showing where lights were needed following a recent survey of all wards. Councilman Keith Priddy, Chairman of the Street Light Committee, replied that all lists have not been given to him by the ward councilmen. Just as soon as these are given to him, he will compile a complete list to be sent to Appalachian Power Company.

The Mayor stated that he had been contacted by Mr. Lyons, the principal, and Mr. Vance, the football coach, of Nitro High School about making a connection to the water line in the City Park near the basketball court for the purpose of installing a sprinkler system at the football field. The Mayor said he has talked with Mr. Harry Curtis of the West Virginia Water Company and has been

informed that a meter would be installed that would be flush with the ground and no liability hazard. The Mayor said he has asked that a diagram or plan be forwarded showing what they intend to do. Mr. Thomas, of the school board is expected to forward a letter making the formal request for this. The Mayor suggested that the Building and Planning Committee and the Recreation Committee study this and perhaps have a report by next council meeting.

The Mayor reported that he has talked with Mr. Jack Whiting and Mr. Charles McQueen of the Regional Development Authority regarding the possibility of being considered for an Urban Renewal Block Grant under the new Federal Housing and Community Development Act recently passed.

Mayor Gibson said that if Council had no objections he would like to replace Mr. Paul Hill of the Policemen's Civil Service Commission with Mr. Mel Pennington. None of the councilmen objected to Mayor Gibson's appointment.

Councilman at Large Hugo Tidquist: Councilman at Large Tidquist reported on a recent meeting of the Recreation Committee. Discussed were the possibility of placing rocks or shrubbery around the lawn of the swimming pool to prevent cars from being driven onto the grass; resurfacing the volleyball court; making a combination volleyball and basketball court; filling in of the baby pool at the swimming pool because of such little use and sanitation problems; shortening the pool hours; and closing the pool on Mondays for cleaning and maintenance. Also under consideration is the building of a small building to be used as a combination storage/concession stand at Ridenour Memorial Park. A drawing of this has been sent to Mr. Dixie Shreve of the Soil Conservation Commission.

Councilman Casebolt asked if there had been any progress made on the electricity for Ridenour Memorial Park. A request was made for this over a year ago. A concession stand, etc., could not be run until electricity is installed. Mayor Gibson said both he and Councilman Priddy had contacted Mr. Judy of the Appalachian Power Company. A committee meeting was being held this week, and Mr. Judy hopes to be able to let us know something by the end of the week.

Councilman Thomas Lilly: Councilman Lilly reported that the Emergency Ambulance Committee has had a series of meetings during the last two months, and have also had meetings with the County Court and various concerns. He recommended that Council pass a resolution stating that the City of Nitro is in favor of the Western Regional Concept of Emergency Ambulance Service. The "western region" encompasses a four-county area which includes Kanawha.

Mr. Fred Cooke of Cooke & Pauley Funeral Home explained that as of now, Nitro does not have an ambulance service. Ambulances are coming in from other communities, but if you have an emergency you do not have a service that can be rendered within eight minutes right now, which leaves the city vulnerable. He added that he realizes that the committee Mr. Lilly heads is looking for an alternate solution, but the county court proposal

may be several months before it is even started. In the meantime Nitro is sitting without anything.

Councilman Lilly stated that as of right now there are some ambulances that can be stationed in the area, but when the new regulations go into effect as of the first of February, many of these will not be able to operate, and we do have a problem. Right now, he added, you could probably get five ambulances of some sort within ten minutes, but after February 1, you would be lucky to get one within one-half hour. Councilman Lilly said that hopefully between now and then the county will identify the position they will take in this ambulance service. The feeling of the committee is that they would correlate the ambulance service within the county, and the second thing that we could hope to receive from them would be the communication system which would be tied in with the Sheriff's department.

Mayor Gibson asked Councilman Lilly to define the area that makes up the "western region." Councilman Lilly stated that this is the name given to the area of West Virginia made up of four counties, Kanawha, Clay, Putnam and Boone. In the national plan, West Virginia is divided into three areas.

Councilman Lilly's motion that Council go on record as favoring the Western Regional Concept was seconded by Councilman at Large Keith Priddy.

Some further discussion of the ambulance service followed, during which Mr. Cooke stated that he had had to refuse 33 ambulance calls since the first of the year. Councilman Casebolt asked what happens now that it is against the law for Mr. Cooke to furnish ambulance service. Councilman Thomas Lilly stated that as of right now there are two or three ambulances parked in Nitro and it is conceivable that if you called one you might have eight or ten in a matter of ten minutes. After the first of February, many of these so-called ambulances will not be able to operate because of the new regulations on equipment. Councilman Lilly suggested that perhaps before next council meeting there could be a special session called just to discuss the ambulance service.

The motion was brought to a vote and passed by unanimous vote.

Councilman Paul Hill: No new business.

Councilman Dewey Mann: Councilman Mann stated that on his street light survey, he had stated that lights were needed on 24th through 39th. It had been discussed that perhaps if the lights on First and Second Avenues could be turned a little, this area might have sufficient illumination. Some of the areas where lights were recommended have no poles, so getting pole numbers would be impossible.

Councilman Mann also informed Council that the representative from the Michie Company is in town and conferences are being held

with the city attorney on the codification of our ordinances, which should be completed this week.

Councilman Mann also reported that he attended the meeting of the Kanawha County Transportation Citizen's Advisory Committee on December 4, 1974, in Charleston. A traffic light for 40th Street was discussed and he was told that the Highway Department has no schedule of funds obligated for the light at this time. It was recommended that this be given priority to be done in early 1975. It was estimated that a traffic light for the area would be \$26,000.00.

Mayor Gibson stated that he had written Commissioner Ritchie asking that a crosswalk be painted on First Avenue at 19th Street and Plant Road for school children crossing in the area. He added that he had been told that the Department of Highways is doing an in-depth survey on the traffic light at 40th Street and First Avenue with the possibility in mind of making a third lane to turn right off of Plant Road.

Councilman at Large Dr. R. V. Allen: Councilman at Large Dr. Allen reported that there was some discrepancy in the bidding on the tile for the Library in the bid from Kanawha Office Supply, who was the low bidder. Since his specifications did not meet the requirements, Council voted to award the bid to the next lowest bidder, Modern Supply Company of Nitro with a bid of \$1,569.23.

Councilman at Large Keith Priddy: Councilman at Large Priddy presented a letter dated January 7, 1975, from a delegation of residents from Fourth Street expressing their concern for the situation at 416 Fourth Street, heavy traffic to and from this house, as well as loud noises at night. They expressed concern that sewage from this house is not going into the sewer system, but is running onto the street. Mayor Gibson informed the citizens that the Kanawha-Charleston Health Department is working on the matter, and he read portions of a letter from the Health Department addressed to Mr. Pauley, the owner of the house, in which he was told that legal action would be taken. The letter, bearing date of January 3, 1975, over the signature of Charles R. Saber, Chief Sanitarian, is attached hereto and made a part hereof.

Regarding the other problems, Mr. Frank Armada, City Attorney, said that 90% of all crimes punished are the result of a witness coming forth and identifying the criminal. He recommended that the citizens cooperate with the police in calling the police in the event they witness the law being broken, or going down and swearing out a warrant and identifying the individuals involved.

The group asked if they could get extra police patrols on their street. The Mayor said he would have their letter posted on the bulletin board in the Police Department. He also asked them to obtain license numbers of cars that were blocking driveways, or other illegal things. The Mayor assured the group

they would have cooperation from his office and from the Police Department, and thanked them for coming to council meeting. A copy of the letter from the residents bearing date of January 7, 1975, is attached hereto and made a part hereof.

Councilman Priddy asked if a crossing guard had been obtained for the 19th Street-First Avenue area. He was told a man had been hired for the job.

Councilman at Large Priddy asked about the year-end financial report that is supposed to be advertised. He asked if this had been done. Tom Melton, City Recorder, replied that this is being typed now, and just as soon as he can have a meeting with the Finance Committee, it will be ready.

Councilman at Large Priddy asked if anything had been heard on the EPA Grant. The Mayor replied that by telephone he had been told that the time had been extended for a period of 90 days, but so far he has received no letter confirming this.

Councilman Vernon Casebolt: Councilman Casebolt asked if we do have an ordinance limiting the amount our department heads can sign a purchase order for. Mr. Armada said that an ordinance has been proposed, the amounts have not been set.

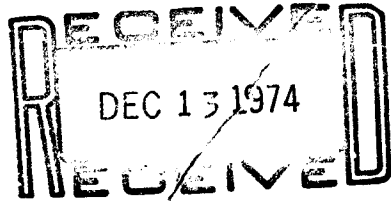
Councilman Casebolt made a motion for adjournment, which was seconded by Councilman Lilly. The motion carried.



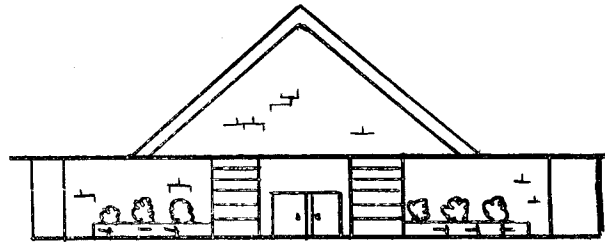
Mayor



Recorder



CHURCH OF CHRIST



Lock & Main

Nitro, W.Va. 25143

December 11, 1974

ELDERS

Jack Diehl

Jim Landers

Delmar Tucker

George Abshire

Grover Shambelin

Honorable William D. Gibson
City of Nitro
Nitro, West Virginia 25143

DEACONS

Ed Covert

Bill Hutson

Bill Priddy

Jim Casebolt

Brent Stover

Ronald Tucker

Frank Eggleston

Your Honor:

As you know, we are well into the construction of a substantial educational addition to our present building.

Due to the future increase in attendance we are anticipating, we would like to request that street signs reading, "Church Parking Only", be installed from the corner of Lock Street to and including house No. 14, which is church owned property.

Please advise if this is possible.

In His service,

The elders

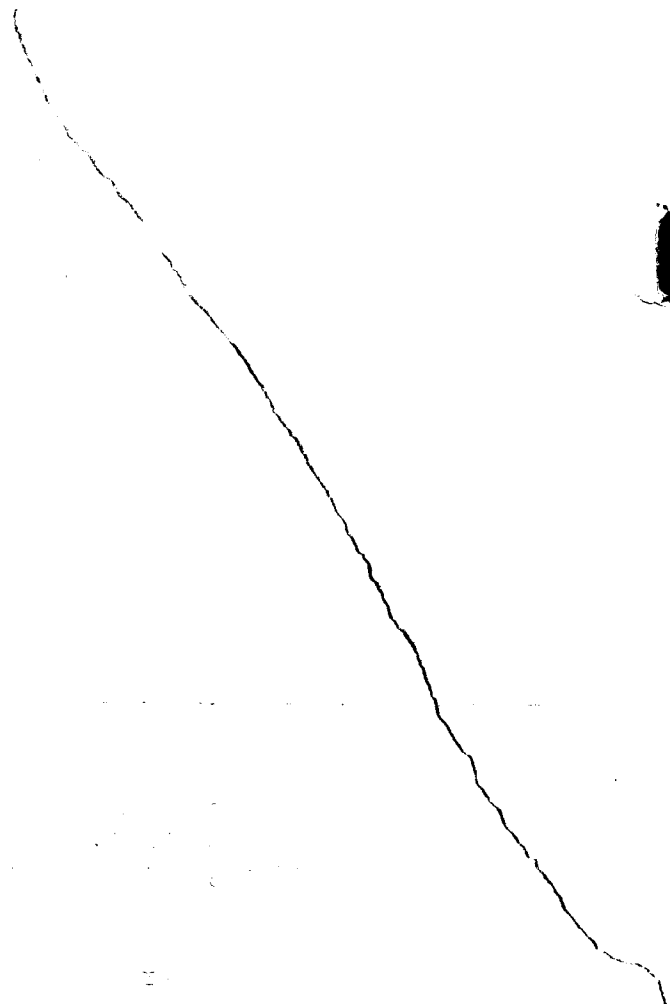
George Abshire
Jim & J. Landers
Delmar Tucker
Grover Shambelin
Forest Diehl

MINISTER

Ted Blackwood

Office - 755-5788

Home - 755-5771



1. The first part of the document is a list of names and addresses.

2. The second part of the document is a list of names and addresses.

3. The third part of the document is a list of names and addresses.

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6. The sixth part of the document is a list of names and addresses.



January 7, 1975

TO: Mayor and Councilmen
City of Nitro

FROM: Residents of 4th. Street Hill, Nitro, W.Va. 25143

We the undersigned are here tonight asking your help to either stop or get under control certain elements that constantly harrass, disturb and make life misable for the residents of 4th. Street Hill.

There is a house at 416 4th Street that to the best of our knowledge is owned by L. Fred Pauley. This house is and has been rented to some girls. What all takes place at this house we don't know, but one thing is for certain whatever it is sure draws a crowd. Persons frequenting this house parks anywhere and everywhere regardless of who owns the property and regardless of what damage is done. these same people are seen carring open bottles of beer to and from said residence. The empty bottles wind up where ever they deem convenient.

Racing of motors and spinning of wheels at all hours of the night make sleeping next to impossible.

There is a steady strem of sewer that runs down 4th. Street. We understand this has been checked by the city and by the County Health Department, but as of tonight the sewer still flows freely.

The lawn was mowed once last spring. Cars has been over the hill and tore down trees, spinning out grass and gravel. They have blocked driveways so we could not get our cars off of the street.

They have blocked the street for as long as two hours.

Gentlemen each of us at one time or another has called the police department asking for help.

We ask that our street be patrolled on a scheduled basis with heavy emphasis on weekends night and holidays. We realize that the Police force is small with a lot of area to cover but we need help.

Kenneth Knickley

Betty Knickley

Robert L. Loujary

Patricia A. Loujary

Michael D. Stover

Vicki L. Stover

Paul Willard

Wm Willard



NITRO CITY COUNCIL MEETING

January 21, 1975

The regular meeting of the Nitro City Council was held in the Council Chambers on January 21, 1975, at 8:00 P.M. Present for the meeting were Mayor William D. Gibson, City Recorder Tom Melton, Councilman at Large Hugo Tidquist, Councilman at Large Dr. R. V. Allen, Councilman at Large Keith Priddy, Councilman Vernon Casebolt, Councilman Thomas Lilly and Councilman Paul Hill. Councilman Dewey Mann was absent. Also present were City Attorney Frank Armada and Street Superintendent Gene Williams.

The meeting was called to order by the Honorable William D. Gibson.

APPROVAL OF MINUTES JANUARY 7, 1975, MEETING: Mayor Gibson reminded Council that each had received a copy of the minutes in the mail and had been given an opportunity to review them. Councilman Vernon Casebolt made the motion for approval, which was seconded by Councilman at Large Dr. Allen. The vote of approval was unanimous.

APPROVAL OF DECEMBER, 1974, FINANCIAL STATEMENT: Mr. Tom Melton, City Recorder, stated that a copy of the financial statement had been mailed to all councilmen, giving them an opportunity to study it. Councilman at Large Priddy asked about the balance in the Revenue Sharing Savings Account. Mr. Melton explained that \$25,000.00 was being transferred from the savings account to the checking account. Councilman at Large Priddy also asked about the item listed as an error on the last report. Mr. Melton explained that it had simply been an error in subtraction on the check book. Approval of the financial statement was brought to a vote. Councilmen Dr. Allen, Tidquist, Hill and Casebolt voted in favor of approval. Councilmen Lilly and Priddy opposed.

Mr. Melton said he would like to elaborate on a question raised by Councilman Lilly at the previous council meeting. Councilman Lilly had asked about Item No. 11, Police Department General Expenses, being close to being over the proposed budget. Mr. Melton explained that he had added up the expenses under this item for the first six months of the 1973-74 fiscal year which totaled \$3,390.00 over our average, and for the first six months of the current year it was \$3,399.36, which means there was only \$9.00 difference from the year before. On Item No. 46, Mr. Melton stated that there is possibly \$93.00 or \$94.00 difference from the year before.

Mr. Melton explained that, as far as the overall outlook of the budget is concerned, comparing the first six months of the previous year and the first six months of the current year, the budget shows we are \$98,000.00 to the good, however, this figure is not completely realistic because we receive some items once a month and some items only three or four times a year such

as money due from the sheriff. Considering all figures realistically, we are approximately \$30,000.00 to the good.

Councilman Lilly said it was Item No. 44 he had questioned instead of No. 46 which pertains to salaries instead of expenses. Mr. Melton replied that the difference in the figure for salaries could be due to longevity, and he would check this.

INSTALLATION OF WATER METER AT CITY PARK: Mr. Paul Hill, Chairman of the Building & Planning Committee, stated that he had received a letter from the Kanawha County Board of Education regarding the installation of the water meter to be used for a sprinkling system at Underwood Field. He also expected a letter from Mr. Curtis of the West Virginia Water Company giving specifications for the line and the meter which will be installed at no cost to the city. Councilman Hill made a motion that they be allowed to go ahead with this project. The motion was seconded by Councilman Vernon Casebolt. All voted in favor.

STREET MARKED "FOR CHURCH PARKING ONLY" AT THE CHURCH OF CHRIST ON MAIN AVENUE: Councilman at Large Dr. R. V. Allen, Chairman of the Street and Traffic Committee, stated that he had met with the Fire Chief, but he would like to delay this matter until next council meeting until he has had an opportunity to meet with the Police Chief to discuss it.

NEW BUSINESS: Mayor Gibson introduced Mr. Jack Whiting of the Regional Development Authority and Mr. Charles McQueen who is Director of County Planning. These gentlemen were here to explain the Federal Housing and Community Development Act recently passed by Congress concerning Urban Renewal Block Grants. Mr. Whiting's talk dealt with approximately \$458,000.00 in undesignated money that could be applied for by Nitro and other towns that do not already have an Urban Renewal plan. The amount of money to be made available escalates in 1975 and 1976. The idea is to get cities ready with some type of planning program or projection of need in the area. Sewers would be an eligible cost, or recreation. If Nitro wanted to further develop the lake, that would be an eligible cost. Mr. Whiting stated that one of the problems in the development of applications for communities is the reluctance of people to do capital program planning. He was referring to a program of capital expenditures being programmed over a series of years based on the actual need. Council must come up with their own cost estimates, but Mr. Whiting stated that he and Mr. McQueen would help with the public hearings, and the actual application.

Mr. Charles McQueen stated that this program replaces the Urban Renewal, Open Space, Recreation Grants, Beautification, etc., with the Federal government. The cities that already have programs allocated under previous programs will be continued to completion. Some cities create a Community Development department, some appoint an assistant to the Mayor,

or an administrative officer, but generally in smaller communities the Mayor can handle it depending on how much time he can devote to it, but somebody has to be designated as the person responsible for handling Community Development affairs.

Mr. McQueen listed several specific things that must be completed when putting in an application for Community Development funds. These included: Cities must submit a three-year Community Development plan for the city to include specific needs of low-income people in the neighborhood, estimates of what it will cost, general location and how it relates to the general neighborhood, a sketch or map, plan for where the money is to come from, and an environmental impact report. Also needed is a five-part housing assistance plan, which most communities have the Charleston Housing Authority plan for them. A Community Development budget is also required, and last, a certification signed by the Mayor. Public hearings and citizen participation in the planning are required. Revenue sharing funds can be matched with Community Development funds also. It is mandatory in the development of the application for Community Development funds that we seek funds from other sources first. If no funds are available, then the application for Community Development funds can be made.

Mayor Gibson read a letter from Appalachian Engineers to Mr. J. Speed Jones, Department of Highways, dated January 16, 1975, with reference to the Blakes Creek Project Supplemental Agreement. This Supplemental Agreement provides for the payment of \$10,170.00 to the City of Nitro for supplemental work on the reconstruction of a section of Secondary Route 24-1 at the Blakes Creek Watershed project. Enclosed with the letter were several attachments. Mayor Gibson requested this letter be attached hereto and made a part hereof.

Councilman Tidquist remarked that some time ago there were complaints about the repaving of Blakes Creek Road. The pavement was some inches higher than the berm. Nothing has been done to correct this. The Mayor replied that this has been discussed with Mr. Jones who says that he is going to try to flare the berm out at his earliest convenience.

Mayor Gibson stated that Exhibit 42, plans and specifications for the upgrading of our sewer system, have been filed with the Public Service Commission, and there is to be a public hearing on March 31, 1975.

Councilman at Large Hugo Tidquist: Councilman Tidquist stated that he has no new business, except that he has been called by a lady who lives on Easter Road asking if it could possibly be repaired so they can get in and out. The lady also mentioned being bothered by dogs in the area. Councilman at Large Tidquist asked if the Humane Officer does give any report on the dogs he catches, what area, etc. The Mayor replied that we have a new Humane Officer, who has only been on the job approximately three weeks. He is supposed to give a report

on the animals picked up. This man was a trainer of dogs in the service for seven years, and the Mayor said he feels this man will do an outstanding job. The Mayor said one dog was picked up in the Easter Road area recently and taken to the pound in Charleston, and has since been reclaimed by his owner.

The Mayor stated that it was his understanding that Easter Road was paved years ago as a joint venture of the citizens of the area, and it has deteriorated until there is not much road left. We have done a lot of repair work on the road in the last two years and are willing to do more. He said if Council wants to get estimates from a blacktop company, or put out specifications for bids, or appropriate some money for repairs, he would be in favor of it. Councilman Tidquist said perhaps the city engineer should look at it and make recommendations.

Councilman Thomas Lilly: Councilman Thomas Lilly, Chairman of the Emergency Ambulance Committee, stated that he had given each councilman an abbreviated form of the report from the committee, and that the complete report would be given to the City Recorder. He gave an outline briefly of the different alternatives discussed by the committee to obtain ambulance service for the city. Their chief points of discussion were as follows: (1) Effective January 1, 1975, all emergency vehicles must have trained personnel; (2) Region 3, including the four counties of Boone, Clay, Putnam and Kanawha. The report itself is rather large on this; (3) For the city of Nitro to provide its own emergency ambulance service. The estimated cost annually for this would be \$83,000.00, to provide one ambulance equipped and operated by Emergency Medical Personnel, etc. In looking at the 1969 survey, we had 730 ambulance calls that year and this would result in a cost per call of \$113.00; (4) Kanawha County committee report on ambulance service; (5) Western Kanawha County proposal with the city of Nitro to join Putnam in a regional concept that would contain four counties.

The Emergency Ambulance Committee's recommendation is that the city of Nitro enter into a 6-month agreement with United Ambulance Service, with the thought in mind that eventually the Kanawha County Court will proceed with the plan to combine ambulance service for the four county area which Nitro will be a part of. Taking the estimated \$50,000.00 per year as presented on the last page of the proposal, and using the 730 calls per year, this gives you a cost of \$68.00 per call as compared to the \$113.00.

Councilman at Large Priddy made a motion that the city enter into this agreement. Councilman at Large Tidquist seconded the motion. Councilman at Large Dr. Allen asked if the committee had only one recommendation of one service. Councilman Lilly replied that numerous recommendations are in the report, but the committee's recommendation is for United. Councilman Dr. Allen asked if bids had been received from other ambulance services. He was told several bids had been received. Dr. Allen asked about the approximate cost to the city for this service. He was

told by Councilman Lilly the estimate was between \$4,500.00 and \$5,000.00 per month. Dr. Allen stated that he felt this should be discussed with Councilman Mann who is chairman of the Finance Committee as to where this money will come from. We do not have a line item for this. Councilman at Large Dr. Allen stated that we do need the service, but over a period of four months this could run \$20,000.00, which is a lot of money for a community of our size. Mr. Armada, city attorney, was asked about the legality of such a contract. It was decided he should study it. Councilman at Large Priddy said he would like to change his motion to make the agreement subject to approval of the contract and allocation of funds to finance it. Councilman at Large Tidquist agreed to the change in the motion. Dr. Allen asked Mr. Whiting just what the county is doing at the present time on this emergency ambulance service. Mr. Whiting replied that they would be investigating for six months the feasibility of a radio net work for the region, looking into methods of financing that individual cities can go to for funds, and also working with the C & P Telephone Company on the establishment of an emergency telephone number for the area. A vote on the motion was called and the vote carried unanimously.

Councilman Paul Hill: Councilman Paul Hill, Chairman of the Building and Planning Committee, made a motion that the specifications for the improvement of the storm sewers at Brookhaven as prepared by Appalachian Engineers be let for bids and have the bids opened at the first council meeting in March. Councilman Casebolt asked for the location of the improvements. He was told the plans were for Brookhaven Circle, and is the first of three steps recommended by the Appalachian Engineers. Councilman Casebolt questioned the advisability of starting the corrective measures in Brookhaven Circle. Councilman at Large Priddy seconded the motion. Councilmen Hill, Lilly, Allen and Priddy, and Recorder Tom Melton voted in favor, with Councilmen Casebolt and Tidquist opposed. The motion carried.

Councilman Hill presented a drawing of a counter for the Police Department. He made a motion that Council approve the purchase of this for a cost of \$950.00 which included labor and material. Councilman at Large Dr. Allen seconded the motion. The vote of approval was unanimous. Mayor Gibson stated that the purchase would be paid out of revenue sharing.

Councilman Hill commented that we are working on the road problem on 18th Street hill. He has talked to Mr. Williams about it, and Appalachian Engineers have been asked to check out the matter and give their recommendations.

Councilman at Large Dr. R. V. Allen: Councilman at Large Allen stated that in the absence of Councilman Mann who is chairman of the Ordinance Committee, he would like to make a motion that Council approve for payment a statement from the Michie Company for \$1,000.00. The motion was seconded by Councilman at Large Priddy, and passed by unanimous vote.

* Councilman at Large Allen presented a rough draft of the proposed ordinance and made a motion to have this as the first reading for the Bid and Purchasing Ordinance. All councilmen had previously voted for this in an Ordinance Committee meeting. The city attorney will have this typed in legal form for the second reading. Councilman at Large Priddy seconded the motion. All voted in favor.

Councilman at Large Allen made a motion that a "No Parking" sign be installed on Frederick Street at Kapok near the corner. Recently a fire truck had trouble getting through the area. The motion was seconded by Councilman Lilly and the vote of approval was unanimous.

Councilman at Large Allen also reported that the carpet and tile is being installed at the library this week.


Councilman at Large Keith Priddy: Councilman at Large Priddy asked if the crossing guard has started working yet at 19th Street. Tom Melton explained that he was waiting until the streets are cleared enough to get the cross walk painted by the West Virginia Department of Highways before starting work as a school guard.

Councilman at Large Priddy asked about the Revenue Sharing Fund. Once money is allocated in an Entitlement Period for a certain project, does it stay on deposit until that project is undertaken? His specific question concerned the money allocated for the maintenance garage. Tom Melton, City Recorder replied that part of it had been spent for the purchase of land, and Council had approved the use of some for an extra policeman. The Mayor explained that he had recently given each councilman a letter over the signature of Mr. Schiff from Washington, D. C., which made exception of the first two checks. Mayor Gibson stated that he would give Mr. Priddy another copy of the correspondence.

Councilman Vernon Casebolt: Councilman Casebolt stated that he had some forms on the new Fire Prevention Bureau that is being set up by the Fire Department, and he would like for the city attorney to examine them.

Councilman Casebolt reported that Main Avenue just above the landfill is getting some pretty big pot holes.

Councilman Casebolt moved for adjournment. The move was seconded by Councilman at Large Tidquist. The motion carried unanimously.



Mayor



Recorder

* See Correction on page 339, Feb. 4, 1975, minutes.

NITRO CITY COUNCIL MEETING

February 4, 1975

The regular meeting of the Nitro City Council was held in the Council Chambers on February 4, 1975, at 8:00 P.M. Present for the meeting were Mayor William D. Gibson, City Recorder Tom Melton, Councilman at Large Hugo Tidquist, Councilman at Large Dr. R. V. Allen, Councilman at Large Keith Priddy, Councilman Vernon Casebolt, Councilman Thomas Lilly, Councilman Paul Hill and Councilman Dewey Mann. Mr. Frank Armada, City Attorney, was also present.

The meeting was called to order by the Honorable William D. Gibson. The invocation was given by Reverend William Westlund of the First Presbyterian Church.

Approval of Minutes January 21, 1975, Meeting: Mayor Gibson reminded Council that each had received a copy of the minutes in the mail and had been given an opportunity to review them. Councilman Casebolt made a motion for the approval of the minutes. The motion was seconded by Councilman Hill and the vote of approval was unanimous.

Street Marked for "Church Parking Only" at the Church of Christ on Main Avenue: Councilman at Large Dr. Allen presented Mr. Charles Miller of Main Avenue, who had asked to speak to Council regarding the parking on Main Avenue. Mr. Miller stated that there is a traffic problem on Main Avenue between Boundary and Lock, and he feels that the church using the area the way they are for bus parking is creating a hazard. He also said that he feels the fire truck would not be able to get through in the event of a fire while the busses are parked. He said there is just not enough room on the street for busses and the traffic that parks there.

Dr. Allen stated that, as the situation is now, the busses are coming in, unloading and then moving on.

Councilman Casebolt noted that, as far as parking the busses across the street on the parking lot, we are the only church in the city of Nitro that does not use street parking. We park every automobile that comes to services there on our parking lot. With the busses on the parking lot, we would have to take up the street parking with automobiles.

A lengthy discussion followed covering such points as: The inability of the fire truck to turn right from Lock Street to Main; Mr. Miller was worried about the street giving way where Main and Boundary Streets meet; If the street were used more in one direction than in the other; Heavy amount of traffic due to the park, swimming pool, etc.; The busses would not be parked in the area during working hours, or plant shifts; Drivers not familiar with the area sometimes drive heavy trucks onto that end of Main Avenue while they really need to get to Route 25;

Possibility of new signs marking Route 25 or saying "No Through Traffic"; Suggestions for weight limit on the street; Possibility of having the Department of Highways make a traffic survey in the area; Letter from Mr. Russell of the zoning board concerning serious traffic problem in the area; Was recommendations of Police Chief and Fire Chief obtained; Councilman Casebolt asked Mr. Miller if they would keep the busses off the street would he agree to opening up the alley; Mayor Gibson asked if there were any objections to the way busses come in now and unload and leave; Possibility of unloading in front of church; Safety of children main concern for wanting to park the busses on Main Avenue by the church; Possibility of making Main Avenue one way on that block.

Councilman Casebolt stated that he felt there would be no reason for the fire truck to turn right onto Main Avenue from Lock. He also stated that he would like to see a dump truck or even a garbage truck go up Kanawha Street from Hickory, or go out Washington Street and turn west from Hickory to Cedar. There is no way the fire truck could turn onto these streets. Councilman at Large Dr. Allen said he would recommend that the matter be given further study and leave as is at the present time. Councilman Paul Hill made a motion that the matter be tabled for future study. Councilman at Large Dr. Allen seconded the motion. Councilman Casebolt said he would like for the study to include not only church parking at Lock and Main, but the church parking throughout the city. Councilman Hill said the motion was for the study of the church parking as listed in the agenda and someone would have to make another motion for the additional study. On the vote, Councilman Casebolt abstained, all others voted in favor.

NEW BUSINESS: Mayor Gibson stated that the job of replacing the roof was put out for bids, the lowest being \$10,277.50 from Harris Brothers Roofing Company of Charleston. The Mayor said he would entertain a motion that the \$10,277.00 be paid out of General Operating expense account. The motion was made by Councilman Paul Hill and seconded by Councilman at Large Tidquist. Councilman at Large Priddy asked what line item this would be. The Mayor replied that it would not be a line item, no line item had been provided. We could not foresee when we made out the levy estimate last March that this problem would be encountered, so there is no line item. The Mayor said he spoke with Mr. Gene Hill in the Tax Department who said go ahead and pay the bill if the money is available in the General Account. He also said there is no problem, the adjustment can be made any time in the future. Councilmen Casebolt, Hill, Allen, Tidquist and Mann voted approval. Councilmen Priddy and Lilly opposed. The motion carried.

The Mayor said the first reading at the last meeting of the ordinance regarding the purchase practices of the city was in rough draft, and Mr. Mann has the ordinance prepared by Mr. Armada ready for the first reading tonight. Mr. Armada explained

that a first reading is usually an introduction to the ordinance and if, after study, there are changes which should be made, these can be made before the second reading. Councilman Mann read the title of the ordinance as follows:

AN ORDINANCE PROVIDING FOR PROCEDURES TO BE FOLLOWED IN PURCHASING ANY AND ALL SUPPLIES, MATERIALS AND SERVICES; CREATING THE POSITION OF PURCHASING DIRECTOR; PROVIDING FOR COMPETITIVE BIDDING; NOTICE; DEFINING AN EMERGENCY SITUATION; EMERGENCY PURCHASING PROCEDURES; OFFENSES AND PENALTIES FOR VIOLATIONS; ADMINISTRATION AND ENFORCEMENT.

The Mayor said it was his understanding that after the second reading this ordinance would become effective, and would be sent to the Michie Company to be included in the codification. Councilman at Large Priddy asked if we did not have the first reading at the last council meeting. Mayor Gibson replied that it was just a rough draft. Attorney Frank Armada explained that what was submitted at the last meeting was actually a report of Mr. Mann's meeting, he was not here. It wasn't actually an ordinance as there was no ordinance here at that time. Councilman Priddy said that the minutes which had just been approved stated that the first reading was of the rough draft and that the attorney would have it typed in legal form for the second reading. The attorney explained that the proper thing to do would be to correct the minutes, since there was no ordinance prepared at that time. The minutes should be corrected to read that a report was accepted at the last meeting. Councilman Vernon Casebolt made a motion that the minutes be corrected. The motion was seconded by Councilman Mann, and passed unanimously. Councilman Vernon Casebolt made a motion that tonight's reading be accepted as the first reading of the Bid and Purchasing Ordinance. The motion was seconded by Councilman Paul Hill and passed unanimously.

Councilman at Large Hugo Tidquist: Councilman at Large Tidquist reported that the American Legion Hall has been cleaned, utilities turned on and will soon be ready to use as a recreation center. The American Legion is in the process of deeding this property to the city.

Councilman Tidquist said he had been asked how well the 2-hour parking is enforced, and also the 15-minute zone down near the Post Office. Mr. Tidquist suggested this be checked into and also to see if the 15-minute zone needs to be repainted.

Councilman Thomas Lilly: No new business.

Councilman Paul Hill: No new business.

Councilman Dewey Mann: Councilman Dewey Mann gave the

following financial report:

Balance December 31, 1974	\$53,169.87
Receipts in January, 1975	49,050.98
Disbursements January, 1975	38,193.17
Balance January 31, 1975	64,027.68

Councilman Mann stated that he would like to see the city get some money under the "Block Grant" program which has been discussed. He made a motion that the Mayor be authorized to proceed with an application for a Community Development Block Grant from HUD and that he be the official agent in this capacity. The motion was seconded by Councilman Casebolt and was passed by unanimous vote.

Councilman at Large Dr. R. V. Allen: No new business.

Councilman at Large Keith Priddy: Councilman at Large Priddy stated that several months ago Mr. Hayne indicated to Council that he had made application on behalf of the city for a refund from EPA in the amount of \$17,000.00 to \$19,000.00 as a result of our primary sewage plant fund only being 50% at the time. He asked if we had gotten this refund. Mayor Gibson said that it had been reported in the paper that a couple of councilmen assumed that we had and it should be on the financial statement some where, but he referred the question to the city recorder. Mr. Melton stated that the reason it has never shown up on the financial statement is because we have never received it. Any funds that are received are shown on the very next financial statement. We have never received any funds from EPA. The Mayor added that it has been insinuated in the paper that the money had been received and that it had not been shown on the account, and that he thought before statements like that are made they should be checked out for accuracy.

Councilman Vernon Casebolt: Councilman Casebolt proposed a resolution of City Council regarding the duties and responsibilities of the City Recorder regarding distribution of minutes of Council meetings. Councilman Casebolt read the proposed resolution and made a motion that it be adopted by Council tonight. The motion was seconded by Councilman Dewey Mann. City Recorder Tom Melton said that if the resolution were passed, he would have to have more help in the office. The Mayor said he thought this should be stalled until July 1 until more money could be appropriated for clerical help.

Mr. Melton asked Mr. Casebolt if he were indicating that he was not trying to get the job done. Mr. Casebolt replied that he was not indicating anything, that all he was saying was that Council approved a motion unanimously that the minutes be received within three or four working days after council meeting.

The Mayor added that we do have to have priorities. We cannot turn our back on people who come in to pay B & O Tax or get a building permit, etc. Mr. Melton asked if Council would object to hiring another girl part time. He said he believes

there may be enough money in this particular lined item, and we do need more help here in the office.

Councilman Paul Hill asked if Councilman Casebolt wanted the minutes typed word for word. Councilman Casebolt replied that they are not being typed word for word now. Councilman Hill repeated the question - should the minutes be typed word for word? No one answered this.

Councilman Mann stated that he doesn't think there is anything more important than the work, the business, that is conducted in this body of men right here. There isn't anything more important! Tom Melton asked "In other words, you would like for me to put this on top priority over everything else?" Councilman Mann said "Yes, that is what we have said here."

A heated discussion followed between Mayor Gibson and Councilman Casebolt during which Councilman Casebolt referred to the previous motion as a "bag of wind".

Councilman at Large Tidquist stated that Council will have to make a decision to say get the minutes out and forget about the rest of it, or go ahead and do it the best way you can and get them to us as soon as you can.

Additional discussion followed during which Councilman Casebolt remarked that he thought Councilmen deserved the courtesy of getting the minutes early enough that they could read them while their minds are still fresh on what did happen at Council meeting.

Another point of discussion was whether or not the Mayor should sign the minutes, and if the minutes would be more accurate if done early, and the length of time needed to get the minutes done. Recorder Tom Melton recommended that if the budget checks out, we check with the finance committee and see if we can hire someone else part time for the rest of this fiscal year.

Mr. Frank Armada said that he thought Council should determine first a matter of policy, and it has never been done, What you want contained in your official minutes. If you are going to go on a verbatim transcription of everything that is said, or whether or not you are going to go on the official motions that were made, ordinances presented, the official action of council. Mr. Armada said he thought Council should decide what they want in the minutes first, and then proceed from there.

The motion was brought to a vote. Voting in favor were Councilmen Thomas Lilly, Keith Priddy, Vernon Casebolt, and Dewey Mann. Opposed were Councilmen Hugo Tidquist, Paul Hill and Dr. R. V. Allen. City Recorder Tom Melton abstained. The motion carried.

Councilman Casebolt stated that he had been informed by the attorney that this resolution had to be signed, so he read the following: "The forgoing resolution was adopted by Council of the City of Nitro February 4, 1975. Attested:" and asked the Mayor to sign it, which he did. The Mayor stated that more help would be needed or it might not be possible to get the minutes any sooner. Councilman Casebolt read a portion of the resolution "Failure of the Recorder to comply with these provisions hereof shall constitute grounds for action by council for misfeasance in office" and he added there are laws that have set up fines for not following through on resolutions adopted by Council. A copy of this resolution is attached hereto and made a part hereof.

Councilman Allen asked "What happens if he couldn't get the minutes out?" After some discussion the information was that it would come back to Council to determine if any action should be taken. Councilman Casebolt said that he felt that the men on Council are broadminded enough that if something important comes up, or something breaks down, they could certainly see this as the reason for the minutes not being done.

Councilman Casebolt said that some time ago he had met with an engineer who had drawn up plans for our Smith Street landfill for our city garage. He asked if anything had been done on it. The Mayor said we had run into the problem of the flood map. He had written a lengthy letter protesting the flood map and had received a revised one that is much better. The new one is in the hands of the Appalachian Engineers and they are doing some more research to see how accurate the new map is. He mentioned also that one of the larger cities in West Virginia had rejected completely their flood map. Until we get the flood map straightened out, we have been advised to wait. We do plan to use some federal money, and we want to be sure we are compatible with them in every respect.

Two gentlemen from Ade Ambulance Service, Mr. Jack Dearien and Mr. Carl Cobb, were present and gave the Mayor a letter which they asked to have read to Council. The Mayor read the letter aloud. Mr. Dearien wanted to know why his proposal of ambulance service was not presented to Council. Councilman Lilly explained that all proposals and letters were included in the committee's report, which is on file, and there are still many things to be considered and ironed out. Mr. Dearien stated that he would be glad to meet with Council and the citizens of Nitro to answer questions about his equipment, personnel, or the type of service he could provide to the citizens of Nitro. Councilman Lilly explained that he had not received bids from ambulance services, all he had asked for was proposals of what each company would provide. Mr. Frank Armada explained that under the new purchasing procedures ordinance, a service of this type would have to be advertised for competitive bidding.

Mr. Armada stated that Council should consider, too, the fact that this will not be a straight contractual agreement between the city and the ambulance service. Instead the city would be subsidizing a private concern. The city would be

appropriating a certain number of dollars for the service, and they would in turn be charging customers.

Mr. Dearien said that if and when the time comes, Nitro does decide to go for private ambulance service, he would like the privilege of making a bid on the service.

Councilman Mann made a motion that the letter from Ade Ambulance Service be made a part of the minutes and withhold further discussion, because this is bigger than we could settle tonight. The motion was seconded by Councilman Casebolt. The motion passed by unanimous vote.

City Recorder Tom Melton said that he would like to have two points clarified. In the resolution it stated that the minutes should be delivered in five days. He wanted to know if this means five working days or would it mean Sunday? It was decided this should mean five working days. Mr. Melton said that he would like for the finance Committee at their next meeting to see if there is any money in the finances to hire some more help.

Councilman Vernon Casebolt made a motion for adjournment. This was seconded by Councilman at Large Keith Priddy. The motion carried.



Mayor



Recorder

This letter is to be make a part of the minutes of the February 4, 1975 Council Meeting.

ADE EMERGENCY SERVICES, INC.
P. O. BOX 533
ST. ALBANS, WEST VIRGINIA, 25177

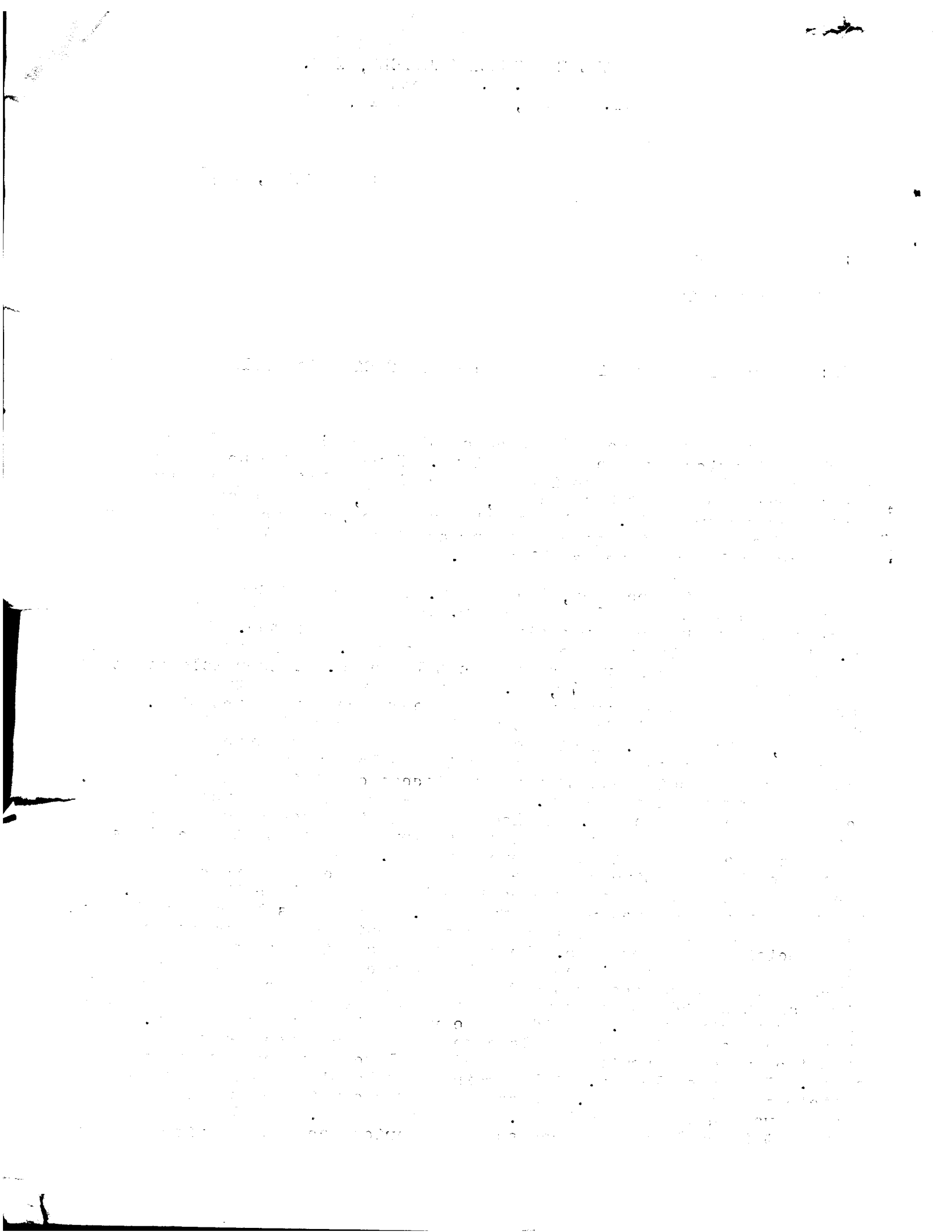
February 4, 1975

TO: City of Nitro
Nitro
West Virginia

ATTN: Honorable Mayor Gibson and Members of City Council

I am writing to each of you concerning the bid proposal for an Ambulance Service for the City of Nitro. I read in the newspaper where a bid proposal that was submitted to the city by United Ambulance Service for the sum of between \$20,000 and \$25,000 for a six month period was under study. This has disturbed me very much and I wondered why a bid such as this was even being considered when I had submitted a bid proposal for a much smaller fee.

I was told in December, 1974 by Mr. Fred Cook of Cook and Pauley Funeral Home that I should contact Mr. Tom Lilly to make a bid proposal because he was the head or chairman of the bid committee. I contacted Mr. Lilly and he informed me that this was true. So I asked him if it was to late to make a proposal and he told me no. I then told him that my proposal would be for \$12,000.00 for a year and that the patient would pay 50% of the normal rate on any emergency transportation. He told me to submit this in a letter to him and leave it at City Hall in his name, which I did. I did not state any of the contract conditions other than the price as stated above in the letter but I did ask in the letter for an appointment to further discuss conditions and agreements. The following day I called Mr. Lilly and asked him if he received my letter and he said he did. I also asked him if I could come over and show him the new ambulances that we had purchased so that he could see the type of equipment that we were offering. He said that he would like to call the entire committee and see if he could arrange a time when all of them could see the equipment and he would call me back. I never did receive a return call from him. A few days later I called Mr. Lilly back and asked him just what was happening on the proposals and if a decision had been made. He said that Council was meeting that night and that the committee was going to recommend that no action be taken at that time because the County was having a meeting the following night and they felt that everyone was wanting to wait and see what the County was going to do. I did not hear anything further from Mr. Lilly or anyone else until the article came out in the newspaper stating that the proposal submitted by United Ambulance Service was under study. I then called Mr. Lilly again and told him that I had seen the article and asked him why. He said that the committee felt that this was the way that they should go. I asked him why. I told him that I knew that it could not be because of the price because my price was far

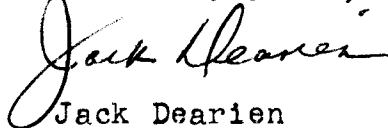


below that submitted by United Ambulance Service. I also told him that it could not be because of the service or conditions because I had requested an appointment in my letter to him to discuss this matter and he had never granted me the courtesy of a phone call. So I asked him if he voted for United Ambulance Service and he said yes. I asked him what his reason for voting for them was since it could not be for price or conditions and he asked me if I was a citizen of Nitro. I told him no and he said he didn't have to tell me the reason then. I told Mr. Lilly that I was going to contact Mayor Gibson and the members of Council and find out about this and that I was also going to write an article in the newspaper to let the citizens of Nitro know what had taken place. He said for me to go ahead. I contacted Mayor Gibson and was told by the Mayor that he knew nothing of my proposal. He said that Mr. Lilly was asked on Council floor if any other bid had been submitted and he said yes but United Ambulance Service's was the only one worth considering. I also contacted Martha Smith of the Gazette and told her what had happened and gave her the information to put in the Gazette. This information was supposed to appear in the form of a newspaper article so that the people of Nitro would know what had happened. As of this date the article has never appeared in the paper.

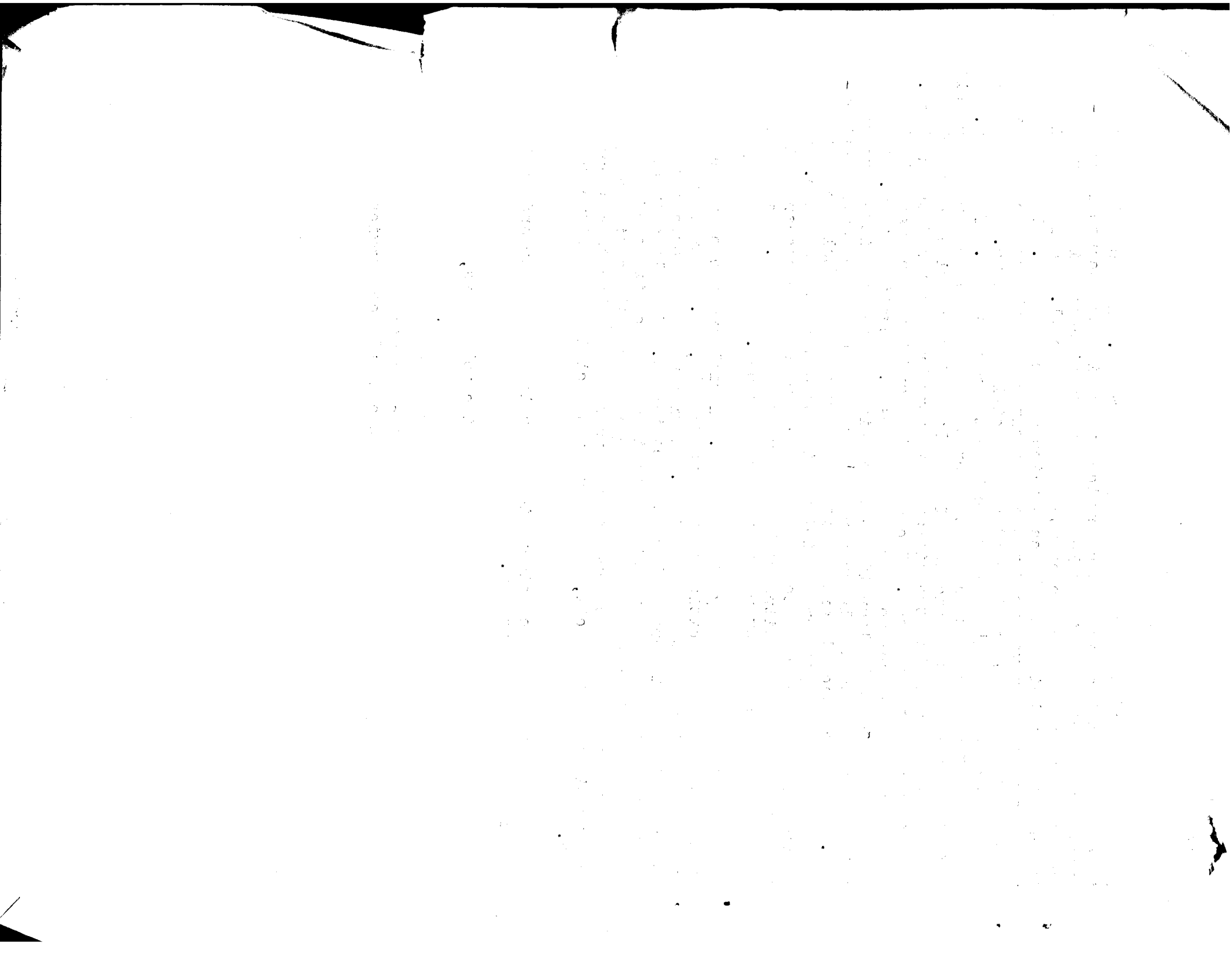
I again am stating my bid proposal. I will provide emergency transportation to the citizens of Nitro for \$12,000.00 per year and grant a 50% discount to each patient. I will use new ambulances and state qualified EMT personnel on this equipment. I would appreciate the opportunity to appear before Council and the citizens of Nitro on the council floor on the night of the next council meeting so that I may further broaden the terms of my proposal and also to answer any questions that Council, the Mayor or the citizens of Nitro may have.

Thank you for any consideration given in this matter and hoping that I may appear before you.

Sincerely yours,



Jack Dearien
Ade Ambulance Service



NITRO CITY COUNCIL MEETING

February 18, 1975

The regular meeting of the Nitro City Council was held in the Council Chambers on February 18, 1975, at 8:00 P.M. Present were Mayor William D. Gibson, City Recorder Tom Melton, Councilman at Large Hugo Tidquist, Councilman at Large Keith Priddy, Councilman at Large Dr. R. V. Allen, Councilman Dewey Mann, Councilman Paul Hill, Councilman Vernon Casebolt and Councilman Thomas Lilly.

Mayor William D. Gibson called the meeting to order.

Approval of Minutes February 4, 1975: Mayor Gibson reminded Council that each had received a copy of the minutes in the mail and had been given an opportunity to review them. The motion for approval was made by Councilman at Large Dr. R. V. Allen, seconded by Councilman Vernon Casebolt. The vote of approval was unanimous.

Approval of January Financial Statement: Councilman Dewey Mann, Chairman of the Finance Committee, noted that the financial statement had been mailed to all councilmen for review, and he made a motion for approval. The motion was seconded by Councilman Casebolt and was passed by unanimous vote.

Second Reading of Ordinance Regarding Purchasing Practices of the City of Nitro: Mr. Tom Melton, City Recorder, read the title of the ordinance as follows:

AN ORDINANCE PROVIDING FOR PROCEDURES TO BE FOLLOWED IN PURCHASING ANY AND ALL SUPPLIES, MATERIALS AND SERVICES; CREATING THE POSITION OF PURCHASING DIRECTOR; PROVIDING FOR COMPETITIVE BIDDING; NOTICE; DEFINING AN EMERGENCY SITUATION; EMERGENCY PURCHASING PROCEDURES; OFFENSES AND PENALTIES FOR VIOLATIONS; ADMINISTRATION AND ENFORCEMENT.

Councilman Mann stated that he had some points which he felt should be considered before accepting this as the second reading. The following items were discussed and voted on:

- (1) On page one of the Ordinance, under Section 1, Line 2 the word "appointed" should be changed to read "elected". Motion was made by Councilman Casebolt for this amendment, seconded by Councilman Mann and unanimously approved.
- (2) On Page 1, Paragraph 1, Line 2, that the word "equipment" be added to the list encompassing "supplies, materials, and services". This motion was made by Councilman Lilly, seconded by Councilman Mann and passed unanimously.
- (3) On Page 1, Section 2, Article A, Councilman Mann made a motion to have added to this section "It shall be noted on the requisition or purchase order the cost of the materials or services, or the reason why it could not be obtained". The motion was seconded by

Councilman Priddy. Voting in favor were Councilmen Casebolt, Lilly, Mann, Priddy and Recorder Melton. Opposed, Councilman Hill. Councilmen Tidquist and Allen abstained.

- (4) On Page 2, Section 2, Article (b), Councilman Casebolt made a motion to add the words "or written" in line six of the first paragraph, and to omit the word "orally" in Line 7 of the second paragraph. This motion was seconded by Councilman Priddy. This passed by unanimous vote.
- (5) On Page 3, under Section 3, Article (b), Line 2, Councilman Lilly made a motion to insert the words "and upon approval by Council". The motion was seconded by Councilman Casebolt and passed by unanimous vote. At this point Mr. Armada stated that he felt the exact wording should read "After receiving the requisition form as set forth in sub-section A, the purchasing director shall submit the same to Council for its approval" or something of a similar nature in order to make the meaning perfectly clear. It was agreed to leave the exact wording to Mr. Armada.
- (6) Still under Section 3, Page 4, Article (b), sub-section (1), Councilman Vernon Casebolt made a motion to eliminate the word "hour" in Line 8. The motion was seconded by Councilman Lilly and passed by unanimous vote.
- (7) Under the same Section 3, Page 4, Article (b), sub-section (1), Councilman Casebolt made a motion to have inserted the words "or any portion thereof" after the word "bids" in Line 11. This motion was seconded by Councilman at Large Priddy. All councilmen voted in the affirmative except Councilman Hill, who opposed. The motion carried.
- (8) Mr. Armada suggested that Article (c) under Section 3, on Page 4 be rewritten in order to clarify the language a little better and to state that the bids would be presented to Council in a sealed condition by the purchasing director and that the bids would be opened by council members on the council floor. Councilman Casebolt moved that this recommendation be taken. The motion was seconded by Councilman Lilly and approved by all.
- (9) Councilman Casebolt made a motion that the wording be included that all bids be submitted in sealed envelopes noted on the outside as bids. Also that the bids should be submitted on forms furnished by the city, and signed by a responsible person. This move was seconded by Councilman Priddy, and was approved by unanimous vote.

- (10) Councilman Thomas Lilly made a motion that the entire last paragraph of Section 4, appearing on Page 6, be omitted. This motion was seconded by Councilman at Large Priddy and passed unanimously.

Mr. Frank Armada stated that since the ordinance had been materially changed, he would have it rewritten and ready for the second reading at the next council meeting.

Councilman Mann made a motion to insert penalties for violation in the ordinance, but after Mr. Armada explained that punishment would come under the criminal laws of West Virginia, and warrants would come through the Kanawha County Circuit Court, the motion was not voted on.

Councilman at Large Allen stated that apparently the ordinance had been discussed in great detail before coming to council meeting, but that he wasn't asked to come to any ordinance meeting. Councilman Mann replied that no meeting was held, but people did call and discuss things with him.

NEW BUSINESS: Mayor Gibson stated that we are in desperate need of a new photo-copying machine, and that we have one here on a trial basis. It is a more expensive machine than the one previously used and is a heavy duty model designed for an operation as large as the city of Nitro has. Mr. Tom Melton said that, according to calculation of the Pitney Bowes representative, we run approximately 40,000 copies a year. Discussion followed concerning the price difference, which was approximately \$80.00 per month as compared to approximately \$30.00; difference in operation of the machine; terms of the lease agreement; and the service agreement. The conclusion was reached that it would be to the best interest of the city to continue with leasing rather than buying a machine. Councilman Thomas Lilly made a motion that the figures be conveyed to the Finance Committee, and if they have the money to put in the budget for it, that this be done. Councilman Casebolt seconded the motion which passed by unanimous vote.

Mayor Gibson announced that he had received a telephone call from Mr. Ken Judy of Appalachian Power Company and had been informed that as a result of the Public Service Commission's ruling on the refund of \$37,000,000 to their customers, they would be in no position to tell us when lights can be installed at Ridenour Memorial Park. Councilman at Large Tidquist said he could not understand their attitude on this, since we have had our bid in for such a long time on the lights. Councilman Lilly made a motion that a letter be written to the Public Service Commission regarding this by the city attorney. Councilman Casebolt seconded the motion which passed unanimously.

The Mayor stated that in conversations with Mr. Jack Whiting of the Regional Development Authority, Mr. Whiting is willing to attend public meetings to be held for the citizens

who wish to help set up priorities for the Community Development Block Grant money. It is necessary that two public meetings be held. Mayor Gibson recommended that the first one be held Friday night the 21st of February at 7:00 P.M., and the second one the following Friday at the same time, both to be held in the Council Chambers at City Hall. This would be a news release in the Kanawha Valley Leader and the Charleston papers. Councilman Lilly made a motion that this be done. The motion was seconded by Councilman Casebolt and approved unanimously.

Mayor Gibson read a letter from the Putnam County Court concerning the bicentennial celebration. He suggested that the letter be turned over to our recreation director for follow-up. All councilmen seemed to agree with this.

The Mayor read a letter from the Greater Kanawha Valley Heart Association stating they wish to make a solicitation in the city on February 23, 1975. Councilman Lilly made a motion that permission be granted. The motion was seconded by Councilman at Large Dr. Allen and passed by unanimous vote.

Another letter was from National Multiple Sclerosis Society requesting permission for solicitation from May 11, 1975, to June 15, 1975. Councilman Casebolt made a motion this be approved. Motion was seconded by Councilman at Large Priddy and the vote of approval was unanimous.

A letter from the Cross Lanes Junior Woman's Club requested permission to have a solicitation for ads for the Child Study Day booklet. Councilman at Large Keith Priddy made a motion the request be granted. Councilman Paul Hill seconded the motion. Six councilmen voted in favor with Councilman Casebolt abstaining. The motion carried.

Mayor Gibson read a letter from the Fraternal Order of Police in which they state that Paul B. Hill of 3614 36th Street, Nitro, had been appointed as the FOP Lodge representative on the Nitro Police Department Civil Service Commission. Mr. Hill is replacing Mr. James Jeffries.

The Mayor stated that all councilmen had received in the mail a copy of a proposal by United Ambulance Service dated February 10, 1975. He also stated that he has written a letter to Mr. David J. Kostelansky, State Manpower Coordinator of the West Virginia Manpower Program asking if it would be possible to use manpower monies to support the ambulance service for the city as outlined in the proposal by United Ambulance Service.

Mayor Gibson said he had received a letter from the Department of the Army, Corps of Engineers, over the signature of Harold W. Beemer, concerning our flood maps. Mayor Gibson explained that the maps are in the hands of an engineering firm and they should have a report on this by next council meeting.

The Mayor added that he has been in touch with the Department of Highways about the cross walk on First Avenue, and he has been assured that the cross walk will be painted as quickly as

weather permits.

Councilman at Large Hugo Tidquist: Councilman at Large Tidquist reported that the Legion Hall has been repaired and cleaned and that Mr. Mullins is in the process of getting furniture and other needed items so it can be used. The Mayor added that we have a letter giving us permission to use the building and the attorneys are working out the deed.

Councilman Thomas Lilly: Councilman Lilly made a motion that business that is presented for discussion on council floor and is not acted upon be placed on each and every agenda until some council action is taken on that item of business. Councilman Casebolt seconded the motion. Under question, Councilman Lilly explained that items of business such as the trailer in his ward that he believes is in violation of zoning laws, and the city maintenance building should be placed on every agenda until they are resolved. On the vote Councilmen Casebolt, Tidquist, Priddy, and Lilly voted in favor. Recorder Melton opposed and Councilmen Allen, Hill and Mann abstained.

Councilman Paul Hill: Councilman Hill stated that there is a street light in Ward 4 on Cleveland Avenue that is being paid for by an individual and he made a motion that this be checked, and if it is on a city street, that the city take over the cost of the operation. Councilman Casebolt seconded the motion. All voted in favor.

Councilman Hill said he had been asked to make a determination on ownership of a ditchline between 4th and 5th Streets. Some residents of the area would like to fill this area and install a drain. The conclusion was that the property would belong either to the State Department of Highways or the property owners in the area, the city does not own any property in the area. Perhaps an engineering study should be made.

Councilman Dewey Mann: Councilman Mann stated that at the last Ordinance Committee meeting it was decided to have an ordinance on the use of voting machines in the city elections. He wanted to know if this had been forwarded to the Michie Company. The Mayor replied that Mr. Armada is working on it.


Councilman at Large Dr. R. V. Allen: Councilman at Large Dr. Allen made a motion to have a small area marked for no-parking in front of the Masonic Hall on Second Avenue, so people could get in and out. Councilman Casebolt seconded the motion. Councilman at Large Tidquist brought up the fact that the various churches are supposed to have a small area for loading and unloading in front of the entrance. When Second Avenue was repaved after the installation of the water company line, the areas in front of the churches were never repainted. This matter was referred to Gene Williams, Street Superintendent.

Councilman at Large Dr. Allen stated that he had received a letter from the president of the Nitro Library Commission recommending that the city of Nitro notify Mr. Winowich that it wishes to receive the sum of \$1,092.00 from the West Virginia Library Commission as a grant to expand and upgrade the Nitro Public Library. This money is to be used to extend the hours of the Nitro Library from its present 16 hours to 30 hours per week. He asked that the letter be written. The letter from the Library Commission is attached hereto and made a part hereof.

Councilman at Large Keith Priddy: No new business.

Councilman Vernon Casebolt: No new business.

Councilman Casebolt made a motion that the meeting be adjourned. Motion was seconded by Councilman Hill, and all voted in favor.



Mayor



Recorder

Dear Dr. Allen

Please convey to the appropriate persons the following information. If questions arise please feel free to call me at home this evening.

1. It is recommended by the Nitro Public Library Commission that the City of Nitro notify Mr. Winowich that it wishes to receive the sum of \$1,092 from the West Virginia Library Commission for a grant to expand and upgrade the Nitro Public Library.

This money is to be used to extend the hours of the Nitro Library from its present 16 to 30 hours per week from March 1, 1975 through June 30, 1975, in the following manner:

- A. To increase Mrs. Paxton's wages from the current \$2.50/hr. to a monthly salary of \$400./mo. (based on a 30 hour week).
- B. To increase the wages paid Mrs. Harmon from \$2.00 to \$2.25 per hour and extend her hours from 10 to 19 hours weekly. (Mrs. Paxton has presented information to us indicating this amount of hours would permit the Library to remain open 30 hours per week.)

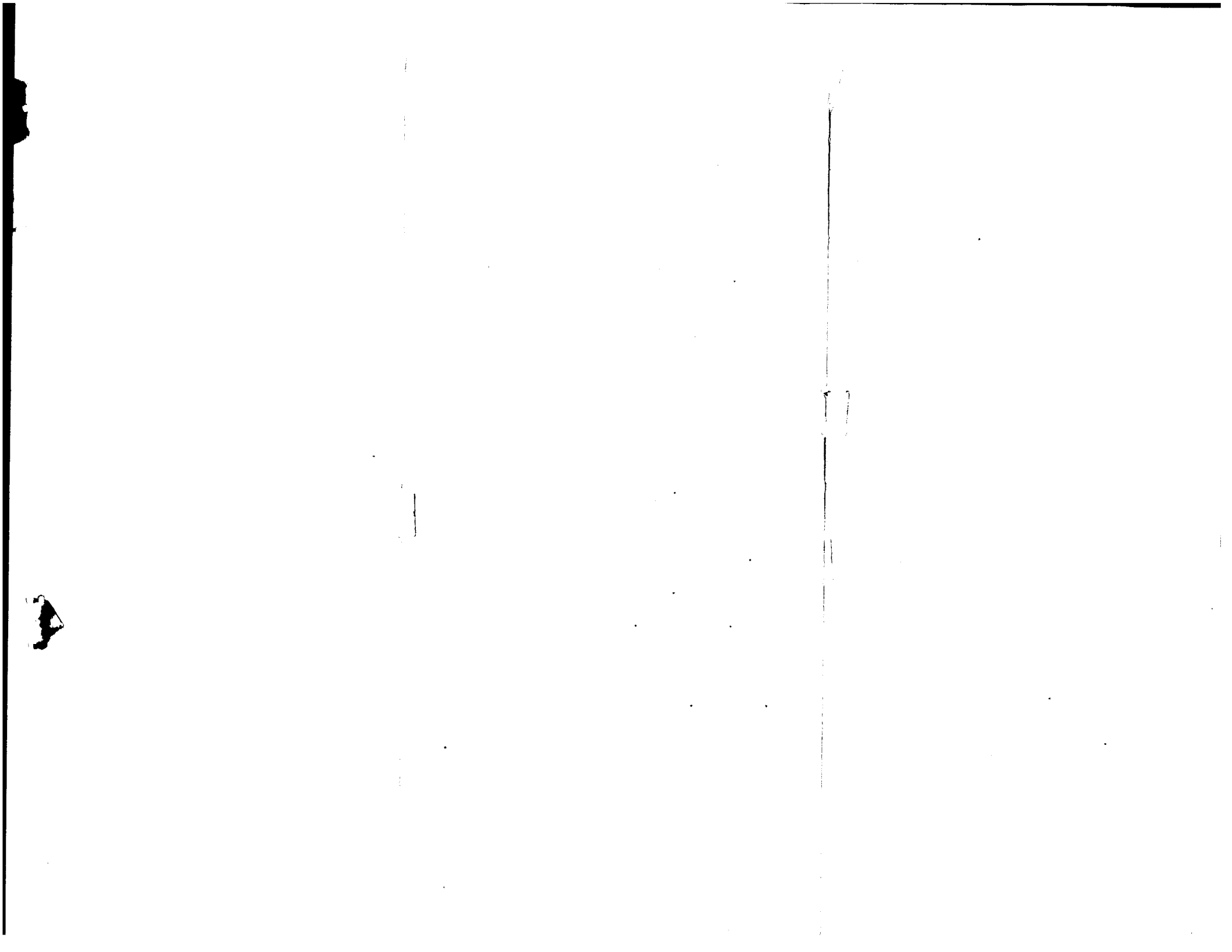
This program was approved by the West Virginia Library Commission and we are therefore eligible for the grant in the amount of \$1,092 to be spent for salaries and fringe benefits for the time period mentioned.

2. It is also recommended that should this trial period prove satisfactory the Library should continue to operate within the above recommendations and the salary and wages be provided in the next city budget. If Council does not intend to provide for continuation of this program then it would be unfair to those concerned to even attempt a trial period. Of course if, during the trial period, the additional hours prove unnecessary, then another evaluation would be needed to determine the future status of the Library

Sincerely



Steven E. West
President, Nitro Library Commission



NITRO CITY COUNCIL MEETING

March 4, 1975

The regular meeting of the Nitro City Council was held in the Council Chambers on March 4, 1975, at 8:00 P.M. Present were Mayor William D. Gibson, City Recorder Tom Melton, Councilman at Large Hugo Tidquist, Councilman at Large Keith Priddy, Councilman at Large Dr. R. V. Allen, Councilman Paul Hill, Councilman Vernon Casebolt, Councilman Thomas Lilly and City Attorney Frank Armada.

The meeting was called to order by the Honorable William D. Gibson. Invocation was given by Reverend James Arbogast of the St. Paul United Methodist Church.

Approval of Minutes February 18, 1975: Mayor Gibson reminded Council that each had received a copy of the minutes in the mail and had been given an opportunity to review them. The motion for approval was made by Councilman Vernon Casebolt. The motion was seconded by Councilman Lilly and passed by unanimous vote.

February Financial Report: City Recorder Tom Melton read the following financial report:

Balance January 31, 1975	\$64,027.68
Receipts for February	42,513.13
Disbursements for February	44,157.00
Balance February 28, 1975	62,383.81

Second Reading of Ordinance Regarding Purchases: City Recorder Tom Melton read the title of the ordinance as follows:

AN ORDINANCE PROVIDING FOR PROCEDURES TO BE FOLLOWED IN PURCHASING ANY AND ALL SUPPLIES, MATERIALS, AND SERVICES; CREATING THE POSITION OF PURCHASING DIRECTOR; PROVIDING FOR COMPETITIVE BIDDING; NOTICE; DEFINING AN EMERGENCY SITUATION; EMERGENCY PURCHASING PROCEDURES; OFFENSES AND PENALTIES FOR VIOLATIONS; ADMINISTRATION AND ENFORCEMENT.

Councilman at Large Dr. Allen made a motion that this ordinance be accepted. The motion was seconded by Councilman Casebolt and passed by unanimous vote. Council agreed this ordinance should become effective immediately upon passage.

Bids on Brookhaven Storm Drains: Councilman at Large Hugo Tidquist, Chairman of the Storm Drain Committee, announced that six bids had been received. These were passed out for the councilmen to open. Bids were as follows:

K. M. Dunn Company, Inc.	\$11,356.00
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Valley Development of West Virginia, Inc.	7,560.00
Park A. Cadle Contracting Co.	11,690.00
O & W Associates	10,287.00
Town & Country Construction Co.	8,576.00
G. E. Ray Construction Co.	11,376.00

Councilman at Large Tidquist made a motion that the low bid be accepted if the bidder meets all specifications. If, after study, the low bidder does not meet specifications, then the bid will be awarded to the next lowest bidder. The motion was seconded by Councilman at Large Priddy and passed by unanimous vote.

NEW BUSINESS: Mayor Gibson read aloud the following letter from Dewey Mann, dated February 20, 1975:

Dear Mayor Gibson: Effective immediately I deem it advisable and do hereby resign from the City Council of Nitro for personal reasons. Signed: Dewey W. Mann, Councilman, First Ward.

A copy of this letter is attached hereto and made a part hereof.

Mayor Gibson stated that he intended to write Mr. Mann a nice letter thanking him for his service to the city. Councilman Casebolt said he would like for the Mayor to ask Mr. Mann to reconsider. The Mayor said he felt sure Mr. Mann had given the matter a lot of thought before writing the letter, and he did not feel that he would reconsider. The Mayor said he thought it was normal procedure that a vote be taken on a resignation of this type. A motion was made by Councilman at Large Hugo Tidquist that the resignation be accepted. The motion was seconded by Councilman at Large Dr. R. V. Allen, and passed by unanimous vote.

The Mayor stated that as a replacement for Mr. Mann, he would like to recommend to council Mr. David A. Hart of 210 Brookhaven Drive. He stated that Mr. Hart, who is area operations manager for Columbia Gas Company, is very civic-minded and has served on different committees and organizations. Councilman at Large Dr. Allen made a motion that the nomination be accepted. Councilman Lilly asked if this were the only nomination. The Mayor replied, "As far as I know." Councilman at Large Tidquist asked if this were the Mr. Hart who worked with the Community School program. Mayor Gibson stated that he was. Councilman Tidquist seconded the motion made by Dr. Allen. Voting in favor were Councilmen Tidquist, Hill, Allen, Casebolt and Recorder Tom Melton. Opposing were Councilmen Lilly and Priddy. The motion carried. The Mayor asked that Mr. Hart be called and asked if he could come to the council meeting.

February 20, 1975

The Honorable William Gibson
Mayor of Nitro
City Hall
Nitro, West Virginia

Dear Mayor Gibson:

Effective immediately I deem it advisable
and do hereby resign from the City Council of Nitro
for personal reasons.

Yours truly,

Dewey W. Mann,
Councilman 1st Ward

DWM/vrb

The Mayor stated that the following is a list of needs for the city expressed by both officials and citizens at the two public meeting held on February 21 and 28, 1975, in connection with the Community Development Block Grants.

1. Upgrade primary sewer plant, collectors, and extensions.
2. Storm Sewers throughout the city.
3. House inspection program.
4. For the 4th Ward, storm drains, sanitary sewers and paving.
5. Library. (Libraries are not an eligible item.)
6. Mini-park. This included renovating old West Virginia Water Intake building and arrange a boating facility including a boat dock, pave road and parking lot, and a maintenance garage.
7. Brookhaven storm drains.
8. Enclosing swimming pool to make it a year round facility, and possibly adding two large rooms approximately 20' X 20' to be used as a community center.
9. Adding upstairs to building on Second Avenue at 22nd Street. (Originally the American Legion Building)
10. Adding upstairs to City Hall. (This is not eligible)
11. Paving road and parking lots at Ridenour Memorial Park.
12. Storage building at Ridenour Memorial Park including concession stand.
13. Two fire department sub-stations.
14. Re-surface Easter Road and storm drains for area.
15. Recreation facility in Brookhaven area.
16. Overhead crossing on 19th Street at First Avenue for vehicular or pedestrian traffic.
17. Mixed housing for low-income families and senior citizens.
18. Storm drainage at Broadway Gardens and Main Ave.

Councilman at Large Dr. Allen stated that he felt the first application should be for projects which have already been planned and engineered. The first year's allocation ends June 30, 1975, and the application would need to be made very soon. After July 1, the city can file another application for other projects. The projects favored for the first application were the sewage project, storm drains, and the mini-park with boating facilities and the maintenance garage, or paving the road and parking lot at Ridenour Memorial Park.

Councilman at Large Hugo Tidquist: Councilman Tidquist stated that he does not have a committee report, but that the Recreation Committee will be meeting on Thursday evening, March 6.

Councilman Thomas Lilly: No new business.

Councilman Paul Hill: No new business.

Councilman at Large Dr. R. V. Allen: No new business.

Councilman at Large Keith Priddy: No new business.


Councilman Vernon Casebolt: No new business.


Two ladies from Broadway Gardens Apartments, Mrs. Dolly Withrow and Mrs. Sara Hines, had brought several documents pertaining to the building and sale of the Broadway Gardens Apartments. Mayor Gibson stated that he would like to have a copy of all documents to turn over to the Building and Planning Committee and the City Attorney, Mr. Armada, who can review this and give a legal opinion as to how much the city would be able to help with the problems encountered at the apartments.

Mr. David Hart arrived at council meeting, and after being congratulated, he was sworn in as Councilman for Ward 1 by Mayor Gibson.

Councilman Lilly stated that he would like to ask some questions before the meeting adjourned. First, what is the status of the zoning map? Attorney Frank Armada stated that the map is ready for certification by council, and he feels that it should be certified at the next council meeting. Second question, what about the flood insurance maps for the city of Nitro? Mayor Gibson replied that a lot of work has been done on this, and he would predict that a report would be ready by next council meeting. He added that the City of Charleston has been having a lot of trouble with the flood maps, and had also refused their first map. Saint Albans has encountered problems, too. He said he was not about to accept a map that he felt would not be good for the citizens of Nitro, and added that thousands of dollars can be saved the citizens of Nitro by driving a hard bargain now. The Mayor stated that he has written the Corps of Engineers in Huntington, and has a meeting scheduled for the next morning with two gentlemen to try to put the finishing touches to this matter.

Councilman Paul Hill made a motion for adjournment, which was seconded by Councilman Casebolt. The motion carried.


Mayor


Recorder

NITRO CITY COUNCIL MEETING

March 18, 1975

The regular meeting of the Nitro City Council was held in the Council Chambers on March 18, 1975, at 8:00 P.M. Present for the meeting were Mayor William D. Gibson, City Recorder Tom Melton, Councilman at Large Hugo Tidquist, Councilman at Large Dr. R.V. Allen, Councilman at Large Keith Priddy, Councilman Vernon Casebolt, Councilman Paul Hill, Councilman Dave Hart, and Councilman Thomas Lilly. Also present was City Attorney Frank Armada.

The meeting was called to order by the Honorable William D. Gibson. Invocation was given by Reverend Wilbur Turner the assistant pastor at St. Pauls United Methodist Church.

APPROVAL OF MINUTES FOR MARCH 4, 1975, MEETING: Mayor Gibson mentioned that each member had received a copy of the minutes for the previous meeting in the mail and had been given the opportunity to review them. Councilman Vernon Casebolt made a motion that these minutes be approved. The motion was seconded by Councilman Thomas Lilly. The vote of approval was unanimous.

APPROVAL OF THE FEBRUARY 1975 FINANCIAL STATEMENT: Tom Melton mentioned that all councilmen had received a copy of the statement showing that the balance was \$62,383.81 for the end of February. Councilman at Large R.V. Allen made a motion that the statement be approved. Councilman Casebolt seconded the motion. All council voted to approve except Councilman Lilly who opposed.

CERTIFICATION OF ZONING MAP: Mayor Gibson stated that City Attorney Frank Armada had worked with Appalachian Engineers in the preparation of the new zoning map. Mayor Gibson also read a letter from Mr. Hayne of Appalachian Engineers stating that no changes were made on the map except specific details. A copy of this letter is attached hereto and made a part hereof. Councilman Lilly made a motion that the zoning map be approved. Councilman at Large Allen seconded the motion. The vote of approval was unanimous.

FLOOD INSURANCE MAPS FOR THE CITY OF NITRO: Mayor Gibson emphasized that a lot of work has been done on this project. The Mayor also stated that on May 7, 1974, Council did pass a couple of resolutions to the effect that they wanted to comply with federal rules and regulations pertaining to the Flood Insurance Program. The Mayor was sent the maps and he consulted Appalachian Engineers for advice. The company felt the maps were off base, and that the Mayor should write a letter to the Corps of Engineers in Huntington, West Virginia. Later the Mayor received the new maps with the improvements thereon. These will be forwarded to HUD for their approval and modification of the original Flood Hazard Map. The Mayor read a letter from Mr. Robert Hayne, of Appalachian Engineers Inc. concerning the National Flood Insurance Program. Mayor Gibson reported that there were approximately 800 houses in the area

covered by the corrected map. At 50 dollars a year per house this amounts to a savings of about \$40,000.00 for the citizens of Nitro. Councilman at Large Keith Priddy questions why Hillside Drive is not covered by the Flood Insurance. Mayor Gibson says it probably is not included because the damages have been so recent or because of the 100 year flood level. Mayor Gibson states that it is his understanding that persons who live outside the flood prone area can still buy the insurance if they so desire. Councilman at Large R.V. Allen makes a motion that the voting wait until the next meeting of Council. The motion was seconded by Councilman Hart. The vote of approval was unanimous. The letter from Mr. Robert Hayne is attached hereto and made a part hereof.

NEW BUSINESS:

Mayor Gibson states that the City of Nitro has been awarded a new grant in the order of \$575,000.00 for sewage improvements in the River Dale Acres area and on 40th Street road area. Also a few months ago Nitro received a grant in the amount of \$604,000.00 to upgrade our primary sewage facility to a secondary and treatment plant.

Mayor Gibson asked City Attorney Frank Armada if he had reviewed the documented evidence in Kanawha County Court House on the Broadway Garden Complex. City Attorney Armada stated that he found no official dedication accepted by the city on the dedication of the streets, except a map showing that it is there. He also stated that he would like to meet with their counsel and discuss the possibility of city aid, but he added that the city could not expend its funds for private purposes. Dolly Withrow speaker for Broadway Gardens stated that there are only twelve owner occupied dwellings in the Gardens and the vast majority of the complex is owned by someone else over which they have no control. She stated that they were in the minority and have no idea who the counsel will be.

Mayor Gibson read a letter dated March 8, 1975 from Mr. and Mrs. Morris of Valentine Circle. The letter complimented the city employees for their efficient job on clearing a large amount of tree limbs from their lawn on March 4, 1975.

Mayor Gibson passed out a revised list of committees effective March 18, 1975, as a result of the appointment of the new Councilman for Ward I, Dave Hart. The revised list is as follows:

ANNEXATION COMMITTEE

Dave Hart (Chairman)
Dr. R.V. Allen
Thomas Lilly

BUILDING AND PLANNING

Paul Hill (Chairman)
Vernon Casebolt
David Hart

INSURANCE COMMITTEE

Thomas Lilly (Chairman)
Keith Priddy
Dr. R.V. Allen

LIBRARY COMMITTEE

David Hart (Chairman)
Thomas Lilly
Dr. R.V. Allen

APPALACHIAN ENGINEERS, INC.

301 OTT BUILDING - 215 DUNBAR STREET
CHARLESTON, WEST VIRGINIA
25301

304 343-9211

March 18, 1975

Mayor William D. Gibson
City of Nitro
Nitro, West Virginia

Re: Zoning Map

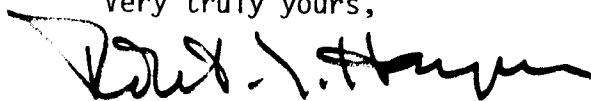
Dear Mayor Gibson:

Pursuant to your instructions, we have redrafted the City of Nitro Zoning Map onto a large scale map of the City. A copy of the large scale zoning map is attached. The large scale map will permit more specific location of zone boundaries than was heretofore possible. There is also attached a narrative description of each of the zones which specifically delineates each zone.

The map and the narrative description are exactly the same as contained in your Zoning Ordinance. However, the limits of the zones have been more clearly defined. It is suggested that you use the new map and the narrative description for resolving future zoning questions.

If you wish to have Council approve the large scale map and narrative description, I do not believe it would affect your existing zoning ordinance except to clarify the boundaries of the existing zones.

Very truly yours,



Robert Y. Hayne

RYH:lh

Attachments:

- (1) Zoning Map Scale 1"=400'
- (2) Narrative Description of Zones



CONSUMER PROTECTION COMMITTEE

Thomas Lilly (Chairman)
Hugo Tidquist
Keith Priddy

DOG POUND COMMITTEE

Keith Priddy (Chairman)
Vernon Casebolt
David Hart

EMERGENCY AMBULANCE SERVICE COMMITTEE
TO ASSIST KANAWHA COUNTY COURT AND
PUTNAM COUNTY COURT IN THEIR EFFORTS
TO ESTABLISH AN AMBULANCE SERVICE.

Thomas Lilly (Chairman)
Hugo Tidquist
Keith Priddy

FINANCE COMMITTEE

Tom Melton (Chairman)
Dr. R.V. Allen
Paul Hill
William Gibson
David Hart

FIRE DEPARTMENT COMMITTEE

Vernon Casebolt (Chairman)
Hugo Tidquist
Paul Hill

GARBAGE-HEALTH AND TRASH COMMITTEE

Paul Hill (Chairman)
Dr. R.V. Allen
William Gibson

ORDINANCE COMMITTEE

Dr. R.V. Allen (Chairman)
Keith Priddy
David Hart

POLICE DEPARTMENT COMMITTEE

Paul Hill (Chairman)
David Hart
William Gibson

RECREATION COMMITTEE

Hugo Tidquist (Chairman)
Dr. R.V. Allen
Vernon Casebolt

SIDEWALK COMMITTEE

Keith Priddy (Chairman)
Vernon Casebolt
Paul Hill

STORM DRAIN COMMITTEE

Hugo Tidquist (Chairman)
Dr. R.V. Allen
Keith Priddy

STREET AND TRAFFIC COMMITTEE

Dr. R.V. Allen (Chairman)
Paul Hill
Vernon Casebolt

STREET LIGHT-STREET NUMBERING
AND STREET SIGN COMMITTEE

Keith Priddy (Chairman)
Vernon Casebolt
Paul Hill

Mayor Gibson read a letter that was written March 18, 1975, to Mr. James M. Mills of 1104 First Avenue South, notifying him that having a trailer at this location is in violation of our city zoning ordinance. A copy of this letter was distributed to all the Councilmen.

Mayor Gibson also read a letter addressed to Mr. Laymen Smith, Division Engineer for District 1 of the Department of Highways. The letter was dated February 19, 1975, in reference to the City of Nitro's drainage problems on Route 25, at the bowling alley and 40th Street, near Bailes Drive. The letter was signed by

Robert Y. Hayne of Appalachian Engineers, Inc.

Mayor Gibson stated that he received word from an engineer of the Department of Highways stating that they would like to meet with the Mayor and several plant managers to discuss putting a third lane into Plant Road at the lower end of Nitro near 41st Street, and also a stop light at the end of 40th Street. Mayor Gibson said that he has a meeting set up in a few days to start the planning, and that he would possibly have more details at the next council meeting.

Mayor Gibson reported that he had written a letter to Mr. William Richie, State Road Commissioner, asking him to give an up-to-date traffic survey on the traffic flow on 19th Street and First Avenue. Mayor Gibson said that he had been advised that the letter had been received.

Mayor Gibson stated that he had received a letter dated March 14, 1975, from the Winfield Elementary PTA, asking permission to solicit in Nitro for their school carnival. The Mayor asked council what they would like to do about the matter. Councilman Lilly made a motion that it be given to the Consumer Protection Committee. The motion was seconded by Councilman Hill. The vote of approval was unanimous.

Councilman at Large Hugo Tidquist: Councilman at Large Hugo Tidquist stated that the low bidder did meet the specifications on the Brookhaven storm drains and was awarded the contract. Councilman Tidquist also reported on the recent meeting of the Recreation Committee. Discussed was the summer program for the City of Nitro. Councilman Tidquist stated that the Recreation Director, Stephen Mullins, was present and asked if he had anything to add.

Stephen Mullins, Recreation Director, spoke on the tentative summer program.

Councilman Casebolt complimented Stephen Mullins for the great work he had done at Ridenour Memorial Park.

Councilman Thomas Lilly: Councilman Thomas Lilly reported on the recent meeting of the Library Committee. Councilman Lilly stated that the committee was working on plans to upgrade the exterior of the library. Tentative plans will be presented to council some time in the future, Councilman Lilly stated. Also the library has stayed open an increase of 16 to 30 hours extra a week.

Councilman Paul Hill: No new business.

Councilman Dave Hart: No new business.

Councilman at Large R.V. Allen: No new business.

Councilman at Large Keith Priddy: No new business.

Councilman Vernon Casebolt: Councilman Vernon Casebolt brought up for discussion the Smith Street Land Fill which has left a hole in Mr. West's property on Washington Avenue. After discussion by Council, City Attorney Frank Armada, said that first the city should determine if there is any liability on their part. He said he would like to get with the street commissioner or council and find out the history of this matter before we use city equipment on it. Councilman Casebolt agreed that if the hole was not dug by the city, we should not fill it in. He stated that he had been led to believe that the city was responsible. Councilman R.V. Allen made a motion that this problem be given to the Storm Drain Committee. Councilman Casebolt seconded the motion. The vote of approval was unanimous.

Councilman Casebolt asked City Attorney Frank Armada if a camping trailer parked on Main Avenue, with a man, wife, and two children was against the zoning ordinances. Councilman Casebolt said that if it was against the ordinances then he would like a letter of notification sent to the owner of the trailer.

Councilman Casebolt asked "What about Ivy Street?" Mayor Gibson said that Ivy Street was in the block grant list of categories.


Councilman Casebolt said that at the last meeting, Council has asked that a letter be sent to the Public Service Commission and a copy to the Appalachian Power requesting about lights at Ridenour Memorial Park. City Attorney Frank Armada said that the chances of our getting the lights were very good, due to a recent change in policy of Appalachian Power Company.


Councilman Casebolt made a motion that Council go on record for supporting the Blue & Gold Football Game, April 19, 1975, at the Nitro football field. Councilman at Large Allen seconded the motion. The vote of approval was unanimous.

City Recorder, Tom Melton: Tom Melton stated that he would like to have a special Council meeting to approve the budget for the next fiscal year. The tentative date is Tuesday the 25th of March at 5:00.P.M.

Mayor Gibson recognizes Mr. & Mrs. Romie Hugart of Nitro. Mayor Gibson states that Mr. Hugart had C & P Telephone Company, the company for which he works, to donate a truck to the recreation department. Mr. Hugart commented that the Lions Club may need financial help with next years Christmas lights.

City Recorder, Tom Melton make a motion that the meeting be recessed until Tuesday the 25th of March at 5:00.P.M. Councilman Casebolt seconded the motion. The motion carried.


Mayor


Recorder

Monsanto

MONSANTO INDUSTRIAL CHEMICALS CO.

Nitro, West Virginia 25143

Phone: (304) 755-3341

March 14, 1975

Members of Council
City of Nitro
City Building
Nitro, West Virginia 25143

Gentlemen:

RE: SEWER FACILITIES

It is our understanding that you are in the final stages of decision making with respect to raising funds for your Sanitary Board to be used as the basis for receiving additional federal and state funds for use in upgrading and installation of sewer facilities for and in the City of Nitro. Further, one of the financing plans you have under consideration is the issuance of revenue bonds which would have to be retired from increased rates payable by users of the sewer system. We are advised that local funds in the amount of approximately \$388,750 will have to be raised to be combined with government funds in order to produce total funds required for the project.

In order to save the City of Nitro (or the users of its sewer system) the cost of bond funding, our Association has polled its members and has received assurance from present members that they will make advance contributions to the Association in such amounts as will allow the Association to provide to the city a lump sum of \$388,750 which can be transferred to the Sanitary Board for the purpose of providing the local funds needed to finance the pending sewer project.

The assurances and commitments from our present members have been made only upon the understanding that their respective present contributions to the Association will be advance payments of future annual contributions and they will not be called upon for future annual contributions until such time as the prepaid amount has been amortized over a period of ten (10) years. This means that the Association will not have funds for future annual contributions to the city for its then current operating budgets, except to

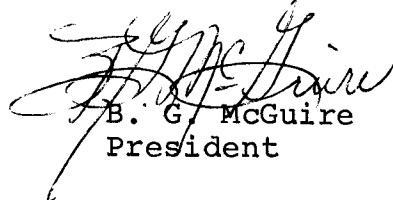
Members of Council
March 14, 1975
Page 2

the extent that the Association may then have new members who will be obligated for current annual contributions because they will not have prepaid for the purposes outlined above.

If you desire to accept the offer of the Association on the condition that future annual contributions by the Association will be reduced over the next ten (10) years by the amount of the total advanced payment, we ask that you take appropriate action and so advise us.

Sincerely,

CIVIC BENEFITS ASSOCIATION



B. G. McGuire
President

BGM/fr



NITRO CITY COUNCIL RECESSED MEETING

March 25, 1975

The Council met in recessed session on March 25, 1975, at 5:00 P.M. to discuss the Levy Estimate for the next fiscal year. Present at the meeting were Honorable William D. Gibson, City Recorder, Tom Melton, Councilman at Large Hugo Tidquist, Councilman at Large R.V. Allen, Councilman at Large Keith Priddy, Councilman Thomas Lilly, Councilman David Hart, Councilman Vernon Casebolt and City Attorney Frank Armada and Councilman Paul Hill.

The meeting was called to order by Mayor William D. Gibson.

City Recorder, Tom Melton stated that everyone in council had received a copy of the Levy Estimate for the next fiscal year. Mr. Melton made a motion that the Levy Estimate be approved as the 1975-76 budget. Councilman Hill seconded the motion. Councilman Casebolt asked why the estimated income this year was \$3,000 less than last year in the Recreation Department. Tom Melton stated that the Finance Committee overestimated last year with its estimate of \$10,000, so the Finance Committee this year is estimating the income will be \$7,000. The vote of approval for the Levy Estimate was unanimous.

Mayor Gibson read a letter dated March 14, 1975, from Mr. B.G. McGuire President of Civic Benefits Association. The letter had been distributed earlier to all councilmen and it outlined the Civic Benefits plans to finance the construction and installation of sewer facilities in the City of Nitro. The above mentioned letter is attached hereto and made a part hereof. Mayor Gibson stated that a meeting between the councilmen and the Sanitary Board was called March 17, 1975 to discuss this letter. In this meeting it was decided to give serious thought to accepting this plan. The matter was turned over to City Attorney Frank Armada who working with the Sanitary Board Attorney prepared a Resolution. This Resolution was distributed to the Councilmen and read by City Recorder, Tom Melton. The Resolution is as follows:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NITRO
ACCEPTING A GRANT OFFER BY THE CIVIC BENEFITS
ASSOCIATION, A WEST VIRGINIA CORPORATION

WHEREAS, the City of Nitro, a West Virginia Municipal Corporation, by and through it's Sanitary Board is presently in the process of acquiring and constructing a secondary sanitary sewage treatment system and related facilities for the purpose of treating domestic, commercial and industrial wastes, and

WHEREAS, said project will provide for the improvement, extension and up-grading of the sanitary sewer service available to the citizens of Nitro and its immediate surrounding area, and

WHEREAS, the Civic Benefits Association, a West Virginia Corporation, has generously offered to grant unto the City of Nitro,

the sum of Three Hundred Eighty-Eight Thousand Seven Hundred Fifty Dollars (\$388,750.00) to partially defray the cost of said project with the expectation that said grant will obviate the necessity of the City incurring any bonded indebtedness in financing said sewer project, and

WHEREAS, by letter dated the 14th day of March, 1975, from B. G. McGuire, President of the Civic Benefits Association, a West Virginia Corporation, the City was informed of said grant offer by said Association, and

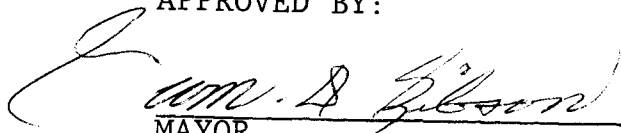
WHEREAS, it is understood by the City that said grant will be in lieu of the monthly contribution heretofore made by the Association to the City for a ten (10) year period commencing as of the date the City receives said grant funds from the Association, and

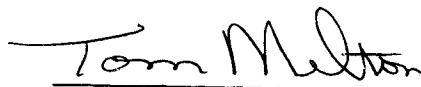
WHEREAS, it is understood by and between the City and the Association that said grant in the sum of Three Hundred Eighty-Eight Thousand Seven Hundred Fifty Dollars (\$388,750.00) will be transferred to the Sanitary Board of the City of Nitro for the exclusive purpose of partially defraying the cost of the aforesaid project.

THEREFORE, the City Council of the City of Nitro, Kanawha and Putnam Counties, West Virginia, does hereby resolve that it will accept the grant offer of the Civic Benefits Association, a West Virginia Corporation, in the sum of Three Hundred Eighty-Eight Thousand Seven Hundred Fifty Dollars (\$388,750.00) pursuant to the conditions and representations previously alluded to herein and as further set forth in the Association's letter dated March 14, 1975, a copy of which is hereto annexed, attached and made a part of this resolution and the Mayor is hereby authorized and directed to communicate to the Association the Council's acceptance of the grant offer.

Introduced and passed on this the 25th day of March, 1975, at a recessed session of the City Council of the City of Nitro.

APPROVED BY:



MAYOR

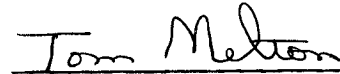

RECORDER

Councilman Allen make a motion that council pass this Resolution. Councilman Casebolt seconded the motion. The vote of approval of the Resolution was unanimous.

Councilman Thomas Lilly spoke on the Flood Insurance Program and the Zoning Map. He explained that when the program was first presented at the last council meeting he thought that people outside the flood prone area could not buy the insurance. Councilman Lilly stated that he had done a lot of research and had found that anyone in this area could purchase the insurance from any Casualty Insurance agent they so desire. Councilman Allen made a motion that the Revised Flood Insurance Map be voted on at this council meeting instead of waiting until the next regular session of council as he requested in the meeting of March 18, 1975. Councilman Casebolt seconded the motion. The vote of approval was unanimous. Mayor Gibson stated that he has invited the citizens and a representative from Governor Moore's office to come to the next council meeting and discuss the Flood Insurance Program. Councilman Lilly made a motion that council accept the new map and the recommendations of the Mayor. Councilman Casebolt seconded this motion. The vote of approval was unanimous. At this point of the meeting Councilman at Large Priddy arrived late.

Councilman Thomas Lilly asked if on the Levy Estimate, if council had just voted on the receipts? Mayor Gibson stated that council voted on the whole Levy Estimate, and Tom Melton assured Councilman Lilly that council had voted on the whole Levy Estimate for the 1975-76 fiscal year. Councilman Lilly said that he had not signed the Levy Estimate. Councilman Casebolt made a motion that the meeting be adjourned. Councilman at Large Allen seconded the motion. The motion carried.


Mayor


Recorder

NITRO CITY COUNCIL MEETING

April 1, 1975

The regular meeting of the Nitro City Council was held in the Council Chambers on April 1, 1975, at 8:00 P.M. Present for the meeting were Mayor William D. Gibson, City Recorder Tom Melton, Councilman at Large Hugo Tidquist, Councilman at Large Dr. R. V. Allen, Councilman at Large Keith Priddy, Councilman Vernon Casebolt, Councilman David Hart, Councilman Thomas Lilly, Councilman Paul Hill and City Attorney Frank Armada.

The meeting was called to order by Mayor William D. Gibson. Invocation was given by Reverend Arlie Carvens of the Nitro Church of God.

APPROVAL OF MINUTES FOR MARCH 18, 1975 COUNCIL MEETING: Mayor Gibson stated that each member had received a copy of the minutes for the previous meeting in the mail and had been given an opportunity to review them. Councilman David Hart made a motion that these minutes be approved. The motion was seconded by Councilman Casebolt. The vote of approval was unanimous.

APPROVAL OF MINUTES FOR MARCH 25, 1975 RECESSED SESSION COUNCIL MEETING: Mayor Gibson stated that these minutes had also been sent to the members of Council and they had been given a chance to review them. Councilman Paul Hill stated that his name had been left off the minutes for the recessed session and that he had been present for the March 25, 1975 meeting. Councilman Hart made a motion that Councilman Hill's name be added to the minutes. Councilman Casebolt seconded the motion. The vote of approval was unanimous. Councilman at Large Dr. Allen made a motion that these minutes be approved. The motion was seconded by Councilman Casebolt. The vote of approval was unanimous.

MARCH FINANCIAL REPORT: City Recorder Tom Melton stated that the balance on hand for March 1, 1975, was \$62,383.81. The receipts for the month of March were \$42,504.14, with disbursements being \$46,929.23, which left a balance of \$57,958.72 on March 31, 1975.

DRAINAGE PROBLEM-SMITH STREET LANDFILL: The drainage problem at the Smith Street landfill had been turned over to the Storm Drain Committee at the last regular council meeting. The chairman of this committee, Councilman at Large Tidquist, stated that he wanted City Attorney Frank Armada to discuss the legal technicalities of the landfill. Attorney Armada stated that he and Councilman Casebolt had looked at the drainage problem and they believed this could be alleviated by filling in the hole with several loads of dirt. Councilman at Large Priddy made a motion that Council approve Attorney Armada's recommendation of filling in the hole. The motion was seconded by Councilman Casebolt. The vote of approval was unanimous.

NEW BUSINESS: Mayor Gibson asked Council to give approval to his reappointing E. Robert Hamilton, Cecil Lemma, William

Thacker, Harry Russell and Kermit Thompson to the Zoning Appeals Board for a term of three years. Councilman at Large Allen made a motion for the approval of these appointments. Councilman Casebolt seconded the motion. The vote of approval was unanimous.

Mayor Gibson read a resolution passed March 28, 1975, by the Nitro Sanitary Board. The resolution is as follows:

RESOLUTION OF THE NITRO SANITARY BOARD
CITY OF NITRO, WEST VIRGINIA, ACCEPTING
\$388,750.00 TO PROVIDE FOR THE CONSTRUC-
TION OF SECONDARY SANITARY SEWAGE FACIL-
ITIES AND RELATED FACILITIES

WHEREAS, the City Council of the City of Nitro, West Virginia, was on March 14, 1975, extended an offer of Three Hundred Eighty Eight Thousand Seven Hundred Fifty Dollars (388,750.00) to partially defray the cost of a secondary sanitary sewage treatment system and related facilities for the purpose of treating domestic, commercial and industrial wastes; and

WHEREAS, the City Council of the City of Nitro, West Virginia, has agreed to make the sum of \$388,750.00 available to the Nitro Sanitary Board to partially defray the cost of said project; and

WHEREAS, the payment of this sum would defray the necessity to employ bond council, a financial adviser as well as all other related bond costs and the payment of any interest on the principal sum; and

WHEREAS, it is understood by the Nitro Sanitary Board of the City of Nitro that the payment of \$388,750.00 would deplete certain credits which were received by the City of Nitro from the Civic Benefits Association, a West Virginia corporation; and

That in consideration of all of the same the said Nitro Sanitary Board of the City of Nitro, West Virginia, does hereby agree, after the payment of all operating expenses relative to the operation and maintenance of the Nitro Sanitary Board and the sewage treatment facilities aligned therewith to pay the sum of \$38,875.00 annually to the general fund of the City of Nitro for the advance payment hereinabove referred to, and the Chairman of the Nitro Sanitary Board is hereby authorized and directed to communicate to the City Council of the City of Nitro, West Virginia the acceptance of said offer on behalf of the said Nitro Sanitary Board.

Introduced and passed on this the 28th day of March, 1975 at a special meeting of the Nitro Sanitary Board, City of Nitro, West Virginia.

Approved by:

(Signed by) William D. Gibson, Chairman
F. Douglas Bess, Member

Constance J. Stephens, Sec.

Councilman Lilly asked if this resolution had been conveyed to the city attorney to be used for Exhibit 42. Mayor Gibson stated that the resolution had, and that it had also been introduced to the Public Service Commission yesterday during the Sanitary Sewer Rate hearing. The Mayor stated that they should have a reply from the Public Service Commission in approximately five or six weeks.

Mayor Gibson read a letter dated March 27, 1975, from Mr. Escoe Haverty complimenting the Mayor, City Council, and the Sanitary Board members on their efforts in obtaining Federal grants for sewers in the 40th Street and Riverdell Acres areas.

Mayor Gibson introduced Mr. Gary L. Johnson who is State Coordinator of the Flood Insurance Program. Mr. Johnson gave a presentation on the program and spoke on Nitro's flooding problem. Mr. Johnson stated that Nitro was in the emergency stage of the program which would last two or three years. After this time, there will be a rate study done which will determine the hundred year elevations in the city of Nitro. When the rate study is finalized, Nitro will have to pass actual flood plane management ordinances or amendments to the present zoning ordinance. Mr. Johnson stated that the insurance rates are 25¢ a hundred dollars for residences and 40¢ a hundred dollars for businesses. The insurance can be purchased from any local agent and it covers (1) an unusual arrived accumulation of water from any source, (2) a river overflow, (3) and mudslides. Mr. Johnson stated that he had worked with Mayor Gibson for 4 or 5 months trying to reduce the size of the original map. Mayor Gibson stated that they had approximately 800 homes taken out of the flood-prone area, so these citizens would not have to purchase the insurance unless they so desire. Councilman Lilly asked if the citizens of the Hillside Drive area could purchase the insurance even though they were not in the flood prone area. Mr. Johnson stated that anyone living inside the corporate limits could purchase the insurance if they so desired. Mayor Gibson stated that Hillside Drive was in the flood-prone area as outlined on the flood map. Councilman at Large Priddy questioned Mayor Gibson's accuracy. The Mayor finally stated that no matter what, the citizens of Hillside Drive could purchase the insurance. Attorney Armada asked when the insurance would be available. Mr. Johnson said that it would probably be about ten days. Mr. Johnson also mentioned that it would take about two months for the map to be approved. Councilman Lilly asked Mr. Johnson about a home improvement loan. Mr. Johnson stated that you were required to purchase the insurance if the improvement amounted to over 50% of the present value of your property. Councilman Lilly asked

if certification could have taken place last May 2 when Council first passed the resolutions. Mr. Johnson stated that it could have, but that he had advised the Mayor to wait. Mayor Gibson complimented Mr. Johnson for his dedication on this program and thanked him for attending the council meeting.

Mayor Gibson talked about a letter he had received from Mr. Hayne of Appalachian Engineers concerning the gas leak in Fenton Circle. Mayor Gibson said that he would like to turn the matter over to Attorney Armada and the Building and Planning Committee so they could advise council at the next council meeting. Councilman Hart stated that, in his opinion, no one was responsible for the leak and there were no records or logs of its existence.

Mayor Gibson introduced Mr. Martin Glasser, an attorney for Mr. Jerry Goldberg who operates Dunbar Supply and Sash Company. Mr. Glasser spoke on the land Mr. Goldberg owns in the Sattes area. He stated that Mr. Goldberg was planning to construct a large building on this land and a question had been brought up that maybe the city of Nitro owned some of the land. Mr. Glasser said he didn't want any questions about the matter to arise after a \$200,000.00 improvement had been made, so he would like the city to pass a quitclaim deed to the land. Mr. Glasser also said he would like the city of Nitro to relinquish whatever title it may have on some of this land, and in exchange for this, he would give to the city clear title to some parcels of land on the other side of the street. Mr. Glasser showed a map of the land and explained all the details of the area, and he stated that he would come back in several weeks to get a resolution from Council. Mayor Gibson asked Mr. Glasser if he would give Council some information about the planned building. Mr. Glasser stated that the building was to be approximately 10,000 square feet, and it would be occupied by Dunbar Supply and Sash or one of its subsidiaries. Mayor Gibson stated this matter would be given to the Building and Planning Committee under the guidance of City Attorney, Mr. Armada.

Mayor Gibson stated that he had received a letter from the Regional Development Authority discussing the EPA 208 Planning Grant. He said that he would mail each of the councilmen a copy so they could review it for the next council meeting.

Councilman at Large Hugo Tidquist: Councilman Tidquist stated that he had a Resolution from the Recreation Department regarding the Little League baseball. Councilman Tidquist said that he would like to discuss the Resolution with the Recreation Committee and he would try to have more details at the next council meeting.

Councilman Thomas Lilly: Councilman Lilly stated that he would like to make a motion to the effect of granting the Winfield Elementary School a permit to solicit in the town of Nitro for their spring carnival. Councilman at Large Priddy seconded the motion. The vote of approval was unanimous.

Councilman Paul Hill: Councilman Hill stated that there was a large ditch area on Main Avenue between Rich Oil Station and the

Moose Lodge. Councilman Hill said this was a hazard to the children and it should be taken care of before someone drowns in the ditch. Mayor Gibson informed Council that he had talked to an engineer of the Department of Highways and was reassured that the drain pipe would be cleaned out. Mayor Gibson stated that he would like this matter placed in the Storm Drain Committee so the Committee could assist in the matter.

Councilman David Hart: No new business.

Mayor Gibson stated that he had received three letters this week and he would mail these letters to all the council members. Two of the letters discussed the traffic flow problems (1) at 19th Street-Plant Road and Route 25 intersection and (2) 41st Street-Plant Road at the intersection of Route 25. The other letter discussed the drainage problem at Route 25 near the bowling alley and the drainage problem at Route 25 near Bailes Drive.

Councilman at Large Dr. R. V. Allen: No new business.

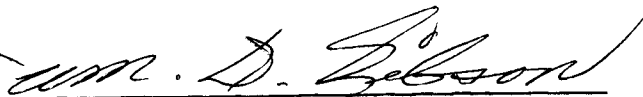
Councilman at Large Keith Priddy: No new business.

Councilman Vernon Casebolt: No new business.

City Recorder Tom Melton: City Recorder Tom Melton stated he had a couple of letters discussing the spending of the City's Revenue Sharing money. Mr. Melton said that there had been some question about this spending and that he had sent a letter to the Intergovernmental Relations Office in Washington, D. C., and he had received a letter giving answers to the questions. Recorder Melton stated that he would like the letters to be made a part of the minutes of the meeting. Councilman Lilly recommended that the letters be put on the agenda for the next council meeting so everyone could discuss them. A copy of the above mentioned letters are attached hereto and made a part hereof.

Councilman Lilly stated that between Route 25 and Hillside Drive there was a swamp which was causing a drainage problem and a back-up of water on the street. Councilman Lilly stated that this problem should be given to a committee so something could be done to alleviate this drainage problem. Mayor Gibson said it would preferrably be the Storm Drain Committee. A few citizens from Hillside Drive spoke on the drainage problem they had, and what an eye-sore the swamp was to the people of this area. Mayor Gibson stated that Attorney Frank Armada would try to have an answer to the problem at the next council meeting.

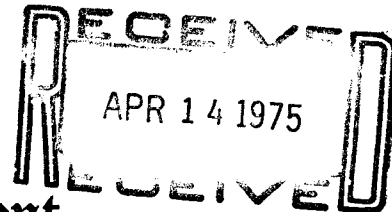
Councilman Vernon Casebolt made a motion that the meeting be adjourned. The motion was seconded by Councilman Priddy. The vote of approval was unanimous.


Mayor


Recorder



West Virginia



State Tax Department CHARLESTON, 25305

NOTICE OF APPROVAL OF THE LEVY ESTIMATE

BY THE STATE TAX COMMISSIONER OF WEST VIRGINIA

TO 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, 1975.

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 11 day of April 1975.

Richard L. Dickey
TAX COMMISSIONER

NITRO CITY COUNCIL MEETING

APRIL 15, 1975

The regular meeting of the Nitro City Council was held in the Council Chambers on April 15, 1975, at 8:00 P.M. Present for the meeting were Honorable William D. Gibson, City Recorder, Tom Melton, Councilman at Large Hugo Tidquist, Councilman at Large Keith Priddy, Councilman at Large R.V. Allen, Councilman Tom Lilly, Councilman Paul Hill, Councilman David Hart and Councilman Vernon Casebolt.

The meeting was called to order by Mayor William D. Gibson. Invocation was given by Reverend Arley Cravens of the Nitro Church of God.

APPROVAL OF MINUTES FOR APRIL 1, 1975, MEETING: Mayor Gibson stated that each member had received a copy of the minutes of the previous meeting in the mail and had been given the opportunity to review them. Councilman Lilly made a motion that these minutes be approved. The motion was seconded by Councilman at Large Allen. The vote of approval was unanimous.

APPROVAL OF MARCH 1975, FINANCIAL STATEMENT: City Recorder Melton Chairman of the Finance Committee stated that all councilmen had received a copy of the finance statement showing that the balance was \$57,958.72 for the end of March. Councilman Lilly asked City Recorder Melton if there was going to be any revisions make on the expenditures. City Recorder Melton stated that there were and it would be either in May or June. Councilman at Large Allen made a motion that the statement be approved. Councilman Hill seconded the motion. All councilman voted in favor of the statement except for Councilman Lilly and Councilman at Large Priddy who opposed.

GAS LEAK, FENTON CIRCLE: Mayor Gibson stated that this matter was to be discussed by City Attorney Frank Armada who was not present at the meeting because he was in court in Huntington, West Virginia.

SWAMP BETWEEN FIRST AVENUE & HILLSIDE DRIVE: This was also to be discussed by City Attorney Frank Armada who was not present for the meeting.

E.P.A. 208 PLANNING GRANT: Mayor Gibson stated that he had talked with Mr. Ken Howe who had suggested that Council wait because he feels there should be some changes make in the Resolution.

LETTER FROM INTERGOVERNMENTAL RELATIONS: Tom Melton, City Recorder, stated that before he reads the letter from the Intergovernmental Relations, Council would have to go through the process of laying the levy for the next fiscal year. City Recorder Melton stated that he had gotten a letter back from the W.Va. Tax Dept. which stated that there were no deficiencies in the levy estimate. The letter is attached hereto and made a part hereof. Councilman Casebolt made a motion that the levy rates be accepted by Council. The motion was seconded by Councilman at Large Tidquist. All councilmen voted in favor except Councilman Lilly and Councilman at Large Priddy who opposed.

City Recorder Melton read the report which is as follows:

The following report is a series of documented answers to the charges leveled at the Executive Department and other Councilmen of the City of Nitro by Councilman Thomas Lilly and Councilman at Large Keith Priddy. The charges appeared in the Charleston Gazette on January 16, 1975, and the Kanawha Valley Leader on January 16, 1975.

This rebuttal was delayed until now to allow for complete documentation of all answers, (this includes correspondence from Federal Agencies) as well as to allow time for an audit to be completed by the W.Va. Tax Department.

The charges that were made have not caused any undue interference with the performance of the duties of Mayor and City Recorder, but this report is necessary to settle these matters once and for all. Because the good people of Nitro are entitled to know that the charges were for political gain and were totally false in nature.

ACCUSATIONS IN THE CHARLESTON GAZETTE AND KANAWHA VALLEY LEADER:

Accusation # 1. "Revenue Sharing money earmarked for construction of a city garage has been spent for other things resulting in violation of Federal Revenue Sharing regulations."

- A. Letter from Revenue Sharing showing no violation of Revenue Sharing Funds.
- B. Minute Book #13, page 251, council meeting date, June 18, 1975. The money designated for construction of a city garage is still in account. Council has spent \$9,500.00 for the purchase of land from the W.Va. Water Company.

Accusation # 2. "The City Budget has been ignored and four unauthorized employees have been hired. One policeman and three weed cutters for the Street Dept. were hired despite a budget line item specifying the number of employees to work in each department, they contend."

- A. Minute Book #13, page 225, council meeting date, April 2, 1974 Councilman Lilly made a motion to hire policeman and pay from Revenue Sharing. Vote was unanimous with only Councilman Hill absent.
- B. Minute Book #13, page 250, council meeting June 18, 1975. List of authorized employees in Tom Lilly's own hand writing showing from Street Department 4 people in Revenue Sharing and one policeman. Budget Revenue Sharing showing allocation.
- C. Minute Book #13 page 41, council meeting, April 17, 1973. Lilly states that Tax Department recommends the amendments be made at one time.

Accusation # 3. "Lawrence Craft was hired as police chief without approval of Council and without a salary allocation in the budget. Lilly said the City has never had a fulltime chief, but has given the chief's job to a police captain. The chief's salary, he said, is a captain's wage plus \$100.00 a month. Craft, a retired state policeman, was hired at an announced salary of \$12,000. "Where did his salary come from?" Lilly asked, "Who authorized it?"

- A. Minute Book #13, page 269, council meeting, August 20, 1974. Mayor Gibson announced Lawrence Craft chief effective starting date as September 1, 1974.
- B. Copy of resignation from acting chief and sergeant of Police Department by Thomas Blasingin. July 1, 1972.
- C. Chief Craft's salary is \$10,560.00 on list of authorized Police Department employees. He is paid captain's pay plus \$100 a month for chief, less amount authorized for longevity. The

captain's vacancy in the department cannot be filled until the Civil Service requirements are met. The addition of Chief Craft to the department has not increased the budgetary allotment in police salaries.

Accusation # 4. "Bills arrive at City Hall without purchase order or formal authorization. Department heads make unauthorized purchases above a \$100 ceiling set by council. One such purchase was an \$800.00 table top.

- A. Purchase orders over the authorized amount for department heads are co-signed by either the Mayor or City Recorder.
- B. The table top purchased from Capital Top Company was for 138.00 not \$800.00. Purchase Order #1031, dated February 25, 1974, signed by Mayor Gibson, canceled check #274.

Accusation # 5. "The 1973-74 city financial report has not been submitted to the State Tax Department and is nearly seven months late. Failure of the city recorder to comply with a four-week deadline constitutes a misdemeanor."

- A. The City Recorder contacted Thelma Stone, Section Chief, of Local Government Relations office by phone and determined that there were no administrative problems incurred by the report being turned in late. The City Recorder was further informed that other Municipalities were often times late in submitting reports of this nature. The extension of time was approved verbally. Statement was late in being prepared due to the high administration workload of the Recorders office.

Accusation # 6. "Mayor Gibson demanded that his secretary get a raise from \$375.00 to \$600.00 a month because the Dunbar Mayor's secretary gets a comparable sum."

- A. This has never been stated at any time. This remark is totally without merit or basis and no such demand was ever made in public or private. Mayor Gibson is not concerned with the salaries of the Dunbar of St. Albans Mayors, much less the salaries of their secretaries. All raises are approved by council.

Accusation # 7. Mayor Gibson made an unauthorized purchase of an electric typewriter costing about \$500.00 for his secretary who cannot type.

- A. Minute Book #13, page 51, council meeting May 15, 1973. Councilman Lilly stated that a typewriter was purchased. Councilman Lilly made the motion to accept the April Financial Statement. All council voted in favor.
- B. Copies of purchase orders #371 and #723 for typewriters dated March 30, 1973 and December 27, 1973. Authorized by Mayor Gibson. The Mayor's Secretary is an able typist who has typed not only for the Mayor but for various department heads. During the period 4/15/74 to 4/29/74 when the city recorder's secretarial job was vacant, all secretarial duties (including typing were performed by the Mayor's secretary).

Accusation # 8. A \$19,000 refund from the Enviromental Protection Agency reportedly approved EPA several months ago has not been reported as received on the City financial statement."

- A. Letter fom Program Specialist of Federal State Relations stating that the United States Congress has not appropriated any funds for reimbursement and no money can be shown on any financial statement until that money has been received.

Accusation #9. Lilly stated \$42,988 in Revenue Sharing money was not used within the two-year period required by the Federal Government. He added that the money has not been kept in reserve, but has been spent for other purposes including more than \$10,000 to re-roof City Hall.

- A. Letter from office of Secretary of Treasury of Mayor Gibson dated November 7, 1974 concerning the time limit on use of General Revenue Sharing Fund.

Accusation #10. Councilman Lilly said, "The chairman of the Building and Planning Committee asked me if we had the money. I told him no and advised him to spend \$1,800 to fix the roof, then put a new roof on after we get the next allotment of federal money. There is a legal question here. That money was to be spent for a garage not for a new roof. The new roof was financed from the \$42,000."

- A. Minute Book #13, page 281, council meeting September 17, 1974 voted to let bids for re-roofing. All councilmen voted in favor with Hugo Tidquist adsent.
- B. Minute Book #13, page 287, council meeting October 1, 1974. Mayor Gibson stated that money was available, but Finance Committee stated whether it will come from the general fund or Revenue Sharing.
- C. The money for re-roofing has not been spent from the Revenue Sharing Fund, but paid out of the city's General Fund with Check #6886.

Accusation #11. Lilly also charged that salaries for a policeman and three weed cutters for the Street Department are being paid from Revenue Sharing money not yet received by the City. "The money was all spent before they got the first check," he said. "They're paying from nonexistent funds."

- A. Since Revenue Sharing came into existence I have had telephone conversations and sent letters to offices of Revenue Sharing, Washington, D.C., concerning the spending of the city's Revenue Sharing allotments.

Accusation #12. "Councilman Lilly, who prepared Revenue Sharing reports his removal from the Finance Committee, said the Mayor never examined a report, although they were on file in city hall."

- A. Copies of Revenue Sharing Reports have been signed by the Chief Executive Officer, Mayor Gibson, before published in local newspaper as required by law.

Accusation #13. Councilman at Large Keith Priddy on the other hand admits that he had been in the Gibson Administration "dog house" since he was not one of the Gibson team slated candidated in the 1972 City Election.

- A. Although Mayor Gibson and City Recorder Melton were on opposing slates in the 1972 election it has not hampered their ability to work in a smooth and efficient manner for the good of the citizens of Nitro.

Copy of documents attached hereto and made a part hereof.
 Councilman Casebolt stated that City Recorder Melton had done a fine job and that he felt that this report had the answers to everything.

Mayor Gibson stated that it appears to him that the business of Nitro has been conducted in a business-like fashion and if anyone can prove City Recorder Melton wrong he should do so.

Councilman at Large Allen make a motion that this report be made a part of the minutes. Councilman Casebolt seconded the motion. The vote of approval was unanimous. Councilman at Large Priddy asked Mayor Gibson if under revenue sharing are accounting procedures the same as with the general fund? Mayor Gibson stated that the revenue sharing procedures were completely different. Mayor Gibson stated that the City had an auditor in to review all the check books and the City was given a clean bill of health.

Mayor Gibson stated that he had received a copy of the Community Development Application which would be sent to the Federal Government for the block grant money that the city hopes to receive. Some of the objectives that the Mayor read were constructing storm sewers, paving a parking lot on 21st Street and the development of the city's recreational equipment. Mayor Gibson stated that the City of Nitro would like to begin solving the slump in housing by caring for the elderly population. This the Mayor stated had affected the economic status of Nitro. Mayor Gibson stated that he would give the members of Council a copy of the application if they so desired.

Mayor Gibson read a letter dated April 10, 1975 from James Amburgey, President of the Nitro Little League Baseball. The letter asked permission for the team to sell candy and conduct "Tag Day" April 14th through April 19th. Councilman at Large Allen made a motion that the team be able to solicit in Nitro. The motion was seconded by Councilman Casebolt. The vote of approval was unanimous.

Stephen L. Mullins, Recreation Director read a verbal request dated April 15, 1975 from Mr. Mike Null of the Exploring Committee of the Buckskin Council about holding the Explorer Olympics in Nitro. Mr. Mullins stated that they would be using several of Nitro's recreational facilities. Councilman Casebolt made a motion that Nitro allow this event to take place in the City of Nitro. The motion was seconded by Councilman at Large Tidquist. The vote of approval was unanimous.

Mayor Gibson read a letter dated April 11, 1975 from the Senior Citizens of Nitro discussing the possibility of making a central location for the paying of all the utilities. Council agreed that the City should look into this further. Councilman Dave Hart stated that there are many problems with utility companies having external collecting places. There is a big problem transferring the data from the collecting place to the utility company, and often times due to delay in transmitting, utilities are cut off.

Mayor Gibson read a letter dated April 10, 1975 from Russell C. Frashier of 321 Knollwood Drive in Charleston. The letter congratulated the Mayor and his officials on their many accomplishments in the City of Nitro.

COUNCILMAN AT LARGE HUGO TIDQUIST: Councilman at Large Tidquist stated that the Recreation Committee met last Thursday night April 15, 1975. He stated that maintenance for the city of Nitro was well on its way and that the summer program had been discussed at the

meeting. Councilman at Large Tidquist stated that the committee would make a recommendation to the Little League that they could enforce their own rules for the team. Councilman at Large Tidquist also mentioned that Monsanto had donated \$200.00 for the repaving of the volleyball court.

Stephen Mullins, Recreation Director stated that Mr. & Mrs. Jack Moody donated 25 large shrubs to the city of Nitro, that were placed at Ridenour Memorial park and at the Nitro pool for protection and beautification.

COUNCILMAN THOMAS LILLY: Councilman Lilly made a motion that a letter be sent to Mr. & Mrs. Moody from the members of Council.

COUNCILMAN PAUL HILL: No new business.

COUNCILMAN DAVID HART: Councilman Hart stated that the Library Commission has met on a regular basis for the past year to bring about improvements and have a planned open house the last of April. Councilman Hart also stated that he had met with Mr. Paul Greenlee of the Estill & Greenlee Realty and had discussed the storm drains at the Brookhaven Subdivision. Councilman Hart asked if he could meet with Councilman at Large Tidquist at the close of the meeting to discuss this problem.


Mayor Gibson stated that he had met with the Businessmen's and Professional Association about a clean-up month in the City of Nitro.

COUNCILMAN AT LARGE R.V. ALLEN: Councilman at Large Allen stated that he had talked with someone about the drainage problem at the Moose Club. He stated that the water seeps out of the drain which could mean that a line is busted by the W.Va. Water Company.

COUNCILMAN AT LARGE KEITH PRIDDY: No new business.

COUNCILMAN VERNON CASEBOLT: No new business.

Councilman Casebolt made a motion that the meeting be adjourned. The motion was seconded by Councilman Paul Hill. The vote of approval was unanimous.


Mayor


City Recorder

Request To Be Made Part of Minutes

The following report is a series of documented answers to the charges leveled at the Executive Department and other Councilmen of the City of Nitro by Councilman Thomas Lilly and Councilman at Large Keith Priddy. The charges appeared in the Charleston Gazette on January 16, 1975, and the Kanawha Valley Leader on January 16, 1975.

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reports of this nature. The extension of time was approved verbally. Statement was late in being prepared due to the high administration workload of the Records office.

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nonexistent funds."

- A. Since Revenue Sharing came into existence I have had telephone conversations and sent letter to office of Revenue Sharing, Washington, D.C., concerning the spending of the city's Revenue Sharing allotments.
- B. Letter dated, February 25, 1975 over the signature of Gail Boyle from Revenue Sharing Office, Washington, D.C.

Accusation #12. "Councilman Lilly, who prepared Revenue Sharing reports his removal from the Finance Committee, said Mayor Gibson never examined a report, although they were on file in city hall.

- A. Copies of Revenue Sharing Reports have been signed by the Chief Executive Officer, Mayor Gibson, before published in local newspaper as required by law.

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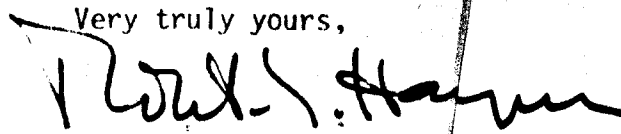
- A. Although Mayor William Gibson and City Recorder Tom Melton were on opposing slates in the 1972 election it has not hampered their ability to work in a smooth and efficient manner for the good of the citizens of Nitro.

Mayor William Gibson
Page 2
March 17, 1975

Mr. Johnson stated that HUD realizes that the original flood hazard mapping and also the Corps of Engineer flood hazard mapping is precisely correct. We are advised that HUD will enter into a new flood evaluation program which will completely remap the flood hazard areas. We believe the new mapping will be more favorable than the present mapping. We are also advised that there is some movement afoot to modify the 100-year criteria for the Palachia Region. In our opinion, the 50-year flood criteria would be more acceptable for this area.

It is recommended that you write a letter to Mr. Gary Johnson, authorizing him to submit the application which he has been holding pending your further instructions. There is attached a copy of our interpretation of the Corps of Engineers Flood Hazard Zones.

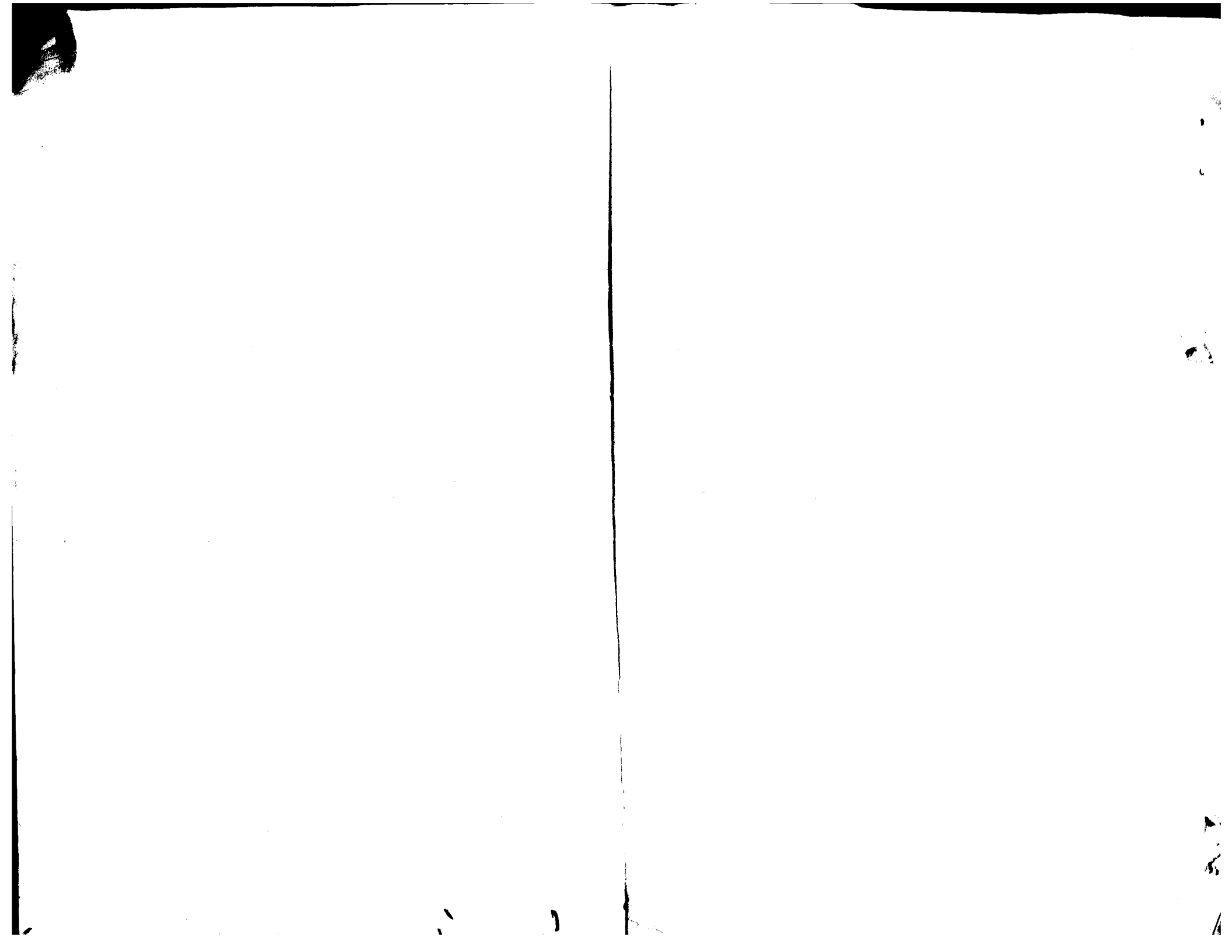
Very truly yours,

A handwritten signature in dark ink, appearing to read "Robert Y. Hayne", written over a horizontal line.

Robert Y. Hayne

RYH:lh

cc: Gary Johnson



APPALACHIAN ENGINEERS, INC.

301 OTT BUILDING - 215 DUNBAR STREET
CHARLESTON, WEST VIRGINIA
25301

304 343-0211

March 17, 1975

Mayor William D. Gibson
City of Nitro
Nitro, West Virginia

Re: National Flood Insurance Program

Dear Mayor Gibson:

I met with Mr. Gary Johnson of the Governor's Office of Federal/State Relations on March 12, 1975 to discuss your National Flood Insurance Program.

Mr. Johnson stated that he had all the information from you, including application, zoning ordinance, building code ordinance, and resolutions entered and passed by Council on May 7, 1974, all of which are sufficient for making application for participation in the National Flood Insurance Program.

I discussed with Mr. Johnson the difference between the Corps of Engineers flood hazard area and the original flood hazard area as determined by HUD representatives. He made a copy of the Corps of Engineers revised flood zone map, which we will forward to HUD, requesting a change in the flood hazard boundary map.

Mr. Johnson further stated that the present regulations of the federal agency do not require a flood zone ordinance at this time. In his opinion it will be two or three years before such ordinances are required. In the interim, the City officials are required to notify prospective builders who contemplate building in the flood hazard zone of these conditions and request that they comply with good building procedures and that the City will actively support the actions stated in the resolution.

Mr. Johnson recommended that you authorize him to submit the application as originally prepared, at this time and at the same time he will submit the Corps of Engineers flood zone boundary map to HUD, requesting a modification of the original map. He stated that acceptance of the application would be within two to three weeks, but that the revised map would take two to three months. We concur with this recommendation.

NITRO CITY COUNCIL MEETING

MAY 6, 1975

The regular meeting of the Nitro City Council was held in the Council Chambers on May 6, 1975 at 8:00 P.M. Present for the meeting were Honorable William D. Gibson, City Recorder, Tom Melton, Councilman at Large Hugo Tidquist, Councilman at Large Keith Priddy, Councilman at Large R.V. Allen, Councilman Paul Hill, Councilman Tom Lilly, Councilman David Hart, and Councilman Vernon Casebolt. Also present for the meeting was City Attorney Frank Armada.

The meeting was called to order by Mayor William D. Gibson.

APPROVAL OF THE MINUTES: APRIL 15, 1975 COUNCIL MEETING:

Mayor Gibson stated that each member had received a copy of the minutes of the previous meeting in the mail and had been given the opportunity to review them. Councilman Hill made a motion that these minutes be approved. The motion was seconded by Councilman Casebolt. The vote of approval was unanimous.

APRIL FINANCIAL STATEMENT: City Recorder Melton, Chairman of the Finance Committee read the following financial report for April 1975:

Balance March 31, 1975	\$57,958.72
Receipts April	61,856.12
	<u>\$119,814.84</u>
Disbursements April	50,458.82
Balance April 30, 1975	<u>69,356.02</u>

City Recorder Melton stated that there was a Finance Committee Meeting May 5, 1975 at 8:00 P.M. The committees recommendations for budget revisions are as follows:

BUDGET REVISIONS

Receipts

	Estimated	Revisions	
Accident Reports	100.00	492.00	
Special Licenses	800.00	1,167.00	
General Licenses	4,000.00	4,212.00	
Bld. Permits	1,500.00	2,150.00	
Sewer Permits	100.00	356.00	
Utilities 2%	30,000.00	32,562.00	
Miscellaneous	5,000.00	26,560.00	
	<u>41,500.00</u>	<u>67,499.00</u>	
		Increase	\$25,999.00
Consumer Sale	20,000.00	17,046.00	
Domestic Animal	250.00	223.00	
Plumbing License	400.00	220.00	
Watershed Rec.	10,000.00	4,484.00	
	<u>30,650.00</u>	<u>21,973.00</u>	
		Decrease	\$8,677.00
		Net Increase	<u>\$17,322.00</u>

Disbursements

	Estimated	Revisions	
#8	21,600.00	17,900.00	
#23	30,000.00	26,943.00	
	<u>51,600.00</u>	<u>44,843.00</u>	
		Decrease	\$6,757.00
#11	10,000.00	13,877.00	
#13	27,000.00	27,450.00	
#20	1,700.00	1,975.00	
#24	3,400.00	4,000.00	
#25	500.00	10,777.00	
#27	3,000.00	3,310.00	
#32	3,000.00	3,481.00	
#35	3,000.00	3,383.00	
#38	7,500.00	9,247.00	
#41	500.00	1,500.00	
#46	9,000.00	12,383.00	
#49	5,000.00	5,240.00	
#50	1,100.00	1,790.00	
#60 B	800.00	1,166.00	
	<u>75,500.00</u>	<u>99,579.00</u>	
		Increase	\$24,079.00
		Net Increase	<u>\$17,322.00</u>

Councilman at Large Allen asked City Recorder Melton why the estimated receipts in miscellaneous had uppered from 5,000.00 to 26,560.00? Melton stated that this was caused by a 10,000.00 Saving Certificate that was cashed in and also a 9,500.00 refund from the W.Va. Water Company.

Councilman at Large Allen made a motion that the revisions be accepted and sent to the State Tax Department. The motion was seconded by Councilman Casebolt. All councilman voted in favor of the revisions except for Councilman Lilly and Councilman at Large Priddy who opposed.

GAS LEAK, FENTON CIRCLE: City Attorney Frank Armada stated that he had looked into the Gas Leak at Fenton Circle and he recommended that something be done about the matter. Armada stated that the gas leak should be referred to a committee so they could check the cost of fixing the leak so the City would not have to worry any longer about being liable should anyone get hurt. Mayor Gibson stated that Appalachian Engineers had determined that it was an old capped off well which was not capped properly. Council recommended that the problem gas leak be put in the Street Committee.

SWAMP BETWEEN FIRST AVENUE & HILLSIDE DRIVE: City Attorney Armada stated that the swamp was on private property. He stated that the swamp was a result of the State Road Commission changing Route 25. Armada stated apparently the elevation of the road was uneven with the land. Armada stated that the drain pipes were probably stopped up and the State Road Commission could unstop the drains and then by filling in the land even with the storm drain that takes the water to the river. Armada stated that the

City could not do anything legally now since it was private property and that the matter should be studied further.

Mayor Gibson read a letter from the Kanawha Regional Transportation Authority. The letter is attached hereto and made a part here of.

Mayor Gibson read a petition from the citizens of Dupont Avenue concerning a house that is a health hazard to the community. The letter is attached hereto and made a part hereof. Councilman Casebolt stated that the Fire Chief should be sent to the house to check the wiring and see if it is a potential fire hazard to the citizens of this area.

Mayor Gibson stated that he had talked with the Businessmen's and Professional Association about a clean-up month in the City of Nitro, Mayor Gibson stated that he would like to have the clean-up month start the 19th of the May nad include the first two week of June. Gibson stated that he had several plans for the campaign and felt sure it would be a big success this year.

CITY RECORDER TOM MELTON: No new business

COUNCILMAN VERNON CASEBOLT: No new business

COUNCILMAN AT LARGE KEITH PRIDDY: No new business

COUNCILMAN AT LARGE DR. R.V. ALLEN: Councilman at Large Allen stated that he had attended the Library Committee meeting and that there was an increase of books checked out since the hours of the library had been extended. He also stated that there had been puppet show to several of the grade schools which had been a big success. Councilman at Large Allen stated that the library needs some upgrading such as repairs to the doors and that he recommends that this matter be placed in the Building and Planning Committee. Councilman at Large Allen also mentioned that the dusk to dawn lights were working.

COUNCILMAN DAVID HART: No new business

COUNCILMAN THOMAS LILLY: No new business

COUNCILMAN PAUL HILL: No new business


COUNCILMAN AT LARGE HUGO TIDQUIST: Councilman at Large Tidquist stated that he thought the State should move along on the stop lights needed in the City of Nitro. He also stated that the drainage problems on 40th Street and the high berm on the road to Ridenour Memorial Park should be taken care of. Mayor Gibson stated that the drainage problem at the Moose Club and Rich Service Station seemed to have been taken care of. Mayor Gibson said that the State had long before now promised to put up the stop lights the City needed.

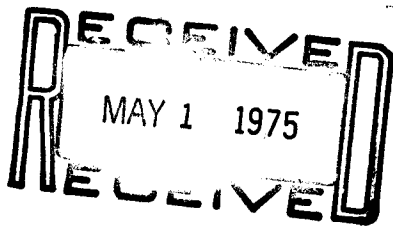
Mr Thompson of 39th Street East, Nitro, stated that two new one way signs had been placed at Bailes Drive and 40th Street and 39th Street East. He stated that this was very inconvenient for the people of 39th Street E. to have to travel the dirt road from the school to get on 40th Street. Thompson stated that the citizens would like the one way sign taken down from the school to Bailes Drive. Mr. Thompson also stated that the dirt road to the school should be paved because it was bad for the children walking to the school. Council said that the sign would be taken down since there was not any authorization to put the sign up in the first place. Councilman Lilly told Mr. Thompson to present a petition to council about the road being paved and that it would be discussed at council meeting.

Mr. Rutherford of 39th Street, Nitro, Stated that the children were playing in water that was coming down from a septic tank on the hill. Mayor Gibson stated that he would send Mr. Wygal, the plumbing inspector, down to look at the drain.

Councilman Casebolt made a motion that the meeting be adjourned. The motion was seconded by Councilman Hart. The vote passed unanimous.


Mayor


City Recorder



April 30, 1975

Town Council
City of Nitro
Nitro, W.Va.

Gentlemen:

Enclosed please find list of signatures which is self explanatory. Will you kindly notify me as to what date you will possibly take this matter up in council at my Charleston address:

Foster B. Burdette
P. O. Box 6789
Charleston, W.Va. 25302

Thanking you in advance, I am,

Very truly yours,

Foster B. Burdette

FBB:vlr



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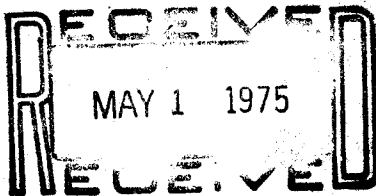
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April 15, 1975

Town Council
City of Nitro
Nitro, W.Va.

Gentlemen:

There is a house presently located at 205 Dupont Avenue, Nitro, W.Va., that either needs to be updated or completely torn down. As all of the Town Council members know, I am sure, this area consists of homes ranging in price from \$20,000.00 to \$40,000.00, and the house above mentioned completely ruins the entire neighborhood.

We feel, as voters in the City of Nitro, that we deserve some consideration in this matter, and listed below are the signatures of some of the concerned citizens that wish to have something done:

Alfred McMillen
Mrs. Paul H. Scott
Winfred Rhodes
Chilton W. Harkness
Linda L. Alford
Louise Lewis
Lena M. Painter
Hom - L. Thomas

Mrs. Herbert N. Watta
Mrs. James A. Mary
Mrs. Frances Stokell
Mrs. Thomas Thomas Jr.
Ester Stewart
Mrs. E. J. Buckenheimer
Mrs. Sally Meadows

Your immediate action on this proposal would be greatly appreciated.

Very truly yours,

Foster B. Burdette
Foster B. Burdette,
209 Dupont Ave.,
Nitro, W.Va.

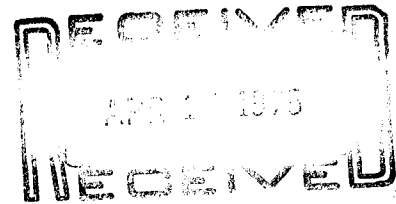
Please note that you would have to contact:

Mrs. Virginia Williams
110 Holley St.
St. Albans, W.Va. Phone 727-6532

Mrs. Williams looks after this property for her brother who lives in Florida.

Alva J. Hall

Bldg inspector, inspected 4:30 May 9, 1975 - m. Myers
\$5 per mo.



KANAWHA VALLEY REGIONAL TRANSPORTATION AUTHORITY

GENERAL OFFICES: 1550 FOURTH AVENUE • P. O. BOX 1188 • CHARLESTON, WEST VIRGINIA 25324 • PHONE (304) 343-7586



April 11, 1975

Hon. William Gibson
Mayor of Nitro
City Hall
Nitro, West Virginia 25143

Dear Mayor Gibson:

Kanawha Valley Regional Transportation Authority is becoming an important factor in the day-to-day transportation needs of all Kanawha County citizens. The higher cost of gasoline and inflationary increases in all living costs have added an increased importance to the future development of our community's public transportation system.

The KVRTA Board would like to extend an invitation to the City of Nitro to join the Authority as a voting member of the Board. Your participation as a full voting member will help to insure that the citizens of Nitro have a voice in the future development and planning of the County's public transportation system.

Board membership requires a \$500 one-time contribution, which will be returned to the city's representative at the rate of \$50 for each meeting he attends.

The KVRTA Board of Members meets on the third Thursday of each month and presently has the following members: Messrs. Thomas V. Beatty, Carl R. Smithers, Richard G. Guter, and Dewey E. S. Kuhns, representing Kanawha County; Messrs. Jerry P. Thompson, Thomas H. Carroll, and Henry E. Payne III, representing the City of Charleston; Mayor J. Alfred Poe, South Charleston; Mr. Edward Cannon, Dunbar; Mr. James R. Randall, St. Albans; Mr. Sammy Fragale, Montgomery; and Mr. William Harper, Belle.

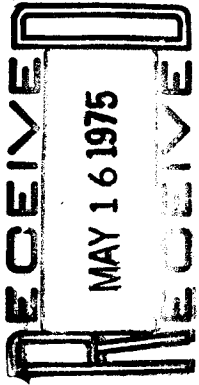
We look forward to your participation and assistance in planning the future of public transportation in the Kanawha Valley.

Sincerely,

Harold A. Miller

Harold A. Miller
General Manager

HAM/eb



West Virginia



State Tax Department

CHARLESTON, 25305

L.G.R.

CERTIFICATE OF APPROVAL

THIS WILL CERTIFY THE STATE TAX COMMISSIONER'S APPROVAL FOR THE REVISION OF THE OFFICIAL LEVY ESTIMATE DOCUMENT (BUDGET) NOW ON FILE WITH THE STATE TAX DEPARTMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1975.

FISCAL BODY City of Nitro
DATE OF LETTER OF REQUEST May 7, 1975
DATE REQUEST RECEIVED May 8, 1975
DATE OF THIS CERTIFICATE May 13, 1975

CONDITIONS OF THE APPROVAL:

Under the provisions of Code 11-8-14b, 26, 26a, the Tax Commissioner may authorize the revisions of the annual approved Levy Estimates to permit expenditures for purposes for which no, or insufficient, appropriations was made in the original Levy Estimate. In view of these provisions of the Code, this department will not disturb the proposed use of funds, provided such expenditures do not create a deficit for the fiscal year ending June 30, 1975.

CERTIFICATE VERIFIED
Richard L. Dailey, Commissioner

John R. Melton
By John R. Melton, Director
Local Government Relations Division

RLD:JRM:ts

Enc. Copy of request for revision

City of Nitro

P. O. BOX 515

NITRO, WEST VIRGINIA 25143

—
Looking to the Future

WM. D. (BILL) GIBSON
MAYOR
755-5643

RECEIVED

1975 MAY -6 PM JERRY T. MELTON
RECORDER-TREASURER
755-3521
STATE TAX DEPARTMENT
LOCAL GOVERNMENT
RELATIONS DIVISION

May 7, 1975

State Tax Commission
Capital Building
Charleston, WV 25305

Attention: Director of Local Government

Dear Sir:

Enclosed is a copy showing the amount estimated shown on the budget and the revisions to be made. The net total increase to the budget is \$17,322.00.

The revisions were passed by council in regular session May 6, 1975.

If you have any questions, please call us.

Tom Melton

Tom Melton
City Recorder

JTM/dh

BUDGET REVISIONS

Receipts

	Estimated	Revisions
Accident Reports	100.00	492.00
Special Licenses	800.00	1,167.00
General Licenses	4,000.00	4,212.00
Bld. Permits	1,500.00	2,150.00
Sewer Permits	100.00	356.00
Utilities 2%	30,000.00	32,562.00
Miscellaneous	5,000.00	26,560.00
	<u>41,500.00</u>	<u>67,499.00</u>
		Increase \$25,999.00 ✓
Consumer Sale	20,000.00	17,046.00
Domestic Animal	250.00	223.00
Plumbing License	400.00	220.00
Watershed Rec.	10,000.00	4,484.00
	<u>30,650.00</u>	<u>21,973.00</u>
		Decrease \$8,677.00 ✓
		Net Increase <u>17,322.00</u> ✓

Disbursements

	Estimated	Revisions
#8	21,600.00	17,900.00
#23	30,000.00	26,943.00
	<u>51,600.00</u> ✓	<u>44,843.00</u> ✓
		Decrease \$6,757.00 ✓
#11	10,000.00	13,877.00
#13	27,000.00	27,450.00
#20	1,700.00	1,975.00
#24	3,400.00	4,000.00
#25	500.00	10,777.00
#27	3,000.00	3,310.00
#32	3,000.00	3,481.00
#35	3,000.00	3,383.00
#38	7,500.00	9,247.00
#41	500.00	1,500.00
#46	9,000.00	12,383.00
#49	5,000.00	5,240.00
#50	1,100.00	1,790.00
#60 B	800.00	1,166.00
	<u>75,500.00</u> ✓	<u>99,579.00</u>
		Increase \$24,079.00 ✓
		Net Increase <u>17,322.00</u> ✓

Posted 5/14/75
7/11

UNITED STATES POST OFFICE

OUR REF:

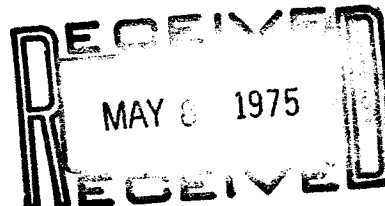
DATE: 5/7/75

SUBJECT: Re-numbering of first block of Washington St.

P.O. CL:

TO:

W.D. Gibson- Mayor
City of Nitro
Nitro, WV 25143



The Postmaster at Nitro, WV recommends that the first block of Washington Street be renumbered so as to conform to the standard practices of street numbering (sequential)

The following list is recommended:

Left side of street

1	Cavander
3	New house
5	vacant
7	Priddy
9	Persinger
11	West
13	Crest
15	Hively
17	Vacant lot
19	" "
21	" "

Right side of street

2 or 4	Mechaire (2 lots)
6 or 8	Wills 2-lots)
10	King
12A	Bradley
12B	Heill
14	Vacant lot
16	Nichols
18	Vacant lot
20	vacant lot

I would appreciate notification of any action taken upon the above recommendation.

Harold R. Romine

Harold R. Romine-Postmaster

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3500

1. The above mentioned information is correct and confirmed by the undersigned.

March 1968
U.S. Dept.
of Health

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Regional Intergovernmental Council

410 Kanawha Boulevard, East
Charleston, West Virginia 25301

Benjamin F. Howatt, AIP
Executive Director
April 17, 1975

Honorable William D. Gibson
Mayor
City of Nitro
City Hall
Nitro, West Virginia 25143

SUBJECT: File No. K-04175-CD
1975 Community Development Program
application

Dear Mayor Gibson:

This is to advise you that the City of Nitro's 1975 Community Development Program application has been reviewed and found to be consistent with regional as well as local goals, objectives, plans and priorities. This, then, is to certify that the requirements set forth in the Office of Management and Budget's Circular A-95 have been met.

We sincerely hope your application will be favorably considered by the Department of Housing and Urban Development.

You are to be commended for your efforts in this endeavor.

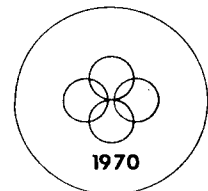
Sincerely,



Benjamin F. Howatt, AIP
Executive Director

BFH/sb

cc: RIC Executive Committee
R. V. Barill, State Clearinghouse



NITRO CITY COUNCIL MEETING

MAY 20, 1975

The regular meeting of the Nitro City Council was held in the Council Chambers on May 20, 1975, at 8:00 P.M. Present for the meeting were Mayor William D. Gibson, City Recorder Tom Melton, Councilman at Large Hugo Tidquist, Councilman at Large R.V. Allen, Councilman at Large Keith Priddy, Councilman Thomas Lilly, Councilman Paul Hill, Councilman Vernon Casebolt, Councilman David Hart, and City Attorney Frank Armada.

The meeting was called to order by the Honorable William D. Gibson.

APPROVAL OF MINUTES FOR MAY 6, 1975 COUNCIL MEETING: Mayor Gibson stated that each member had received a copy of the minutes of the previous meeting in the mail and had been given an opportunity to review them. Councilman at Large Allen made a motion that these minutes be approved. Councilman Lilly seconded the motion. The vote of approval was unanimous.

APPROVAL OF APRIL FINANCIAL STATEMENT: City Recorder Melton, Chairman of the Finance Committee stated that all councilman had received a copy of the statement and had been given a chance to review them. Melton stated that there was a correction to be made on page 6 of the Miscellaneous Reciepts. The reciepts was 1,518.67 instead of 15,818.67 which changes the total to 594.272.75. Councilman at Large Priddy stated that there was a mistake on page 5, line 27 of the Disbursements and Legal Publications Budget. Melton stated that the number should be 37 and also the Library number 59 with Salaries and Expenses of \$560.00. Councilman Lilly asked Melton about our Revenue Sharing Savings Account on page 3. Melton stated that the Bank only sends him Savings Account Statements twice a year and that he would record the amounts when the statement arrived. Melton made a motion that ~~the~~ statement be approved. Councilman at Large Allen seconded the motion. All councilman voted in favor of the statement except Councilman Lilly and Councilman at Large Priddy who opposed.

GAS LEAK, FENTON CIRCLE: Councilman at Large Allen stated that he and Councilman at Large Tidquist had went and looked at the gas leak on Fenton Circle. Councilman at Large Allen said that he had talked with Mr. Bailey who said the well was drilled and that it was dry. City Attorney , Frank Armada stated that he had talked with Mr. Lyle Sattes. He stated Mr. Sattes had no idea who had drilled the well. Sattes stated that he would try to find out by some member of his family. City Attorney Armada stated that something should be done soon before anyone gets hurt. Councilman Lilly made a motion that the City proceed to correct this problem and proceed with bid letting. Councilman at Large Allen seconded the motion. The vote of approval was unanimous. Mayor Gibson stated that an exact set of specifications would almost be impossible. It was suggested that Appalachian Engineers be contacted to assist with this matter.

Mayor Gibson stated that the bids for the Sanitary Sewer Improvements were received. Gibson stated that the bids were over the estimate and the Sanitary Board would like to meet with members

of Council in an informal meeting Thursday, May 22, at 7:00 P.M.

SWAMP BETWEEN FIRST AVENUE AND HILLSIDE DRIVE: City Attorney Armada stated that he had talked with Mr. Sattes about this problem and he stated that at one time he had tried to fill in this swamp. Mr. Sattes stated that he would do anything he could to help but unfortunately he would not finance the project. Armada stated that maybe fly ash could be dumped into the swamp. Mr. Armada agreed to attempt to get written permission from Mr. Sattes to permit dumping on this property.

KANAWHA VALLEY REGIONAL TRANSPORTATION AUTHORITY REPORT:

Councilman at Large Allen gave a report on the purpose and history of the Authority. Councilman at Large Allen stated that Nitro could have a member on the board for \$500.00 which would be rebated for attending the meetings. Councilman at Large Allen made a motion that Nitro become a member of the board. Councilman Lilly seconded the motion. The vote of approval was unanimous. Councilman Hill stated that he would like to see Councilman Hart to attend the meetings. Councilman Hart stated that he would try to attend the meetings for awhile.

DWELLING AT 205 DUPONT AVENUE: Mayor Gibson stated that he would attempt to have a report for the next meeting because the State Fire Marshall and State Sanitary Board was checking out this matter.

Mayor Gibson read a letter from Mr. Gary Johnson thanking the members of Council for excellent planning in the flood insurance program.

Mayor Gibson read a letter from Mr. Jay Robert Hunter who stated that he is authorizing the sell of flood insurance for the citizens of Nitro, April 21, 1975.

Mayor Gibson read a letter of thanks from Mr. Sam Lee, Principal of Nitro Junior High for the fine work the city workers did in picking up trash and pulling up fence posts, part of the work being done while not on the City Payroll.

Mayor Gibson read a letter from L.R. Craft of the Nitro Police Department recommending James Goins to permanent status.

Mayor Gibson read a letter from the Community Development System. The letter is attached hereto and made a part hereof.

Mayor Gibson read a letter from Mr. Romine of the Nitro Post Office requesting the renumbering of the first block of Washington Street. The letter is attached hereto and made a part hereof.

CITY RECORDER TOM MELTON: City Recorder Melton read a letter from the State Tax Department. The letter is attached hereto and made a part hereof.

COUNCILMAN VERNON CASEBOLT: Councilman Casebolt stated that he had received a letter of appreciation from John P. Connell of the South Charleston Fire Department for the help they received from the Nitro Fire Department in the recent South Charleston housing development fire. Councilman Casebolt asked about the hole behind the alley of Main Avenue and Washington Street and when it was going to be filled. Mayor Gibson stated that the weather had been bad and the city hasn't had a chance to fill in the hole. Gene Williams stated that there was one drain on private property. It was suggested that this problem area be looked at again before repairs be made.

RAPID
REAL
ESTATE
RESULTS



Estill & Greenlee REALTORS

April 18, 1975

Mr. David Hart
City Councilman
210 Brookhaven Drive
Nitro, West Virginia

212 ROANE ST.
CHARLESTON, W. VA. 25302
(304) 343-4411

806 CROSS LANES DR.
NITRO, W. VA. 25143
(304) 776-4892

WINFIELD INTERCHANGE
RT. 34 - BOX 4161
HURRICANE, W. VA. 25526
(304) 755-3386

1034 BRIDGE RD.
CHARLESTON, W. VA. 25314
(304) 343-8831

610-B "D" STREET
SOUTH CHARLESTON, W. VA. 25303
(304) 744-9445

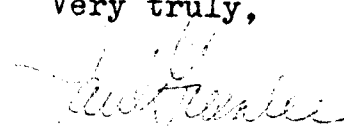
Dear Mr. Hart:

Pursuant to our conversation regarding further development in the Brookhaven Subdivision, and in consideration of the City approving the subdivision of 91 additional lots, in addition to our agreement to pay \$750.00 per lot toward the improvement of the storm drain system, let me assure you on the following point.

You and I are in agreement that, in those cases where we are unable to feed the captured water into the storm drain system, we will construct an adequate sump pit system to accommodate and retard the run off water. Of course, we are referring particularly to those houses which are located below street grade. The ones above street grade will present no problem in introducing the captured water into the system. We will place this requirement on any building on these lots and acquaint all of the contractors with this agreement.

We appreciate your consideration in this matter.

Very truly,


Paul Greenlee
President

PG:g

THIS AGREEMENT, Made and entered into this ____ day of _____, 1975, by and between THE CITY OF NITRO, a municipal corporation under the laws of the State of West Virginia, party of the first part, and ESTILL & GREENLEE, INC., a West Virginia corporation, party of the second part.

WHEREAS, the party of the second part owns certain acreage located in the city limits of the party of the first part; and

WHEREAS, the party of the second part desires approval of two maps, the first entitled "Brookhaven Subdivision Section #14 Lots 1 through 34 xxx," prepared by D. K. Carr, R.P.C.E., dated August 21, 1972, subdividing part of its acreage into thirty-four (34) lots, and the second is entitled "Brookhaven Subdivision Section #15 - Lots 1 to 57 inclusive xxx," prepared by D. K. Carr, R.P.C.E., dated January 1, 1973, subdividing part of its acreage into fifty-seven (57) lots; and

WHEREAS, said ninety-one (91) lots as proposed to be subdivided comply in all respects with all ordinances and subdivision rules and regulations of the party of the first part; and

WHEREAS, the existing surface water drainage system serving lands that adjoin said ninety-one (91) lots is deemed by the party of the first part to be overtaxed, and as a consequence thereof, the party of the first part will not approve the subdivision of said ninety-one (91) lots unless

the party of the second part makes provision for the party of the first part to receive the sum of Sixty-Eight Thousand Two Hundred Fifty Dollars (\$68,250.00) toward the improvement of said surface water drainage system.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH: That for and in consideration of the premises and in the further consideration of the party of the second part's agreement to impose as a covenant running with the land that the owner of each of said ninety-one (91) lots, as a one time only charge, will on application to the party of the first part for a building permit to construct a dwelling house and accessory structures on said lot tender the sum of Seven Hundred and Fifty Dollars (\$750.00) which sum shall be retained by the party of the first part when it issues said requested building permit on the terms and conditions hereinafter set forth;

(1) That the party of the first part hereby approves the subdivision of the aforesaid ninety-one (91) lots and will immediately cause its approval to be properly entered on said two maps showing said ninety-one (91) lots in recordable form so that the party of the second part can file said maps in the office of the Clerk of the County Court of Kanawha County, West Virginia, in compliance with all applicable laws.

(2) That the party of the first part will issue all building permits requested by the party of the second part, its successors and assigns, for the construction of dwelling houses

and accessory structures on said ninety-one (91) lots, provided all proposed construction complies with the zoning ordinances of the City of Nitro as now exist. Such permits will be issued within five (5) days from the date of the request.

(3) That all monies received by the party of the first part from the covenant to pay to it the sum of Seven Hundred and Fifty Dollars (\$750.00) on the issuance of the building permit to construct a dwelling house and accessory structures on each of said ninety-one (91) lots will be held by the party of the first part as a trust fund in that it will not be used for any purpose other than improving the surface water drainage system serving and lying within the subdivision known as Brookhaven.

(4) That if the party of the first part does not, for any reason other than failure to comply with the zoning ordinances of the City of Nitro as now exist, issue to the party of the second part, its successors and assigns, building permits to construct dwelling houses and accessory structures on each of said ninety-one (91) lots, it will return to the party of the second part, its successors and assigns, said Seven Hundred and Fifty Dollars (\$750.00) tendered with the building permit request.

(5) It is understood and agreed that upon payment of the sum of Seven Hundred and Fifty Dollars(\$750.00) for each

of said ninety-one (91) lots, that each such lot shall be free of said covenant and all future building permits sought for such lot shall be issued without payment of any sum pursuant to the terms of this Agreement and said covenant running with the land. Further, the issuance of a building permit for each such lot shall be conclusive evidence that said covenant has been complied with and be tantamount to a release of said lot from said covenant.

This Agreement is binding on the parties hereto and their employees, successors and assigns.

IN WITNESS WHEREOF, The City of Nitro, a municipal corporation, has caused its name to be signed and its seal to be affixed hereto by its duly authorized officer, and Estill & Greenlee, Inc., a West Virginia corporation, has caused its corporate name to be signed and its corporate seal to be affixed hereto by its duly authorized officer, the month, day and year first above sritten.

THE CITY OF NITRO,
a municipal corporation

(Seal)

By _____
Its Mayor

ESTILL & GREENLEE, INC.,
a West Virginia corporation

(Seal)

By _____
Its President

COUNCILMAN AT LARGE KEITH PRIDDY: Councilman at Large Priddy asked City Recorder Melton if the City had received any word on the year end audit. City Recorder stated that the City had not received word as of yet.

COUNCILMAN AT LARGE DR. R.V. ALLEN: Councilman at Large Allen stated that the Kanawha County Vector Control Program is now in operation. Councilman at Large Allen stated that it costs the City about \$1,500.00 a year to have the bug truck spray in our area. Councilman at Large Allen stated that 21st Street should be patrolled more by our Police Department since there is a lot of traffic going up the highway to Ridenour Memorial Park.

City Attorney Armada stated that due to recent Supreme Court rulings he thought that council should look into a blanket coverage of liability insurance for the City. Councilman at Large Allen stated that the City has an Insurance Committee that can handle this matter.

COUNCILMAN DAVID HART: Councilman Hart stated that in the survey that Appalachian Engineers made in the Brookhaven area they indicated that in several instances there has been drainage pipes put in the creek to extend yards. Councilman Hart stated that at 113 Brookhaven Drive there is 80ft. of 30in. casing to be removed from a woman's yard. Councilman Hart stated that this piping is the City's for the asking. Mr. Armada agreed to prepare a rough draft granting permission to remove some of the pipe. Councilman Hart stated that he has an Agreement from Estill & Greenlee Realtors and that all the councilmen have a copy of the Agreement. The Agreement is attached hereto and made a part hereof. This financing Agreement should help to correct the storm drain problem in this area. City Attorney stated that the wording on the Agreement should be changed some in different places. Councilman Hart made a motion that council accept this Agreement with minor changes made by Mr. Armada in the wording. Councilman at Large Priddy seconded the motion. The vote of approval was unanimous.


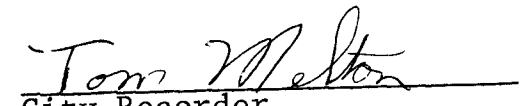
Mayor Gibson complimented Gene Williams and crew for the good work they had done considering that the garbage trucks were damaged in the break-in at the sewage plant Saturday night. Mayor Gibson gave a small report.

COUNCILMAN PAUL HILL: Councilman Paul Hill stated that on Main Avenue near St. Albans Bridge, Stadlers Greenhouse wants to know who owns the alley behind him and stated that he is having water problems. Mayor Gibson stated that a lot of research had been done about this matter and that he has found that there is an unimproved street parallel with the Rail Road Crossing on the side next to the hillside. Councilman Hill stated that the Library needs new doors and that they would cost about \$250.00 to put them in. Councilman Hill stated that more remodeling is needed but that he recommends that the new doors be purchased now. The recommendation was seconded by Councilman at Large Allen. The vote of approval was unanimous.

COUNCILMAN THOMAS LILLY: Councilman Lilly asked if the trailer on Kanawha Avenue South had been moved yet? Mayor Gibson stated that action had been taken against the owner and that they were due to appear in Court this coming Thursday night.

COUNCILMAN AT LARGE HUGO TIDQUIST: NO NEW BUSINESS

Councilman at Large Tidquist made a motion that the meeting be adjourned. The motion was seconded by Councilman Casebolt. The vote passed.


Mayor
City Recorder

The following 45 pages
were all "stuffed" in the
front of Minute Book 13

LEGAL ADVERTISEMENT

LEGAL ADVERTI

**CITY OF NITRO
NOTICE OF PUBLIC MEETING
SEWAGE SYSTEM CONSTRUCTION AND REVISED RATES**

Be it resolved by the Common Council of the City of Nitro, West Virginia, at a regular meeting held on December 18, 1973, that notice be given to all subscribers and users of the Sanitary System of the City of Nitro of a public meeting to be held on January 15, 1974, at 7:00 o'clock in the p.m. at the Council Room of the City as required by Chapter 8, Article 8, Section 3 of the Code of West Virginia of 1931, as last amended, by publication as therein specified.

(Signed) Wm. D. Gibson, Mayor

AN ORDINANCE AMENDING AN ORDINANCE RELATING TO THE CONSTRUCTION, ACQUISITION, OPERATION AND MAINTENANCE OF A SEWAGE DISPOSAL SYSTEM IN THE CITY OF NITRO, THE DISCHARGE OF SEWAGE AND INDUSTRIAL WASTES TO THE MUNICIPAL SANITARY SEWAGE SYSTEM, AND THE IMPOSITION OF RATES FOR THE USE OF THE SERVICE RENDERED BY THE SEWAGE SYSTEM, AND FOR THE CONSTRUCTION, ACQUISITION, OPERATION AND MAINTENANCE OF A SECONDARY TREATMENT SANITARY SEWAGE DISPOSAL SYSTEM IN THE CITY OF NITRO AND SEWER SYSTEMS EXTENSIONS FOR 40th STREET AND RIVERDELL ACRES, AND THE IMPOSITION OF RATES FOR THE USE OF THE SERVICES RENDERED BY THE SECONDARY TREATMENT SANITARY SEWAGE SYSTEM.

WHEREAS, the City of Nitro, Kanawha and Putnam Counties, West Virginia, presently own a sanitary sewage system and proposes to acquire and construct a secondary treatment sanitary sewage system supplying sewer system in and to the City of Nitro and surrounding territory, and sewer system extensions for 40th Street and Riverdell Acres; and

WHEREAS, the West Virginia Department of Natural Resources has cited the City of Nitro, which citation required the said City to cease and desist from polluting the Great Kanawha River with the sewage from said City, and to construct a secondary sanitary sewage system; and

WHEREAS, the compliance with the citation of the West Virginia Department of Natural Resources required the construction and acquisition of a secondary sanitary sewage system in the City of Nitro; and

WHEREAS, the City of Nitro, in order to promote the health, safety, and welfare of the people of the City and to comply with the citation of the West Virginia Department of Natural Resources aforesaid, deems it advisable to construct and acquire a secondary sanitary sewage system and extensions of the existing system for residents of 40th Street and Riverdell Acres; and

WHEREAS, the estimated cost of the acquisition and construction of a secondary sanitary sewage system and extensions according to estimates prepared by Robert Y. Hayne, of Appalachian Engineers, Inc., Consulting Engineers is approximately \$1,275,000.00; and

WHEREAS, the City does not have available funds for the construction and acquisition of the addition to its present sanitary sewage system as required by the citation of the West Virginia Department of Natural Resources; and

WHEREAS, the City of Nitro does not have funds within the sources now available to it to pay the costs of administration, management, operation, maintenance, acquisition, enlargement, and replacement of the present sanitary sewage system, and the intercepting sewer lines, pumping stations, treatment works and appurtenances; and

WHEREAS, it is necessary for the City to impose rates and charges for the use of the services afforded by the proposed secondary sanitary sewage system to obtain such funds; and

WHEREAS, the Environmental Protection Agency of the United States of America as authorized to grant the City of Nitro through the West Virginia Department of Natural Resources the amount of \$950,000.00 or seventy five (75) per cent of the cost of the project, and which grant requires the said City to demonstrate to the Environmental Protection Agency of United States of America, its ability to pay the remaining cost of said project; and

WHEREAS, it is the obligation of the producers of sewage and industrial waste to supply such revenue to the City in an equitable manner and in proportion to the service rendered to the benefits derived; and

WHEREAS, the City of Nitro, is authorized under the authority of Chapter 8, Article 8, of the West Virginia Code of 1931, as last amended, to fix, establish, and maintain, by ordinance, just and equitable rates or charges for the use of the services and facilities to be rendered upon completion of any works and system necessary to comply with any citation issued by the West Virginia Department of Natural Resources; and

WHEREAS, the Sanitary Board of the City of Nitro, after proper investigation has determined that the rates and standards for the use of the secondary sanitary sewage system and the computation of rates to be charged therefor as fixed by this ordinance are reasonable, necessary and proper for the work required to be done by the citation of the West Virginia Department of Natural Resources aforesaid, and have petitioned the City Council of the City of Nitro, to enact this ordinance establishing such rates and standards; and

WHEREAS, the City Council of the City of Nitro has previously enacted an Ordinance providing for rates and standards for the use of the existing sanitary sewage system; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NITRO, KANAWHA AND PUTNAM COUNTIES, that the certain Ordinances previously enacted by the City Council of the City of Nitro, entitled, "AN ORDINANCE RELATING TO THE CONSTRUCTION, ACQUISITION, OPERATION, AND MAINTENANCE OF A SEWAGE DISPOSAL SYSTEM IN THE CITY OF NITRO, THE DISCHARGE OF SEWAGE AND INDUSTRIAL WASTES TO THE MUNICIPAL SANITARY SEWAGE SYSTEM, AND THE IMPOSITION OF RATES FOR THE USE OF THE SERVICE RENDERED BY THE SEWAGE SYSTEM" is Amended, to reflect the following new rates for the construction, acquisition, operation and maintenance of a secondary sanitary sewage system, but in all other regulations and such ordinances shall remain in full force and effect unless otherwise Amended by this Ordinance.

SEWER SERVICE SCHEDULE OF RATES:

1. There is hereby levied and assessed against all owners, tenants, or occupants of each and every lot or parcel of real estate or building having any active connection with the public sanitary sewage system or otherwise discharging sewage, industrial wastes, water or other liquids, either directly or indirectly into said system or any part thereof, a service charge payable as hereinafter provided for and in the amount hereinafter provided.

2. The service charge for any owner, tenant, or occupant of each and every lot or parcel of real estate or building situated within or outside the corporate limits of the City of Nitro having any connection with the City's public sanitary sewerage system and discharging sewer, industrial wastes, water or other liquids into said system, shall be as follows:

SCHEDULE NO. 1

Applicable within the corporate limits of the City of Nitro.

AVAILABILITY OF SERVICE

Available for sanitary sewer service.

RATE (Based upon the metered amount of water supplied.)

First	2,000 gallons used per month	\$1.38 per thousand gallons
Next	3,000 gallons used per month	\$1.17 per thousand gallons
Next	25,000 gallons used per month	.98 per thousand gallons
Next	70,000 gallons used per month	.85 per thousand gallons
Next	100,000 gallons used per month	.69 per thousand gallons
All over	200,000 gallons used per month	.53 per thousand gallons
MONTHLY MINIMUM CHARGE		----- \$5.10

DELAYED PAYMENT PENALTY

The above schedule is net. On all accounts not paid in full within ten (10) days of the date of the bill, ten percent (10 %) will be added to the net amount shown.

QUARTERLY OR BI-MONTHLY BILLING

The above rates and charges may be adjusted to a quarterly or bi-monthly basis, providing no lower charges.

MULTIPLE OCCUPANCY

On apartment buildings, or other multiple occupancy buildings, each family or business unit shall be required to pay not less than the minimum monthly charge herein established. Motels and hotels shall pay according to the metered amount of water used.

TRAILER (MOBILE HOME) COURTS

For house trailer courts served by one or more master water meters, no bill shall be rendered for less than the following:

Four Dollars and eight cents (\$4.08) per month multiplied by the number of units situated on the court site at the time the water meter or meters are read, or the sewer bill based on the water used during the month, whichever is higher.

House trailers, either mobile or immobile, located on sites other than a park or court shall be billed in the same manner as any other family or business unit and, if applicable, subject to the multiple occupancy provision of this rate schedule.

SCHEDULE NO. 2

Applicable outside the corporate limits of the City of Nitro.

AVAILABILITY OF SERVICE

Available for sanitary sewer service.

RATES (Based on the metered amount of water supplied.)

First	2,000 gallons used per month	\$1.73 per thousand gallons
Next	3,000 gallons used per month	\$1.45 per thousand gallons
Next	25,000 gallons used per month	\$1.23 per thousand gallons
Next	70,000 gallons used per month	1.06 per thousand gallons
Next	100,000 gallons used per month	.86 per thousand gallons
All over	200,000 gallons used per month	.67 per thousand gallons
MONTHLY MINIMUM CHARGE		----- \$6.35

DELAYED PAYMENT PENALTY

The above schedule is net. On all accounts not paid in full within ten (10) days of the date of the bill, ten percent (10 %) will be added to the net amount shown.

QUARTERLY OR BI-MONTHLY BILLING

The above rates and charges may be adjusted to a quarterly or bi-monthly basis, providing no lower charges.

MULTIPLE OCCUPANCY

On apartment buildings, or other multiple occupancy buildings, each family or business unit shall be required to pay not less than the minimum monthly charge herein established. Motels and hotels shall pay according to the metered amount of water used.

Next	70,000 gallons used per month	.69 per thousand gallons
Next	100,000 gallons used per month	.53 per thousand gallons
All over	200,000 gallons used per month	
MONTHLY MINIMUM CHARGE		-\$5.10

DELAYED PAYMENT PENALTY

The above schedule is net. On all accounts not paid in full within ten (10) days of the date of the bill, ten percent (10 %) will be added to the net amount shown.

QUARTERLY OR BI-MONTHLY BILLING

The above rates and charges may be adjusted to a quarterly or bi-monthly basis, providing no lower charges.

MULTIPLE OCCUPANCY

On apartment buildings, or other multiple occupancy buildings, each family or business unit shall be required to pay not less than the minimum monthly charge herein established. Motels and hotels shall pay according to the metered amount of water used.

TRAILER (MOBILE HOME) COURTS

For house trailer courts served by one or more master water meters, no bill shall be rendered for less than the following:

Four Dollars and eight cents (\$4.08) per month multiplied by the number of units situated on the court site at the time the water meter or meters are read, or the sewer bill based on the water used during the month, whichever is higher.

House trailers, either mobile or immobile, located on sites other than a park or court shall be billed in the same manner as any other family or business unit and, if applicable, subject to the multiple occupancy provision of this rate schedule.

SCHEDULE NO. 2

Applicable outside the corporate limits of the City of Nitro.

AVAILABILITY OF SERVICE

Available for sanitary sewer service.

RATES (Based on the metered amount of water supplied.)

First	2,000 gallons used per month	\$1.73 per thousand gallons
Next	3,000 gallons used per month	\$1.45 per thousand gallons
Next	25,000 gallons used per month	\$1.23 per thousand gallons
Next	70,000 gallons used per month	1.06 per thousand gallons
Next	100,000 gallons used per month	.86 per thousand gallons
Next	200,000 gallons used per month	.67 per thousand gallons
All over		
MONTHLY MINIMUM CHARGE		\$6.35

DELAYED PAYMENT PENALTY

The above schedule is net. On all accounts not paid in full within ten (10) days of the date of the bill, ten percent (10 %) will be added to the net amount shown.

QUARTERLY OR BI-MONTHLY BILLING

The above rates and charges may be adjusted to a quarterly or bi-monthly basis, providing no lower charges.

MULTIPLE OCCUPANCY

On apartment buildings, or other multiple occupancy buildings, each family or business unit shall be required to pay not less than the minimum monthly charge herein established. Motels and hotels shall pay according to the metered amount of water used.

TRAILER (MOBILE HOME) COURTS

For house trailers courts served by one or more master water meters, no bill shall be rendered for less than the following:

Five Dollars and ten cents (\$5.10) per month multiplied by the number of units situated on the court site at the time the water meter or meters are read, or the sewer bill based on the water used during the month, whichever is higher.

House trailers, either mobile or immobile, located on sites other than a park or court shall be billed in the same manner as any other family or business unit and, if applicable, subject to the multiple occupancy provision of this rate schedule.

SCHEDULE NO. 3

INDUSTRIAL SERVICE

The charge for the treatment of industrial waste will be calculated on the basis of the following formula:

Ci equals VoVi plus BoBi plus SoSi

Ci equals charge to industrial users per year.

Vo equals average unit cost of transport and treatment chargeable to volume, in dollars per gallon.

LEGAL ADVERTISEMENT

Vi equals Volume of waste water from industrial users, in gallons per year.

Bo equals average unit of cost of treatment, chargeable to Biochemical Oxygen Demand (BOD), in dollars per pound.

B_i equals weight of BOD from industrial users, in pounds per year.

So equals average unit cost of treatment (including sludge treatment) chargeable to total solids, in dollars per pound.

S_i equals weight of total solids from industrial users, in pounds per year.

When an industrial user is to be served, a preliminary study of its waste, and the cost of transport and treatment thereof, will be made. Waste containing materials which, in the judgment of the Sanitary Board, should not be introduced into the sewer system need not be handled by it. The results of this preliminary study will be used to determine the feasibility of the proposed sewer service and the charge thereof, based upon the formula set out above.

Thereafter, industrial sewage will be monitored on a regular basis and at the conclusion of each fiscal year, based on the investigation aforesaid and audit of Sanitary Board records, new costs figures will be calculated for use in the above formula. The cost of establishing the monitoring facilities shall be paid by the industrial user. Based on these audited figures, additional billings covering the past fiscal year will be made for payment by each industrial user, or refund given by the Sanitary Board, as the case may be. Such audited figures will be used for the preliminary billing for the next fiscal year, at the end of which an adjustment will be made as aforesaid.

SCHEDULE NO. 5

PROPOSED RATES

APPLICABLE INSIDE AND OUTSIDE OF THE CORPORATE LIMITS OF THE CITY OF NITRO.

Where the amount of sanitary sewage discharged into the Nitro waste treatment system by certain industrial plant or plants cannot be accurately determined by the use of the plant's water meter or meters, a special formula will be used whereby such plant or plants will pay to the Sanitary Board of the City of Nitro a sewer charge calculated at forty (40) gallons of water per each employee at the plant each working day.

SCHEDULE NO. 6

Applicable inside and outside the Corporate limits of the City of Nitro.

SERVICE CONNECTION FEE

\$25.00

1. Service Connection Inspection Fee - - - -

To apply where the service connection is in place ready for the owner to connect generally at the property line.

This explanation is not part of the rate schedule -- The purpose of this fee is two-fold, (a) To require registration at the Sanitary Board office of all new users and (b) to be sure that the connection is made in a workmanlike manner thus eliminating a potential maintenance problem.

\$150.00

2. Service Connection Fee -----

2. Service Connection Fee - _____

To apply where an opening must be made in the Sanitary Board's collector sewer and service line laid from such opening (tap) to owner's property line.

This explanation is not part of the rate schedule - Sewer connection or tap permits will be issued to applicants in above situation if the sewer service is available to said applicants property lines.

DIVISION 2 -- AMENDING DIVISION 11 -- EFFECTIVE DATE ----

This Ordinance shall become effective immediately after the public hearing required by Chapter 8, Article 8, Section 3, of the West Virginia Code of 1931, as last amended, and approval of and in compliance with the requirements of the Public Service Commission of the State of West Virginia.

January 4

Clark, former public relations director Sissonville at Nitro
Robert Winfield at Poca

(7)(B)

Wm. "Bill" Gibson
MAYOR

"Looking To The Future"
City of Nitro

P. O. BOX 813
NITRO, WEST VIRGINIA 25143
TELE. NO. 785-3521

Gene Williams
GENERAL SUPERINTENDENT
Jerry T. Melton
RECORDER-TREASURER

IBM Corporation
TO 1416 RANAWHA BLVD.
Charleston, W. VA.

S
H
I
P

T
O

City Hall

DATE	DATE REQUIRED	TERMS	SHIP VIA	F.O.B.	REQUISITION NO.
SHIP TO ABOVE UNLESS OTHERWISE NOTED HERE					
QUANTITY	DESCRIPTION / STOCK NUMBER			PRICE	AMOUNT
1	Correcting Selectric II with Dual Pitch 15.5" CARRIAGE = Carbon Ribbon Prestige Pica = w/F Prestige Elite w/F Script. = w/F ARTISAN 12 = w/F Supersedes Previous P.O.#			621.00	621.00

By *Wm D Gibson*

PAY THIS AMOUNT

Thank you

\$621.00

See conditions of sale on reverse side

HQ50152

Invoice date Page number

03/30/73

44101

Division	Accounts Rec.	IBM reference
4	Branch Off.	088

6525354

Invoice to:

CITY OF NITRO
PO BOX 515
CITY BLDG
NITRO

WV 25143

WV 25143

OF NITRO
X 515
BLDG



Office Products Division

Invoice Copy

For questions regarding this invoice please inquire at:

KANAWHA BLVD E
ESTON WV

25301

Terms:

NET CASH THIRTY DAYS
FROM DATE OF INVOICE

3041 344-2351
DESCRIPTION

UNIT PRICE

Amount

REFERENCE DATE - FEBRUARY 8, 1973

IBM CORRECTING "SELECTRIC" TYPEWRITER
SERIAL NUMBER 2181198
PRESTIGE PICA 72 AMER STD
ADDITIONAL TYPE HEADS CODE 034 SCRIPT
ADDITIONAL TYPE HEADS CODE 060 OPATOR

621.00

\$621.00

0.00

\$0.00

0.00

\$0.00

0.00

\$0.00

OK 1727
NO.

PAY THIS AMOUNT

Thank you

\$621.00

See conditions of sale on reverse side

ACCOUNT NUMBER

SOCIAL SECURITY NO

DATE OF STATEMENT

INT. PAID YEAR TO DATE

DATE	AMOUNT	INTEREST	BALANCE
12-31-60	1,000.00	1,000.00	1,000.00
1-31-61	1,000.00	1,000.00	2,000.00
2-28-61	1,000.00	1,000.00	3,000.00
3-31-61	1,000.00	1,000.00	4,000.00
4-30-61	1,000.00	1,000.00	5,000.00
5-31-61	1,000.00	1,000.00	6,000.00
6-30-61	1,000.00	1,000.00	7,000.00
7-31-61	1,000.00	1,000.00	8,000.00
8-31-61	1,000.00	1,000.00	9,000.00
9-30-61	1,000.00	1,000.00	10,000.00
10-31-61	1,000.00	1,000.00	11,000.00
11-30-61	1,000.00	1,000.00	12,000.00
12-31-61	1,000.00	1,000.00	13,000.00

PLEASE EXAMINE YOUR STATEMENT CAREFULLY
 TO VERIFY FACTS AND CORRECT ANY ERRORS

MEMBER FEDERAL DEPOSIT INSURANCE CORPORATION

C
O
O
R
S

MEMBER
 FEDERAL DEPOSIT INSURANCE
 CORPORATION

Allocated for City Garbage

July 72 - June 73	\$42,988
July 73 - June 74	60,000
Total	<u>102,988</u>
Spent (purchase land)	9,500
Allocated not Spent	<u>\$93,488</u>

June 30, 1975	
Balance Savings	\$60,652.11
Checking	8,235.74
	<u>68,887.85</u>

4th Quarter Check deposit 7-10-74	32,630.00
Total	<u>101,515.85</u>

Disbursements continued

Gregory Havert	241.42	
Frances Linton	161.25	
Patricia Harmon	201.20	
Robert Brown	164.85	
Brooks Raynes	102.90	
Bennie Silman	629.50	
Tom Donegan	476.50	
Carl Currie	150.40	
Mike Brown	120.21	
Gary Brightwell	134.40	
David Hyatt	259.20	
Kenneth Wood	57.60	
Stephen Millam	3,138.30	
Dwain Whittier	229.30	
James Snyder	82.60	
Jeff Middleton	201.60	
Aggregate (check from ...)	867.04	
Total Disbursements:		\$198,729.31

Balance June 30, 19...

Receipts:

Transferred from ...	165,000.00	
U. S. Treasury	32,627.00	
		197,627.00
		206,965.05

Disbursements:

		198,729.31
		3,235.74

100

7-11-14

BALANCE THIS STATEMENT

100-100-1

100

11

2, 121.06.

BALANCE

0.70	25, 174.57
0.71	25, 174.57
0.72	25, 174.57
0.73	25, 174.57
0.74	25, 174.57
0.75	25, 174.57
0.76	25, 174.57
0.77	25, 174.57
0.78	25, 174.57
0.79	25, 174.57
0.80	25, 174.57
0.81	25, 174.57
0.82	25, 174.57
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0.91	25, 174.57
0.92	25, 174.57
0.93	25, 174.57
0.94	25, 174.57
0.95	25, 174.57
0.96	25, 174.57
0.97	25, 174.57
0.98	25, 174.57
0.99	25, 174.57
1.00	25, 174.57

NITRO CITY COUNCIL MEETING

June 18, 1974

The regular meeting of the Nitro City Council was held in the Council Chambers on June 18, 1974, at 8:00 P.M. Those present were Mayor William D. Gibson, City Recorder Tom Melton, Councilman at Large Dr. R. V. Allen, Councilman at Large Hugo Tidquist, Councilman at Large Keith Priddy, Councilman Vernon Casebolt, Councilman Thomas Lilly, Councilman Paul Hill and Councilman Dewey Mann.

The meeting was called to order by the Honorable William D. Gibson.

Invocation was given by the Reverend James Horton of the First Baptist Church.

APPROVAL OF COUNCIL MEETING MINUTES FOR JUNE 4, 1974: Mayor Gibson reminded Council that each member had received a copy of the minutes in the mail and had been given an opportunity to review them. Councilman Thomas Lilly, Chairman of the Finance Committee, asked that a correction be made in the June 4, 1974, minutes. The "Financial Report for May" should be corrected to read as follows:

Cash Balance April 30, 1974	19,413.83
(Includes \$10,000.00 savings)	
Cash Receipts for May	52,854.12
	<u>72,267.95</u>
Disbursements	<u>42,978.41</u>
Cash Balance on hand May 31, 1974	\$ 29,289.54

He explained that this does not change the May Financial Statement, which is correct, but merely changes the verbal report given at the first meeting. Councilman Vernon Casebolt made a motion that the minutes be approved as corrected. Councilman at Large Dr. R. V. Allen seconded the motion. The minutes were approved by unanimous vote.

APPROVAL OF MAY FINANCIAL STATEMENT: Councilman Thomas Lilly, Chairman of the Finance Committee, offered as an explanation that the "Cash Balance" of \$38,171.82 is made up of \$19,413.83 cash and \$18,757.99 in outstanding checks. Then after receipts and disbursements for the month, the cash balance as of May 31, 1974, is \$29,289.54. Councilman at Large Keith Priddy made a motion that the financial statement be approved. Councilman Dewey Mann seconded the motion. All present voted in favor.

FIRST READING OF ORDINANCE REGARDING LONGEVITY PAY, VACATION PAY, ETC.: Mr. Tom Melton, City Recorder, explained that Mr. Frank Armada, City Attorney, had prepared two ordinances, one to cover

258
longevity pay and one to cover vacation pay. The title of the first ordinance is: "An Ordinance Amending Sections (A) (B) and (C) of Ordinance 148, contained in Ordinance Book 2, at Page 235, Pertaining to Vacation Pay and Enacting a New Section (D) Pertaining to Paid Holidays." Councilman Dewey Mann, Chairman of the Ordinance Committee, made a motion that this ordinance be approved as read. Councilman Vernon Casebolt seconded the motion. All councilmen voted in favor.

The title of the second ordinance is: "An Ordinance Amending Sections 1 through 4 of Ordinance 100 Contained in Ordinance Book 2, at Page 85, Pertaining to Longevity Pay of City Employees." Councilman Dewey Mann made a motion that this ordinance also be passed as read. Councilman Thomas Lilly seconded the motion. All councilmen voted in favor.

Copies of these ordinances are made a part hereof and attached hereto.

OPENING OF BIDS FOR WEED CUTTING EQUIPMENT: Councilman Dewey Mann opened and read the bid from the Logan Corporation which quoted a price of \$7,631.57, Net 30 days, F.O.B. Factory, shipping date - 180 days. Councilman Vernon Casebolt opened and read the bid from Interstate Equipment Sales, Inc., Winfield, West Virginia, which quoted a price of \$6,743.00, Net 30 days, delivery date - 3 days. Councilman Vernon Casebolt made a motion that we accept the low bid from Interstate Equipment Sales, Inc. The motion was seconded by Councilman at Large Hugo Tidquist. All present voted in favor.

Mayor Gibson presented Council with an itemized work sheet of the planned expenditures of the Revenue Sharing for the Fifth Entitlement Period which is July 1, 1974, through June 30, 1975. He recommended that this Planned Use Report be approved. Councilman Dewey Mann moved that this be approved. Councilman at Large Dr. R. V. Allen seconded the motion. All present voted in favor.

Copies of this work sheet, showing the following figures, are attached hereto and made a part hereof.

One Police Cruiser	4,000.00
Police Department - Remodeling	3,000.00
One Policeman	8,000.00
Three employees for weed cutting plus cutting equipment	24,000.00
Michie Company	3,200.00
Recreation	47,000.00
Fire Department, including fire hose	20,000.00
Street repairs	10,000.00
Storm Drain	5,000.00
Back Hoe on rubber tires	15,000.00
Public Safety (miscellaneous)	11,882.00
Total	\$ 151,082.00

"Looking To The Future"
City of Nitro
P. O. BOX 515
NITRO, WEST VIRGINIA 26149
TELE. NO. 798-9821

WIL "BILL" GIBSON
MAYOR

JERRY T. MELTON
RECORDER-TREASURER

Capitol
1505 - Rathledge Rd.
Charleston W Va

SHIP TO

SHIP TO ABOVE UNLESS OTHERWISE NOTED HERE

DATE	DATE REQUIRED	TERMS	SHIP VIA	F.O.B.	REQUISITION NO.
25-74					
QUANTITY	DESCRIPTION / STOCK NUMBER			PRICE	AMOUNT
1	Table Top 120 x 42			total	138.00
	Code 316				
	Conference Room connected to				
	Mayor's Office				

By Wm. D. Gibson

(5)(H)
Policeman
P. 3
NITRO CITY COUNCIL MEETING

APRIL 2, 1974

The regular meeting of the Nitro City Council was held in the Council Chambers April 2, 1974. Those present were: William D. Gibson, Mayor; Tom Melton, City Recorder; Councilman at Large Dr. R.V. Allen, Councilman at Large Keith Priddy, Councilman at Large Hugo Tidquist, Councilman Vernon Casebolt, Councilman Dewey Mann, Councilman Thomas Lilly and Mr. Frank Armada, Nitro City Attorney. Councilman Paul Hill was absent.

The meeting was called to order by the Honorable William D. Gibson.

APPROVAL OF MARCH 19, 1974, COUNCIL MEETING MINUTES: Councilman at Large Dr. R.V. Allen made a motion that the Minutes be approved. Councilman Lilly seconded. All Council voted in favor.

MARCH FINANCIAL REPORT: Councilman Thomas Lilly, Chairman of Finance Committee reported that the balance at the close of February business was \$20,531.65. Proceeds through the month of March \$24,027.81, making a total of \$44,559.46. Expenditures for the month of March \$31,663.92, making a cash balance at the close of business the last day of March \$12,895.54.

COMMUNITY SCHOOL'S REQUEST FOR FINANCIAL ASSISTANCE: Councilman Thomas Lilly, Chairman of the Finance Committee, stated that the Finance Committee would like to have the opportunity to meet with some of the members who are now operating the Community School Program. He went on to say that he understood the majority of the members have been replaced since the last meeting with the Finance Committee. He recommended that again the officials of the Community School meet with the Nitro City Council Finance Committee and discuss the financial situation.

APPROVAL OF KANAWHA CABLE TELEVISION RATE INCREASE: Mr. Bennett Burgess, Legal Representative for Kanawha Cable Television presented to Council a proposed amendment to the franchise that was enacted in 1965. Mr. Burgess gave a copy to Mr. Melton, City Recorder and to the City Attorney, Mr. Armada. He stated that the proposed amendment was in one area only and it was to raise the subscription fee from \$5.00 to \$6.25 per single family unit, for an additional outlet in a single family unit per rate of \$1.00 to \$2.00. The franchise section that is being amended is Section 7 in Paragraph C. it presently calls for monthly charges for domestic services for the first outlet in a single family residence, each additional outlet being \$1.00, the proposed change would only change the \$1.00 amount. He went on to say that under Section 9 of the franchise that was established for the Company to pay the City of Nitro 2% of gross income received for less than twelve hundred subscribers or 3% from twelve hundred to twenty five hundred subscribers. Mr. Don Patton, Manager of Kanawha Cable Television stated there are eight hundred and forty two subscribers in the City of Nitro and they expected to have one thousand to one thousand and seventy five subscribers this year, he added that the fee to the City of Nitro is now one thousand dollars but with the new rate the fee should go up between one thousand three hundred dollars and one thousand three hundred and fifty dollars. Councilman Lilly asked about the Riverdale Acres area. Mr. Burgess replied that the problem had been getting the poles in that area. He added that the Appalachian Power Company had advised them that the power poles may have to be moved for additional road widening, however, he went on to say, regardless of whether or not the Appalachian Power Company moves their poles Kanawha Cable Television anticipates going into that area this summer. Mr. Burgess stated that the Company has started movies to offset the rate increase and to attract new subscribers as well as keep the present subscribers. He requested the first reading

be held at the present Council Meeting and any additional information the Council or Finance Committee might desire could be available between now and the second reading of the ordinance. He also stated that the Company would stand the cost for legal advertisement. Councilman at Large Dr. R.V. Allen asked Mr. Burgess if the F.C.C. had any control over the Company. Mr. Burgess answered yes, but that this was an area where a franchise can be changed without F.C.C. approval. Councilman at Large Dr. Allen also asked if the Public Service Commission had any control over the company. Mr. Burgess answered no, they do not have. Mayor Gibson asked how far into the Riverdale Acres area the Kanawha Cable Television went. Mr. Patton answered that it was this side of the W.M.U.L. Studio.

Councilman Thomas Lilly stated that the City of Nitro would stand the cost for legal advertisement. Councilman Lilly made a motion that the Council approve the first reading of the ordinance. Councilman Priddy seconded. All Council voted in favor.

Mr. Tom Melton, City Recorder, read the ordinance as follows:

An ordinance to amend an ordinance granting Kanawha Cable Television Company a franchise to erect and operate a system of distributing and relaying signals by means of wire cable, or other like connections in, through, under, over and from the streets, alleys, public ground and public places to receiving sets of subscribers to its service in the City of Nitro, West Virginia, enacted January 19, 1965 to increase the monthly charges for domestic services.

BIDS FOR FIRE HOSE: Councilman Vernon Casebolt, Chairman of the Fire Department Committee reported to Council that at the last meeting Council approved specifications for bids on fire hose which was 1500 feet $2\frac{1}{2}$ inch and 600 feet $1\frac{1}{2}$ inch. He stated that the Insurance Rating Bureau recommended that 750 feet $2\frac{1}{2}$ inch and 750 feet 3 inch hose be used for the new fire truck. Councilman Casebolt made a motion to accept bids for 750 feet $2\frac{1}{2}$ inch and 750 feet 3 inch fire hose for the new fire truck. Councilman Lilly seconded. All Council voted in favor.

SPECIFICATIONS FOR A ONE TON DUMP TRUCK: Councilman at Large Dr. Allen made a motion for the approval to advertise for bids for a one ton dump truck and request that bids be returned within thirty days. Councilman Lilly seconded. All Council voted in favor. Councilman at Large Keith Priddy asked if this would replace the ones we currently have up for bids. Mayor Gibson answered no and asked Mr. Melton if he had sent a legal advertisement in concerning the old vehicles the City has for sale. Mr. Melton answered yes he had given each Council Member a copy of that advertisement. Councilman Lilly asked if this 350 V-8 engine would be adequate for this type of vehicle. Mr. Williams, Street Superintendent answered yes.

Mayor Gibson presented to Council the Western Landfill Agreement signed June 15, 1972, by his predecessor the former Mayor W.W. Alexander. The agreement was also signed by Mr. Avril Ramsey, former Mayor of St. Albans and by former Mayor Dana Thum of Dunbar. Councilman Lilly referred to paragraph 2 of the agreement which read as follows: 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. Councilman Lilly asked if any of this had taken place. Mayor Gibson answered that of recently this has taken place. He also mentioned that even though he had looked for the agreement several times it was only about three weeks ago that he located it.

Mayor Gibson reported to Council that recently a test was given by the Policemen Civil Service Commission and twenty nine policemen made application. He asked Council to consider continuing with the eleven policemen for the next fiscal year and the policemen be paid out of Revenue Sharing funds. Councilman Lilly made a motion that the aforementioned be approved. Councilman at Large Dr. Allen seconded. All Council voted in favor.

Councilman Dewey Mann, Councilman Thomas Lilly and Councilman at Large Hugo Tidquist had no new business to report.

Councilman Vernon Casebolt reported that a few months ago City Council advertised for bids for a one ton cab and chassis for an Emergency Fire Truck and that Childers Chevrolet, Inc. were low bidders. The truck came in without the power pack and color specified on the specification sheet, he added that they wanted \$289.00 more for the power package and they could not do the paint job on the cab of the truck. Councilman Lilly suggested to Council that the truck be painted elsewhere for approximately \$120.00, if the next lowest bid was \$600.00 higher. However, Childers will probably decide to meet the specifications.

Councilman Casebolt ask Mr. Melton if he had received any information pertaining to Ivy Street Engineering. Mr. Melton stated that he received the information that morning and after going through the past Council Meeting Minutes he found the name of the Engineer, Mr. Jess Gandee, and although he did not talk to Mr. Gandee he had talked to Mr. Robert Anderson the present City Engineer who had been in touch with Mr. Gandee. Mr. Melton stated that in the Minute Book 1967 it shows a figure of \$18.40 a foot. After talking to Mr. Gandee, Mr. Anderson said the figures in October, 1969 were \$16.15 a foot. Total cost of the project \$21,873.00 with \$1,354.98 a foot accessible, this included four drop inlets and two manholes, 70 feet of ten inch pipe was used for drainage of the water from Ivy Street to the river. This also included a rock base and black-top twenty feet wide with a curb. The figures are out dated and the price since 1969 has increased from \$16.15 to \$25.00 or \$30.00 per foot..

Councilman Casebolt mentioned he had been called to the Smith Street Landfill three times since last Council Meeting, he had heard that there was plenty of dirt available at Tyler Mountain, however, the only problem was hauling the dirt. He went on to say the situation at the landfill was a health hazard and he wondered if perhaps a few loads of trash, not garbage, could be used to fill and then covered with dirt. Mr. Williams, Street Superintendent, said only dirt could be used. Councilman Casebolt asked Mr. Williams if dirt were hauled in would the storm drains have to be dug up. Mr. Williams answered that there would have to be a drain put in from the Smith Street end and over. Mayor Gibson asked Mr. Williams if he had anything further to report. Mr. Williams said he had made arrangements to have the endloader moved to the Smith Street Landfill that day. Mayor Gibson reminded Council that the Low-Boy had been stolen some time ago, he asked Mr. Williams if he had yet made arrangements with Mr. H.M. Christian for the City to borrow his. Mr. Williams said he had contacted Mr. Christian and he had agreed to let the City borrow this piece of equipment.

Councilman at Large Keith Priddy had no new business.

Councilman at Large Dr. Allen made a motion the meeting be adjourned. Councilman Casebolt seconded. All Council voted in favor.


MAYOR


RECORDER

The law requires each government to submit a plan for their party's spending plan.

THE GOVERNMENT OF

West Virginia

100,882

151,082

PLANS TO SPEND THESE

AMOUNT NO

49202000

49,000

3,200

See attached that a copy of

is being placed in a local newspaper of general

interest documenting the contents of the

Submitting Agency at

Rockwell

Instruction E)

of the Treasury that the non-discriminatory

and the report will be completed with

with request to the entitlement

Executive Officer

Date

6/19/1979

Handwritten signature/initials

Large stylized 'E' stamp

Will refer to a report of a

revision of a report

in effect on the levels

DO NOT WRITE IN THIS SPACE
FOR PLANS TO SPEND THESE

Table with 18 columns and 1 row of numbers: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18

ORS For
February

revenueNews

an office of revenue sharing newsletter

Revenue Sharing At Half-Time

Now that general revenue sharing has reached its half-way point, there is increasing interest in the evaluation and monitoring of the program on the part of individual citizens, public interest groups and agencies of the Federal government. The focus of all this interest is the question of program renewal, which will be discussed and resolved by the next Congress.

Among these groups gathering information on revenue sharing is the Subcommittee on Intergovernmental Relations, chaired by Senator Mitchell of Maine. The committee recently has held five night hearings on revenue sharing. These hearings gave representatives of local government, civil rights groups and federal officials an opportunity to testify on revenue sharing. Officials praised the flexibility of general revenue sharing compared to traditional categorical grants. Managers of civil rights and social service organizations expressed dissatisfaction with the civil rights provisions of the Act, wanting to see OHS compliance strengthened and enforcement authority strengthened. Also testifying was Walter Staats, the Comptroller General of the U.S. who heads the General Accounting Office. Staats reported on GAO's independent survey and studies of general revenue sharing. GAO has been conducting field audits and interviews attempting to resolve the complex question of the impact of revenue sharing funds on local government activity, how the revenue sharing "status" are working, and if they are enforceable.

Independent of these Senate hearings, the Advisory Commission on Intergovernmental Relations, which was given a Presidential mandate to monitor revenue sharing's role in fostering intergovernmental cooperation, has held hearings in Chicago, San Francisco and Washington, D.C. (Continued on page 4)

Department of the Treasury
Office of Revenue Sharing
1900 Pennsylvania Ave. N.W.
Washington, D.C. 20216

Official Business
Penalty for Private Use \$300

Postage and Fees Paid
Department of the Treasury

TREAS-551

First Class



Year End Report Due

Actual Use Reports for revenue sharing funds spent or obligated between July 1, 1973 and June 30, 1974, were mailed to recipient governments on June 20, 1974. These reports must be returned to ORS by September 1. Failure to return the reports by this deadline may result in a delay of a government's October payment.

To aid governments in completing this report, the ORS has established a special telephone line which will give detailed, recorded instructions on the most important sections of the report. Governments may call (202) 634-5200 at any time. During working hours a separate number is in operation for the purpose of answering individual questions.

It is exceptionally important that governments accurately summarize the total funds available during this reporting period and that they properly indicate the actual expenditures made with such funds. On line 1 of the Trust Fund Report (Block D), governments must supply the balance of unexpended revenue sharing funds as of June 30, 1973. Recipients should refer to their first Actual Use Report as of June 30, 1973 for this amount. If for some reason, this amount is different than that reported as of June 30, 1973, the government should cite the actual balance in the revenue sharing trust fund as of June 30, 1973. On line 2 of the Trust Fund Block, recipients should indicate the amount of revenue sharing funds received between July 1, 1973 and June 30, 1974. This amount is preprinted on the top section of the report. The amount does not include the final payment for the Fourth Entitlement Period which was issued after the close of the fiscal year (July 5, 1974). However, it does include the final payment for the Third Entitlement Period which was made on July 9, 1973. Governments must then enter on line 3 the amount of interest earned from revenue sharing funds and credited to the trust fund between July 1, 1973 and June 30, 1974. The

sum of lines 1-3 represents the total funds available for this reporting period.

It is important that governments **DO NOT** include in this report expenditures that were made prior to July 1, 1973, or obligations that were incurred prior to July 1, 1973, but were expended after that date, as these expenditures and obligations were reported on the first Actual Use Report (June 30, 1973) and should not be repeated on this report.

Recipients should list the amount of funds expended or obligated (encumbered) in each category. The term obligated implies that a recipient government has entered into a contractual or other binding agreement regarding the use of revenue sharing funds. Recipients should not include funds which have been appropriated or authorized for expenditure but not committed. Individual projects which fall into the same category should be totaled and noted as one entry; for example, both the purchase of a fire truck and the construction of a city jail would be capital expenditures in the public safety area. The total for these expenditures should appear as a single entry in the public safety/capital expenditure area. The total of funds expended in the capital expenditure (15 b) and operating and maintenance expenditure (15 c) areas should be entered on line 5 of the Trust Fund Report. The amount expended or obligated should be subtracted from the total funds available to obtain the balance in the trust fund as of June 30, 1974.

Filing of this report is necessary before Fifth Entitlement Period monies can be released, since this form contains certifications by the chief executive officer that revenue sharing funds have been spent only in priority areas and have not been used in violation of the matching fund provision (Block E).

To make the report more responsive to the needs of local citizens, an explanatory statement has been added to the top of this form. In addition, the AUR now has a space in which the government must state where records documenting the contents of the re-

port are available for public scrutiny (Block F). This section was added so that interested citizens or groups will know where budget documents and minutes of public hearings involving revenue sharing are kept. In this way if a citizen wishes to know exactly what expenditures were made and how the spending decisions were reached, he will know where the information is available.

A copy of the entire report form must be returned to ORS. However, each government must publish only the upper portion of this report in a newspaper of general circulation within the community and advise the news media including minority and bilingual press of its publication. In this manner, citizens of the local areas will know how much money their government has received, in what categories the money could have been spent and in what areas the money has been spent. While the top portion of the form must be published in its entirety, it may be reduced in size as long as it is legible. The portion of the form to be printed has been abbreviated to aid governments in keeping publication costs low.

The bottom portion of this form contains questions regarding the effect of revenue sharing on local taxes and debt (Block G). In addition, governments are asked to name the publishing newspaper and the cost of publication (Block H).

A return envelope is included in the report package. This envelope can be easily identified in the mailroom, thereby speeding processing. Please do not include a transmittal letter since this will cause delay. This year's AUR has a post card attached to the form. When the report is received at ORS, we will mail this post card back to the government as an acknowledgment of receipt.

Down the Hatch

A recent Statement of Congressional Intent clearly stipulates that it was not the intention of Congress make the Hatch Act applicable to state and local government employees.

ACTUAL USE REPORT

④

ORIGINAL COPY (including seal attached on back) SEND TO OFFICE OF RIVERBUSH STRAIN

CATEGORIES (A)	TOTAL EXPENDITURES	
	CAPITAL (B)	OPERATING/ MAINTENANCE (C)
1 PUBLIC SAFETY	\$	\$
2 ENVIRONMENTAL PROTECTION	\$	\$
3 PUBLIC TRANSPORTATION	\$	\$
4 HEALTH	\$	\$
5 RECREATION	\$	\$
6 LIBRARIES	\$	\$
7 SOCIAL SERVICES FOR AGED OR POOR	\$	\$
8 FINANCIAL ADMINISTRATION	\$	\$
9 MULTIPURPOSE AND GENERAL GOVT	\$	
10 EDUCATION	\$	
11 SOCIAL DEVELOPMENT	\$	
12 HOUSING & COMMUNITY DEVELOPMENT	\$	
13 ECONOMIC DEVELOPMENT	\$	
14 OTHER (Specify)	\$	
15 TOTALS	\$	\$

has received General Revenue Sharing payments totaling
during the period 10/1/73 to 9/30/1974.

(1) Balance as of June 30, 1973	\$
(2) Revenue Sharing Funds Received from July 1, 1973 through June 30, 1974	\$
(3) Interest Earned	\$
(4) Total Funds Available	\$
(5) Total Amount Expended	\$
(6) Balance as of June 30, 1974	\$

Signature of Chief Executive _____ Date _____
Name and title _____

(9) The source media have been advised that a complete copy of this report has been published in a local newspaper of general circulation. I have records documenting the contents of this report and they are open for public scrutiny at _____

IMPORTANT: THE UPPER HALF OF THIS PAGE MUST BE PUBLISHED (SEE INSTRUCTION 1).
It is not required that the lower half of this form be published.

(Check as many as apply)

The upper part of this report was published in the following newspaper on the stated date at a cost of \$

Name of Newspaper _____

Date Published _____

**DO NOT WRITE IN THIS SPACE
FOR REVENUE SHARING USE ONLY**

[illegible]

**THIS REPORT MUST BE RECEIVED
BEFORE SEPTEMBER 1, 1974 BY:
OFFICE OF REVENUE SHARING
1900 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20228**

ORS FORM NO. 3231 MAR 1974

**GRASP
HERE**

whole or in part with general revenue sharing funds. The Hatch Act prohibits local government personnel from participating in certain types of political activity. The Office of Revenue Sharing has maintained that the Hatch Act was not applicable to local government employees paid with revenue sharing funds, while the Civil Service Commission has contended that the Hatch Act is applicable to such employees. The matter is now before the Office of Legal Counsel of the Justice Department for final determination.

The Statement of Congressional Intent was issued by ranking members of the Senate Committee on Finance and the House Committee on Ways and Means as a response to the Civil Service Commission's position that the Hatch Act was applicable to state and local officials paid with general revenue sharing funds. It emphasizes the fact that general revenue sharing was a new concept in federal fiscal programs which sought to avoid the complexity and restrictions of previous federal grant programs. For this reason, the State and Local Fiscal Assistance Act of 1972 specifically makes applicable only two federal program laws: anti-discrimination and Davis-Bacon wage provisions. Although federal criminal laws are applicable, it was not the intent of Congress to have any other federal program laws apply to the recipients' use of revenue sharing funds.

**Void Where Prohibited
By State Law**

In keeping with the Congressional intent, revenue sharing funds are considered a government's own revenues, not federal grant monies. Section 123 (a) (4) of the revenue sharing legislation requires that a recipient government provide for the expenditure of entitlement funds only in accordance with the laws and procedures applicable to the expenditure of its own revenues. If a governmental jurisdiction cannot spend its own revenues in a

particular area, it cannot spend revenue sharing funds in that area. And the power of recipient governments to spend revenue sharing funds but not the power to expend their own revenues. Two specific cases which have come to the attention of the Office of Revenue Sharing are recent laws passed in Illinois and Indiana.

The Illinois law, passed by the 1973 General Assembly, authorizes townships to spend revenue sharing funds in any of the priority expenditure categories set forth in the revenue sharing act. However, the statute does not grant a township additional authority to spend the township's own revenues. An opinion by the Chief Counsel of the ORS states that any unit of local government expending federal revenue sharing funds for purposes for which it is not authorized to spend its own funds would not be in compliance with the revenue sharing law.

Another case occurred in Indiana with the passage of legislation that would have prohibited the use of revenue sharing funds by libraries. But the library boards and municipalities do not expend their own revenues for libraries because they are served by special library districts. Again, the opinion of the Chief Counsel indicated that the state law expands the power of municipalities to spend revenue sharing funds and not the power to expend its own revenues. While we recognize the intent of this legislation, such laws are ineffective under Section 123 (a) (4) of the Act.

Any state legislator or state official who has a question regarding the applicability of an existing or pending state law to Section 123 (a) (4), should contact the Chief Counsel of the ORS. The Office of Revenue Sharing would prefer to comment on descriptions of the legislation or excerpts of the questionable language rather than on detailed bills.

Revenue Sharing

addition to the revenues which would be available to the local government, the local government would be able to spend the revenue sharing funds for the purposes for which it is authorized to spend its own revenues. The revenue sharing funds are not to be used for the purposes for which the local government is not authorized to spend its own revenues. The revenue sharing funds are to be used for the purposes for which the local government is authorized to spend its own revenues.

Brinkley's intention is to take five years to let a local government learn to determine how revenue sharing is to be used. The local government is to determine the needs of the community and the needs of the community are to be met by the local government. The local government is to determine the needs of the community and the needs of the community are to be met by the local government.

These are some of the groups which, along with our office, are seeking information and evaluating general revenue sharing. To all of these organizations your opinions are important. Since revenue sharing is a new approach to local-federal relations, we feel that it is important that there be open debate and full evaluation with all ideas represented as the Congress considers the program's renewal. We, at the Office of Revenue Sharing, also are interested in hearing your comments and experiences with the program.

The Editors

For A Limited Time Only

The regulations governing general revenue sharing (Section 51.40) stipulate that recipients must use, obligate or appropriate their revenue sharing funds within 24 months from the end of the entitlement period for which the check was issued; e.g., checks issued for the Third Entitlement Period (January 1-June 30, 1973) must be used, obligated, or appropriated by June 30, 1975. However, under the interim regulations, revenue sharing funds issued for calendar year 1972 (the First and Second Entitlement Periods) must be used, obligated or appropriated within 24 months from the date the check was issued. For governments which received their first revenue sharing check on December 12, 1972, this money must be used, obligated or appropriated by December 12, 1974.

The Office of Revenue Sharing operates on a first in, first out accounting procedure. This means that if a government received \$5,000 in revenue sharing funds for the First Entitlement Period, we would assume that the first \$5,000 spent or appropriated or obligated from the trust fund would be money received for the First Entitlement Period.

In Section 51.40 of the Regulations, it is important to note the terms "obligate" and "appropriate." Many governments have applied needlessly for an extension of time when they have formally appropriated or obligated their revenue sharing funds. For purposes of this program, the term "obligated" (encumbered) implies that a recipient has entered into a contractual or other legally binding agreement regarding the use of the funds. When the recipient's legislative body has enacted an ordinance or statute authorizing the expenditure of revenue sharing funds for a specific purpose and within a specific period of time, the funds are considered to have been appropriated. If a government cannot make long-term appropriations under state and local law, it must then reenact the ordinance regarding the appropriation each year. If a recipient

has enacted an ordinance stating that revenue sharing funds will be used to construct a municipal building to be started in 1975, it has complied with the two-year limit. Thus, a recipient does not actually have to spend its revenue sharing funds within the two-year time limit as long as it has obligated or appropriated the funds.

Should it be necessary, a recipient government may be granted an extension of time by applying in writing to the Compliance Manager, ORS, stating the reason for the request and the amount of time required.

Financing Finances

The revenue sharing act prohibits the use of revenue sharing funds for the operating expenses of general government. However, maintenance and operating expenses for financial administration are allowable expenditures under the law and therefore may be paid for with revenue sharing funds.

Since many governments do not distinguish general government affairs from financial functions, we will provide some examples of the types of activities which typically fall under the heading of maintenance and operating expenses for "financial administration." Operating and maintenance expenses for departments such as the Treasurer's Office, Finance Department, Budget Department, Tax Assessment and Collections, would fall within the category. Also included as "financial administration" would be management of governmental debt and administration of investments. Allowable under the law would be the audit department; the cost of independent audits; evaluation studies of revenue sharing or government fiscal health; publications; seminars and workshops related to financial management, including revenue sharing.

Such activities as updating or revamping of accounting systems, including costs of management consultants employed in the update, the rental costs of automated accounting sys-

tems, and the costs of hiring accountants and auditors would qualify as well.

Although administration of an employee retirement plan or a payroll system may be financed through revenue sharing funds, the actual employer contributions for such pension systems are permissible expenditures only for employees within any of the priority categories and not for general administrative employees.

It is much easier to segregate financial administration expenses in a large government than in a small one in which an individual may wear two or more hats. Where a local official or employee is responsible for both general government and financial administration, that portion of his time that can be reasonably determined to be applicable to financial administration may be charged to revenue sharing funds. For example, the salary of an individual who serves as the clerk to the governing body and treasurer may be charged partly to revenue sharing funds and partly to other revenues based on the estimated percentage of time spent collecting revenues, maintaining bank accounts, keeping financial records and performing other financial activities, as opposed to the time required to attend board meetings, keep the minutes and perform other duties of a non-financial nature.

In addition, expenses that may be reasonably related to one of these functions under financial administration may be paid with revenue sharing funds. Thus, the cost of publishing revenue sharing report forms would be an eligible item. Among the less obvious items are: 1) the costs of aerial photographs, land surveys and other costs related to the appraisal or reappraisal of land for the purpose of real estate taxation; 2) the cost of litigation related to the recovery of misapport funds; 3) that portion of the recipient's pension cost that is attributable to employees engaged in financial administration; and 4) personnel expenses such as job classification, recruitment and training that can be specifically determined to be applicable to employees engaged in financial administration.

AUR's due at ORS by September 1, 1974

revelations

● **One Year of Letter Rulings on General Revenue Sharing:** A Digest has been published by the Department of the Treasury. The publication presents a compilation of answers to most of the legal questions which were raised by recipient governments and interested citizens during the period October 20, 1972 to September 30, 1973.

Since many of the questions addressed in this digest are recurring ones, it is hoped that recipient governments, their representatives and citizens will be able to use this publication as a reference source for questions which may arise in the future. (Copies of this publication are available from the Superintendent of Documents, U. S. Government Printing Office, Washington, D.C. 20402. Document number T-1.2;R 32/8/972-73; \$.75 per copy.)

● **The recent passage of the Disaster Relief Act of 1974** (P.L. 93-288) included an amendment to Title I of the State and Local Fiscal Assistance Act of 1972 (general revenue sharing).

The amendment provides that the Secretary of the Treasury shall disregard any change in data used to determine the entitlement of a state or local government for a period of five years, if that change is the result of a major disaster determined by the President under Section 301 of the Disaster Relief Act of 1974 and reduces the amount of the entitlement of that state or local government.

The amendment now appears as Section 145 of the State and Local Fiscal Assistance Act of 1972 and was made effective April 1, 1974. Specific procedures for implementing this amendment will be worked out by the ORS and the Federal Disaster Assistance Administration of HUD, in the next few months.

● **Revenue sharing checks for the final quarter of Entitlement Period 4** were mailed July 5, 1974. Over 37,000 state

revelations is a periodic publication of the Intergovernmental Relations Division, Office of Revenue Sharing, Washington, D.C. 20226
William E. Simon, Secretary of the Treasury
Graham W. Watt, Director, Office of Revenue Sharing
John K. Parker, Deputy Director, Office of Revenue Sharing

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Gail R. Boyle

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Contributors

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Allen C. Shepard, Jr.

T. Jack Gary

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and local governments were the recipients of \$1.53 billion bringing the total amount of general revenue sharing funds distributed to date to \$14.27 billion.

● **Fifth Entitlement Period Planned Use Reports** for all recipient governments were due June 24, 1974. To date we have received 35,000 reports. Those governments which have not submitted their period 5 PURs should do so immediately. Failure to submit the required report could result in a determination of noncompliance with the Act and a possible delay of future payments.

● **The State of New York and the Office of Revenue Sharing** have entered into a formal agreement whereby the New York Department of Audit and Control will audit regularly all general revenue sharing funds paid to the State and local governments of New York.

The audits will be performed in accordance with the procedures suggested by ORS in its "Audit Guide and Standards for Revenue Sharing Recipients," and those audit reports which indicate substantial noncompliance with the revenue sharing law and regulations will be submitted to the Compliance Division of ORS by the New York State Comptroller. In addition, ORS will be notified of all governments whose audit reports are in compliance with the law.

ORS will rely on the state audits unless a complaint against a unit of government by a citizen or organization is determined to warrant an investigation by the Treasury Department. Under the agreement, ORS still may conduct its own audits on a random basis upon notification to the State Comptroller. State governments interested in entering into a similar cooperative audit agreement should contact the Compliance Manager, ORS.



OFFICE OF REVENUE SHARING
1800 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20226

OFFICE OF THE SECRETARY OF THE TREASURY

October 4, 1974



Dear Revenue Sharing Recipient:

Enclosed is your government's general revenue sharing payment for the first quarter of Entitlement Period 5. The Fifth Entitlement Period began on July 1, 1974 and ends June 30, 1975. You should expect the other three checks of this period in January, April and July 1975.

24-Month Time Limit

General revenue sharing payments for the First and Second Entitlement Periods were mailed on December 11, 1972 and January 8, 1973, respectively. The regulations which govern those two periods require that the shared revenues must be used or appropriated or obligated (encumbered) within 24 months of the date of the check. We would like to remind you that these time limits are fast approaching.

You should keep these two important points in mind:

1. The regulations do not state that the money involved must be spent within two years. It could be spent, but an appropriation or a binding commitment (encumbrance) would also be sufficient to satisfy the 2-year limit.

2. As far as your accounting is concerned, you need not demonstrate that the specific money from these two entitlement periods has been used, obligated or appropriated; you must be able to show that the required action has been taken on an amount of money equal to your payments for the first two periods.

Thus, if your government received \$5000 in its December 1972 payment and \$4900 in its January 1973 payment, the 24 month requirement is met if your records can show that at least \$5000 of all the shared revenues which you have received to date have been used or obligated or appropriated by December 11, 1974 and that similar action has been taken on another \$4900 of your total revenue sharing by January 8, 1975.

Financial Data for FY74

The Bureau of the Census, which is our primary data collector for general revenue sharing purposes, currently is collecting adjusted tax and intergovernmental transfer information for ORS use. The data being requested is for Federal Fiscal Year 74 or your local accounting year which ended prior to June 30, 1974.

Most governments in the country have received a Census form RS-9 for use in reporting this information directly. In some states, the Census Bureau compiles this financial information from records on file with the state government. These states are Florida, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Washington and Wisconsin. Governments in these states will receive an RS-8 form for verification once the compiled data have been entered onto the form from state reports. A small number of governments with dependent school systems receive an RS-12 form for completion.

Please pay close attention to these forms and return them to the Census Bureau as quickly as possible if you have not already done so. The information on them will be very important when we compute your general revenue sharing allocations for Entitlement Period 6 next year.

Good Civil Rights Practice

The revenue sharing law includes a very strong civil rights provision in Section 122. It states that any program or activity funded in whole or in part with shared revenues may not discriminate against anyone on the grounds of race, color, national origin, or sex. This means that ORS has jurisdiction to act against discrimination in employment in a department (like the police department) even if shared revenues were used only to purchase equipment (like a police car).

After one recipient government appropriated \$600,000 to build a new facility for the local volunteer fire department, the local NAACP chapter alleged discrimination because there were no minority members of the fire department. ORS conducted an investigation, and as a result the city involved requested that the fire company amend its constitution and by-laws to eliminate any appearance of discrimination conveyed by certain sections. Since this action, minority persons have been admitted as members of the fire company. It is of great importance to note that

ORS took jurisdiction in this case of employment discrimination even though the only expenditure which had been made out of the \$600,000 appropriation was for preliminary architectural fees for the new building.

We're Moving

On Monday, October 7, 1974 the Office of Revenue Sharing will move to a new consolidated location. Our new address is:

Office of Revenue Sharing
U.S. Department of the Treasury
2401 E Street, N.W.
Washington, D. C. 20226

Our telephone numbers will remain the same; we're just changing buildings and will be in the Columbia Plaza complex. As always, whenever you're in Washington you are welcome to stop by for a visit.

While we're on the subject of moving -- if you have attempted to correct your mailing address lately by writing it on the face of either the Actual or Planned Use Report, please notify us again by letter. With so many report forms coming in, we're afraid that we might have missed some of your notes.

When requesting an address change please include your 9-digit revenue sharing account number, your old address and the new address. Please do not use personal names; a post office box would help.

Send these requests to:

Manager, Systems and Operations
Office of Revenue Sharing
Washington, D. C. 20226

What's Your Number

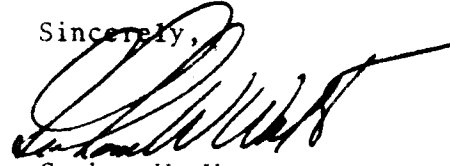
From time to time we find it necessary to contact recipient governments very quickly and must try to find correct telephone numbers. Since many governments are quite small, this search is sometimes very difficult, especially if your government's business is conducted from a private residence. Therefore we request that you include in any letters which you send to ORS the correct

Page 4

area code and telephone number where we can call an official of your government. In this way, we can respond by phone to many of your inquiries and can contact you rapidly if the need arises.

Once again, all of us in the Office of Revenue Sharing wish to thank you for your continuing cooperation in making the general revenue sharing program a success for your community and the Nation.

Sincerely,

A handwritten signature in dark ink, appearing to read 'G. Watt', with a long, sweeping horizontal stroke extending to the right.

Graham W. Watt
Director
Office of Revenue Sharing

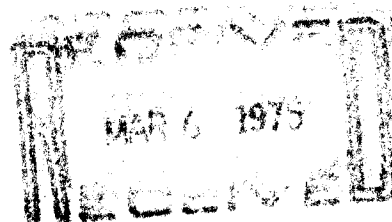


OFFICE OF THE SECRETARY OF THE TREASURY



February 25, 1975

OFFICE OF REVENUE SHARING
1900 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20226



Dear Mr. Milton:

This is in response to your recent inquiry regarding accounting procedures on the expenditure of general revenue sharing funds.

Section 51.40 of the Regulations governing general revenue sharing (enclosed) details budgetary procedures and requirements on the expenditure of shared revenues. Among other things, this Section stipulates that revenue sharing accounts must be maintained in a manner sufficient to permit the tracing of entitlement funds to a level of expenditure sufficient to establish that such funds have not been used in violation of the revenue sharing Act and Regulations. However, there is no requirement that such funds must be accounted for separately by entitlement period. The ORS uses a first in, first out accounting procedure in examining revenue sharing expenditures. Under this procedure, the first revenue sharing funds received by a recipient are the first funds presumed to be spent.

In your February 4, 1975 letter you question whether it is permissible to spend an allotment at the start of a fiscal year in July when the first quarterly payment of that allotment will not be received until October. You also state that there are sufficient funds from prior revenue sharing allocations to do this until funds are received in October. As stated previously recipients are not required to account for shared revenues separately by entitlement period. Hence this procedure appears to be in line with present revenue sharing requirements, provided that there are no state or local laws which would prohibit this type of transaction with the City's own revenues.

February 25, 1975

page 2

I hope that this information is helpful.

Sincerely,



Gail Boyle
Intergovernmental Relations
Office of Revenue Sharing

Mr. Tom Milton
City Recorder
P. O. Box 515
Nitro, West Virginia 25143

Account No. 49-2-020-009

City of Nitro

P. O. BOX 515

NITRO, WEST VIRGINIA 25143

Looking to the Future

JERRY T. MELTON
RECORDER-TREASURER
755-3821

WM. D. (BILL) GIBSON
MAYOR
755-5643

February 4, 1975

Miss Karen Spaight
Intergovernmental Relations
The Office of Revenue Sharing
Department of the Treasury
2401 E Street N. W.
Washington, D. C. 20226

Dear Miss Spaight:

Some questions have arisen regarding the spending of an allotment at the start of the fiscal year in July when the first check will not be received until October.

There is a sufficient amount of money in the City of Nitro Revenue Sharing Account from the previous year's allocation until the check is received in October.

The Revenue Sharing money in question is set aside for salaries of the fiscal year and when the last check of the allotment period is received in July everything will be equal.

It is my understanding that this is acceptable and our telephone conversation of February 3, 1975 confirmed this to be correct.

I would appreciate a letter from you confirming our conversation regarding my question.

Thanking you in advance for your cooperation in this matter.

Sincerely,

Tom Melton
City Recorder

2-10 1975 ⁶⁹⁻⁴⁴⁵₅₁₅

PAY
TO THE
ORDER OF

Amos B. ...

\$10,277.00

ten thousand two hundred and seventy seven and no/100 DOLLARS

BANK OF NITRO



NITRO, WEST VIRGINIA

[Signature]
[Signature]

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June 18, 1974

Mayor Gibson recommended that Council approve the appointment of the following commissioners to the Nitro Housing Authority: Reverend James Arbogast, 1 year; Mr. Gene Burdette, 2 years; Mr. Russell Casto, Jr., 3 years; Mrs. Garnet Galloway, 4 years; and Mr. C. Larry Smith, 5 years. Councilman Vernon Casebolt made a motion that the names be approved as presented. Councilman at Large Allen seconded the motion. This motion was approved by unanimous vote.

Mayor Gibson announced that an informal meeting of Councilmen and the Sanitary Board members would be held sometime later next week.

Mayor Gibson has received a letter from the Nitro Fireman's Civil Service Commission announcing that Fire Chief Kenneth King passed his tests and recommends that he be promoted to the rank of Captain. James L. Stever and Clyde Harris both passed the tests for Sergeant and recommends that they be promoted to that rank. These promotions are retroactive to May 1, 1974. Councilman Vernon Casebolt made a motion that we accept the Civil Service Commission's recommendations on these promotions. Councilman Dewey Mann seconded the motion. All present voted in favor.

Mayor Gibson stated that he has been in touch with Mr. Armada, City Attorney, who has been working with attorneys for the West Virginia Water Company, and he would like to recommend to Council that we give the City Recorder permission to write a check for \$9,500.00 to the water company for the purchase of a strip of land near Smith Street and bordering the Kanawha River. Councilman Vernon Casebolt made a motion that permission be given to write the check for the purchase. Councilman Thomas Lilly seconded the motion. The motion passed by unanimous vote.

NEW BUSINESS

Councilman Dewey Mann - Councilman Mann stated that there has been a request for street repair on Brentwood road.

Councilman Paul Hill - Councilman Hill made a motion that the city purchase an additional uniform for street and garbage department employees. This would be twenty-one uniforms at an approximate cost of \$5.00 each. Councilman Thomas Lilly seconded the motion. All present voted in favor of purchasing these uniforms.

Councilman Hill asked about getting the bleachers repaired where they have been dismantled and painted at the northwest corner of the little league field at the park. Mayor Gibson replied that he would have this matter checked.

Councilman Hill also inquired about the status of street lights in the areas of 6th, 11th, and 18th Streets. He asked about the possibility of additional lights. It was decided to wait until the present lighting program is completed and then check to see if more lights are needed.

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CITY OF NITRO
REVENUE SHARING FUND
P O BOX 515 NITRO W VA 25143

6-19

1974

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818

PAY
TO THE
ORDER OF

W. Va. Water Co.

Nine thousand + five hundred

\$9,500.00

$\frac{1}{100}$ DOLLARS

BANK OF NITRO

REVENUE SHARING FUND

W. H. Gibson

M. H. Hoon

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100⑉004⑉2⑈

⑆0000950000⑆



OFFICE OF THE SECRETARY OF THE TREASURY



November 7, 1974

OFFICE OF REVENUE SHARING
1900 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20226

Dear Mr. Gibson:

This letter is in response to your telephone inquiry concerning the time limit on use of general revenue sharing funds.

Section 51.40(b) of the revenue sharing regulations specifies that these funds must be used, obligated or appropriated within 24 months of the end of the entitlement period for which each check is applicable. The first two checks (December 11, 1972 and January 2, 1973) are an exception to this section. In the case of Nitro, West Virginia therefore, an amount equal to the first check (\$65,312) must be spent, obligated or appropriated by December 11, 1974 and an amount equal to the second check (\$62,176) must be spent, obligated or appropriated by January 2, 1975.

I have enclosed a copy of our July 1974, newsletter revenueNews, and the October 4, 1974 check letter, both of which discuss the 24-month time limit in more detail. I hope that this information is helpful to you.

Sincerely,

Jeffrey H. Schliff
Manager, Intergovernmental Relations
Office of Revenue Sharing

Mr. William Gibson
Nitro City Hall
Nitro, West Va. 25110

Enclosures

Acct. No. 49-2-020-010

NITRO CITY COUNCIL MEETING

Re-roof City Hall

October 1, 1974

The regular meeting of the Nitro City Council was held in the Council Chambers on October 1, 1974, at 8:00 P.M. Those present included Mayor William D. Gibson, City Recorder Tom Melton, Councilman at Large Keith Priddy, Councilman at Large Dr. R. V. Allen, Councilman Vernon Casebolt, Councilman Dewey Mann and Councilman Paul Hill. Also present for the meeting were City Attorney Frank Armada and Street Superintendent Gene Williams. Absent were Councilman at Large Hugo Tidquist and Councilman Thomas Lilly.

The meeting was called to order by the Honorable William D. Gibson. Mayor Gibson reported that Councilman at Large Tidquist was on vacation and stated that he was sorry to have to report that Councilman Lilly was in St. Mary's Hospital due to injuries resulting from an automobile accident. The mayor stated that he had been in touch with Mrs. Lilly, and three of the councilmen had been to visit Mr. Lilly at the hospital.

APPROVAL OF COUNCIL MEETING MINUTES FOR SEPTEMBER 17, 1974: Mayor Gibson reminded Council that each member had received a copy of the minutes for the previous meeting in the mail and had been given an opportunity to review them. Councilman at Large Keith Priddy made a motion for approval of the minutes, which was seconded by Councilman at Large Dr. R. V. Allen. The vote of approval was unanimous.

SEPTEMBER FINANCIAL REPORT: Mr. Tom Melton, City Recorder, read the following financial report:

Cash balance as of September 1, 1974	30,267.11
Receipts for the month of September	31,036.48
	<u>61,303.59</u>
Disbursements	<u>37,583.52</u>
Balance September 30, 1974	23,720.07

FIRST READING OF ORDINANCE REGARDING THE ADOPTION OF THE SOUTHERN STANDARD FIRE PREVENTION CODE (1974 EDITION): Mr. Tom Melton, City Recorder, read the following ordinance:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NITRO: "Save and except such portions as are hereinafter deleted, modified, or amended, the 1974 edition of the Southern Standard Fire Prevention Code adopted as the Fire Prevention Code of the City and incorporated by reference herein as fully as if set out verbatim and from the date on which this chapter shall take effect shall be governing and controlling for the purposes therein set forth, mentioned and described."

Councilman Vernon Casebolt made a motion that this be accepted as the first reading. Councilman Dewey Mann seconded. Approval was unanimous.

BIDS TO BE OPENED FOR 1975 POLICE CRUISER: Councilman Paul Hill, Chairman of the Police Department Committee, announced that three bids had been received. These were opened and read as follows:

Childers Chevrolet, \$4,453.87 less the
trade in allowance of \$463.87-----\$3,990.00

C & O Motors, \$4,533.43 less the
trade in of \$400.00-----\$4,123.43

Capitol Chrysler Plymouth \$5,144.83 less
trade in of \$500.00-----\$4,644.83

Councilman Paul Hill made a motion that this matter be given to the Police Department Committee with authority to act after the specifications have been checked. Councilman Vernon Casebolt seconded the motion, and all present voted in favor.

BIDS TO BE OPENED FOR REROOFING OF CITY BUILDING, GARAGE AND FIRE DEPARTMENT: Councilman Paul Hill, Chairman of the Building and Planning Committee, passed out the four bids to be opened, as follows:

Don Ray Roofing Company
South Charleston, West Virginia-----\$10,820.00

Harris Bros. Roofing
Charleston, West Virginia-----\$10,277.00

Hills General & Painting Co.
Charleston, West Virginia-----\$22,562.50

Tri State Roof and Sheet Metal Co.
Charleston, West Virginia-----\$12,536.00

Councilman Vernon Casebolt made a motion that this be given to the Building & Planning Committee with authority to act. The motion was seconded by Councilman at Large Dr. Allen. Councilman at Large Keith Priddy asked about the funding for this project, and wanted to know if it had been established that the money was available. Mayor Gibson replied that the money is available. Whether it will come from the general fund or Revenue Sharing hasn't been decided yet. Councilman at Large Priddy told Council that he had discussed the question of funds that afternoon with Councilman Lilly while visiting him at the hospital. Councilman at Large Dr. Allen stated that something had to be done soon. Mayor Gibson agreed and said "Winter is just around the corner." After a brief discussion, the motion was brought to a vote. All present voted in favor of the motion except Councilman at Large Keith Priddy.

COLUMBIA GAS COMPANY'S REQUEST TO INSTALL A GROUND BED IN THE AREA OF RIDENOUR PARK: Mr. Frank Armada, City Attorney, gave the following report. Columbia Gas Company wants to install certain items in regard to protecting their pipeline which is already across the area. In order to do this they will of necessity have to remove the top soil, disturb the terrain, etc. According to their agreement, this would all be put back in proper condition. However, we have had problems with proper seeding in some areas and it could happen in this area which already has a drainage problem. Mr. Armada feels that the Columbia Gas Company should pay the city for the use of this property, since they will need future access to the area too, and there is the possibility of problems in the future. The matter was turned over to Mr. Armada to see if he could reach a satisfactory agreement with Columbia Gas Transmission Corp.

RECOMMENDATIONS FOR ADDITIONAL STREET LIGHTS IN EACH WARD: Councilman at Large Keith Priddy, Chairman of the Street Light Committee, stated that he has recommendations from two wards, and that he should have all of them in time to give a report at next council meeting. Councilman Dewey Mann gave the report for his ward. He stated that he has made a survey, and he feels that lights are needed on 24th through 39th between First and Second Avenues. Also on 40th Street in the same area. He also feels a light is needed on East 31st Street near house No. 71. A burned out light needs to be replaced at the corner of 40th Street and Easter Road. Councilman Mann stated that people are very pleased with the possibility of getting additional lights, and also that he has heard compliments on our garbage service.

NEW BUSINESS: Mayor Gibson read a letter from Mr. David Tidquist of Nitro Junior High requesting permission to have a parade on October 4, 1974, Friday evening before their homecoming football game, and asking for police escort. The motion for approval was made by Councilman at Large Dr. R. V. Allen, and was seconded by Councilman Vernon Casebolt. All present voted in favor.

Mayor Gibson also read a letter from the Nitro Fire Department asking permission for a parade on October 10, 1974, during Fire Prevention Week. Again the motion for approval was made by Councilman at Large Dr. Allen, and was seconded by Councilman Casebolt. All present voted in favor.

Mayor Gibson announced that the gentleman who had made a bid to purchase the 1969 garbage truck and dump bed had been in and had made the purchase. Mayor Gibson also asked that Council give serious consideration to selling the 1948 Model Ford Fire Truck, and the 1953 Model Ford panel truck which was replaced recently with the purchase of the new Fire Department emergency truck. He suggested that this be given to the Fire Department Committee for study and let them make a report perhaps by the next council meeting.

The Mayor reported that Trick or Treat night has been

discussed recently, and other nearby municipalities had decided or October 31. Council agreed it should be on that date and the hours should be from 6 to 9 P.M. Councilman at Large Priddy made a motion for the approval of this, and it was seconded by Councilman Vernon Casebolt. All present voted in favor.

Mayor Gibson gave each councilman a list of the revised committees which included the addition of two new committees. (1) Consumer Protection Committee and (2) Emergency Ambulance Service Committee. A copy of the revised committee list is attached hereto and made a part hereof.

Tom Melton, Recorder: No new business.

Councilman Vernon Casebolt: Councilman Casebolt had a request from some residents in his ward that the curb at Juniper Street and Main Avenue, and Dogwood and Main Avenue be painted yellow for 15 feet, if possible, from the corner. When cars are parked near the corner, it is impossible to see oncoming traffic on Main Avenue. Mr. Gene Williams, Street Supt., was asked to have this checked.

Councilman at Large Keith Priddy: Councilman at Large Priddy stated that the Storm Drain Committee had met with the city engineer, Mr. Hayne, on Wednesday, Sept. 25, 1974, to discuss the recommendations made for the storm drains at Brookhaven. The Storm Drain Committee would like to recommend that we proceed with the first alternate plan listed in the engineer's report. Councilman at Large Priddy made a motion that we advertise this for bids according to the specifications in the engineering report. Councilman Dewey Mann seconded the motion. It was agreed that more detailed specifications would have to be prepared by Appalachian Engineering, Inc. The vote of approval was unanimous.

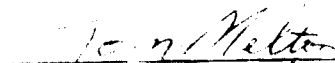
Councilman at Large Dr. R. V. Allen: Councilman at Large Dr. Allen asked about the possibility of making two or three parking spaces to be designated for 5-minutes only in front of City Hall, for people who are stopping only long enough to pay bills, etc. He asked if someone could observe for a few days and see if this is needed. Mayor Gibson stated that there was a parking problem, and requested that Mr. Melton assist him in watching the traffic pattern.

Councilman Dewey Mann: Councilman Mann wanted to know about repairs for the bad section of 21st St. that has been damaged by a slide. He stated that the engineer seemed to think this could best be corrected by leveling with asphalt. Mr. Williams, Street Supt., stated that he has already contacted Orders and Haynes Paving Company about making an inspection of this, and some work should be done soon.

Gene Mann, Councilman at Large: No new business.

Councilman Priddy made the motion for adjournment of the meeting which was seconded by Councilman Casebolt. The motion carried.


Mayor


Recorder

NITRO CITY COUNCIL MEETING

September 17, 1974

Re-roof
City Hall

The regular meeting of the Nitro City Council was held in the Council Chambers on September 17, 1974, at 8:00 P.M. Present were Mayor William D. Gibson, City Recorder Tom Melton, Councilman at Large Keith Priddy, Councilman at Large Dr. R. V. Allen, Councilman Vernon Casebolt, Councilman Thomas Lilly, Councilman Dewey Mann and Councilman Paul Hill. Councilman at Large Hugo Tidquist was absent. Also present were City Attorney Frank Armada and Street Superintendent Gene Williams.

Mayor William D. Gibson called the meeting to order.

APPROVAL OF COUNCIL MEETING MINUTES FOR SEPTEMBER 3, 1974:

Mayor Gibson reminded Council that each member had received a copy of the minutes in the mail and had been given an opportunity to review them. Councilman Vernon Casebolt made a motion that the minutes be approved as presented. Councilman at Large Dr. R. V. Allen seconded the motion. All present voted in favor.

APPROVAL OF THE AUGUST, 1974, FINANCIAL STATEMENT:

Councilman Thomas Lilly, Chairman of the Finance Committee, asked if there were any questions regarding the August financial statement. Councilman at Large Priddy questioned an expenditure of \$459.00 to Smith & Lewis Trucking Company. Mayor Gibson explained that a tandem truck with a driver was rented from the company to haul dirt from the Church of Christ church to the City's landfill. The Church of Christ furnished equipment and loaded the truck. Councilman Lilly moved that the financial statement be accepted as presented, and it was seconded by Councilman at Large Dr. Allen. The vote of approval was unanimous.

SECOND READING OF THE PROPOSED SANITARY SEWER RATE ORDINANCE:

The second reading of the proposed Sanitary Sewer Rate Ordinance was read by Mr. Tom Melton, City Recorder. Councilman at Large Dr. Allen moved that the Sanitary Sewer Rate Ordinance be accepted. The motion was seconded by Councilman Lilly. Councilman Vernon Casebolt expressed disapproval of the Ordinance, saying that an increase in sewer rates would be a hardship on people with fixed incomes who have been hard hit by rising prices. Councilman at Large Dr. Allen said he, too, feels sympathy for these people, but the sewage disposal plant is something that must be built. The first grant approved by the Federal Government for this will expire unless ground is broken for the beginning of the plant soon. Councilman Lilly added that for every month of delay, Council may expect the cost estimates to increase from 3 to 7 per cent, and should the first grant be lost, it could very well be possible for sewer bills to run a \$15.00 or \$20.00 minimum. And then, too, there are some areas of Nitro that have been promised sewers for a long time. Councilman Lilly also explained that the first grant approved through the Federal Government is for \$604,500.00 toward the secondary improvement of our existing primary plant. The second grant is in the process of approval at

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this time, and it will be in the approximate amount of \$300,000.00, and unless we take advantage of what we currently have at this time, and break ground by December 12, we stand the possibility of losing the 75% matching money on the first grant. At this point a vote was taken, and all present voted in favor except for Councilman Vernon Casebolt. A copy of said Ordinance is attached hereto and made a part hereof.

SOUTHERN STANDARD FIRE PREVENTION CODE: Councilman Vernon Casebolt, Chairman of the Fire Department Committee, stated that the Fire Department Committee had met with Chief K. K. King, and after reviewing the Southern Standard Fire Prevention Code, they would like to recommend an ordinance be drafted adopting this code for the city of Nitro. This would be the 1974 edition of the code. His motion was seconded by Councilman Thomas Lilly, and was passed by unanimous vote.

RECOMMENDATIONS FOR STREET LIGHTS: Councilman at Large Keith Priddy, Chairman of the Street Light Committee, stated that he has two requests for street lights from the Fourth Ward, and he feels they are justified, but he would like to keep this matter in committee until he has heard from all Councilmen so the recommendations can all be handled at one time.

ROOF REPAIRS TO THE CITY BUILDING, GARAGE AND FIRE DEPARTMENT: Councilman Paul Hill, Chairman of the Building and Planning Committee, presented each Councilman with a set of specifications and made a motion that bids be advertised for the reroofing. The motion was seconded by Councilman Casebolt. All Councilmen voted to let out bids for reroofing per specifications. Sealed bids are to be opened at next council meeting on October 1, 1974.

NEW POLICE CRUISER: Councilman Paul Hill, Chairman of the Police Department Committee, presented each Councilman with a set of specifications and moved that bids be let for a new 1975 Police Cruiser to replace the 1971 Dodge which has more than 100,000 miles on it. Councilman Vernon Casebolt seconded the motion, and it passed by unanimous vote. Sealed bids are to be opened at regular Council meeting October 1, 1974.

NEW BUSINESS: Mayor Gibson stated that there has been a good deal of damage done to city owned land near the Ridenour Memorial Park by the Burdette Oil & Gas Company. In an effort to get heavy equipment in to the site of an old oil or gas well, the company had bulldozed a new road, torn down several trees, and had equipment stuck in the mud. They had obtained no permit to be working in the area at all. Among personnel investigating the situation were Mr. Kenneth Rumbaugh of the Department of Highways, and Mr. Tighe of the West Virginia Water Resources Department. The state conservation officers, Mr. Mearns and Mr. Dunn, issued a citation to Mr. Burdette for operating a sewage disposal system without a permit. Mr. Burdette is to appear before Magistrate Al Shepherd. Others investigating were Mr. Chester Johnson, project coordinator for the watersheds in Kanawha County; and

Mr. Dixie Shreve of the U. S. Soil Conservation office. The Mayor further stated that Mr. Armada and Chief Craft had taken a look at the area. Mayor Gibson recommended that we turn this matter over to our city attorney, Mr. Frank Armada. He can work along with Mr. Hayne, the city engineer, and Mr. Dixie Shreve of the Soil Conservation District to document how much damage has been done to city property. Councilman at Large Dr. Allen stated that he personally has gone up to see the damaged area, and he recommended that each councilman should go to see it. He said there was quite a bit of mud on the road and during the rainy season it was slippery and dangerous. Councilman at Large Dr. Allen made a motion that this matter be turned over to our city attorney. Councilman Vernon Casebolt seconded the motion. All present voted in favor.

Councilman Vernon Casebolt asked about an area on the north side of the lake that appears to need seeding. Mayor Gibson replied that he thought this was a recommendation of Mr. Dixie Shreve in recent correspondence from him. Mayor Gibson also mentioned that he has had correspondence from Mr. Shreve, Mr. Ken Judy of Appalachian Power; and Appalachian Engineers, Inc., regarding the Columbia Gas Transmission Company's request for permission to install a ground bed in an area near the lake. If Council has no objection he would like to have Mr. Armada make a study of this and have it put on the agenda for next council meeting.

Mayor Gibson read a letter from the Putnam County School Board's director of music requesting permission to have a parade on Saturday morning, September 21, and asking for police cooperation in stopping traffic and escorting the parade. Councilman at Large Keith Priddy made the motion for approval, which was seconded by Councilman at Large Dr. Allen. All present voted in favor.

Mayor Gibson also read a letter from the Kidney Foundation of West Virginia asking permission to have a candy sale during the month of October. Councilman Thomas Lilly moved that permission be granted. Councilman Vernon Casebolt seconded. All voted in favor.

Councilman at Large Hugo Tidquist, Chairman of the Storm Drain Committee, had requested that a meeting be called for involving the Storm Drain Committee, the Finance Committee, and Mr. Hayne of Appalachian Engineers, in order to make faster progress on the storm drains for Brookhaven. This meeting was set for Wednesday, September 25, 1974, from 9 to 11 A. M., to be held in the Mayor's Conference Room.

Mayor Gibson stated that he has received a letter from Etna Life & Casualty Company which questions our claim for damages sustained by our fire truck and emergency vehicle while fighting a fire at Fike Chemical. If Council has no objections, he will turn this letter over to Mr. Frank Armada the city attorney, and request that he answer the same.

Councilman Thomas Lilly: Councilman Lilly asked about the progress on the plans for the garage. Mayor Gibson replied that Appalachian Engineers are still working on their study of the area and we should have their full report in time for next council meeting. The recently ordered zoning maps should be ready for us by the last of this week.

Councilman Lilly also asked about the mobile home that had been moved into a residential area. Mr. Frank Armada stated that he was waiting until we receive the zoning maps from Appalachian Engineers before any action is taken.

Councilman Lilly's next question concerned the water that stands by the road across from the Bobbie Brooks plant. Mayor Gibson replied that Mr. John Miller of the State Department of Highways, who is an assistant to Commissioner Ritchie, has been down to check on the situation, and he feels sure something will be done soon. The Department of Highways is trying to force the original contractor to return and fix the drainage.

Councilman Paul Hill: No new business.

Councilman Dewey Mann: Councilman Mann reported that he has had recent conversations with Mr. Sublet of the Miche Company and he has been informed they hope to speed up the process of codifying the ordinances for the city of Nitro. No definite date could be set for the conference on this, but he did request that the conference be held in Charlottesville. Mr. Sublet will send a letter as soon as a definite date can be set for the conference. Mr. Sublet also stated that they will make the amendments to the city charter which were passed recently by the West Virginia Legislature.

Councilman at Large Dr. R. V. Allen: Councilman at Large Dr. Allen stated that the Lions Club wanted him to express their appreciation to the city government and to the Police Department for their cooperation during the Antique Car Show held last Saturday.

In regard to Councilman Casebolt's remarks about trucks using the back streets near Gas Check Market, Councilman at Large Dr. Allen stated that this seems to be a universal problem. He believes that when a truck enters a side street in order to make a delivery, they are permitted to proceed to the next exit. A discussion followed regarding busses traveling on Second Avenue. Dr. Allen said he had also had a complaint about church busses.

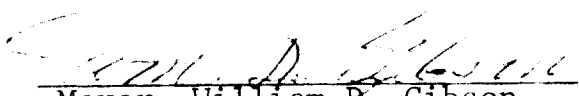
Councilman at Large Keith Priddy: No new business.

Councilman Vernon Casebolt: Councilman Casebolt asked about the status of the Ridge Memorial Park. Mayor


Gibson replied that both he and Councilman Priddy have talked with Mr. Ken Judy of Appalachian Power and they are working on it. Right now, however, he is unable to give us an exact time.

Recorder Tom Melton: No new business.

Councilman Vernon Casebolt made the motion for adjournment, which was seconded by Councilman Paul Hill. The motion carried.



Mayor, William D. Gibson



Recorder Tom Melton

March 20 1974

PAY TO THE ORDER OF

Capital Corp

one hundred & thirty eight

\$ 138 00

NO DOLLARS

REVENUE SHARING FUND

BANK OF NITRO

~~REVENUE SHARING FUND~~ Nitro, W. Va.

John D. Gibson

Tom Melton

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100⑉004⑉7⑈

⑈0000013800⑈

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CODE EXPLANATION

305-306	CABINETS	MFG.
307-308	CABINETS	NON MFG.
309-310	APPLIANCES	MFG.
311-312	APPLIANCES	NON MFG.
315-316	TUBS	
320-321	BATH FORM	TUBS
341-342	FLOOR	COVERINGS
343-344	WHS.	
311-312	311-312	

CAPITOL TOP COMPANY, INC.
 1505 RUTLEDGE ROAD
 CHARLESTON, W. VA. 25311
 TELEPHONE (804) 344-2453

STLOS

City of Nitro
 P.O. Box 515
 Nitro, W. Va. 25173

SHIPS

DATE 2-25-74
 CHARGE

755-6643 PO 1031

SALESMAN

NON-TAXABLE

Net 10 day

3/6 4 13 1/4 X 42 1/8 w/foot

2980 ft.

TOTAL

138.00

INVOICE

1989

DELIVERED BY

FINANCE CHARGE
 PERIODIC RATE
 ANNUAL PERCENTAGE RATE 18%
 Invoice: You have thirty days from your billing date to
 return payments and credits appearing on this
 invoice. If you fail to make payment by the date
 stated, we will charge you a late fee of \$10.00.

ALL DAMAGE CLAIMS MUST