

## NITRO CITY COUNCIL MEETING

JUNE 3, 1975

The regular meeting of the Nitro City Council was held in the Council Chambers on June 3, 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 Keith Priddy, Councilman at Large Dr. R.V. Allen, Councilman Thomas Lilly, Councilman David Hart, Councilman Paul Hill, Councilman Vernon Casebolt. Also present for the meeting was City Attorney Frank Armada.

The meeting was called to order by the Honorable William D. Gibson, Invocation was given by Reverend James Horton of the First Baptist Church of Nitro.

APPROVAL OF MINUTES: MAY 20, 1975 COUNCIL MEETING: Mayor Gibson stated that each member had received in the mail a copy of the minutes of the previous meeting and had been given a chance to review them. Councilman Casebolt made a motion that the minutes be approved. Councilman at Large Tidquist seconded the motion. The vote of approval was unanimous.

FINANCIAL REPORT - MAY 1975: City Recorder Melton, Chairman of the Finance Committee read the following Financial Report for May 1975.

Balance April 30, 1975	69,356.02
Reciepts	35,839.17
Disbursements	<u>34,020.00</u>
Balance May 31, 1975	71,175.19

GAS LEAK, FENTON CIRCLE: City Attorney Frank Armada stated that he had talked with Robert Dodd of the Department of Mines, Oil and Gas Division, about this problem. Armada stated that if this leak is an abandoned well it may be plugged by the Department of Mines with no charge to the City. Armada stated that he gave them the exact location of the leak and they are going to inspect it. Councilman Hart stated that we should get all the records we could on this matter before having an expensive rig to come in and try plugging this leak.

BROOKHAVEN STORM DRAIN AGREEMENT: City Attorney Armada stated that he would like to meet after the meeting with the Storm Drain Committee to go over the agreement with them.

Mayor Gibson stated that the petition presented to Council about 205 Dupont Avenue is being worked on by the Health Department and by a representative of the State Fire Marshall's Office. Gibson stated that there has been a delay on this petition because of an incorrect address stated. Mayor Gibson stated that he would attempt to have a report by the next meeting of council.

Mayor Gibson read a letter from the Department of Housing and Urban Development concerning the Community Development Block Grant

Program. The letter is attached hereto and made a part hereof.

Mayor Gibson read a letter from the Kananwha County Manpower Program concerning the Summer Youth Program Enrollment. The letter stated that anyone interested in a summer job should fill out an application at the Employment Security Office.

Mayor Gibson read a letter from William M. Kelley, Jr., President of the Kanawha Valley Soap Box Derby Association. The letter ask if a few boy could solicite in the City of Nitro to raise funds for the Association. Councilman Lilly made a motion that the boys be able to solicite in the City. The motion was seconded by Councilman Casebolt. The vote of approval was unanimous.

Mayor Gibson stated that he and Councilman Casebolt had attended a meeting of the Zoning Appeals Board, May 29, 1975 at 8:30 P.M. Mayor Gibson stated that the meeting was called to discuss the rezoning of City owned land at the Smith Street Landfill for a Municipal Maintance Garage. The citizens in this area wanted the original plans changed and the garage moved to the East end portion of the Landfill. Mayor Gibson read a letter for Danny Warner of Appalachian Engineers concerning this problem and showed Council the revised blueprints. Councilman Hill made a motion that the revised plans be accepted. Councilman Casebolt seconded the motion. The vote of approval was unanimous.

COUNCILMAN AT LARGE HUGO TIDQUIST: Councilman at Large Tidquist stated that the City Maintance Crew had been working on the drainage problem on 18th Street Hill and had been doing a good job.

COUNCILMAN THOMAS LILLY: Councilman Lilly stated that he would like to have a meeting with the Insurance Committee set up in a week ot so. Lilly stated that he would contact all the members when the meeting was scheduled.

COUNCILMAN PAUL HILL: No new business.

COUNCILMAN DAVID HART: Councilman Hart stated that he and Tom Melton had a meeting with John Melton of the State Tax Department about the deficiencies noted on the Audit Report.

COUNCILMAN AT LARGE DR. R.V. ALLEN: Councilman at Large Allen stated that there is a traffic problem in the area between Broadway Avenue and Park Avenue. Allen stated that the citizens of this area did not want cars running up on the sidewalk because it is damaging them. Councilman at Large Allen suggested that the area be painted yellow and a sign be erected stating No Driving on the Sidewalk. Councilman Hill stated that we should paint the curb yellow and put up the sign and study the problem further. Councilman at Large Allen made a motion that this be done. Councilman at Large Tidquist seconded the motion. The vote of approval was unanimous.

COUNCILMAN AT LARGE KEITH PRIDDY: No new business.

COUNCILMAN VERNON CASEBOLT: Councilman Casebolt stated various complaints about the Recreation Facilities at Ridenour Memorial Park. Councilman Casebolt stated that the lake was so dirty that you could not fish in it, and that the restrooms were locked and there were no garage cans at the picnic tables. Councilman Casebolt also stated that he had never seen the Recreation Director





DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
PITTSBURGH AREA OFFICE  
TWO ALLEGHENY CENTER  
PITTSBURGH, PENNSYLVANIA 15212

REGION III  
Curtis Building  
6th. and Walnut Streets  
Philadelphia, Pennsylvania 19106

IN REPLY REFER TO:

3.1CM

Mr. William D. Gibson, Mayor  
Town of Nitro  
City Hall  
Nitro, West Virginia 25143

Dear Mr. Gibson:

Subject: Application for Metropolitan Discretionary Funds  
Community Development Block Grant Program

We have been recently informed that the qualification process for urban counties and the revalidation of grant amounts for entitlement cities has reduced the balances available for metropolitan discretionary funds to a point where the Department will probably not be able to fund any applications for such funds this fiscal year.

We will retain your application in the event that through a national reallocation or supplemental appropriation some discretionary funds may become available for municipalities in metropolitan areas.

If you have any questions concerning the above, please contact Mr. Raymond Hluska of my staff at 412-644-2830.

Sincerely,

for Charles Heinz, Director  
Community Planning & Development

cc Mr. Benjamin F. Howatt, Exec. Dir.

# Flood Insurance Deadline Nears

The National Flood Insurance Program provides low cost, federally subsidized, insurance coverage for flood losses. The Act also requires that if identified flood prone communities do not participate in the program, no federal grants or loans, or even federally insured grants or loans (such as FHA loans, FDICA bank mortgages), may be expended in the actual flood prone section of the community.

The deadline to enter the program is near. Municipalities notified as of July 1, 1974 by the Department of Housing and Urban Development (HUD) that they are flood prone must qualify by July 1, 1975. Other affected communities and counties have one year from their official date of notification to participate in the program.

To enter the first phase of the program, a community must adopt two resolutions, complete an application and adopt at least a building permit system. Then over the next few years,

HUD will have a detailed hydrologic study and survey conducted which will more accurately identify the actual flood prone areas as well as the flood levels in these areas. At that time, a community will have to adopt flood-related building codes (at least for the flood prone area) and a permit and inspection system. When these steps are completed, the community is fully covered by the program and residences may obtain even higher amounts of insurance at a reasonable cost.

Once the community is eligible under the first phase, any resident may purchase flood insurance through any agent of his choice. Every insurance agent selling property insurance can sell flood insurance policies.

If RIC members have any questions, or would like for a representative to discuss this program, please call Council office or Mr. Gary Johnson, State Flood Insurance Office, 348-2246.

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## Fourth Annual Meeting

New officers and awards highlighted the Fourth Annual Meeting of the Regional Intergovernmental Council (RIC). The informal dinner affair was attended by RIC members and their spouses as well as federal, state and local officials.

The officers for this coming year included **Charles E. Farley, Jr.**, Chairman; **Donald Price**, 1st Vice Chairman; **John Lee Hudnall**, 2nd Vice Chairman; **John G. Hutchinson**, 3rd Vice Chairman; **Donald L. Samples**, Secretary; **John W. Parr**, Treasurer; and **Kelly L. Castleberry**, Executive Vice Chairman.

Awards were given to three areas of regional interest including the "RIC Man of the Year" award, the "RIC 'OFF'" award and "Regional Citizen" awards.

The "RIC Man of the Year" award is given to the RIC member "in recognition of his outstanding contribution to the Council and his dedication to the spirit of intergovernmental cooperation." The Council members select the recipient by secret

ballot. This year's voting resulted in a three-way tie among **John Lee Hudnall**, Mayor of Cedar Grove; **Donald Price**, Mayor of Madison; and **Charles E. Farley**, Commissioner of Putnam County Court.

The "RIC OFF" award was presented to **Warren Means** of the West Virginia Department of Natural Resources, and to **Tom Frazier**, West Virginia Commission on Aging. This plaque is given by the RIC staff to "Our Favorite Friend" for "having distinguished himself in an exemplary manner in his support of the Council and its activities."

The Council also recognized the services performed by several residents of the region by identifying them as an "Outstanding Regional Citizen" for their "unselfish and tireless contributions in behalf of the welfare of the people of Boone, Clay, Kanawha and Putnam Counties." Recipients included **Bob Byus**, Madison; **Beverly Hanlon**, Madison; **Avis Moore**, Clay; **Jeanne Skaggs**, Charleston; **Mike Wenger**, Charleston; and **Sally Holliday**, Winfield.

# REGIONAL INTERGOVERNMENTAL COUNCIL

## Oops!

### Community Development Act Slips

The Regional Intergovernmental Council (RIC) was recently advised by the Pittsburgh Area Office that the Department of Housing and Urban Development (HUD) will not have any monies available to fund discretionary applications from metropolitan areas this fiscal year. This means that within this Region, nineteen (19) units of local government (with a total population in excess of 162,000) will not receive any assistance under this Act.

Region I in its Newsletter asks, "What Happened to the Community Development Funds" and the RIC staff must reiterate the same question: **What Happened?**

Apparently, HUD's central office miscalculated in its estimate of the number of "urban counties." Initially, there were seventeen (17) counties classified as urban; however, following the formal publication of the CD allocations, seventy-three (73) large counties applied for "urban" county status and a majority of these were approved. The money to fund the greatly expanded "urban" county category was taken from the metropolitan discretionary balanced nationally; thus, depleting the funds that originally were available to the nineteen (19) governments in Kanawha and Putnam Counties.

The only entities to receive CD funds in the Charleston metropolitan area are the City of Charleston (entitlement city), the city of Dunbar and the City of St. Albans. The latter two are eligible due to prior HUD experience in urban renewal. It should be noted that there are not any counties that qualify as "urban county" within this region or the entire state of West Virginia.

The municipalities directly affected by this loss of federal assistance are Bancroft, Belle, Buffalo, Cedar Grove, Chesapeake, Clendenin, East Bank, Eleanor, Glasgow, Handley, Hurricane, Marmet, Nitro, Poca, Pratt, South Charleston, and Winfield. Kanawha and Putnam Counties are also included in this category. Nine of these governmental units either had made application or were in the process of making application for CD funds.

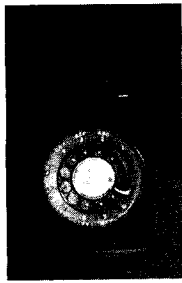
To date, RIC has not been advised as to the probable status of funds allocated for Fiscal Years 1976-1980. It appears that the only action the RIC can take is to continue to wonder "What Happened?" and to ask "What is going to happen next year?"

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**See Chairman's Message**

(page 4)

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**Call 1-800 642-8597**

Over 60? Have a problem? Need assistance? Live in Boone, Clay, Kanawha or Putnam Counties? Then call 1-800/642-8597. This is the Information and Referral Services (I & R) of the Regional Intergovernmental Council (RIC).

The primary purpose of the I & R is to link the elderly in need of services with the resources available in this region. I & R is not simply a convenience, but is designed to give information and assistance to older Americans who, without the service, would probably not have their needs met.

In many cases, services are needed that are not presently available in this region. I & R can document the need for additional services or point out gaps in existing services; thereby, providing planners with the substantive information.

I & R is more than a telephone number. It is personnel and resources, but even more important, it is a system, which after learning of a problem, locates the applicable agency and arranges for the services

## GRANTS APPROVED

During its March meeting, the Governor's Committee on Crime, Delinquency and Correction approved four grants totaling \$8,691 for local governments in this Region III.

South Charleston received \$2,510.82 to update its police communication while Hurricane obtained \$4,341.81 for the same purpose. Kanawha County Commission received \$904 for special training for juvenile probation officers and \$935 was awarded to the Boone County Commission to purchase reference material for its County Law Library.

of the agency to reach the elderly person with the problem.

The I & R service has been in operation since March 7 and, with only infant publicity to date, has handled over 30 inquiries. It should be noted that in accordance with Federal legislation all personal and identifiable information is confidential. In general, however, telephone requests have ranged from social security matters to welfare problems; from seeking affordable housing to locating employment opportunities.

The service is not limited to only this Region. Through the Commission on Aging (COA), I & R is available to the elderly in all of the eleven (11) Regions in the State. COA provides 75% of the operational and administrative cost of the program.

In conjunction with the Information and Referral services, the RIC operates the Outreach project also under a grant from the COA.

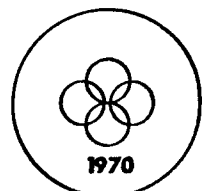
The Outreach project has personnel throughout the Region daily seeking and visiting aged persons who are isolated and withdrawn from the mainstream of society. Once located, these people are linked to the service agency which meets their needs.

As in the I & R program, all inquiries and personal information are confidential. Both programs are a requirement for Title III funds under The Older American's Act of 1965, as amended.

### Regional Intergovernmental Council Messenger

Ken Eigenbrod . . . . . Editor  
"The preparation of this Report is financially aided through Federal grants from the United States Department of Housing and Urban Development, under the Urban Planning Assistance Program authorized by Section 701 of the Housing Act of 1964, as amended, and the Appalachian Regional Commission under a 302 (a) Administrative Grant."

**RIC  
MESSENGER**



## The Chairman's Message

The Rural Development Act was passed and signed into law in 1972. Rural America saw this as an important national commitment to a more balanced use of federal resources; however, the Act was not, and to date is not, fully funded.

Consequently, many opportunities for non-metropolitan development have been delayed.

Problems, such as inflation, energy costs, fixed incomes and decreasing tax bases, which affect all areas of the United States seem to hit rural areas the hardest. In part, this is due to a narrow-based economy, characteristic of rural areas, as well as a limited number of federal programs designed to assist the rural segment of the United States. The federal dollar has almost become a necessity if rural America is to survive.

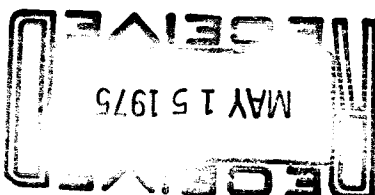
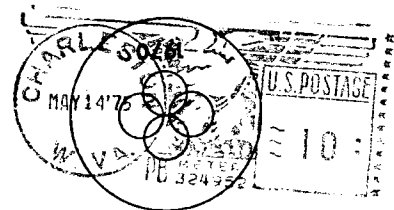
Since its inception, RIC has urged full implementation and funding of the Rural Development Act of 1972. Unfortunately, many of our suggestions have fallen upon deaf ears and most important provisions of the Act remain dormant. Although the whole bill was passed by the Congress and the whole bill was signed into law by the President, it has only been implemented in part.

It is time for full funding of all of the programs of The Rural Development Act. There is an urgent need for these programs, particularly Section 106 and 111 which will provide the resources to establish policies and plans necessary to have rational and orderly development as well as provide technical and management support in our rural areas.

I strongly urge the United States Congress to provide the necessary funds to implement this legislation which will return an equitable share of the federal resources to Rural America.

*Charles E. Farley*

Hon. William D. Gibson  
Mayor of Nitro  
City Hall  
Nitro, WV 25143



Regional Intergovernmental Council  
410 Kanawha Boulevard, East  
Charleston, West Virginia  
Telephone: 304 348-7190

LAW OFFICES OF  
THEODORE H. GHIZ      DREXEL M. VEALEY  
800 KANAWHA BOULEVARD, EAST  
CHARLESTON, WEST VIRGINIA 25301  
(304) 346-0718

July 29, 1976

Frank M. Armada, Esq.  
Attorney at Law  
City Hall  
Nitro, West Virginia 25143

Re: Alley Abandonment

Dear Frank:

In order to resolve the above matter I thought that I would give you some facts that may help the City Council in its deliberations concerning the abandonment of the alley that was the subject of a discussion of Council at its last meeting.

1. In Deed Book 178, at page 451, dated February 8, 1918, Daisy Sattes Blackwood conveyed to J. W. Cart a 17 acre tract that is now East Crawford Addition. She did reserve for herself the Blackwood Reservation as shown on the map of said Addition.

2. J. W. Cart, I believe, was the owner and developer of East Crawford Addition, because on the same day as the above deed, he conveyed to H. T. Smarr by deed dated February 8, 1918, of record in the Clerk's office in Deed Book 178, at page 453, several parcels of land which included Lots 1 through 12, inclusive, in Block P. This is the block in which the alley is located, and which is presently in dispute.

3. In the same deed to H. T. Smarr, J. W. Cart stated that "An alley 10 feet wide is intended to be laid out and is hereby dedicated for public use between the north line of Lot No. 1 of Block N and the right of way line of said railway. And all streets and alleys laid down on said plat, are hereby dedicated for public use." (Underlined by the undersigned for emphasis)

4. Apparently J. W. Cart fell upon hard times because the Vendor's Lien reserved in the Blackwood to Cart deed was enforced, and by virtue of a decree the property remaining in the Addition was conveyed to Daisy Sattes Blackwood by Special Commissioners on March 7, 1922 (Deed Book 236, Page 297).

5. In her Will of record in Will Book 217, at page 363, Daisy Sattes Blackwood purports to devise her undivided interest in all alleys, streets and public ways to her daughter, Mrs. Jean B. Collins.

Frank M. Armada, Esq.  
July 29, 1976  
Page 2

As I understand the situation, East Crawford Addition was not incorporated into the City of Nitro until recently, but certainly not at the time of the formation of either East Crawford or Nitro. However, upon its being annexed to the City, I am of the opinion that the Addition as it was originally platted was taken into the City. There is case authority (148 Ill. 51) which states "That by platting of a village the streets in their entire width and length are dedicated to the use of the public, and it may vacate them, if in their discretion, determine the street is no longer required for public use.

In 54 W. Va. 263, the W. Va. Court held that "while acceptance by formal adoption is necessary to impose on the public the duty to keep in repair a dedicated street, still that is not necessary to the consummation of the dedication so as to cut off the owner from the power of retraction, or to subject the dedication to the public use whenever the wants of the public require it for the purpose for which it was originally given."

In my opinion once the plat was recorded, the streets were dedicated automatically. The City need take no action to accept them, unless, of course, the City desires to pave or make repairs, then I believe the case law requires the City to accept the dedication. In any event, the Addition was created by J. W. Cart, and in his first out-conveyance (Deed Book 178, page 453) he dedicated the streets and alleys.

While I have not researched the authorities on the enforcement of Vendor's Liens, I do not believe the Special Commissioners had the authority to convey the streets and alleys to Daisy Sattes Blackwood. As a matter of fact, the Special Commissioners did not convey the streets and alleys to her. If you will look at her deed (Deed Book 236, page 297) you can see that the conveyance was of the unsold parcels in the Addition. However, the last line of the deed states, and it is a paragraph of one sentence only, "And all the streets and alleys in said East Crawford as shown on map or plat thereof." No words of conveyance relative to the streets or alleys is made other than this sentence.

In any event, if we follow the ruling of the aforementioned Illinois and West Virginia cases, the streets and alleys were dedicated the instant the plat was recorded. I might add that the developer or owner of the tract did not reserve the right to alter the streets or alleys in any way, as many have in the past. Further, once the lots on or in Block P or any other Block were sold and conveyed, the streets and alleys became permanent.

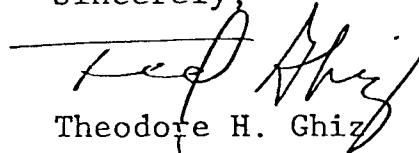
Frank M. Armada, Esq.  
July 29, 1976  
Page 3

Therefore, it is our position that the streets and alleys in East Crawford Addition, and now a part of the City of Nitro, belong to the City, and pursuant to W. Va. Code (Ch. 8, Art. 12, Sec. 5) the City has the general power, among other things to vacate, discontinue, and close streets, avenues, roads, ways, sidewalks, etc. Since the alley which is the subject of this letter has never been opened or used as such, and since the abutting property owners have other means of access to their properties, there is no need for its use. No one's rights is abridged or destroyed.

In closing, I would like to cite a statement from a W. Va. Case (48 W. Va. 170) as follows: "Non use of a highway by the public for many years is prima facie evidence of abandonment, but the abandonment must be voluntary and intentional." In the instant matter, I do not believe that anyone can deny that this alley has been abandoned since 1918, as it has never been used, except in isolated instances, and the abandonment has been voluntary.

I trust that you will bring these facts before the City of Nitro Council at its meeting on Tuesday, August 3, 1976. I would hope that the Council will formally abandon this alley.

Sincerely,



Theodore H. Ghiz

THG:ehc  
c.c.

Mickey H. Lemon



*Tommy  
Milton*

232 Brookhaven Drive  
Nitro, West Virginia 25143

Mayor William G. Gibson  
City Hall  
Nitro, West Virginia 25143

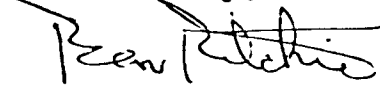
Dear Bill:

It is with sincere regrets that I write this letter and tender my resignation as Councilman, 1st Ward. As you know, I was recently promoted by Union Carbide to a position which will necessitate my moving from Nitro to the Houston, Texas area.

I wish to take this opportunity to thank you, the Council members and our fine city employees for all the help and assistance they have accorded me since I was first appointed to the Council. It has been a memorable, gratifying experience.

My best wishes to you and the Council for a very productive term serving the citizens of Nitro.

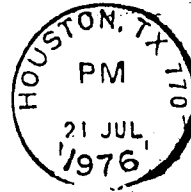
Sincerely,



Ron Ritchie  
Councilman  
1st Ward

RR/gt

Mr. Ron Ritchie  
232 Brookhaven Drive  
Nitro, West Virginia 25143



Mayor William G. Gibson  
City Hall  
Nitro, West Virginia 25143

THIS AGREEMENT, Made and entered into this the 16<sup>th</sup> day of June, 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 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 Sixth-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 or 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 in addition to the required building permit fee, the sum of Seven Hundred Fifty Dollars (\$750.00) which sum of Seven Hundred Fifty Dollars (\$750.00) 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

and any and all applicable State and Federal laws and regulations. Such permits will be issued within a reasonable time 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 deposited by the party of the first part in a special account that will not be drawn upon 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 payee the said Seven Hundred Fifty Dollars (\$750.00) tendered with the building permit application.

(5) It is understood and agreed that upon payment of the sum of Seven Hundred 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.

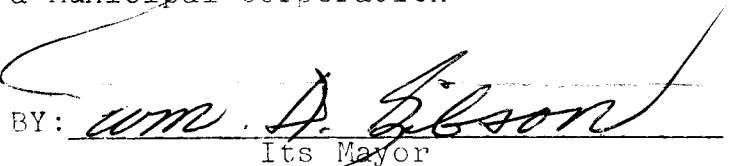
This Agreement is binding on the parties hereto and their employees, successors and assigns.

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 written.

THE CITY OF NITRO,  
a Municipal Corporation

(SEAL)

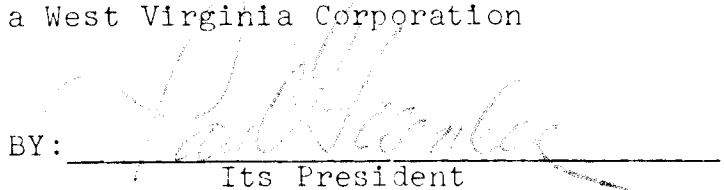
BY:

  
Its Mayor

ESTILL & GREENLEE, INC.,  
a West Virginia Corporation

(SEAL)

BY:

  
Its President

at Ridenour Park. Mayor Gibson stated that this was a complete surprise to him and that this was the first time he had ever heard of these problems. Mayor Gibson stated that he would visit the water shed and inspect the problems.

CITY RECORDER TOM MELTON: City Recorder Melton stated that the Finance Committee had met and discussed the corrections made on the Financial Statement for April 1975. Melton stated that there was a ten cent error on the statement and that he was trying to find it. City Recorder Melton stated that the Finance Committee had met about the Planned Use Needed for 75-76 Revenue Sharing. He stated that the City had \$143,959.00 in Revenue Sharing money. City Recorder Melton stated that the Finance Committee had approved the allocations for the City after spending hours in a Finance Committee Meeting. Melton made a motion that the allocations be approved by council. Councilman Hill seconded the motion. Councilman Lilly stated that the entire council was suppose to decide on the utilizations of the revenue sharing money and that he wanted to have some input on this matter. Mayor Gibson stated that he intended to call a special meeting on the revenue sharing budget and that he would notify members in writing. The motion at this time was withdrew from the floor. The Revenue Sharing report is as follows:

Policeman	8,000.00
Police Cruiser	4,000.00
Street Repair	10,000.00
Storm Drain	10,000.00
Maintenance Man	7,000.00
Public Safety	14,500.00
KVRT Membership	500.00
Recreation Department	48,000.00
Library	20,000.00
General Government	459.00
Municipal Garage	17,000.00
Exterior City Hall & Office	4,500.00

Mayor Gibson stated that council meeting be recessed until June 5, 1975. Councilman Casebolt made a recommendation that the meeting be recessed. Councilman Hill seconded the motion. The vote passed.

Wm. A. Gibson

Tom Melton





## NITRO CITY COUNCIL RECESSED MEETING

JUNE 5, 1975

The Council met in recessed session on June 5, 1975, at 8:00 P.M. to discuss the Nitro Sanitary Board Rate Case and related Resolution. Present at the meeting were Mayor William D. Gibson, Councilman at Large Dr. R.V. Allen, Councilman at Large Keith Priddy, Councilman Thomas Lilly, Councilman Paul Hill, Councilman David Hart, Councilman Vernon Casebolt. Also present for the meeting was F. Douglass Bess, Sanitary Board Member, Dennis Vaughan Jr., Attorney Nitro Sanitary Board, Mr. Robert Y. Hayne, Appalachian Engineers, Mr. Habib, Appalachian Engineers and Stephen Mullins, Recreation Director.

The meeting was called to order by Honorable William D. Gibson.

Dennis Vaughan, Attorney for Nitro Sanitary Board stated that the Public Service Commission of the State of West Virginia on June 3, 1975 entered an Order Case Number 8,099. The rates have been granted as requested and approved with the exception of the rate as applied to the outside rate for the customers situated outside City limits. Attorney Vaughan passed out to the members of Council copies of the order as handed down by the Public Service Commission. The order is attached hereto and made a part hereof. Councilman at Large Allen asked if outside customers were including Rock Branch. Mr. Vaughan stated that this did not relate to Rock Branch as they come under the contract agreement. He stated that this contract agreement had been approved by the Public Service Commission as shown in the Order on page 5 item number three.

Attorney Vaughan passed out to members of Council copies of the Resolution as pertains to interim financing which was passed by the Sanitary Board June 5, 1975. A commitment has been received from the Bank of Nitro for interim financing up to the sum of \$400,000.00. Mr. Vaughan stated that funds will be coming from the Governor's Office, State of West Virginia and E.P.A. Federal Grants and also the Civic Benefits Association. The interim financing will provide the actual starting of cash for construction. The Bank of Nitro has committed to give the interim financing fund to the Nitro Sanitary Board at the rate of 5% per annum. Mr. Vaughan stated that the Bank of Nitro had set forth conditions to be met by the Nitro Sanitary Board. One of these being a Resolution and other documentation. Mr. Vaughan further stated that the Nitro Sanitary Board met June 5, 1975 at 10:30 P.M. to pass the Resolution which he passed out for Council's review. Mr. Vaughan also stated that the Bank of Nitro wanted an opinion from him that the Sanitary Board had met the requirements as set forth by them. The Resolution is as follows:

## RESOLUTION OF THE NITRO SANITARY BOARD

This Resolution made this 5th day of June, 1975, by the Nitro Sanitary Board of the City of Nitro, West Virginia, at a special meeting of said Board,

6

WHEREAS, the Nitro Sanitary Board of the City of Nitro, West Virginia, has made application to the United States Environmental Protection Agency for a grant totalling One Million Two Hundred Thousand Dollars (\$1,200,000.00) for the construction of a secondary sanitary sewage treatment facility and the extension of sewer lines into the annexed areas of 40th Street and Riverdale Acres, and

WHEREAS, the said United States Environmental Protection Agency has approved grants totalling One Million Two Hundred Thousand Dollars (\$1,200,000.00) and

WHEREAS, the State of West Virginia has made a grant to the Nitro Sanitary Board of the City of Nitro, West Virginia, totalling Forty Thousand Six Hundred Dollars (\$40,600.00) to help finance the proposed secondary sanitary sewage treatment project, and

WHEREAS, the Rock Branch Public Service District has agreed to pay the sum of Nine Thousand Six Hundred Fifty Four Dollars (\$9,654.00) in aid of such project, and

WHEREAS, the Civic Benefits Association has agreed to make a contribution in the sum of Three Hundred Eighty Eight Thousand Seven Hundred Fifty Dollars (\$388,750.00) in aid of such project, and

WHEREAS, it will be necessary to have interim financing until all of the grant monies have been received so as to start construction as soon and expeditiously as possible,

NOW, BE IT RESOLVED, and interim financing agreement be entered into with the Bank of Nitro, Nitro, West Virginia, with interim financing up to an amount not to exceed Four Hundred Thousand Dollars (\$400,000.00) with interest thereon at the rate of five percent (5%) per annum, such interest to commence upon the utilization of such financing and to fund only on the amounts utilized and borrowed by said Board, and

BE IT FURTHER RESOLVED that Chairman/Mayor, William Gibson, is hereby authorized by the Nitro Sanitary Board to execute any and all documents relative to said interim financing agreement.

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Chairman

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Member

At this point Mr. Vaughan stated that he has to be sure that there is some method of paying the contractors before the Sanitary Board can let them begin construction. Attorney Vaughan stated that there was one Resolution which needs City Council's action and what this Resolution does, on the first page, is to tract the history of this, the reason for the constrection, this being the citation from the Department of Natural Resources, you also have the projected original cost of the project, the application to the E.P.A. and the approval of E.P.A. of a grant for \$1,200,000.00; the last item is the State grant for \$40,000 for ineligible costs related to the project. Then you have the Rock Branch Public Service District agreement to make contributions in the amount of \$9,654.00, then the Civic Benefits Association agreement to provide \$388,750.00 to defray the local share of the project. Next you have the approval of Case Number 8099 of the PSC of the Rate Structure, then the statement that the bids were taken from contractors and the purpose

being, that the project was broken into two parts, then we have the results of those bids and included therewith is the computation of the total project costs. The total bid costs of \$1,807,842.00, with additional costs thereon of \$480,420.00 for a total eligible project cost of \$2,216,262.00. Giving a difference of \$616,262.00. The original local share is \$400,000.00 and the present projected local share is \$554,065.00. The rounded difference is \$156,000.00. Next you have the actual Resolution which is the Council authorizing Nitro Sanitary Board to make application to the United States Environmental Protection Agency to increase the original grant up to the sum of \$1,662,196.00 being 75% of the present total project cost. Mr. Vaughan stated that the next item authorizes the issuance of revenue bonds issued by the Sanitary Board at the interest of 5% per annum to the contractors to cover this \$156,000.00 difference. The final item is a further Resolution authorizing the Sanitary Board to proceed with the processing of the application to the Farmers Home Administration for the sum of \$149,000.00 which is the upper limits on their grants and the remaining \$7,000.00 had been covered through the Nitro Sanitary Board depreciation account or such other funds as shall be available to the Nitro Sanitary Board. Attorney Vaughan stated that the reason for the Resolution is to provide a way to close this deal and start the contractors working. The Resolution which was signed by all Councilmen with the exception of Hugo Tidquist who was absent reads as follows:

RESOLUTION OF THE NITRO CITY COUNCIL

This Resolution made this 5th day of June, 1975, at a recessed meeting of the Nitro City Council, Nitro, West Virginia.

WHEREAS, the Nitro Sanitary Board of the City of Nitro, West Virginia, had been cited by the West Virginia Department of Natural Resources for failure to have secondary sanitary sewage treatment facilities, and

WHEREAS, the needed secondary sanitary sewage treatment plant was projected to cost One Million Six Hundred Thousand Dollars (\$1,600,000.00), and

WHEREAS, the Nitro Sanitary Board has made application to the United States Environmental Protection Agency for a grant to construct a secondary sanitary sewage treatment facility and extension of the existing sewer lines into the annexed areas of 40th Street and Riverdale Acres, and

WHEREAS, the said United States Environmental Protection Agency had approved grants totalling Forty Thousand Dollars (\$40,000.00) for ineligible costs related to the aforesaid project, and

WHEREAS, the Rock Branch Public Service District has agreed to make a contribution in the sum of Nine Thousand Six Hundred Fifty Four Dollars (\$9,654.00) in the furtherance of such project, and

WHEREAS, the Civic Benefit Association had agreed to make a contribution in the sum of Three Hundred Eighty Eight Thousand Seven Hundred Fifty Dollars (\$388,750.00) to defray the local share of such project, and

WHEREAS, the Public Service Commission of the State of West Virginia has by Order entered on the 3rd day of June, 1975, in case number 8099, being the application of the City of Nitro (Sanitary Board), approved the rates requested to provide funds,

necessary under the original proposed financing for such project, and,

WHEREAS, bids have been taken from contractors on the total project which was broken into two parts for the purpose of bidding, and

WHEREAS, on Contract No. 1, Kenneth M. Dunn was low bidder for the sum of Nine Hundred Thirty Seven Thousand Thirty One Dollars (\$937,031.00) and Union Boiler was low bidder on Contract No. 2 for the sum of Eight Hundred Seventy Thousand Eight Hundred Eleven Dollars, (\$870,811.00) for a total low bid by the way of construction costs of One Million Eight Hundred Seven Thousand Eight Hundred Forty Two Dollars (\$1,807,842.00) and further costs totalling Four Hundred Eight Thousand Four Hundred Twenty Dollars (\$408,420.00) for a total eligible project cost of Two Million Two Hundred Sixteen Thousand Two Hundred Sixty Two Dollars (\$2,216,262.00) thus leaving a total of Six Hundred Sixteen Thousand Two Hundred Sixty Two Dollars (\$616,262.00) difference between the original project cost and the present project cost, and

WHEREAS, the local share of the present total of eligible project cost is now Five Hundred Fifty Four Thousand Sixty Five Dollars (\$554,065.00), for a difference of One Hundred Fifty Six Thousand Dollars (\$156,000.00) over said original eligible project cost of Four Hundred Thousand Dollars (\$400,000.00), the same being additional funds as the local share,

NOW BE IT RESOLVED that the Nitro Sanitary Board of the City of Nitro, West Virginia, shall make application to the United States Environmental Protection Agency to increase the original grant up to a sum of One Million Six Hundred Sixty Two Thousand One Hundred Ninety Six Dollars (\$1,662,196.00) (being 75% of the present total eligible project cost) and further,

BE IT RESOLVED that said Board is to enter into an agreement with Kenneth M. Dunn on Contract No. 1 and Union Bioler Company on Contract No. 2 whereby the excess difference of One Hundred Fifty Six Thousand Dollars (\$156,000.00) (being the additional needed local share) shall be paid by way of the issuance of revenue bonds issued by the Sanitary Board of the City of Nitro, West Virginia, to the contractors, such revenue bonds to bear interest at the rate of five percent (5%) per annum, and,

BE IT FURTHER RESOLVED that the Nitro Sanitary Board of the City of Nitro, West Virginia, is authorized to pursue the processing of an application to the Farmers Home Administration for the sum of One Hundred Forty Nine Thousand Dollars (\$149,000.00) the remaining Seven Thousand Dollars (\$7,000.00) to be obtained from the Sanitary Board depreciation account or such other funds as shall be available to Nitro Sanitary Board.

ENTER:

*Wm. D. Gibson*

William Gibson, Mayor

PUBLIC SERVICE COMMISSION  
OF WEST VIRGINIA  
CHARLESTON

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA, at the Capitol in the City of Charleston on the 3rd day of June, 1975.

CASE NO. 8099

THE CITY OF NITRO (Sanitary Board),  
a municipal corporation.  
Application for authority to change  
rates, tolls and charges for furnishing  
sewer service.

PROCEDURE

On December 13, 1974, The City of Nitro (Sanitary Board), a municipal corporation, filed an application, duly verified, for authority to change rates, tolls and charges for furnishing sewer service at Nitro and vicinity, Kanawha and Putnam Counties.

By order entered on January 14, 1975, this matter was set for hearing to be held in the Commission's Hearing Room at the Capitol in the City of Charleston on March 31, 1975, at 9:30 a.m., EDST. Said order directed the applicant to appear and prosecute said application, and leave was granted to interested parties to appear and file objection to said application at any time on or before the date of hearing.

The aforesaid order further required the applicant to give notice of the filing of said application and of the time and place of hearing thereon by posting a copy of the order in a conspicuous place where bills for sewer service are paid for a period of at least twenty (20) days prior to March 31, 1975, for public inspection, and by publishing a copy of the order once a week for two (2) successive weeks, the first publication to be made not more than thirty (30) days nor less than fifteen (15) days prior to March 31, 1975, in newspapers published and of general circulation in the Counties of Kanawha and Putnam, making due return thereof to the Commission on or before the day of hearing.

Proper notice was given and the hearing was held as scheduled. The applicant was represented by Dennis R. Vaughn, Jr., its counsel; William Gibson, Mayor of the City of Nitro; Donald D. Krisher, Accountant; and Robert Hayne, Engineer. The Commission's staff was represented by C. Terry Owen, Attorney; Harold M. Howie, Accountant; and Jack Vickers, Engineer. There were no letters of protest in the file and no protestants appeared at the hearing. At the close of the hearing on March 31,

1975, the case was submitted for decision.

### EVIDENCE

The applicant, City of Nitro (Sanitary Board), provides sewer service to approximately 2,229 customers in Nitro and vicinity, Kanawha and Putnam Counties. Also, upon completion of the proposed project the applicant will treat the sewage from the Rock Branch Public Service District. In this case, the applicant proposes to make improvements to its sewage system consisting of extension of the sewer line into annexed areas of 40th Street and Riverdale Acres, and to upgrade its sewage treatment plant to provide secondary treatment sufficient to meet the requirements of the West Virginia Department of Natural Resources and U.S. Environmental Protection Agency. The proposed improvements are estimated to cost \$1,600,000 plus an estimated \$25,000 interest cost for interim financing. The project is to be financed by a grant from the Environmental Protection Agency in the amount of \$1,200,000; a grant from the State of West Virginia in the amount of \$40,600; a contribution from the Rock Branch Public Service District in the amount of \$20,000; and a contribution from the Civic Benefit Association in the amount of \$388,750. This would leave \$24,350 above what is estimated to be needed for the project to be used for certain ineligible grant items.

The applicant originally proposed to finance these improvements with a bond issue of \$396,000 for 35 years, requiring an annual debt service of \$39,758. Subsequently, the Civic Benefit Association, which is composed of various chemical plants in the area and who in the past have made regular monthly contributions to the City of Nitro, agreed to make a contribution of \$388,750 to the City of Nitro to be used by the Sanitary Board for its proposed sewer improvements. It was also understood that the Civic Benefit Association would make no more contributions to the City of Nitro for the next ten years and the Sanitary Board would in turn transfer \$38,875 each year for the next ten years to the City General Revenue Fund. As a result of this rather unique arrangement, the applicant will in effect be obtaining an interest free "loan" to be repaid in ten years rather than having to discharge the originally proposed bond issue of \$396,000 plus interest over a 35 year period. The benefit and saving to the customer is obvious.

The accounting evidence presented by the applicant and that presented by the Commission's staff differ in several areas, none of

which do we believe to be pertinent to the deciding of this case. On a cash basis, the staff report showed that under the proposed rates the applicant would have a cash surplus of \$8,702 after all necessary expenses and obligations are paid. For the same test year, the applicant's accounting evidence showed a cash surplus of \$14,677.

#### COMMENTS

It appears that the only issue to be decided in this case is the matter of the proposed rates applicable outside the corporate limits of the City of Nitro, representing a 25% increase over the rates proposed in the City. Although the rates presently approved for the applicant contain a higher rate for customers outside the City, those customers have always been billed at the same rate as the in-city customers. Since the applicant introduced no cost evidence to justify this increased rate outside the City and since the applicant further stated that the effect of this outside rate on its revenues would be minimal, we see no reason to deviate from past practice and will deny the proposed rates applicable outside the city limits.

#### FINDINGS

(1) The rates and charges under which the applicant is presently operating are not just and reasonable in that they do not produce sufficient revenue to enable applicant to pay its reasonable and necessary operating expenses, service its debt, and provide a reasonable surplus for replacement, improvements, and the necessary expansion and upgrading of its present sewer system.

(2) The applicant should be granted a certificate of convenience and necessity to construct, operate and maintain a sewer system at Nitro and vicinity, Kanawha and Putnam Counties.

(3) The rates and charges as hereinafter set forth are just and reasonable for the aforesaid purposes and should be approved.

(4) The agreement between the applicant and the Rock Branch Public Service District, dated August 6, 1974, should be approved.

#### ORDER

(1) The applicant is hereby granted a certificate of convenience and necessity to construct, operate and maintain a sewer system in Nitro and vicinity, Kanawha and Putnam Counties.

(2) The following rates and charges are hereby approved for

sewage service furnished by the applicant to its customers as of the date of the completion of the improvement, extension and upgrading of its sewage system:

APPLICABILITY

SCHEDULE #1

Applicable inside and outside 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 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.

APPLICABILITY

SCHEDULE #2

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 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.



Sl=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 judgement 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 therefor, 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 cost 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.

#### APPLICABILITY

#### SCHEDULE #3

Applicable inside and outside 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 fifty (50) gallons of water per each employee at the plant each working day.

#### APPLICABILITY

#### SCHEDULE #4

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

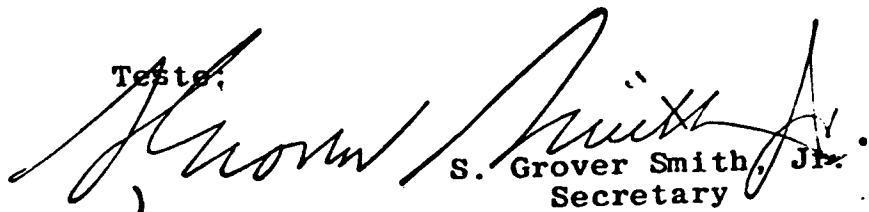
To apply where an opening must be made by the Sanitary Board in said Sanitary Board's collector sewer, and service line laid from such opening (tap) to owner's property line.

(3) The agreement between the applicant and the Rock Branch Public Service District, dated August 6, 1974, is hereby approved.

(4) Applicant shall file with the Commission as of the date of the completion of the improvements and upgrading of its sewer system a tariff or tariff sheets stating the rates and charges herein approved.

A Copy.

Teste:

  
S. Grover Smith, Jr.  
Secretary

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Council Members

ATTEST:

I, Thomas Melton, do hereby attest to the following signatures of the above individuals, being members of the Nitro City Council present at the recessed meeting held on June 5, 1975.

\_\_\_\_\_  
Thomas Melton, Recorder

The Nitro Sanitary Board Wastewater Collection and Treatment Financial Analysis is attached hereto and made a part hereof. Councilman at Large Priddy made a motion to pass the Resolution. The motion was seconded by Councilman at Large Allen. The vote of approval was uananimous. Councilman at Large Allen asked when the project should be starting. Mr. Robert Hayne stated that it would be between July 1, and the 15th.

Mayor Gibson stated that he would like Council to go over the Planned Use Needed For 75-76 Revenue Sharing which was first discussed during the June 5, 1975 Council meeting. Mayor Gibson stated that Councilman at Large Tidquist and City Recorder Tom Melton were not present for the meeting but that they would go along with council on the approval of the Revenue Sharing Plan. Mayor Gibson stated that this plan had to be sent to the Department of Treasury in Washington, D.C. before June 24, 1975. Councilman Lilly asked how long the City had had the application? Mayor Gibson stated that the City received it on April 25, 1975. Councilman at Large Priddy asked what the \$7,000.00 for maintenance man was exactly for? Councilman Hart stated that this was for the weed cutter but that they wanted to give a different name for it because he does more than cut weeds. Councilman at Large Priddy stated that he had no idea what had been discussed and how much time had been spent on this matter. Priddy asked about the \$14,500.00 allocated for Public Safety? Mayor Gibson's answer was rather vague as to what this was for at this particular time. Councilman at Large Priddy stated that in years past all of Council has gone over the plans and decided all the allocations. Mayor Gibson stated that this was what he was attempting to do now. Councilman Hart read over the following plan and emphasized the main points:

Policeman	8,000.00
Police Cruiser	4,000.00

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Street Repair	10,000.00
Storm Drain	10,000.00
Maintenance Man	7,000.00
Public Safety (Miscellaneous)	14,500.00
KVRT Membership	500.00
Recreation Department	48,000.00
Library	20,000.00
General Government	459.00
Municipal Garage	17,000.00
Exterior City Hall & Office	4,500.00

ENCLOSURE

Councilman Casebolt stated that the planned expenditures looked good to him. Councilman at Large Priddy stated that on the last Revenue Sharing Plan for the Library we allocated \$26,000.00 and this one we allocated \$20,000.00 and he wondered why we needed the additional? Councilman Hart stated that only the cheaper things such as carpet and the air conditioning had been purchased and there were a lot of exterior expenses to be met. Councilman Lilly stated that the entire Council was suppose to be a part of Revenue Sharing Committee and that he had never been invited to attend a meeting on this matter. Councilman Lilly stated that he didn't appreciate this at all and that he wanted to have some input in this matter. Mayor Gibson stated that he was being asked now for his input. Councilman at Large Priddy stated that he had not even had an accounting of the expenditures of last years Revenue Sharing money. Councilman at Large Allen emphasized to Mr. Priddy that he did not appreciate any implication of dishonesty on his part and that he should come to City Hall and get a monthly account on the expenditures if he so desired. Councilman at Large Allen made a motion at this time to adjourned the meeting. Councilman Hill seconded the motion. All Councilmen voted in favor of adjourning except for Councilman at Large Priddy and Councilman Lilly who opposed.

Wm. D. Gibson  
Mayor

Tom Melton  
City Recorder

## NITRO CITY COUNCIL MEETING

JUNE 17, 1975

The regular meeting of the Nitro City Council was held in the Council Chambers on June 17, 1975 at 8:00 P.M. Present for the meeting 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 Thomas Lilly, Councilman David Hart, Councilman Paul Hill, Councilman Vernon Casebolt.

The meeting was called to order by the Honorable William D. Gibson, Invocation was given by Reverend James Horton of the First Baptist Church of Nitro.

APPROVAL OF MINUTES: JUNE 3, 1975 COUNCIL MEETING: Mayor Gibson stated that each member had received in the mail a copy of the minutes of the previous meeting and had been given a chance to review them. Councilman Casebolt made a motion that the minutes be approved. Councilman Hill seconded the motion. On page 3 of the minutes, under the Financial Report, Councilman Lilly asked if the statement was in April or May. Treasurer Melton replied that it was in April. Councilman Lilly also brought up the \$10,000.00 mistake in May. Treasurer Melton then replied that the mistake was in the total figures in July. It was a typographical error and the original figure was \$56,133.03. The total at the bottom agrees with the total disbursements through the month of April. Councilman Lilly then stated that as near as he could recall, it was during this time that a motion was made to accept the Finance Committee plans for Revenue Sharing, this motion was seconded, and while the motion was on the floor it was asked if there were any questions. Councilman Lilly stated that the statement he made was by act of council that all of the councilmen were on the Revenue Sharing Committee. Lilly stated that he for one wanted to know how the funds were being spent. At which time the Mayor stated that he intended to call a special meeting and he believed that it would be notified in writing. The motion and second was withdrawn. Councilman Lilly then suggested that these corrections be added to the minutes. The motion passed by unanimous vote.

APPROVAL OF MINUTES FOR: JUNE 5, 1975 RECESSED MEETING: Mayor Gibson stated that these minutes, also had been mailed to each councilman. Councilman Hill made a motion that these minutes be approved. Councilman Casebolt seconded the motion. It was then questioned by Councilman Lilly on page 13 of the minutes that in addition to Councilman at Large Tidquist being absent at this meeting Thomas Melton was also not present. He asked that notations be placed in the minutes that when the question was asked about the Public Safety on the Revenue Sharing report of \$14,500.00 that it was vague as to what it was for at that time. On the following page Councilman Lilly stated that as the question was on the floor concerning the Revenue Sharing that there was a motion

to adjourn and a second. He wanted it to be shown in the minutes that there were two councilmen who voted against the adjournment, Councilman at Large Priddy and Councilman Thomas Lilly. The motion was passed by unanimous vote.

APPROVAL OF MAY 1975 FINANCIAL STATEMENT: Recorder Melton, Chairman of the Finance Committee, stated that all councilmen had been given a copy of the statement. Recorder Melton then stated that the corrections had been as Councilman Lilly had suggested, but that the figure at the bottom was correct in the July statement. At the end of May our cash on hand was \$71,175.19 as was reported at the last Council meeting. He then made a motion that it be approved. The motion was seconded by Councilman Hill. Councilman Lilly stated that he had only had the Financial Statement for approximately 7 to 14 minutes and had not had a chance to review it. Recorder Melton stated more time was utilized in the preparing of the financial statement to eliminate typographical errors and to ensure accuracy. Councilman at Large Priddy then asked if there was any report on the Revenue Sharing Savings. Recorder Melton stated no, but he telephoned the bank and received a figure as of that day \$122,246.54, that was in the savings account. There was one check in this fiscal year to be received the first week of July. Councilman at Large Priddy stated that Revenue Sharing Guide Book states that the same accounting auditing reporting procedures apply for Revenue Sharing after it is received by the municipalities as applied to the other funds in there General Revenue Receipt. The Mayor then stated that the Revenue Sharing account was recently audited by the State Tax Department. Councilman at Large Priddy stated that he was only concerned with a monthly Revenue Sharing Report. Recorder Melton said this could be arranged. Mayor Gibson then asked Recorder Melton if he had conducted the financial statement the same as he had in the past months. Recorder Melton replied, yes I have. When questions for changes are brought up they go before the Finance Committee. Councilman Lilly then asked if it had been suggested that a statement be made for example, Revenue Sharing savings account, with any withdraws or additions. Recorder Melton stated that Councilman Priddy had asked why the Revenue Sharing Savings Statement is not monthly the reason given was the bank sends a statement twice a year, but it had not been asked to be made monthly. Melton stated that it could be placed on as of a certain date, and will be from now on. All councilmen voted in favor except for Councilman at Large Priddy and Councilman Lilly.

APPROVAL OF GENERAL REVENUE SHARING REPORT FOR ENTITLEMENT PERIOD JULY 1, 1975 THROUGH JUNE 30, 1976; TREASURER MELTON, CHAIRMAN FOR FINANCE COMMITTEE: Treasurer Tom Melton stated that the only minor changes in this allotment were made, such as the City Garage and a payment under the column of General Government a figure of \$459.00. Mr. Melton stated that since the Finance Committee recommendation was unanimous as chairman he would make a motion that the allocations be sent to the Federal Government for the Fiscal year of 1975-1976. It was then seconded by Councilman at Large Allen. Councilman Lilly then stated that he had a question.

Councilman Lilly stated that he is an elected representative to the fourth ward to the City of Nitro and he wanted it to be known to the fourth ward that he'd been denied the opportunity for input of Planned Use in the Revenue Sharing Report for July 1, 1975 - June 30, 1976. Mayor Gibson then stated that Councilman Lilly was completely incorrect in his statement, that he has had an opportunity in the two meetings to have any amount of input he might want. Councilman Lilly then referred to the recessed minutes of June 5, 1975, on the last page, that immediately proceeding the first voice of input, that following one question leading to adjournment of which he objected, because he had no opportunity for any input. Lilly stated that on council minutes of April 16, 1974, there was called a Revenue Sharing Meeting of the council. Then on June 18, 1974 after two meetings it was announced and approved on council floor. All councilmen had an opportunity for input in to this. He had no knowledge of the amount of Revenue Sharing until the last council meeting stated Councilman Lilly. The Mayor asked if there were any more questions. All councilmen voted in favor of the Report except for Councilman at Large Keith Priddy and Councilman Lilly who opposed.

BROOKHAVEN STORM DRAIN AGREEMENT: In the absence of Frank Armada, City Attorney, Councilman Hart made the report. Each Councilman was given a copy of the agreement between the City of Nitro and Estill and Greenlee. The agreement is attached hereto and made a part hereof. The agreement was signed on June 16, 1975 by Mayor Gibson and Paul Greenlee so that they might proceed with the opening of two sections within the Brookhaven Subdivision.

GAS LEAK, FENTON CIRCLE: Mayor Gibson reported on this leak. Mayor Gibson stated that he looked over the location with Robert Dodd of the Department of Mines, Oil and Gas Division, about this problem. Mr. Dodd indicated that the problem would be taken care of, in possibly two months.

Mayor Gibson stated that he would like to appoint Michael Kent Toney as Commissioner of the Housing Authority, in the City of Nitro for the remainder of Charles Smith unexpired term. He also stated that he had talked to the Michie Publishing Company in effort to find out when the City Code would arrive. There was no opposition to Mayor Gibson's request.

Mayor Gibson stated the Fire Chief of Nitro had informed him that the wiring needs to be brought up to date. He asked the Building and Planning and Fire Department Committees to check out the problem and report back. Also the Fire Chief is checking the fire hydrants.

Mayor Gibson then read a letter from Appalachian Engineers concerning the new Maintenance Garage. The letter is attached hereto and made a part hereof. Councilman Casebolt made a motion that as soon as the specifications came in that the garage go up for bids. Councilman at Large Dr. Allen seconded the motion. The vote of approval was unanimous.

Mayor Gibson stated that Lefty Burdette of Burdette Oil and Gas, Inc., was fined for the degrading of property at 21st Street. Councilman at Large Priddy made a motion to contract Mr. Armada to take some action against him. Councilman at Large Dr. Allen seconded the motion. The voted of approval was unanimous.

Mayor Gibson read a letter from Nitro Lion's Club Little League asking if they could have Hat Day on the 23rd and 24th of June. Councilman Lilly made a motion to accept their recommendation. Councilman Casebolt seconded the motion. The vote of approval was unanimous.

Mayor Gibson received a letter from Mr. Ken Kobetsky the Director of Traffic Engineering Division. This letter had to do with the widening of Plant Road, and the relocation of a light pole. Councilman Lilly made a motion to relocate the light pole. Councilman at Large Dr. Allen seconded the motion. The vote of approval was unanimous. The letter is attached hereto and made a part hereof.

CITY RECORDER, TOM MELTON: No new business.

COUNCILMAN AT LARGE KEITH PRIDDY: No new business.

COUNCILMAN VERNON CASEBOLT: Councilman Casebolt asked if the lights at Ridenour Memorial Park would be put up soon? Mayor Gibson stated that hopefully they would be put up by the end of the summer.

COUNCILMAN AT LARGE DR. R.V. ALLEN: Councilman at Large Dr. Allen stated that the Insurance Committee had a meeting and they suggested that the City update the current requirements for liability insurance and street and sidewalk insurance which is due for renewal on July 20, 1975. Councilman at Large Dr. Allen made the motion that these requirements be approved. Councilman at Large Priddy seconded the motion. The vote of approval was unanimous with Councilman Lilly abstaining.

Mayor Gibson stated that he had been trying to get the doors fixed on the Library but could not get a hold of a carpender .

COUNCILMAN DAVID HART: Councilman Hart stated that fire hydrants were needed on Barrington Road, and Brentwood Circle. Councilman Hart made a motion that the fire hydrants be installed. Councilman at Large Dr. Allen seconded the motion. Councilman Lilly then requested that the fire hydrant in front of City Hall be fixed. Councilman Hart at this time withdrew his former motion and stated that proper installation of fire hydrants were needed in the area of Brookhaven and in front of City Hall. It was then seconded by Councilman at Large Dr. Allen. All councilmen voted in favor.

COUNCILMAN PAUL HILL: No new business.

COUNCILMAN THOMAS LILLY: No new business.

COUNCILMAN AT LARGE HUGO TIDQUIST: Councilman at Large Tidquist stated that a Recreation Meeting was held, and a police check was needed on 3rd Avenue and 15th Street because people were not observing the one way sign.

Councilman at Large Tidquist made a motion that the meeting be adjourned. The motion was seconded by Councilman Casebolt. The vote passed.

Wm. A. Gibson  
Mayor

Tom T. Melton  
Recorder

NITRO CITY COUNCIL MEETING

JULY 1, 1975

The regular meeting of the Nitro City Council was held in the Council Chambers on July 1, 1975, 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 Vernon Casebolt, Councilman Paul Hill and City Attorney Frank Armada. Absent were Councilman at Large Keith Priddy, Councilman Thomas Lilly, and Councilman David Hart.

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

APPROVAL OF MINUTES FOR JUNE 17, 1975, 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 Casebolt made a motion that the minutes be approved. The motion was seconded by Councilman Hill. The vote of approval was unanimous.

JUNE, 1975, FINANCIAL REPORT: Mr. Tom Melton, Chairman of the Finance Committee, gave the following report:

Balance on hand May 31, 1975	71,175.19
Receipts for the month of June	37,963.20
Disbursements for June	54,381.62
Balance June 30, 1975	54,756.77

WIRING AND BATHROOM REPAIRS FOR FIRE DEPARTMENT AND IMPROVEMENTS TO CITY HALL: Councilman Hill, Chairman of the Building and Planning Committee, explained that his committee and the Fire Department Committee had been working together on the specifications and planning. At this point he passed out specifications. Councilman Hill made a motion that the material be purchased and the rewiring be installed by a licensed electrician for the Fire Department. This motion was seconded by Councilman Casebolt and passed by unanimous vote. Councilman Hill's second motion was for the material for the Fire Department bathroom, Municipal Service Office and exterior window enclosings to be let for bids, with the bids to be opened at the regular council meeting on July 15, 1975, at 8:00 P.M. Also mentioned was to hire a carpenter and electrician to install the material. This motion was seconded by Councilman Casebolt and passes by unanimous vote. It was agreed this would be paid for out of Revenue Sharing Funds.

NEW BUSINESS

Mayor Gibson announced that he would like to appoint a new member to the Library Commission to fill the unexpired term of Mr. David Hart who was recently appointed as Councilman of the First Ward. His choice for the appointment was Mr. Kenneth C. Scott of 107 Norwood Road, Nitro, West Virginia.



Mayor Gibson read a letter from Mr. Joseph S. Jones, State Highway Engineer of Construction, regarding the installation of a traffic light at the intersection of Route 25 and 40th Street in Nitro. With the letter was a Resolution and an Agreement to be signed by the Mayor. Mr. Frank Armada, City Attorney, explained that the agreement is a standard contract which the Department of Highways uses with the installation of highway traffic control devices. It simply outlines the responsibilities of the state and the City in reference to the installation and maintenance. Mr. Tom Melton, City Recorder, read the title of the Resolution as follows:

RESOLUTION BY THE COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE WEST VIRGINIA DEPARTMENT OF HIGHWAYS WITH REGARD TO THE ESTABLISHMENT AND MAINTENANCE OF TRAFFIC CONTROL DEVICES WITHIN THE MUNICIPAL LIMITS OF THE CITY OF NITRO, WEST VIRGINIA.

A copy of the same is attached hereto and made a part hereof.

Councilman Casebolt made a motion that the Resolution be adopted. Councilman Hill seconded the motion. All present voted in favor of approval.

RECORDER, TOM MELTON: No new business.

COUNCILMAN VERNON CASEBOLT: Councilman Casebolt wanted to know if the City of the State were responsible for correcting the high berm left along Blake Road just below the dam when the road was repaved, and also who would be liable in case an accident resulted from this. Mr. Frank Armada stated that it was the responsibility of the State to maintain this road. Mayor Gibson asked Mr. Armada to write a letter to the Department of Highways concerning this matter. Mr. Armada suggested that the City install a sign to warn drivers of the potential danger. Councilman Casebolt made a motion that two signs be installed to warn approaching motorists of the danger. The motion was seconded by Councilman at Large Tidquist and the vote of approval was unanimous.

Councilman Casebolt presented to Council a petition signed by nineteen residents of Washington Avenue between Smith and Ash Streets. After some discussion, Councilman Casebolt made a motion that the earlier vote on renumbering of Washington Avenue be repealed and no action taken until City Council studies the matter further. Councilman at Large Tidquist seconded the motion. The vote of approval was unanimous.

Councilman Casebolt stated that he would like to have this matter referred to the Street Numbering Committee, and if possible have a report back for the next council meeting.

COUNCILMAN AT LARGE DR. R.V. ALLEN: No new business.

COUNCILMAN PAUL HILL: No new business.

COUNCILMAN AT LARGE HUGO TIDQUIST: Councilman at Large Hugo Tidquist reported that the residents of Hulbert Heights and Cochran Circle would like to have street signs erected at the intersection of 40th Street Road. He made a motion that this be

done. The motion was seconded by Councilman Casebolt. The vote of approval was unanimous.

Councilman at Large Tidquist reported on the Recreation Committee stating that the pool had been closed one day because of too much iron in the water, and one day because of a burned out motor, which had been repaired. Mr. Tidquist reported that the City does not have a standby motor for the pump at the pool, and he thought it would be a good idea to buy one. Councilman Casebolt made a motion that the recommendation be followed and a motor be purchased. Mr. Tidquist added that the Recreation Department had purchased a scale for the chlorine cylinders at the pool. This was required by the health department. Councilman at Large Tidquist seconded the motion made by Councilman Casebolt. All present voted in favor.

Councilman Casebolt stated that he would like for the Recreation Department to purchase five additional sets of oars for the fishing boats at Ridenour Memorial Park.

Councilman Casebolt made a motion that the meeting be adjourned. The motion was seconded by Councilman Hill. The motion carried.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Recorder

RESOLUTION BY THE COUNCIL OF THE CITY OF NITRO, WEST VIRGINIA, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE WEST VIRGINIA DEPARTMENT OF HIGHWAYS WITH REGARD TO THE ESTABLISHMENT AND MAINTENANCE OF TRAFFIC CONTROL DEVICES WITHIN THE MUNICIPAL LIMITS OF THE CITY OF NITRO, WEST VIRGINIA.

BE IT RESOLVED BY THE CITY OF NITRO, PUTNAM COUNTY, WEST VIRGINIA, AS FOLLOWS:

1. That the duly and legally authorized and constituted official of the City of Nitro, West Virginia, be and he is hereby authorized to execute, acknowledge and deliver on behalf of the City an agreement with the West Virginia Department of Highways with regard to the establishment and maintenance of traffic control devices within its corporate limits, a copy of which agreement is attached hereto and made a part hereof.

2. Resolved further that the City Clerk or Recorder do properly attest the signature of said official and affix the seal of the City to said agreement.

On motion duly made by \_\_\_\_\_ and seconded by \_\_\_\_\_, the City Council of Nitro, West Virginia, does hereby approve and authorize the adoption of said resolution.

STATE OF WEST VIRGINIA

COUNTY OF PUTNAM

MUNICIPALITY OF NITRO

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

CITY CLERK AND RECORDER

A G R E E M E N T

THIS AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by and between the West Virginia Department of Highways, a corporation, hereinafter designated "Department," party of the first part, and the City of Nitro, a municipal corporation, Putnam County, West Virginia, hereinafter designated as "City," party of the second part,

WITNESSETH

THAT WHEREAS, Department and City have mutually agreed with respect to the installation of a traffic signal at the intersection of WVA Route 25 and County Route 25/2 (40th Street) in Nitro, and

WHEREAS, pursuant to the terms and provisions of the Official Code of West Virginia, 1931, as amended, Chapter 17, Article 2A, Section 8, Subsection 32, and Chapter 17C, Article 3, Sections 1, 2 and 3, at seq., the Commissioner of the West Virginia Department of Highways has the power and authority to enter into the said agreement for the placing and maintaining of traffic control devices and signs on State highways, and

WHEREAS, by resolution bearing date the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the Council of the City of Nitro, have authorized and directed the proper authorities to execute, acknowledge, and deliver an agreement on behalf of said City, setting out the terms and conditions thereof, a copy of which resolution is affixed to this agreement and made a part hereof, and

WHEREAS, Department and City are desirous of cooperating in the adoption of rules, regulations, stipulations and conditions in order to establish their mutual responsibilities and obligations with regard to the future maintenance and operation of said traffic signal,

NOW, THEREFORE, THIS AGREEMENT FURTHER WITNESSETH, that in consideration of the mutual covenants herein entered into and the mutual benefits to be derived by the parties hereto, said Department and City do hereby agree as follows:

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It is agreed that the duties and responsibilities with regard to this agreement insofar as Department is concerned shall consist of the following:

1. Pay 100 percent of the total cost of the installation of the traffic signal system.
2. Let a contract for the construction of the proposed traffic signal system.

It is further agreed that the duties and responsibilities of City with regard to this agreement shall consist of the following:

1. Properly perform all maintenance on the installation.
2. Pay for the continuing power cost for the traffic signal system.
3. In no way alter or remove any part of the traffic signal system without prior approval of the Department.
4. Permit the placing on City property of any pole, signal, sign supports, or any other appurtenances necessary for the completion of the project.
5. Reimburse the Department for any maintenance work or repair work that must be done by the Department when the work is beyond the capabilities of the City.
6. To enact appropriate legislation and/or regulations necessary to accomplish the purposes of this agreement and to enforce same.

IN WITNESS WHEREOF, West Virginia Department of Highways, a corporation, has caused its corporate name to be signed hereto by its Commissioner, W. S. Ritchie, Jr., and its corporate seal to be affixed hereto by its Executive Secretary, Edward H. Post, both officials thereunto duly authorized, and IN WITNESS WHEREOF, the City of Nitro, a municipal corporation, has caused its corporate name to be signed hereto by its Mayor and its corporate seal to be affixed hereto by its City Clerk, having been duly authorized under and by

ATTORNEY LEGAL DIVISION  
WEST VIRGINIA DEPARTMENT  
OF HIGHWAYS



NITRO CITY COUNCIL MEETING

JULY 15, 1975

The regular meeting of the Nitro City Council was held in the Council Chambers on July 15, 1975 at 8:00 P.M. Present for the meeting 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 David Hart, Councilman Paul Hill, Councilman Vernon Casebolt, Councilman Thomas Lilly.

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

APPROVAL OF MINUTES: JULY 1, 1975 COUNCIL MEETING: Mayor Gibson stated that each member had received in the mail a copy of the minutes of the previous meeting and had been given an opportunity to review them. Councilman Casebolt made a motion that the minutes be approved. Councilman Hill seconded the motion. The motion passed by unanimous vote.

APPROVAL OF FINANCIAL STATEMENT FOR JUNE, 1975: Recorder Melton, Chairman of the Finance Committee, stated that all councilmen had been given a copy of the statement. Melton stated that the balance for the end of June 1975 was \$54,756.77. Councilman Lilly asked Recorder Melton if he could get the Financial Statement out any earlier? Melton stated that he was trying to get it out earlier but that it was a problem at times to get it out any earlier. Councilman at Large Tidquist asked if the Finance Statement could be held until next Council meeting? Mayor Gibson stated that it could if Council so desired. It was decided to delay approval until the next Council meeting.

BIDS OPENED FOR WIRING & BATH ROOM REPAIRS FOR FIRE DEPARTMENT PLUS MUNICIPAL SERVICE OFFICE AND ENCLOSED WINDOWS AT CITY HALL: Councilman Hill, Chairman of the Building and Planning Committee stated that there was one bid on the material and it was from Southern Supply of Nitro. Councilman Hill stated that the bid from Southern Supply for the material was \$3,468.21. This bid does not include the exterior of City Hall for the moulding around the windows which would be purchased directly from Central Glass of Charleston for \$700.00. With this amount added on to the original figure it makes the total \$4,168.21 stated Councilman Hill. This figure covers the Fire Department restrooms, exterior of City Hall, the Municipal Service Office. Councilman Casebolt stated that this bid did not include the power because it was not that much. He stated that all the remodeling material except the box and the rewiring of the fire department would be included in the total figure. Councilman at Large Priddy asked how the labor would be handled? Councilman Hill stated that the City would hire a carpenter and helper plus and electrician to do the work at the going rate. Councilman Hill stated that the money would be coming out of Revenue Sharing money. Recorder Melton stated that some of the money left over from last years Revenue Sharing money would be used first. Councilman Hill made a motion that the City purchase the material for the remodeling. Councilman at Large Tidquist asked if that meant to accept the bid from Southern Supply? Councilman Hill stated yes that this was the only bid received and that we should accept it. Councilman at Large Dr. Allen seconded the motion on purchasing the material. The vote of approval was unanimous.

STREET NUMBERING, WASHINGTON AVENUE: Councilman at Large Priddy stated that he was absent last meeting and that he didn't know what was going on with the



matter and that he would like to meet with the Ward Councilman and discuss this matter. Councilman at Large Priddy stated that after he talked with the Ward Councilman he would call a committee meeting to settle this problem.

Mayor Gibson stated that the specifications for the Maintenance Garage were being advertised. Councilman Casebolt stated that the specifications were here and if anyone wanted to see them they could. The bids will be opened and read aloud at the next council meeting.

Mayor Gibson stated that he had talked with Mr. Robert Dodd of the Oil and Gas Division of the Department of Mines and that Mr. Dodd would like for the City to write a letter stating that the City would be responsible for the repairs to the street damaged by the repairing of the gas leak in the Fenton Circle and Main Avenue area. Councilman at Large Dr. Allen made a motion that the letter be written. Councilman Casebolt seconded the motion. The vote of approval was passed by unanimous vote.

Mayor Gibson stated that he had a petition from the citizens of the Riverdale Acres area concerning the bank erosion. The petition stated that the City should take immediate action on adopting the Resolution directed by the Army Corp. of Engineers to prevent and retard bank erosion which is deminishing the Kanawha River Banks. Councilman at Large Dr. Allen made a motion that Council accept the petition and write a Resolution to this effect. Councilman Casebolt seconded the motion. The vote of approval was passed by unanimous vote.

Mayor Gibson stated that he had received a letter from the Michie City Publishing Company concerning the completion of the editorial work on the Nitro City Code.

Mayor Gibson stated that he had received a letter from Mel Pennington asking Council to pass a Resolution to make August 16, 1975 as "Band Day" in the City of Nitro. Councilman Casebolt made a motion that this be passed. Councilman Lilly seconded the motion. The vote of approval was unanimous.

Mayor Gibson stated that Award Contracts were given this week for upgrading the Sanitary Sewer Plant and also the installation of Sanitary Sewer Lines in the Riverdale Acres area and 40th Street Road area. One contract was awarded to the Union Boiler Company for the construction of the wastewater treatment plant and the pump stations. The other contract was awarded to Kenneth M. Dunn for the interceptors and collection lines to be laid.

#### COMMITTEE REPORTS:

COUNCILMAN AT LARGE HUGO TIDQUIST: Councilman at Large Tidquist stated that there was a Recreation Committee meeting last Thursday evening. Councilman Tidquist stated that Stephen Mullins should be congratulated on all the good work he has done for the City of Nitro. Councilman Casebolt stated that the fireworks and the 4th of July celebration was a great success.

Councilman at Large Tidquist stated that on East 31st Street the street is real narrow and some people have driveways that are being blocked by cars on the other side of the street. Councilman at Large Tidquist stated that maybe signs should be put up stating no parking by these driveways. Councilman at Large Tidquist also stated that there is a small piece of road connecting 31st Street East and Easter Road that needs to have gravel put down in case of an emergency. Councilman

PETITION TO THE CITY COUNCIL  
OF THE CITY OF NITRO, KANAWHA AND PUTNAM COUNTIES  
WEST VIRGINIA

We the undersigned property owners whose lands are situate within the City of Nitro, Kanawha and Putnam Counties, West Virginia upon the bank of the Great Kanawha River do hereby petition the City Council of the City of Nitro, Kanawha County and Putnam County, West Virginia to adopt by proper and lawful means a Resolution directed to the Army Corp of Engineers directing that it take immediate and proper action to prevent and retard the serious problem of bank erosion which is diminishing, dispoiling and destroying the river banks and adjacent property all to the detriment of said property owners and the residents of the City in general.

Thelma G. Raynes  
Ray Michaelson  
Dorothy E. Michaelson  
Clarence Michaelson  
William H. Monk  
Norma Monk  
C. Herman Zeigler  
Pussy W. Zeigler  
Mr. & Mrs. C. C. Caldwell  
Mrs. Mary Donovan O'York  
Mrs. Virginia McLemore  
Mr. & Mrs. Harold B. Thomas  
Donald & Nancy Frazier

713 Kanawha Ave So.  
712 Kanawha Ave. So. Nitro  
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716 Kanawha Ave So Nitro  
716 Kanawha Ave. So.  
714 Kanawha Ave So  
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715 KANAWHA AVE. SO.  
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at Large Tidquist made a recommendation for the City to fix the road. Mayor Gibson stated that maybe this should be put into the Street and Traffic Committee until next council meeting. Councilman at Large Tidquist made a motion that this matter be put in the committee. Councilman Casebolt seconded the motion. The vote of approval was unanimous.

COUNCILMAN THOMAS LILLY: No committee reports.

COUNCILMAN PAUL HILL: Councilman Hill stated that the Ambulance Service from St. Albans came to the scene of an emergency in Nitro and in 70 seconds they had the man and were gone. Councilman Hill stated that he had sent a postcard to the Temcorp Corporation about a dome to be placed over the swimming pool so the City could use it year round. Councilman Hill stated that he would like for someone to take this and get more information about this matter. Councilman Hill also stated that he would like to challenge someone to look into getting a miniture golf course erected in the City of Nitro.

COUNCILMAN DAVID HART: No committee reports.

COUNCILMAN AT LARGE DR. R.V. ALLEN: Councilman at Large Dr. Allen stated that if anyone had any complaints about the bug misting being done by the Health Department should call City Hall and give their suggestions. He stated that the man operating the equipment is trying to do a good job.

Councilman at Large Dr. Allen stated that a new door had been put on the library.

Councilman at Large Dr. Allen stated that he had received a lot of compliments concerning the traffic cop on 19th Street and the plant road area.

COUNCILMAN AT LARGE KEITH PRIDY: No committee reports.

COUNCILMAN VERNON CASEBOLT: Councilman Casebolt stated that on Washington and Dogwood Streets the curb is broken out and the water is washing around the drain and it is causing a problem. Councilman Casebolt stated that he would like Gene Williams check this problem.

Councilman Casebolt stated that he would like for Stephen Mullins to purchase an electric horn to use at Ridenour Memorial Park by the boat attendants so they can communicate with the people out in the boats.

Councilman at Large Tidquist asked why there was not a sign in front of the Library? Councilman Hart stated that he had contacted a sign painter but it was recommended that it be brought in with the overall remodeling plans for the Library. Mayor Gibson stated that in the mean time he would have a couple of small signs erected.

Councilman Casebolt made a motion that the meeting be adjourned. Councilman Hill seconded the motion. The vote passed.

Wm. D. Gibson  
Mayor

Tom Melton  
Recorder



## NITRO CITY COUNCIL MEETING

August 5, 1975

The regular meeting of Nitro City Council was held August 5, 1975, at 8:00 P.M. in the Council Chambers. Those present were Mayor William D. Gibson, City Recorder Tom Melton, Councilman at Large Hugo Tidquist, Councilman at Large Keith Priddy, Councilman Thomas Lilly, Councilman David Hart and City Attorney Frank Armada. Absent were Councilman at Large Dr. R. V. Allen, Councilman Vernon Casebolt and Councilman Paul Hill.

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

APPROVAL OF MINUTES, JULY 15, 1975 COUNCIL MEETING: Mayor Gibson reminded Council 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 Thomas Lilly made a motion for approval of the minutes. The motion was seconded by Councilman David Hart. The vote of approval was unanimous.

APPROVAL OF JUNE 1975 FINANCIAL STATEMENT: Mayor Gibson stated that all councilmen has received a copy of the financial statement and had been given an opportunity to review it. Mr. Tom Melton, City Recorder and Chairman of the Finance Committee, explained that one small correction had been made on the statement, with a copy of the correction being mailed to all councilmen. This was in the Revenue Sharing Checking Account. Part of the Social Security Deductions had been posted in the wrong place, but has been corrected. Councilman at Large Hugo Tidquist made a motion that the financial statement be accepted as corrected. Councilman David Hart seconded the motion. The motion carried with Councilmen Hart and Tidquist and City Recorder Melton voting for approval. Councilmen Lilly and Priddy opposed.

JULY 1975 FINANCIAL REPORT: Mr. Tom Melton, Chairman of the Finance Committee, gave the following report:

Balance July 1, 1975	\$ 54,756.77
Receipts for the month of July	39,263.11
Disbursements for July	44,739.80
Balance July 31, 1975	49,280.08

SEALED BIDS TO BE OPENED FOR CONSTRUCTION OF MAINTENANCE GARAGE: Six bids had been received. These were given to the Councilmen for opening and were read as follows:

C. A. Branham, Inc.	\$ 330,620.00
Earl T. Browder, Inc.	273,425.00
Robert E. Agsten, Inc.	237,470.00
E. L. Harris & Son, Inc.	236,656.00
Union Boiler Company	243,974.00
Meade Construction Co., Inc.	199,440.00

Mayor Gibson stated that the apparent low bidder was Meade Construction Company, and he asked Councilman at Large Priddy to read a break down of the bid by sections which was given as follows:

Section 1, Maintenance Garage	152,814.00
Section 2, Site work	12,324.00
Section 3, Base course	15,876.00
Section 4, Chain Link Fence	11,191.00
Section 5, Bituminous concrete paving	2,117.00
Section 6, Portland cement concrete paving	1,325.00
Section 7, Fuel tanks	3,793.00

Councilman Lilly asked about the amount of money the city has set aside for this project. He was informed the amount was approximately \$110,500.00. After some discussion, Councilman David Hart made a motion that this be referred to Building and Finance Committees for study both in terms of the break-down of the bids and also the financial situation regarding this. The motion was seconded by Councilman Lilly and passed by unanimous vote.

STREET NUMBERING WASHINGTON AVENUE: Councilman Keith Priddy, Chairman of the Street Light, Street Numbering and Street Sign Committee, stated that he had talked with Councilman Casebolt after the last council meeting and has also spoken with the acting postmaster and the route delivery man on Washington Avenue. He stated that the Committee's recommendation is that the numbers on Washington Avenue remain as they have been and that the two new houses be assigned numbers 1A and 1B. He made a motion that this be done. The motion was seconded by Councilman David Hart. The vote of approval was unanimous.

UP-GRADING OF ONE SECTION OF EAST 31ST STREET: In the absence of Councilman at Large Dr. Allen, Chairman of the Street and Traffic Committee, Mayor Gibson recommended that this be left in committee until next council meeting.

RESOLUTION ON RIVER BANK EROSION: Mr. Tom Melton, City Recorder, read the following resolution:

WHEREAS, the common Council of the City of Nitro, Putnam and Kanawha Counties, West Virginia, has received a Petition executed by twenty-six (26) property owners abutting the great Kanawha River within the City of Nitro, Putnam and Kanawha Counties, West Virginia; and

WHEREAS, said Petition declares that the said property owners are being subjected to a loss of their river front property by river erosion; and

WHEREAS, the Council is of the opinion that this is a serious and dangerous condition which should be remedied.

WHEREFORE, BE IT RESOLVED that the Mayor of the City of Nitro is hereby directed and empowered to contact the Army Corp of Engineers, who have lawful jurisdiction over said river, and to direct them to take immediate and proper action to prevent the continued erosion of the river bank and be it further resolved that the Mayor is hereby directed to inform said Army Corp of Engineers that the Mayor and Council will co-operate with the Army Corp of Engineers in any manner in which it is requested to aid the said Army Corp of Engineers in alleviating and remedying the situation and to prevent further loss to the citizens affected.

Councilman Lilly made a motion that the resolution be accepted. The motion was seconded by Councilman Hart and approved by unanimous vote.

RESOLUTION IN SUPPORT OF THE NITRO HIGH SCHOOL BAND: Mr. Tom Melton, City Recorder, read the following resolution:

WHEREAS, the Nitro High School Band has accepted an invitation to participate in the Bicentennial Celebration at Disney World, Florida; and

WHEREAS, the Nitro High School Band must raise Twenty Thousand Dollars (\$20,000.00) to pay for it's trip to Disney World; and

WHEREAS, the common Council of the City of Nitro, Putnam and Kanawha Counties, West Virginia, is of the opinion that said trip would be in the best interest of said band members and promote the recognition of the City of Nitro; and

WHEREAS, said Council desires to aid and assist the Nitro High School Band in the raising of said funds.

WHEREFORE, BE IT RESOLVED that there is hereby declared "Band Day" to be held and on the 16th day of August, 1975, in order that activities may be held and had by said band to raise the aforesaid sum to finance the band's trop to Disney World and be it further resolved that the common Council of the City of Nitro, Putnam and Kanawha Counties, West Virginia, does hereby urge each and every one of it's citizens to contribute, support and promote the "Band Day" activities.

Councilman Thomas Lilly made a motion that the resolution be accepted. The motion was seconded by Councilman at Large Priddy and approved by unanimous vote.

NEW BUSINESS AND COMMITTEE REPORTS: Mayor Gibson read a letter from Mr. David A. Reisdorf of Gannett Fleming Corday & Carpenter, Inc., regarding the revised Special Flood Hazard Boundary Map for the City of Nitro. The map was passed to Councilmen, who agreed it seemed to be in order. A copy of the letter is hereto attached and made a part hereof.

Mayor Gibson also read a letter from Mr. Charles J. Lieberth, Area Director, Department of Housing and Urban Development, Pittsburgh, Pennsylvania, which confirmed recipt of an application from the City of Nitro for funds from the Community Development Block Grant Metropolitan discretionary funds. A copy attached hereto and made a part hereof.

Another letter read by the Mayor was one written to Mr. Charles Saber, Chief Sanitarian, Kanawha-Charleston Health Department, regarding sewage problems on Red Oak Street in Nitro. In the letter the Mayor stated that unless the area was annexed into the City of Nitro, the Sanitary Board should not extend services to the area. The Mayor recommended that this matter be give to the Annexation Committee for further study.

A letter from the Woman's Club of Nitro asked permission to solicit area merchants for aid in projects connected with the Antique Car Show. Councilman Thomas Lilly made a motion that permission be granted. Councilman at Large Priddy seconded the motion. All present voted in favor.

A letter from Mr. Ray Ashworth of St. Albans asked permission to set up mist nets to catch barn swallows and purple martins for banding and study of migration. Councilman at Large Keith Priddy made a motion that permission be granted. Councilman David Hart seconded the motion. The vote of approval was unanimous.

Mayor Gibson stated that he had talked with Mr. L. F. Pomykata, of the Appalachian Power Company regarding the lights for Ridenour Memorial Park. Mr. Pomykata will try to have a definite answer for the City by next Council meeting.



COUNCILMAN AT LARGE HUGO TIDQUIST: Councilman at Large Tidquist had no committee reports, but he did bring before Council the possibility of purchasing a small portable concrete mixer for use by the Street Department, to be used on the present city tractor. The price would be in the neighborhood of \$800.00 or \$900.00. He stated that many times the Street Department must order more concrete than it needs because the ready-mix companies do not supply small amounts of concrete. Councilman at Large Tidquist had literature and prices for consideration by the other councilmen. Mayor Gibson suggested this be given to the Street and Traffic Committee for further study, because Mr. Gene Williams stated that he estimated that the mixer would pay for itself in one (1) year.

COUNCILMAN THOMAS LILLY: Councilman Lilly had no committee reports, however, he did bring before Council a problem existing in the Riverdale Acres area of the city. Several residents of the area were attending the council meeting to protest proposed line changes for the new sewer construction in their area. Councilman Lilly stated that the group wanted to know why the sewer line could not be built on the original line that was surveyed and engineered and for which the residents had signed right-of-way agreements. The Mayor stated that the possibilities were good that the original line would have to be followed. He also stated that Mr. Hayne had told him that no final decision had been reached.

Mr. Frank Armada asked about the type of right-of-way agreements signed; if they had stated actual footage, etc., or were just general right-of-way across the property. The residents stated that they had shown the amount of right-of-way required and location. Mr. Armada stated that if they showed actual locations, then this could not be changed without a new agreement being signed. He also stated that he would try to get copies of these agreements for them.

After further discussion the Mayor offered to have a meeting with the residents, Councilman Lilly, Mr. Hayne, and City Attorney Mr. Armada, in an effort to reach a final decision on this. The Mayor's secretary placed a call to Mr. Hayne to see if a time could be set for the meeting. Mr. Hayne was not at home and could not be reached by telephone.

Councilman Lilly again stated that the majority of the people in that particular area wanted the line to go where it was originally planned, and it seems logical to do this. Councilman Lilly suggested that the engineer be contacted to ascertain if the original line can be followed, and if for some reason it could not be, then a meeting could be arranged. The Mayor asked that each one of the group sign his name and telephone number on a sheet of paper so they could be contacted. Councilman Lilly thanked the group for coming to Council Meeting.

COUNCILMAN DAVID HART: Councilman Hart stated that he had two preliminary sketches of the plans for remodeling the Nitro Library, one done in pebbleboard and one in brick. He also had samples of pebbleboard. He made a motion that the two preliminary sketches and the samples of material be referred to the Building and Planning Committee, with input from the Library Committee and the Library Commission. The motion was seconded by Councilman at Large Keith Priddy and approved by unanimous vote.

COUNCILMAN AT LARGE KEITH PRIDDY: No committee reports.

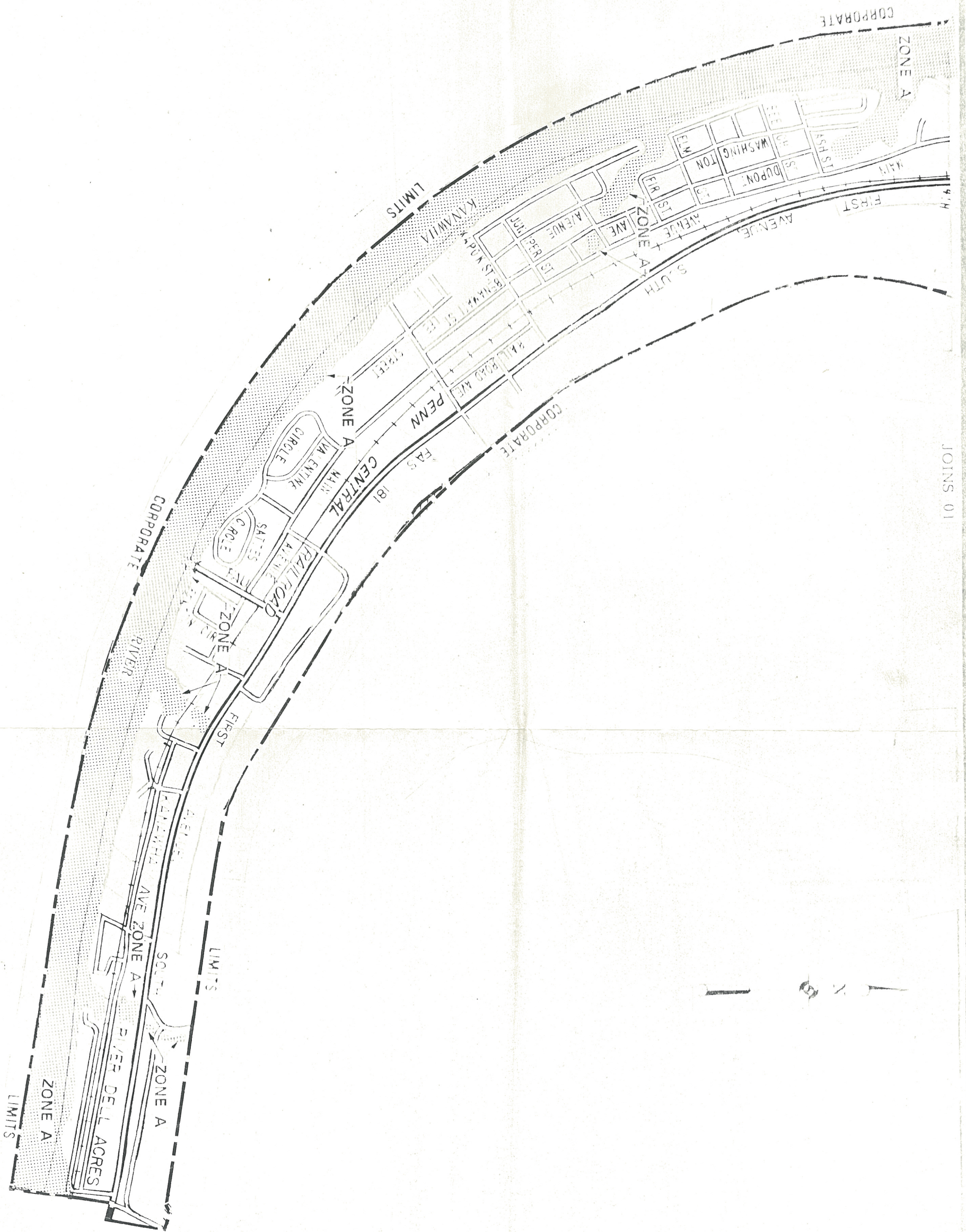
RECORDER TOM MELTON: No new business.

Councilman at Large Keith Priddy made a motion for adjournment. The motion was seconded by Councilman Lilly. The motion carried.

Wm. D. Gibson      Tom Melton







JOINS 01

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
Federal Insurance Administration  
CITY OF NIRO, WV  
(KANAWHA CO)

500 0

APPROXIMATE SCALE  
1000 2000

3000 4000

FIA FLOOD HAZARD BOUNDARY MAP  
No. 1102

Map Revised

MARCH 15, 1974





DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
Federal Insurance Administration  
CITY OF NIHO WV  
(KANAWHA CO)

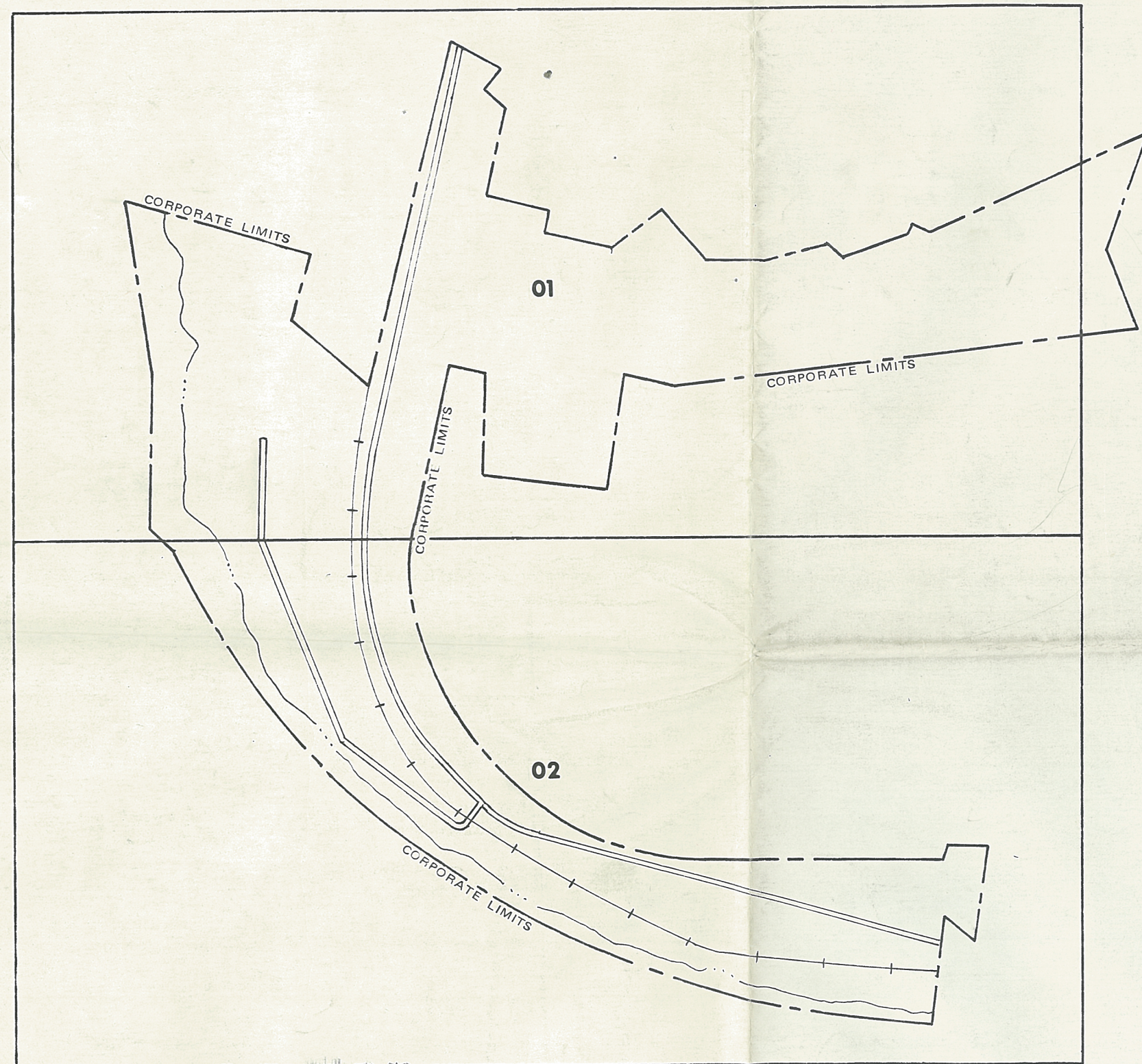
500 0

APPROXIMATE SCALE  
1000 2000 3000 FEET

FIA FLOOD HAZARD BOUNDARY MAP  
No. H 01

Map Revised  
MARCH 15, 1974





LEGEND

SPECIAL FLOOD HAZARD  
AREA WITH  
DATE OF IDENTIFICATION  
ie., 12/2/73



Note: These maps may not include all Special Flood Hazard Areas in the community. After a more detailed study, the Special Flood Hazard Areas shown on these maps may be modified, and other areas added.

CONSULT NFIA SERVICING COMPANY OR LOCAL INSURANCE AGENT OR BROKER TO DETERMINE IF PROPERTIES IN THIS COMMUNITY ARE ELIGIBLE FOR FLOOD INSURANCE.

INITIAL IDENTIFICATION DATE:

MARCH 15, 1974

ATTENTION: To expedite the revision of this map, please review promptly and make all comments immediately known to Mr. Edward Bricker or Mr. John Tomochik. Please call collect: 717-238-0451 Ext.376 or 374.

Thank you

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
Federal Insurance Administration

FLOOD HAZARD BOUNDARY MAP H - 01-02

MAP INDEX

CITY OF NITRO, WV  
(KANAWHA CO.)

COMMUNITY NO.

PRELIMINARY





DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
PITTSBURGH AREA OFFICE  
TWO ALLEGHENY CENTER  
PITTSBURGH, PENNSYLVANIA 15212

REGION III  
Curtis Building  
6th, and Walnut Streets  
Philadelphia, Pennsylvania 19106

JUL 28 1975

IN REPLY REFER TO:

3.1CM

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

Dear Mayor Gibson:

This letter confirms that your previously submitted full application for Community Development Block Grant Metropolitan discretionary funds is being held by this office. All full applications received by September 30, 1975 will be jointly reviewed and evaluated as to conformance with HUD CDBG regulations, and to determine which applications best meet established priority criteria.

We will be in touch with you again as soon as possible after September 30. Should you have any questions in the interim, please call your Community Development Representative.

Sincerely,

Charles J. Lieberth  
Area Director

Dy

cc: Carl Bradford - Office of Federal State Relations  
Benjamin F. Howatt - BCKP Regional Intergovernmental Council

**GANNETT FLEMING CORDDRY AND CARPENTER, INC.**  
**ENGINEERS**



P. O. BOX 1963  
HARRISBURG, PENNSYLVANIA 17105  
PHONE: 717 238-0451

CABLE ADDRESS: GANFLEC

July 18, 1975

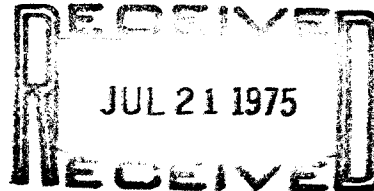
MARCELLO H. SOTO  
HAROLD T. WADDINGTON  
FRANK J. DONATELLI  
JAMES R. MADARA  
HERMAN R. STARTZENBACH  
JOHN E. WATERS  
PHILIP P. AMPOLLINI  
GILBERT G. BRINCKERHOFF  
JAMES L. LONG  
ANTON F. MIORIN  
RAY F. STAUFFER  
F. JAMES KNIGHT  
C. KENNETH MYERS  
PAUL E. PAUL  
GEORGE H. SMITH  
ROBERT J. DIETZ  
RONALD J. DRNEVICH  
RUSSELL S. KLINGENSMITH  
EDWARD W. MONROE

W. HOWARD CORDDRY  
JOHN R. DIETZ  
CHARLES H. KRESSLER  
SAMUEL I. ZACK  
JAMES A. ROMANO  
CECIL M. PEPPERMAN  
MAURICE A. WADSWORTH  
H. BRUCE GERBER  
GEORGE BURGIN  
WALTER K. MORRIS

PERRY C. SNYDER  
ALBERT C. HOOKE  
JAMES H. HERENDEEN  
WILLIAM G. DRURY  
J. DOUGLASS BERRY  
CHARLES W. PICKERING  
WILLIAM H. ALLEN  
JOSEPH W. LIPSCOMB

City of Nitro  
Box 515  
Nitro, WV 25143

Attention William Gibson



Subject: Revised Special Flood Hazard Boundary  
Map for City of Nitro, WV

Gentlemen:

Enclosed herewith is a copy of the revised Special Flood Hazard boundary Map for the subject community. Please review and return it if you feel changes are necessary.

If we do not hear from you within two (2) weeks, we will assume that the map was correct, and we will submit it to the Federal Insurance Administration.

If you have any questions concerning this matter, please call at your convenience.

Very truly yours,

GANNETT FLEMING CORDDRY AND CARPENTER, INC.

DAVID A. REISDORF  
Engineer, Hydraulic Division

DR/kr

Enclosure

cc: File 6259

ATTENTION: To expedite the revision of this map, please review promptly and make all comments immediately known to Mr. Edward Bricker or Mr. John Tomochik. Please call collect: 717-238-0451 Ext. 376 or 374.

Thank you



## NITRO CITY COUNCIL MEETING

AUGUST 19, 1975

The regular meeting of Nitro City Council was held in the Council Chambers on August 19, 1975, 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, Thomas Lilly; Councilman, Paul Hill; Councilman, Vernon Casebolt and City Attorney, Frank Armada. Councilman David Hart is on vacation. The meeting was called to order by Honorable Mayor William D. Gibson.

APPROVAL OF MINUTES AUGUST 5, 1975, MEETING: Mayor Gibson mentioned that all council members had received a copy of the minutes in the mail and had been given an opportunity to review them. Councilman Lilly made a motion for approval of the minutes. The motion was seconded by Council at Large Priddy and passed by unanimous vote.

APPROVAL OF JULY 1975 FINANCIAL STATEMENT: City Recorder Melton stated that the financial statement was not ready to be presented to Council because he had been on vacation, he asked that this be tabled until next council meeting.

UP-GRADING OF ONE SECTION OF EAST 31st STREET: Councilman at Large Tidquist gave the following report for the Street and Traffic Committee, as Dr. Allen had been on vacation. He stated that the section of road being discussed had been open and used as a road at one time. He felt that grading, ditching, and adding gravel could make the road usable again. The distance to be up-graded would be between 200 and 300 feet. Mayor Gibson stated that Mr. Hayne, the city engineer, says there is a right-of-way through the area. Councilman at Large Tidquist made a motion that this road be up-graded provided money is available for this. The motion was seconded by Councilman at Large Dr. Allen. When questioned about the cost, Councilman Tidquist stated that he did not know the amount, but that the work would be done with city employees. The vote for approval of the motion was unanimous.

BID TABULATION - CITY MAINTENANCE GARAGE: Councilman Hill, Chairman of the Building and Planning Committee, stated that copies of the bid tabulation and the letter from Appalachian Engineers had been given to the councilmen. The low bidder was Meade Construction Company, Inc., of Catlettsburg, Kentucky, and the building manufacturer was Gulf States. Councilman Hill stated that there was some question about the amount of money available for completion of this project. The City presently has \$110,000.00 allocated, and the low bid is \$199,440.00. Mr. Hill explained several alternatives for the additional money. Mayor Gibson suggested that this be held in committee for another two weeks until the Building and Planning Committee and the Finance Committee have a chance to discuss the alternatives. Councilman Casebolt made a motion that this be kept in committee for study. The motion was seconded by Councilman Hill and passed by unanimous vote.

RIGHT OF WAY FOR SEWER, WARD IV: Councilman Lilly stated that a meeting had been held with the Sanitary Board and the residents of Ward IV. The residents were shown a map with the original line and the reason why the changes were necessary. This was approved, and there no longer is a problem.

EXTERIOR REMODELING PLANS, NITRO PUBLIC LIBRARY: Councilman Hill had sketches of the proposed remodeling of the exterior of the Nitro Library, which he passed around to the other members of Council. An open discussion followed and it was decided that the pebbleboard exterior was preferred over aluminum siding, the landscaping of the Library grounds should be done with the front to have two planters. Also to be included was identification of the building as a Library. Councilman Casebolt suggested that the Building and Planning Committee have the specifications and plans ready for Council approval by September 2, 1975, if possible.

NEW BUSINESS AND COMMITTEE REPORTS: Mayor Gibson reported that he had received a letter from Mr. Robert L. Sergent, County Supervisor, Farmers Home Administration, United States Department of Agriculture, Winfield, West Virginia, which gave in detail conditions to be met by the City before a loan application could be considered for the \$149,000.00 needed for the completion of the new sewer system. Mr. Frank Armada, City Attorney, stated that these are standard FHA conditions and regulations which we must comply with in order to receive FHA funds. He said there are about sixteen items involved and seven positions. He also said the Sanitary Board has reviewed this and will comply. Mr. Dennis Vaughan, attorney for the Sanitary Board, presented to Council a petition from the Sanitary Board requesting that Council pass an ordinance permitting the Sanitary Board to issue a maximum of \$149,000.00 in Sewage System Revenue Bonds for use in the completion of the new system. The petition reads as follows:

TO: THE CITY COUNCIL OF THE CITY OF NITRO

Comes now the Sanitary Board of the City of Nitro, West Virginia, by its Chairman, and does respectfully petition the City Council of the City of Nitro, West Virginia, to pass and enact a certain ordinance entitled:

"ORDINANCE AUTHORIZING THE ISSUANCE OF \$149,000.00 SEWERAGE SYSTEM REVENUE BOND, SERIES 1975, OF THE CITY OF NITRO TO FINANCE PART OF THE COSTS OF ACQUISITION AND CONSTRUCTION OF THE IMPROVEMENTS FOR EXISTING SEWERAGE SYSTEM OF THE CITY: DEFINING AND PRESCRIBING THE TERMS AND PROVISIONS OF THE BOND: PROVIDING GENERALLY FOR THE RIGHTS AND REMEDIES AND SECURITIES OF THE HOLDER OF THE BOND AND FOR A STATUTORY MORTGAGE LIEN UPON THE SEWERAGE SYSTEM: AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT."

The subject Ordinance is attached hereto and made a part hereof for all pertinent purposes.

Said Ordinance would authorize the issuance of \$149,000.00 in revenue bonds to be purchased by the Farmers Home Administration or a lesser sum of bonds if a lesser sum of monies is needed to complete the construction of the secondary sanitary sewage treatment plant and extensions for 40th Street and Riverdale Acres. Further, this Ordinance is in compliance with the Resolution of the Nitro City Council adopted and passed on the 5th day of June, 1975.

This Petition is submitted pursuant to the authorization of the Sanitary Board of the City of Nitro, West Virginia, at its regularly scheduled meeting held on August 14, 1975, after having reviewed the same in all of its particulars.

Nitro Sanitary Board

William D. Gibson  
Chairman

F. D. Bess  
Member

Attested:

Constance J. Stephens  
Secretary

Prepared By  
Dennis R. Vaughn, Jr.  
Council for the Nitro Sanitary Board  
450 Second Street  
St. Albans, West Virginia

Attached to the petition was a copy of the Bond Ordinance which Mr. Vaughan suggested be passed as first reading tonight. Mr. Greg Gorrell, Bond Counsel, explained that this ordinance is a standard bond ordinance used by bond attorneys around the State of West Virginia and will bring the City of Nitro into compliance with state statutes relating to the issuance of bonds. He also stated that he would be happy to answer any questions now, or at the second reading. Councilman Priddy asked if this would affect our present bonds. He was told no. Councilman Dr. Allen asked if this bond issue had been considered when the rate increase was applied for with the Public Service Commission. He was told yes. Mr. Frank Armada, City Attorney, recommended that we go ahead and have the first reading, and should amendments or changes be necessary, this could be done before adoption of the ordinance at the second reading. Councilman at Large Priddy made a motion to have the first reading tonight. The motion was seconded by Councilman at Large Dr. Allen. The motion carried by unanimous vote. Mr. Vaughan explained that the statute requires two publications. If this can be started immediately, it might be possible to have the second reading by the next council

meeting. A certain amount of time needs to be allowed between the publication and the second reading. Also the second reading is actually a public hearing, when any citizen may question the ordinance. City Recorder Melton read the title of the Bond Ordinance, as first reading, as follows:

CITY OF NITRO

ORDINANCE AUTHORIZING THE ISSUANCE OF \$149,000 SEWERAGE SYSTEM REVENUE BOND, SERIES 1975, OF THE CITY OF NITRO TO FINANCE PART OF THE COSTS OF ACQUISITION AND CONSTRUCTION OF IMPROVEMENTS FOR THE EXISTING SEWERAGE SYSTEM OF THE CITY; DEFINING AND PRESCRIBING THE TERMS AND PROVISIONS OF THE BOND; PROVIDING GENERALLY FOR THE RIGHTS AND REMEDIES AND SECURITIES OF THE HOLDER OF THE BOND AND FOR A STATUTORY MORTGAGE LIEN UPON THE SEWERAGE SYSTEM; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

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

Councilman at Large Dr. Allen made a motion that the ordinance be accepted as read and authorized for publication. The motion was seconded by Councilman at Large Tidquist, and passed by unanimous vote. A copy of the same is attached hereto and made a part hereof.

Mayor Gibson stated that he had received a letter from Ade Emergency Services, Inc., setting forth three proposals for providing ambulance service to the City of Nitro. Councilman at Large Dr. Allen made a motion that this be turned over to the Emergency Amulance Service Committee for their recommendations. This motion was seconded by Councilman Casebolt and passed by unanimous vote.

Mayor Gibson read a letter from Mr. Robert L. Dodd, Deputy Director, Oil and Gas Division, Department of Mines, State of West Virginia, concerning what needs to be done to cap the gas leak at the Fenton Circle area. The Mayor stated that this was discussed earlier. He asked that this letter be made a part of the minutes for this meeting, as requested by Mr. Dodd. Councilman Lilly made a motion that this letter be complied with so the work could get started. The motion was seconded by Councilman at Large Dr. Allen, and passed by unanimous vote. A copy of the letter is attached hereto and made a part hereof.

Mayor Gibson read a memorandum from Mr. Joseph Laughery of the Kanawha Charleston Health Department regarding his inspection of the property at 205 duPont Avenue. His inspection was in response to some complaints of the condition of the property. His memorandum does not recommend any solution, but merely states that the people living at this location are having a roach problem and there is a junk problem located in the back.

The Mayor stated that all the councilmen had received a letter from Steve Mullins regarding the meeting of the Bicentennial Commission. He stated that it was a very fruitful meeting, and he hoped to have more



## State of West Virginia

Department of Mines

Oil and Gas Division

Charleston 25305

August 5, 1975

Mayor William D. Gibson  
City of Nitro  
P. O. Box 515  
Nitro, West Virginia

Re: Gas Leak - Fenton Circle and Main Avenue Area

Dear Sir:

This will acknowledge receipt of your letter of July 31, 1975, along with a copy of the City Council Minutes of July 15, 1975.

After reading your letter and the paragraph in the minutes relative to this matter, it is apparent that I did not make myself perfectly clear. It is my opinion that the general public and the City Council should be made aware of the fact that repairing a gas leak of this type is more complex than merely repairing a pipeline.

I feel that it is very important that both you, and the City Council understand that the damages necessary to locate this leak could be considerable. There is a possibility that we would have to go to a depth of five to ten feet and this could result in a sizable portion of the street having to be excavated. Not only would the redrilling of the well be an inconvenience to the residents of the area (due to the noise and unpleasant odor), but Fenton Circle would have to be blocked from the first driveway to Main Avenue, for the time it took to find the well top, redrill and adequately plug the well, and reclaim the area, which would consist of filling, tamping and resurfacing. This could, under ideal conditions, take as long as sixty (60) days.

Mayor William D. Gibson  
August 5, 1975  
Page Two

*Would you please make this letter a part of your official minutes so that the City Council will be made fully aware of the fact that this project could entail considerable expense.*

*The contract bid is to be opened on August 9, 1975, at 2:00 p.m. However, I do not feel that it should be executed until the City Council is made aware of the situation and has an opportunity to act on this letter.*

*If you have any questions please don't hesitate to call me.*

Very truly yours,

A handwritten signature in dark ink, appearing to read "Robert L. Dodd". The signature is stylized with a large, looped "R" and a cursive "Dodd".

Robert L. Dodd, Deputy Director  
Oil and Gas Division

RLD/ljs

to report in the very near future.

Mayor Gibson read a short letter from the office of Dr. Scott of West Virginia State College regarding the attendance of the management workshop by Gene Williams, Director of Public Works.

Mayor Gibson introduced Mr. Paul Van Buren, Mr. Van Buren wanted to present some of the ideas discussed in a meeting of the business and Professional Men's Association on helping to alleviate some of the parking and traffic problems confronting Nitro businesses. His first question concerned the possibility of paving the parking area on the south side of First Avenue. He said he understood the City owned a strip between First Avenue and the railroad from 19th Street to 37th Street. He suggested the possibility of the business men paying part of the expense of this. Mr. Van Buren mentioned the problems of customers parking on the south side of First Avenue and trying to cross during heavy traffic. He asked about the possibility of a traffic light or police patrolmen assisting during heavy rush hour traffic. Mr. Van Buren stated that parking space on the north side of the street in some places has been purchased and up-graded by different individuals. Another suggestion was for the City to pave the parking area and lease space to businessmen. The Business Men's Association is interested in improving parking and traffic in order to make shopping in Nitro more appealing to customers. With the Putnam Village Shopping Plaza and the new mall opening soon in St. Albans something needs to be done. Another suggestion was a parking area for the businessmen and their employees in order to leave the downtown parking spaces for customers. Councilman at Large Priddy suggested an informal meeting between the Businessmen's Association and Council members to see what could be worked out.

Mr. Van Buren asked about the City putting trash cans in the area of his store. If it is impossible to have the large drums, how about the small green wire baskets bolted to telephone poles?

Mr. Van Buren's next question concerned the possibility of up-grading 40th Street. He was told 40th Street comes under the jurisdiction of the State Department of Highways.

Mr. Van Buren brought up for discussion the possibility of parts of Cross Lanes being annexed into the City of Nitro. He asked what would be necessary to start a petition for annexation. He was told the petition would have to originate with the citizens in the area making a petition to be annexed into Nitro. After a petition is presented to Council, then it can be studied. It was suggested he get legal counsel in drawing up a petition.

MR. TOM MELTON: No new business.

COUNCILMAN VERNON CASEBOLT: Councilman Casebolt asked whether the City or the West Virginia Water Company would be responsible for damage caused by water leaking from a spillway from their water tank to Blakes Creek. He was told this would be the responsibility of the water company.

Councilman Casebolt said he has received numerous calls and complaints about the speeding at the corner of Lock and Main Streets. He said he felt that part of this could be eliminated if Council would consider making this a 4-way stop. The corner already has a 3-way stop. After some discussion it was decided to have the Traffic Committee work with the Police Committee and make a report.

COUNCILMAN AT LARGE KEITH PRIDDY: No new business.

COUNCILMAN AT LARGE DR. R. V. ALLEN: Councilman at Large Dr. Allen had no new business.

COUNCILMAN PAUL HILL: Councilman Hill presented a letter from Mrs. Marjorie Sales of the Community School Advisory Council which had attached a complete resume of Community School income and expenses. Councilman Hill made a motion that the \$700.00 needed to get the school started be sent to them. Council had previously allocated \$1,000.00 in the budget for Community School use. After some discussion on Community Schools, another motion was made by Councilman at Large Dr. R. V. Allen to send \$700.00 to the Community School. The motion was seconded by Councilman Casebolt, and passed by unanimous vote.

COUNCILMAN THOMAS LILLY: Councilman Lilly had two families represented from the Fourth Ward. One gentleman, Mr. Pontier, spoke with Council about the drainage problem in his area. He stated that one drainage pipe was three feet higher than the ditch, and there seems to be some question about whether the city or the Penn Central Railroad is responsible for the drainage pipe. The Mayor asked Mr. Frank Armada to check this matter out with him.

COUNCILMAN HUGO TIDQUIST: No new business, or committee reports.

Councilman Casebolt made the motion for adjournment. The motion was seconded by Councilman at Large Tidquist, and passed by unanimous vote.

Wm. D. Gibson

Tom Melton



## NITRO CITY COUNCIL MEETING

September 2, 1975

The regular meeting of Nitro City Council was held in the Council Chambers September 2, 1975, at 8:00 P.M. Present were Mayor William D. Gibson, City Recorder Tom Melton, Councilman at Large Keith Priddy, Councilman at Large Hugo Tidquist, Councilman at Large Dr. R. V. Allen, Councilman David Hart, Councilman Paul Hill, Councilman Thomas Lilly, Councilman Vernon Casebolt and City Attorney Frank Armada.

The meeting was called to order by the Honorable William D. Gibson. Invocation was given by Reverend Wilbur Turner of St. Paul United Methodist Church.

APPROVAL OF MINUTES, AUGUST 19, 1975, COUNCIL MEETING:

Mayor Gibson stated that each councilman 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 made a motion for approval of the minutes. The motion was seconded by Councilman Casebolt and passed by unanimous vote.

APPROVAL OF JULY, 1975, FINANCIAL STATEMENT: Mr. Tom Melton, Chairman of the Finance Committee, stated that the July statement showing a balance of \$49,280.08 had been mailed to all councilmen for their review, and asked if there were any questions. There were no questions so Mr. Melton made a motion that the financial statement be approved. The motion was seconded by Councilman Vernon Casebolt. The motion carried with five councilmen and Recorder Melton voting in favor and Councilmen Lilly and Priddy opposed.

AUGUST FINANCIAL REPORT: Mr. Tom Melton, Chairman of the Finance Committee, gave the following report:

Balance August 1, 1975	49,280.08
Receipts for August	71,022.32
Disbursements for August	57,842.91
Balance	62,459.49

CITY MAINTENANCE GARAGE REPORT: Mr. Tom Melton, City Recorder and Chairman of the Finance Committee, gave the following report on the financing of the city maintenance garage. During the fiscal year 1974-1975 the amount of Revenue Sharing already allocated for the garage was \$93,500.00. In other departments during fiscal year 1974-1975 the amount of Revenue Sharing carry-over was: Recreation \$7,700.00; Library \$8,100.00; Street Repair \$5,400.00; Storm Drain \$3,300.00; Weed Cutting \$10,000.00; planned purchase which was not made of a backhoe \$15,000.00; for a total of \$49,500.00 that can be re-allocated toward construction of the municipal garage. In the current budget for the year 1975-1976,

\$17,000.00 has been allocated for the garage. The departments that can have funds re-allocated are: Library \$10,000.00; Public Safety \$14,500.00; Street Repair \$5,400.00; Storm Drain \$10,000.00. This brings total available financing to \$199,900.00. Mr. Melton stated that all councilmen had discussed this in a Finance Committee meeting and Mr. Melton made a motion that the Revenue Sharing carry-over for the fiscal year 1974-1975 in the amount of \$49,500.00 and the proposed adjustment in Revenue Sharing allocation for the fiscal year 1975-1976 be made. The motion was seconded by Councilman Casebolt. Councilman Tidquist asked if the other departments would be hurt by the smaller budget. Mr. Melton replied that some things like the backhoe would just not be purchased, and possibly later in the year there would be extra money in the general fund or carry-overs in other departments of Revenue Sharing that could be re-allocated. The vote of approval for the re-allocation adjustment was unanimous.

Councilman Hill, Chairman of the Building and Planning Committee, made a motion that the low bid from Meade Construction Company be accepted for construction of the maintenance garage. The motion was seconded by Councilman Casebolt and passed by unanimous vote.

Councilman Hart made a motion that Appalachian Engineers establish a definite procedure for inspection, and that they be hired to follow through on inspection procedures. The motion was seconded by Councilman at Large Dr. Allen and passed by unanimous vote.

Councilman Hill stated that all seven items on the garage specifications will be completed.

REMODELING PLANS - NITRO PUBLIC LIBRARY: Councilman Hart made a motion that plans for remodeling the Library be kept in committee until financing can be determined. This motion was seconded by Councilman Casebolt and passed by unanimous vote.

POSSIBILITY OF STOP SIGN AT INTERSECTION OF LOCK AND MAIN STREETS: Councilman at Large Dr. Allen, Chairman of the Street and Traffic Committee, stated there would be some difficulty placing a stop sign on one corner of this intersection. He said he would like this matter left in committee until he has an opportunity to get more information and cost figures on an overhead stop sign or blinking light.

SECOND READING OF BOND ORDINANCE AUTHORIZING THE ISSUANCE OF \$149,000.00 SEWAGE SYSTEM REVENUE BONDS: Mayor Gibson stated that this would have to be held over until next council meeting because of a lack of sufficient time for advertising.

#### NEW BUSINESS AND COMMITTEE REPORTS

Mayor Gibson read a letter from Mrs. Mary Wilbur, Aging Specialist, with the Regional Intergovernmental Council, regarding the special needs of the elderly for housing. She also mentioned the possibility of setting up a nutrition site in the Nitro area,

# Regional Intergovernmental Council

410 Kanawha Boulevard, East  
Charleston, West Virginia 25301

Benjamin F. Howatt, AIP  
Executive Director

August 21, 1975

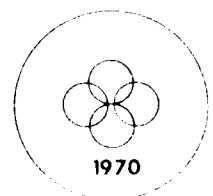
Honorable William D. Gibson  
Mayor  
City of Nitro  
City Hall  
Nitro, West Virginia 25413

Dear Mayor Gibson:

It was great having the opportunity to discuss needs and problems of the Elderly in the Nitro area. As you know, many problems exist and hopefully, we will be able to help solve some of them in the near future. At least, we will try to keep communication open at all times.

At our meeting this week, August 18, 1975 the following items were discussed: (1) A need for contact with the senior citizens to document the needs of the area. This service will be initiated by our Outreach worker, Mrs. Bertha Carlson - who will be in your city on Tuesday's and Thursday's 8:30 to 4:00. She will meet with the Senior Citizens groups to inform them of the service and to help locate the isolated older persons in need, and link them up with the Agencies to best serve their needs. (2) A discussion was held on the great need of elderly housing in the Nitro area. Housing is a major problem of the elderly. Housing conditions of the elderly are severe. Approximately 19% of the population, age 65 and over in the State of West Virginia live in housing units lacking some or all plumbing facilities, compared to 8.5% for the United States.

Our Housing Specialist, Mrs. Linda Polly, will be in contact with you to furnish the necessary statistics and information necessary to help build an active program in your area. By already having a Housing Authority Commission appointed, plans for future housing needs should be speeded up somewhat.



Telephone: 304 348-7190

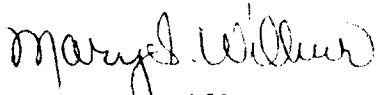
Honorable William D. Gibson  
Page 2  
August 21, 1975

(3) Further discussion was on the need to create a nutrition site in the Nitro area with the use of Title VII funds provided by the West Virginia Commission on Aging using existing facilities at (1) American Legion Hall (to be donated to city and with the use of a kitchen), or the possibility of using the (2) Nitro Women's Club building. The Nutrition program would serve the older low income/minority (60 or over) population.

Mr. Stuart MacCorkle, Nutrition Director for Region III, has been contacted and plans are being made to meet with you soon and further discuss this service.

Again, thanks for meeting with us and feel free to contact either of us, at any time, for assistance at 348-7190.

Sincerely,



Mary S. Wilbur  
Aging Specialist

MSW/jc

cc: Mr. Tom Frazier  
Commission on Aging

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either in the American Legion building or the Woman's Club building. A copy of the same is attached hereto and made a part hereof.

Councilman at Large Hugo Tidquist: Councilman Tidquist had no new business, but announced that there would be a Recreation Committee meeting on Thursday, September 4, at 8:00 P.M.

Councilman Thomas Lilly: No reports.

Councilman Paul Hill: Councilman Hill said he had received several complaints from residents about trucks and heavy equipment on 18th Street hill, and about the trucks traveling in the wrong direction on a one-way street. The Mayor stated that the owner of the trucks had been told to comply with the one-way street and is now traveling around Penwood Avenue and down 15th Street. A discussion followed regarding the possible damage to the streets with over-loaded trucks and the possibility of placing load limit signs. Also, there were complaints that the trucks were speeding in a zone marked for 15 M.P.H. Two citizens from the area, Mr. Elmer Dodson and Mrs. Patty Cook, spoke regarding the problems. Mr. Frank Armada suggested we have the Street Committee and the Street Superintendent check the area for the possibility of damage to the streets and make a recommendation on the load limit. Councilman Hill recommended that this be put in committee for study with a report back by next council meeting if possible.

Councilman David Hart: No reports.

Councilman at Large Dr. R. V. Allen: Councilman at Large Dr. Allen mentioned that a burned out street light at the end of Holly Street had been reported but had not been replaced by the Appalachian Power Company.

Councilman Hart asked if any progress had been made on the fire hydrants needed for Brentwood and Barrington Road in Brookhaven and the repair of one near City Hall. Mayor Gibson replied that the Fire Chief was working with the West Virginia Water Company and should be making progress on it.

Mayor Gibson stated that two gentlemen from the Nitro Lion's Club were present. Mr. Romie Hughart, Chairman of the Antique Car Show, and Mr. Hiram King, President of the Lion's Club, each spoke about the Antique Car Show which is scheduled for September 13, 1975. Councilman at Large Dr. Allen will be parade marshall for the show. A street dance is being planned for Friday night, September 12, for the young people.

Councilman at Large Keith Priddy: No reports. Councilman Priddy said he would go to visit Appalachian Power to see if the lighting project at Ridenour Memorial Park could be hurried up a bit. Mayor Gibson said sixteen lights had been approved according to his last telephone conversation with them. Mayor Gibson also said the ten-year contract for street lighting is up for renewal, and might possibly be ready to be presented to Council by next meeting. Mayor Gibson added that the lighting for the park would

be on poles to be erected throughout the park, and would not be under ground.

Councilman Vernon Casebolt: Councilman Casebolt said the curb at the corner of Dogwood and Washington Avenue is badly in need of repair, and that he has brought this up at previous council meetings. He feels the city would possibly be liable for injuries caused should an accident occur. He also stated that a child had fallen on Sunday, but was not injured. Mayor Gibson stated that he and Mr. Gene Williams had checked the spot and that Mr. Williams was supposed to have started work on it right away, but has been extremely busy.

City Recorder Tom Melton: No reports.

Councilman Casebolt made a motion for adjournment. The motion was seconded by Councilman at Large Tidquist and passed by unanimous vote.

Wm. L. Gibson  
Mayor

Tom Melton  
Recorder

## NITRO CITY COUNCIL MEETING

September 16, 1975

The regular meeting of Nitro City Council was held in the Council Chambers September 16, 1975, at 8:00 P.M. Present were Mayor William D. Gibson, City Recorder Tom Melton, Councilman at Large Keith Priddy, Councilman at Large Hugo Tidquist, Councilman at Large Dr. R. V. Allen, Councilman David Hart, Councilman Paul Hill, Councilman Thomas Lilly, Councilman Vernon Casebolt and City Attorney Frank Armada.

The meeting was called to order by the Honorable William D. Gibson. Invocation was given by Reverend Wilbur Turner of St. Paul's United Methodist Church.

APPROVAL OF MINUTES, SEPTEMBER 2, 1975, COUNCIL MEETING: Mayor Gibson stated that each councilman had received a copy of the minutes in the mail and had been given an opportunity to review them. Councilman Thomas Lilly made a motion for approval of the minutes. The motion was seconded by Councilman Casebolt and passed by unanimous vote.

APPROVAL OF AUGUST, 1975, FINANCIAL STATEMENT: Mr. Tom Melton, Chairman of the Finance Committee, stated that the August financial statement had been mailed to all councilmen for their review, and asked if there were any questions. Councilman Hart asked if the Brookhaven Storm Drain account was in savings. The answer was yes, so he asked that the word "Savings" be put on future financial statements. Mr. Melton also stated that additional interest would be added as of September 30, 1975. Mr. Melton asked if there were any other questions. There were none. Councilman Casebolt made a motion for approval of the financial statement. The motion was seconded by Councilman at Large Hugo Tidquist. The motion carried with Councilmen Tidquist, Hill, Hart, Allen, Casebolt and Recorder Melton voting in favor and Councilmen Priddy and Lilly opposed.

SECOND READING OF BOND ORDINANCE AUTHORIZING THE ISSUANCE OF \$149,000.00 SEWAGE SYSTEM REVENUE BONDS: Mayor Gibson stated that Council at the August 19, 1975 meeting had authorized a public meeting, in accordance with state statutes, for September 2, 1975, which was the last council meeting. There were no protests at that meeting, but due to a lack of sufficient time for advertising, the second reading was delayed until tonight. City Recorder Tom Melton read the title of the proposed ordinance as second reading as follows:

ORDINANCE AUTHORIZING THE ISSUANCE OF \$149,000 SEWERAGE SYSTEM REVENUE BOND, SERIES 1975, OF THE CITY OF NITRO TO FINANCE PART OF THE COSTS OF ACQUISITION AND CONSTRUCTION OF IMPROVEMENTS FOR THE EXISTING SEWERAGE SYSTEM OF THE CITY; DEFINING AND PRESCRIBING THE TERMS AND PROVISIONS OF THE BOND; PROVIDING GENERALLY FOR THE RIGHTS AND REMEDIES AND SECURITIES OF THE HOLDER OF THE

BOND AND FOR A STATUTORY MORTGAGE LIEN UPON THE SEWERAGE SYSTEM; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

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

Mayor Gibson stated that an informal meeting had been held on Tuesday, September 9, 1975, with the Sanitary Board and city councilmen to discuss the bond ordinance in detail. Also present for the meeting of September 9, 1975, were Mr. Frank Armada, city attorney; Mr. Dennis Vaughan, attorney for the Sanitary Board; Mr. Lee Hill, attorney and bond counsel of the law firm of Jackson, Kelley, Holt, and O'Farrell; and Mr. Robert Sergent with Farmer's Home Administration. Councilman Hart made a motion that the bond ordinance authorizing the issuance of the \$149,000.00 revenue bonds be adopted on the second reading. The motion was seconded by Councilman Casebolt. Councilman Lilly stated that during the meeting on Tuesday it was requested that a check be made to see if the 15-year schedule could be used, or if a supplement with the 15-year schedule could be included. He asked if this had been checked. Mayor Gibson replied that he had spoken with Mr. Sergent and had been informed that the 40-year bond ordinance could not be changed. Mr. Sergent had stated that he would put forth as much effort as possible, should it be desired, to insert the 15-year item as an extra page.

Mr. Frank Armada said that when council passes an ordinance dealing with the generation of revenue, the statutory provisions contained in Chapter 8, Article 11, Section 4 of the code require that the public be notified. After the bond ordinance is passed, it will again be published in the newspapers in its entirety and a public meeting is set for October 21, 1975, so anyone who wishes to do so may come in to voice their opposition. A petition with signatures of 30% of the free-holders of the city would be necessary to stop the bond ordinance. If there is opposition, a 4/5 vote by council is needed to continue the bond issue. Mr. Armada also stated that this ordinance really does not increase the revenue of the city since all revenue is already pledged to repay the bonds, but in any event, the people are being notified twice and are being given another opportunity to voice their opinions.

Councilman Lilly asked since there was some general interest from some of the councilmen in regards to the 15-year supplement, would it not be appropriate to view council's desires on this prior to the ordinance being presented. Mr. Armada stated that as far as the agreement with Farmer's Home Administration, and that is who would provide for and agree to this supplemental agreement between the city and the Sanitary Board, it has nothing to do with the ordinance. The ordinance that is being passed now deals with the issuance of the revenue bonds and the pledge of the revenue there from to pay the obligation. He also stated that if the Sanitary Board individually wants to enter into a contract with the city and pledge that they will pay the monies off at an accelerated rate, it can be done, but as far as it being contained in the bond ordinance, it should not be.



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Councilman at Large Dr. Allen asked Mr. Hill what he thought would be the possibility of marketing the bonds if the 15-year supplemental agreement were attached. Mr. Hill replied, "I think the reason the Farmer's Home Administration has refused to allow you to amend the ordinance to reduce the maturity schedule from 40 years to 15 years is the reflection of their inability to market any securities with that short a period of maturity. As Mr. Sergent indicated to you gentlemen, in collateral agreements you may be able to take care of that problem if that is your desire to reduce the maturity schedule, but that is, as Mr. Armada says, beyond the scope of what I am here to do, and that is to answer any questions that you may have in regard to the adoption of the bond ordinance."

Councilman at Large Priddy stated that he had understood Mr. Sergent to say that the supplement could be added. To leave the 40-year language in the ordinance and add the supplement as an extra page. Mr. Hill replied that he understood the official position of the Farmer's Home Administration is that a bond ordinance adopted with a 15-year maturity schedule is not an item which they will find acceptable because the bonds are not saleable productions with that maturity schedule. He indicated that part of what you are doing is signing a loan agreement between the city and Farmer's Home Administration and as a part of that loan agreement, which is entirely separate and distinct from the bond ordinance, you might be able to insert a supplement which would cover this reduced maturity schedule. Councilman at Large Priddy stated that he had talked with Mr. Sergent's office on Wednesday and was told that the supplement would be approved. He said he was even given the annual payment for the 15-year supplement. Councilman Priddy stated that he was under the impression that this supplement would be added and made a part of the bond ordinance if council so desired. It would be an additional page added to it. Mr. Hill stated that it would effect the market of the bonds, and as he understood Mr. Sergent during the discussion on Tuesday evening, as a supplement to their agreement with the city as opposed to being a supplement to the bond ordinance, he thought he might be able to arrive at an agreement. Mr. Hill added that the government would still take this bond out and sell it as a 40-year bond. Councilman at Large Priddy asked if this agreement shouldn't be reached before the bond ordinance is passed. Councilman at Large Dr. Allen stated that at Tuesday's meeting he had asked if the supplement would be an amendment, and he was told that the bond ordinance could not be amended. Mr. Hill said that he thought Councilman at Large Priddy's question was, quite frankly, whether to adopt a 15-year maturity schedule or not adopt a bond ordinance at all.

Mr. Armada stated that it was possible that when Mr. Sergent was talking about inserting an extra page, he was talking about the loan docket which he must fill out and send to the federal government.

Councilman Lilly asked if his understanding was correct that Farmer's Home Administration had stipulated to the City of Nitro officially that it would have to be a 40-year bond and it could not be a 15-year bond. The Mayor replied that it was

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his understanding from Mr. Sergeant that this bond could not be lowered to 15-year. Councilman Lilly stated that he also understood that the supplement could not be attached to the bond whatsoever with a 15-year schedule, however, the supplement could be attached to the Ravenswood Savings & Loan who would be the buyer of the bond, providing they would accept it, but there is no provision as to whether or not they would accept it.

Mr. Hill stated that this would be the Federal Government's problem. That is, ie, marketing the bond beyond its acceptance of it. The federal government will pay the city the money and while it will not be the ultimate purchaser and holder of the bonds, that is its problem.

The second reading of the bond ordinance motion was brought to a vote. Voting in favor were Councilmen Tidquist, Hill, Hart, Dr. Allen and Casebolt, and Recorder Melton. Opposed were Councilmen Lilly and Priddy.

Councilman at Large Dr. Allen added that he would like to pursue the possibility of attaching the supplemental agreement mentioned by Mr. Sergeant.

Mr. Dennis Vaughan, attorney for the Sanitary Board, asked Council to approve a resolution authorizing publication of the ordinance. Councilman at Large Dr. Allen made a motion that the resolution be approved. The motion was seconded by Councilman Hart. The motion carried with one opposing vote by Councilman at Large Priddy.

APPALACHIAN POWER STREET LIGHT CONTRACT RENEWAL: Councilman at Large Keith Priddy, Chairman of the Street Light Committee, stated that he had just received the contract and had not had time to go over it thoroughly. The proposed increase on the contract would raise the cost of street lighting from \$1,414.31 to \$1,863.25 per month. Councilman at Large Priddy said he would like to keep this in committee until they have time to have a meeting and examine the contract more closely.

TRAFFIC PROBLEMS ON 18th STREET HILL AND THE POSSIBILITY OF PLACING LOAD LIMIT SIGNS: Councilman at Large Dr. Allen, Chairman of the Street and Traffic Committee, stated that he had visited the 18th Street hill area, and that he has an appointment with the city engineer to make an inspection on Thursday afternoon. He said that he hopes to have a report for next council meeting.

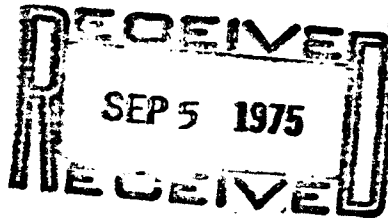
POSSIBILITY OF OVERHEAD STOP SIGN OR BLINKING LIGHT AT INTERSECTION OF LOCK STREET AND MAIN AVENUE: Councilman at Large Dr. Allen, Chairman of the Street and Traffic Committee, said he has inspected this area. The difficulty lies in the fact that one corner of the intersection does not have a place to put a pole. The suggestion was made that the city use a stop sign suspended on two cables, similar to the ones used in the city of South Charleston. Councilman at Large Dr. Allen said he would like to get a little more information and give the matter more study before making a recommendation.

# Regional Intergovernmental Council

Suite 908 Nelson Building  
1018 Kanawha Boulevard, East  
Charleston, West Virginia 25301

Benjamin F. Howatt  
Executive Director

September 4, 1975



Honorable William D. Gibson  
Mayor  
City of Nitro  
City Hall  
Nitro, West Virginia 25413

Dear Mayor Gibson:

Mr. Roueche' and I would like to thank you for inviting us to Nitro to discuss housing for the citizens of your city.

The Department of Housing and Urban Development has been made aware of your need for low to medium income housing in your area with emphasis on the elderly with fixed income through your application for Community Development funds.

Unfortunately, at this time the staff at RIC can not promise housing as much as we would like to see you receive it.

The new regulations which are still to be finalized state that if a community does not receive Community Development funds, its housing assistance plan will be kept on file since they are a housing organization.

The Community Development Task Force at RIC will help keep you posted on any new developments and other avenues for housing for your elderly.

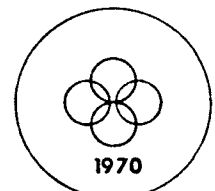
Mr. Switzer and I are in the process of getting the regional housing authority to work again which will hold a bright outlook there.

If you or your citizens have any questions please feel free to contact RIC at any time.

Sincerely,

Linda M. Polly  
Housing Specialist

LMP/jc



NEW BUSINESS AND COMMITTEE REPORTS:

Mayor Gibson stated that he had passed out to the councilmen a cash budget study for the fiscal year 1975-1976 for the Sanitary Board. The budget did not require council approval, but he wanted them to be familiar with it.

Mayor Gibson said he had a letter from Mr. Kenneth King, Fire Chief, regarding the fire hydrants recommended by the West Virginia rating bureau. Councilman Lilly suggested that the matter be referred to the Fire Department Committee and the Finance Committee, and be placed on the agenda for a report from them. A motion was made that this be done by Councilman Lilly. The motion was seconded by Councilman at Large Dr. Allen and passed by unanimous vote.

Mayor Gibson read a letter from Eloise Ord asking permission to solicit in Nitro for the Rock Branch School carnival. Councilman Thomas Lilly made a motion for approval. The motion was seconded by Councilman at Large Dr. Allen and passed by unanimous vote.

The Mayor also read a letter from Linda M. Polly, Housing Specialist with RIC, regarding their discussion on housing for persons with low and medium income. A copy of this letter is attached hereto and made a part hereof.

City Recorder Tom Melton: No reports.

Councilman Vernon Casebolt: Councilman Casebolt had no committee reports, but he stated that he would like to commend Gene Williams, Street Superintendent, on the job he did on the street at the corner of Dogwood and Washington Avenue, and also on the good job he is doing on the Smith Street landfill.

Councilman at Large Keith Priddy: Councilman at Large Priddy had no reports, but he added that a committee meeting would be planned to study the new contract with Appalachian Power Co.

Councilman at Large Dr. R. V. Allen: Councilman at Large Dr. Allen stated that he had received calls about the mosquito problem along Hillside Drive. The Mayor stated that Mr. A. James Manchin planned to be in Nitro the following day to make an inspection of the swampy areas with him. He also added that Kanawha County had promised to send the larger spray truck into Nitro two days a week. Councilman Casebolt suggested a low lying area along Layne Avenue be sprayed. Councilman at Large Dr. Allen stated that anyone having special requests for spraying should call City Hall. Councilman at Large Dr. Allen asked if the capping of the gas well on Fenton Circle was just about completed. Mayor Gibson replied that the capping is completed, but the street has not been repaired yet. Councilman Lilly asked if the fire truck could come into the area and flush out the storm sewers. He believes some oil and gas was accidentally gotten into the drains during the capping of the well.

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Councilman at Large Dr. Allen stated that he, as a member of the Lion's Club, would like to thank the city for all the help given during the Antique Car Show on the 13th of September. Mr. Romie Hughart, who was chairman of the Antique Car Show, stated that the help of the city, the Fire Department, and the Police Department was very much appreciated.

Mayor Gibson stated that he had sponsored a picnic at Ridenour Park on Monday evening for the senior citizens of the area.

Mayor Gibson stated that he has appeared in court twice recently as a result of a mobile home being placed in an area against the zoning ordinance. The municipal judge has ordered the mobile home to be moved, or the owner will be cited for contempt of court.

Councilman David Hart: No committee reports. Councilman Hart stated that on East 39th Street there is a small foot bridge that needs to be repaired, and also some weeds need to be cut near the bridge. School children use the foot bridge. Councilman Hart stated that part of the road has slipped on Fairview Drive in front of the Green residence. He said he would like to have Gene Williams check the situation to see if it would be possible for the city to do something about it.

Councilman Paul Hill: No reports.

Councilman Thomas Lilly: Councilman Lilly asked if the Lion's Club takes care of the Christmas Lights in the city. Mr. Hughart said the lights were actually financed by the business community with the Lion's Club administering the fund and installing and removing the lights, paying the electric bill, etc. Councilman Lilly said he thought perhaps the city should get involved, and offer some assistance. Mr. Hughart said last year the electric bill for 30 days was \$215.00, and right now many of the lights need repair.

Councilman Lilly stated that he read in the paper that Mr. Henry's office had mailed out some grants. He wanted to know if ours was mailed out. Mayor Gibson replied that he had not received an application in the mail yet.

Councilman at Large Hugo Tidquist: No committee reports. Councilman Tidquist stated that receipts at the pool were up this year in every category.

Councilman Casebolt made a motion for adjournment. The motion was seconded by Councilman Hill and passed by unanimous vote.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Recorder

## Nitro City Council Meeting

October 7, 1975

The regular meeting of Nitro City Council was held in the Council Chambers October 7, 1975, at 8:00 P.M. Present were Mayor William D. Gibson, City Recorder Tom Melton, Councilman at Large Keith Priddy, Councilman David Hart, Councilman Vernon Casebolt, Councilman Thomas Lilly and City Attorney Frank Armada. Councilman at Large Hugo Tidquist, Councilman at Large Dr. R. V. Allen and Councilman Paul Hill were out of town on business.

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

APPROVAL OF MINUTES, SEPTEMBER 16, 1975, COUNCIL MEETING: Mayor Gibson stated that each councilman 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 for approval of the minutes. The motion was seconded by Councilman Hart and passed by unanimous vote.

SEPTEMBER FINANCIAL REPORT: Mr. Tom Melton, Chairman of the Finance Committee, gave the following report:

Balance August 31, 1975	62,459.49
Receipts through September	63,546.84
Disbursements for September	51,686.84
Balance September 30, 1975	74,319.49

APPALACHIAN POWER STREET LIGHT CONTRACT RENEWAL: Councilman at Large Keith Priddy, Chairman of the Street Light Committee, reported that he had gone over the contract and he recommended that it be accepted as written. Councilman at Large Priddy made a motion for approval of the contract. The motion was seconded by Councilman Hart and approved by unanimous vote.

TRAFFIC PROBLEMS ON 18TH STREET HILL AND THE POSSIBILITY OF PLACING LOAD LIMIT SIGNS: Councilman at Large Dr. R. V. Allen, Chairman of the Street & Traffic Committee, was absent from the meeting and Mayor Gibson recommended that this matter be held in committee until next council meeting.

POSSIBILITY OF OVERHEAD STOP SIGN OR BLINKING LIGHT AT INTERSECTION OF LOCK STREET AND MAIN AVENUE: In the absence of Councilman at Large Dr. Allen, the Mayor recommended that this be kept in committee until next council meeting.

NEW BUSINESS AND COMMITTEE REPORTS: Mayor Gibson stated that St. Albans and Dunbar were having trick or treat night on October 30, and he suggested that Nitro choose the same night. Councilman Lilly made a motion that October 30, from 6:00 P.M. to 8:00 P.M., be designated as trick or treat night. The motion was seconded by Councilman Hart and passed by unanimous vote.

The Mayor stated that he would like to appoint Mr. Victor Wilford of 116 Brookhaven Drive, to the Sanitary Board to complete the unexpired term of Mr. Donald Karnes, whose term expires on November 21, 1975. He stated that Mr. Wilford is a registered professional sanitary engineer. Councilman Lilly made a motion for approval of the appointment. The motion was seconded by Councilman Casebolt and approved by unanimous vote.

The Mayor said that since this term on the Sanitary Board would expire on November 21, 1975, he would like council approval to continue Mr. Wilford's appointment for the following three-year term. Councilman Vernon Casebolt made the motion for approval. The motion was seconded by Councilman Hart and passed by unanimous vote.

Mayor Gibson also announced that the work has been started on the city maintenance garage. Councilman Casebolt asked if Appalachian Engineers had been contacted regarding the follow-up inspections of the work. The Mayor replied that they had.

The Mayor said that the fire chief had contacted West Virginia Water Company regarding the fire hydrants recommended for the city and Mr. Dawson is to give him a report regarding installation costs, etc. Councilman Casebolt stated that it had been recommended on the old fire hydrants the outlets be replaced with 4" ones. This is not mandatory, but it is recommended that we change them as soon as possible. On the new ones the 4" outlets are a must in order to maintain the insurance rating. Mr. Dawson has been contacted and he has a man checking the area for the new fire hydrants. We should have a report by next council meeting as to the cost.

The Mayor reported that the gas well on Fenton Circle had been repaired, and the street department was repaving the street at the location today.

He also stated that the Department of Highways had sent a backhoe to work on the drainage problem near the Bobbie Brooks plant but had stopped work temporarily due to utility lines in the area.

The Mayor stated that as a result of his Police Court hearings the mobile home in River Dale Acres that was in violation of the zoning laws has been removed.

The Mayor stated that he had received an application from Mr. Ed Henry, and that it has already been completed and sent in to his office on the money that we hope to get for the Sanitary treatment project from the Water Resources Division.

Mayor Gibson read a letter which had been written to the governor concerning an additional grant of \$53,255.00 on Contract #1, Interceptor & Collector Lines, EPA Project C-540288. A copy of this letter is attached hereto and made a part hereof.

Mayor Gibson said he had a meeting with about twelve citizens from the Dupont Avenue area and a gentlemen by the name of Bill Hanrahan from the Department of Welfare, in regard to a number of complaints about a house on Dupont Avenue. He said he feels sure the problems can be eliminated or minimized soon.

The Mayor read a letter from Michael F. Goff, staff engineer of the Health Department, to Mr. Robert Y. Hayne of Appalachian Engineers, regarding the possible use of a site on Heizer Creek for a Class III landfill. Mr. Goff states that the site is unacceptable because of the instability of the soil and the excessively steep access road required.

Another letter read was from Mrs. Charles Mann, Junior Dept., Nitro Woman's Club, requesting permission to organize a collection for UNICEF on October 31, 1975. Councilman at Large Priddy made a motion that permission be given. The motion was seconded by Councilman Casebolt and passed by unanimous vote.

Another letter read was from Mr. Lawrence Craft, Nitro Police Chief, which gave the results of an election held September 10, 1975, to fill the vacancy on the Policemen's Civil Service Commission when Mr. Paul Hill of 3614 36th Street resigned, effective September 9, 1975. Mr. H. Max Galloway of #2 Blake Road was chosen.

Recorder Tom Melton: No new business.

Councilman Vernon Casebolt: Councilman Casebolt said he would like to have the area of the Smith Street landfill checked for pest control. He said there have been reports of rats on the back side of it.

Mayor Gibson read a letter from Mrs. Diana Ball, Secretary of the PTA at Nitro Elementary school, asking permission to solicit the businesses of Nitro for prizes for the school carnival. Councilman Casebolt made a motion that permission be given. The motion was seconded by Councilman Hart and passed unanimously.

Councilman Casebolt said that Appalachian Power is installing the lights at Ridenour Memorial Park, and that he has been told the park looks very good at night with the lights on. So far only six have been installed, so the work is not completed.

Councilman at Large Keith Priddy: No new business.

Councilman David Hart: Councilman Hart stated that everyone had received a copy of a booklet "Rules and Regulations for the Nitro Police Department". Since Councilman Paul Hill is chairman of the Police Department Committee, and he could not attend tonight, Councilman Hart asked that this be kept in committee.

Councilman Hart also stated that he had attended a meeting of the Kanawha Valley Regional Transportation Authority, and Mr. Frank Armada should contact Mr. Tom Potter to clarify the voting status. Councilman Hart said he would welcome any comments regarding the bus




service, and suggestions for improvement which he could relay to the Transportation Authority. The meetings are the third Thursday in each month. One thing that has met with success for the Transportation Authority is the reduced fare for the handicapped and the senior citizens.

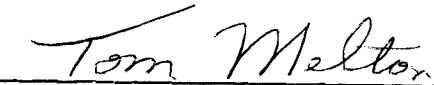
Councilman Hart wanted it brought to the attention of the Street Department that some weeds on Third Avenue just below 21st Street and just before you get to 31st Street need attention.

Mr. and Mrs. James Green, owners of Nitro Beverages on First Avenue, were present and were asked if they wished to speak to council. Mr. Green stated that he had received a letter from the police department informing him that he would have five days to remove equipment he has stored beside the Penn Central Railroad tracks and First Avenue across the street from his place of business. Mr. Green said that he had called the police department and asked for a 10-day extension and had been told to come to council meeting and discuss it. He explained that it is refrigeration equipment and he plans to use it, or part of it, in the remodeling of his business and sell the remaining pieces. He was asked about the timetable for completion of the remodeling. He replied that he also works in the mines and the remodeling is done as he can get to it. He also said that the equipment is on private property, which belongs to a Mr. John Ray who lives in Charleston. The Mayor explained that there had been several complaints about the equipment being stored there. Councilman Lilly said that he felt the decision on the extension would be something the Mayor and the Police Chief would work out, and was not really a matter for council. Councilman Hart said he recommended that the Mayor and the Police Chief work out some extension with Mr. Green, since he seems to be getting rid of the items in a prudent manner, but should Mr. Green leave the items stored in the area for an unreasonable amount of time, then something would need to be done.

Councilman Lilly made a motion for adjournment. The motion was seconded by Councilman Casebolt and passed by unanimous vote.

Reverend Arbogast gave a closing prayer.

  
Mayor

  
Recorder

# 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

September 18, 1975

The Honorable Arch A. Moore, Jr.  
Governor State of West Virginia  
Charleston, West Virginia 25305

Re: City of Nitro  
Contract #1, Interceptor &  
Collector Lines  
EPA Project C-540288

Dear Governor Moore:

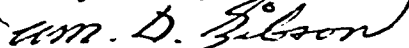
The residents of the City of Nitro are in the process of constructing new sewers in areas which were without sewers. This is to comply with State and Federal laws and also to improve the unsanitary conditions prevailing within the City. Construction contracts were awarded on July 15, 1975.

The total cost of this project will be \$1,114,737. However, EPA has determined that \$79,640 will be ineligible cost with regards to their grant participation. This requires that the City will have to come up with \$345,917 as local share which is in excess of 30% of the project cost.

We request that you make a grant to the City in the amount of \$53,255 to represent 5% of the eligible project cost. This will reduce the local share to \$292,662, approximately 25.5% of the total project cost.

Your office has previously made a grant to the City of Nitro for Contract No. 2, EPA Project C-540179 for Sewage Treatment Plant Improvements. This project is already under construction. The requested additional grant of \$53,255 is for a companion project which was inadvertently omitted from the list, when the previous grants were made.

Very truly yours,



William D. Gibson  
Mayor

cc: Appalachian Engineers, Inc.  
Attachment

Sanitary BoardCity of NitroNitro, West Virginia 25143Contract #1 (Interceptor and Collector Lines) EPA Project C-540288

## Financial Analysis

<u>Item</u>	<u>Total Cost</u>	<u>Ineligible Costs</u>	<u>Eligible Costs</u>
Construction	\$ 937,031	\$ 49,455	\$ 887,576
<u>Other Costs</u>			
Administrative	18,740	900	17,750
Basic Engineering	65,592	3,460	62,132
Inspection & Supervision	56,222	2,965	53,257
Legal & Fiscal	20,300	20,300	- 0 -
Contingencies	46,852	2,470	44,382
Total	\$1,144,737	\$ 79,640	\$1,065,097

EPA Grant at 75% of eligible cost =  $0.75 \times 1,065,097 = \$798,820$ Local Share =  $\$1,144,737 - 798,820 = \$345,917$ State aid @ 5% of eligible project cost =  $0.05 \times 1,065,097 = \$53,255$ New Local Share =  $\$345,917 - 53,255$ 

= \$292,662

## CITY OF NITRO

\$149,000 Sewerage System Revenue Bond,  
Series 1975

MINUTES OF MEETING RE: PUBLIC HEARING ON  
ORDINANCE FOLLOWING PUBLICATION OF  
ORDINANCE AND NOTICE OF PUBLIC HEARING

I, Tom Melton, Recorder of the City of Nitro, hereby certify that the following is a true and correct excerpt of the minutes of a Special meeting of the Council of Said City held to provide opportunity for public hearing pursuant to Section 6, Article 13, Chapter 16, of the Code of West Virginia.

\* \* \*

\* \* \*

\* \* \*

The Council of the City of Nitro met in Special Session, pursuant to notice duly given, on the 21st day of October, 1975, at Nitro, West Virginia, at the hour of 7:30 p.m.

Present: Mayor William D. Gibson, City Recorder Tom Melton, Councilman Vernon Casebolt, Councilman David Hart, Councilman Thomas Lilly, Councilman Paul Hill, Councilman at Large Keith Priddy, Councilman at Large Hugo Tidquist and Councilman at Large Dr. R. V. Allen.

Absent: None


The Mayor announced that a quorum of members was present and that the meeting was open for any business properly to come before the Council.

Thereupon the Mayor asked for protests and suggestions regarding the Bond Ordinance for the \$149,000 Sewerage System Revenue Bond, Series 1975.

There being none, upon motion by Councilman at Large Dr. R. V. Allen and seconded by Councilman Vernon Casebolt, the action by Council previously taken in connection with the Bond Ordinance was ratified and confirmed.

There being no further business to come before the meeting, on motion duly made and seconded, it was ordered that the meeting adjourn.

  
Mayor

  
Recorder

I further hereby certify that the foregoing action of the Council remains in full force and effect and has not been amended or repealed.

WITNESS my signature on this 21st day of October, 1975.

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Recorder



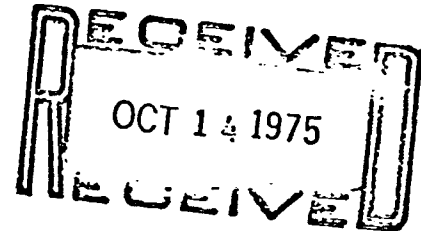
STATE OF WEST VIRGINIA  
WATER DEVELOPMENT AUTHORITY  
1201 DUNBAR AVENUE  
DUNBAR, WV 25064

(304) 348-3612

October 10, 1975

CERTIFIED MAIL

Honorable William D. Gibson  
Mayor, City of Nitro  
City Building  
Nitro, WV 25143



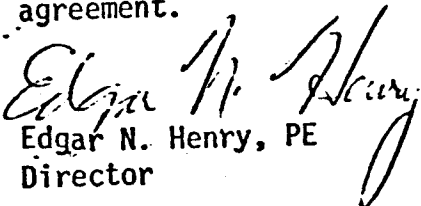
Your grant application has been reviewed. In processing your application, it is determined your project has 13 points out of a possible 15. At this time, this places your project in the top ten on the priority list and thus makes your project eligible for immediate processing of a grant.

It should be pointed out your project must proceed into the construction phase to assure the payment of the WDA grant funds. Payment of WDA grants will be based essentially on completion of work, much the same as the EPA grant payments. There will be no payment prior to the initiation of construction; however, payment may be made ahead of the EPA payments during the project construction.

In the event your project does not proceed into construction, it may be replaced on the priority list by projects that move into construction. In this case, your project would be carried on the priority list and then adjusted periodically as it progresses further toward construction. A subsequent grant would then be awarded, provided funds were available for that purpose.

The WDA grant is to be for an amount not to exceed \$100,000 and is subject to the conditions set forth in the grant agreement and enclosed regulations.

If you desire further to participate in the WDA grant program, please sign the enclosed grant agreement and forward the original and first copy to this office. Also, a copy of the City of Nitro's resolution designating the signee of the grant agreement must be returned along with the signed grant agreement.

  
Edgar N. Henry, PE  
Director

cc Senators  
Delegates  
EPA-Wheeling  
Water Resources Division  
Regional Planning Council  
Federal-State Relations

## NITRO CITY COUNCIL MEETING

October 21, 1975

The regular meeting of Nitro City Council was held October 21, 1975, at 8:00 P.M. in the Council Chambers. Those 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 Vernon Casebolt, Councilman Paul Hill, Councilman Thomas Lilly, Councilman David Hart and City Attorney Frank Armada.

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

Reverend Wilbur Turner of St. Paul's Methodist Church gave the invocation.

APPROVAL OF OCTOBER 7, 1975, COUNCIL MEETING: Mayor Gibson reminded Council 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 Lilly made a motion for approval of the minutes. The motion was seconded by Councilman Casebolt. The vote of approval was unanimous.

APPROVAL OF SEPTEMBER, 1975, FINANCIAL STATEMENT: Mr. Tom Melton, City Recorder and Finance Chairman stated that all council members had received a copy of the Financial Statement and asked if there were any questions. Councilman Lilly asked about the \$1,500 that was withdrawn from the Policeman's Pension and Relief Fund. Mr. Melton explained that one of the policemen had resigned and had requested his savings.

Balance September 30, 1975 - \$74,319.49

Councilman Hart made a motion to accept the Financial Statement, the motion was seconded by Councilman Casebolt. The motion passed with all council members voting in favor with the exception of Councilmen Lilly and Priddy.

TRAFFIC PROBLEMS ON 18th STREET HILL AND THE POSSIBILITY OF PLACING LOAD LIMIT SIGNS: Councilman at Large Dr. Allen, Chairman of Street and Traffic Committee, stated that he had been in the area and spoke with the City Engineer and he recommended "NO HEAVY TRUCKS ALLOWED" signs, but he would not make a recommendation on the load limit on that street. The City Engineer felt that it should be cleared with Mr. Armada, City Attorney. Mr. Armada is to confer with City Engineer as to the interpretation of load limits. Mayor Gibson recommended that this be kept in committee until Mr. Armada conferred with the City Engineer.

POSSIBILITY OF OVERHEAD STOP SIGN OR BLINKING LIGHT AT INTERSECTION OF LOCK STREET AND MAIN AVENUE: Councilman at Large Dr. Allen, Chairman of Street and Traffic Committee, said that he felt a blinking light was out of the question because of the cost factor involved and that maybe an overhead sign would be sufficient, but there would have to be some other signs in conjunction with it. There was some suggestions from the Council on painting the street with a large "STOP" sign until a more permanent arrangement could be made. It was decided to leave this in committee until Councilman at Large Dr. Allen could report back to Council.

CITY OF NITRO, POLICE DEPARTMENT: RULES AND REGULATIONS GOVERNING THE POLICE DEPARTMENT OF THE CITY OF NITRO AS PROMULGATED BY THE COMMANDING OFFICER AND THE POLICE DEPARTMENT COMMITTEE AND TO BE APPROVED BY THE NITRO CITY COUNCIL: Mayor Gibson stated Council had approximately three weeks to review the Rules and Regulations governing the Police Department and asked if there were any questions. Councilman Hill, Chairman of the Police Department Committee, made a motion to accept the adoption of the Resolution. The motion was seconded by Councilman Casebolt. Councilman Hart stated the motion should read that the Rules and Regulations should supersede any previous Rules and Regulations that might conflict in any way. The motion was so amended. Councilman Casebolt seconded the motion as amended. The motion carried with the exception of Councilman Lilly, who was opposed. The Resolution reads as follows with a copy of the Rules and Regulations attached hereto and made a part hereof:

RESOLUTION OF THE CITY OF NITRO TO ACCEPT THE  
ADOPTION OF THE RULES AND REGULATIONS GOVERNING  
THE POLICE DEPARTMENT OF THE CITY OF NITRO AS  
PROMULGATED BY THE COMMANDING OFFICER AND THE  
POLICE DEPARTMENT COMMITTEE

On a motion to accept the adoption by Councilman Hill, Chairman of the Police Department Committee, and duly seconded by Councilman Casebolt, it is hereby resolved that the departmental regulations for the City of Nitro Police Department is hereby adopted; and any prior rules or regulations in conflict with these rules and regulations are hereby repealed.

It is further resolved that the aforesaid police regulations consist of fifteen chapters and sixty-six pages, and same shall govern the conduct, procedures and actions of the Nitro Police Department of the City of Nitro, West Virginia, from this day forward.

Passed by Nitro City Council in a regularly scheduled council meeting held on the 21st day of October, 1975, at 8:00 P.M.

Wm. D. Gibson  
Mayor

Tom Melton  
Recorder



CITY OF NITRO  
POLICE DEPARTMENT

RULES AND REGULATIONS GOVERNING THE  
POLICE DEPARTMENT OF THE CITY OF NITRO  
AS PROMULGATED BY THE COMMANDING OFFICER  
AND THE POLICE DEPARTMENT COMMITTEE AND  
APPROVED BY THE CITY COUNCIL.

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## CHAPTER I

## ORGANIZATION OF THE NITRO POLICE DEPARTMENT

Section 1. The Nitro Police Department of the City of Nitro, Kanawha and Putnam Counties, West Virginia, shall consist of one chief of police, one lieutenant, sergeants, and patrolmen as the Council of the City of Nitro may from time to time authorize.

Section 2. The civilian employees of the Nitro Police Department shall consist of such number of secretaries, clerks, laborers, and dispatchers as the Council of the City of Nitro may from time to time authorize.

Section 3. To be eligible for appointment as a member of the Nitro Police Department of the City of Nitro an applicant must comply with all of the West Virginia State Civil Service laws governing the police of municipalities under civil service in the State of West Virginia.

Section 4. Applications for appointment on the Nitro Police Department shall be made on forms furnished by the City Clerk of the City of Nitro, which forms may be procured from said City Recorder's office. Such application shall be in the handwriting of and signed by the applicant and shall be filed with the Recorder of the City of Nitro.

Section 5. Appointments to the police department are for a probationary period of one year; continuation in the service after the expiration of that period being dependent upon the conduct of the appointee and his capacity for the performance of the duties to which assigned, as indicated by reports of his superior officers.



## CHAPTER II

### GENERAL RULES

Section 1. It shall be the duty of every member of the department to thoroughly familiarize himself with such chapter or chapters of the Nitro police manual as deal specifically with the duties of the rank or grade of such member within five days from the date of issuance of such manual, and to thoroughly familiarize himself with all sections of such manual within thirty days of the issuance thereof.

Section 2. Notwithstanding the assignment of specific duties and responsibilities to members of Nitro Police Department by the provisions of this manual, all members of the department shall perform all such other duties as may be required of them by competent authority.

Section 3. In carrying out the functions of the department, namely the preservation of peace, the protection of life and property, the prevention of crime, and the arrest of violators of the law, all members of the force and employees of the department and all branches and bureaus thereof shall direct and coordinate their efforts in such manner as will tend to establish and maintain the highest standard of efficiency.

Section 4. Members of the department are held to be always on duty, although periodically relieved from the routine performance of it; are always subject to orders from the proper authorities and to call from citizens, and the fact that they may be technically off duty shall not be held as relieving them from the responsibilities of taking proper police action in any matter coming to their attention requiring such action.



Section 5. Members of the department shall promptly obey any order emanating from any superior officer. Should any such order conflict with a previous order from any other superior officer, or with any general, special or memorandum order, or provisions of the manual, the member of the department to whom such order is given shall respectfully call attention to such conflict of orders, and if the officer giving the order does not change same so as to obviate such conflict, his order shall stand and the responsibility shall be his, and the person obeying same will not be held in any way responsible for disobedience of any orders theretofore issued.

Section 6. When employed as a member of the department for permanent duty, a member shall immediately report his correct residence address and telephone number within twenty-four hours to the chief of police. Every member of the department shall be required to have a telephone at his residence address.

Section 7. On the occurrence of disturbance it is the duty of the police to restore order and disperse the crowd by moderate efforts or persuasion, if possible. If such efforts fail, force must be used and the principals arrested.

Section 8. Members of the department shall display coolness and firmness at all times and shall act in concert and protect each other in times of peril. Any shrinking from responsibility or danger will be deemed gross neglect of duty, for which penalty is removal from the department.

Section 9. Every member of the department shall be held responsible for the proper performance of the duties assigned him and for strict adherence on his part to the rules and regulations





adopted from time to time for the government of the police department, and it will not be received as an excuse or justification for anything he may do contrary to rules and regulations or for anything he may omit to do that, he followed the advice or suggestion of any other person, whether connected with the police department or not, except when an officer of higher rank may take upon himself the responsibility of issuing direct and positive orders.

Section 10. For any serious neglect of duty or violation of the rules of the department an officer may suspend from duty any subordinate, and for similar causes the chief of police may be suspended by the mayor. When a member of the force is suspended, a report will be made in writing to the chief of police, who, if he approves of the same, will make recommendations to the mayor.

Section 11. Gambling in any form by any member of the department in the police station is strictly prohibited; nor shall members of the department frequent buildings or premises known as or suspected of being resorts except in the line of duty.

Section 12. Members of the department shall not be concerned, directly or indirectly, in any compromise or arrangement, between suspected violators of the law and persons who are alleged to have suffered by their acts.

Section 13. Members of the department shall not communicate, verbally or in writing, directly or indirectly, in any manner or form, any information which may enable persons guilty of criminal or quasi-criminal acts to escape arrest or punishment, or dispose of or secrete any money or other valuables which are the proceeds of crime, or to destroy any evidence which would establish guilt.



Section 14. Members of the department shall not, except by permission of a superior officer, communicate to any one but a member of the force any information concerning cases in hand or respecting orders he has received, or about his contemplated movements.

Section 15. Members of the department shall not, directly or indirectly, seek publicity through the public press, or give any information to any member of the press without the permission of the chief of police.

Section 16. Members of the department shall not carry cigars, pipes, cigarettes, or tobacco of any form in their mouths while in uniform on any public place. They shall not smoke or carry unlighted cigars, pipes, or cigarettes in their mouths if on detail at any public or private assembly, while directing traffic, while riding on motorcycles, or while engaged in conversation with citizens or superior officers.

Section 17. Members of the department shall not wear their badges when off active duty, but shall carry them in such a manner as to permit ready display when necessary. When off duty and in civilian clothes any place in the City of Nitro except in their residences, they shall carry their badges and service revolver at all times. When off duty and not in full uniform, members of the force shall wear their service revolver in such a manner as to conceal them from view.

Section 18. Members of the department shall not testify in civil cases unless legally summoned to do so.

Section 19. Members of the department shall not interfere with the cases of other members, except by consent of such other



members or their commanding officer.

Section 20. Members of the department shall not carry an umbrella while in uniform.

Section 21. Members of the department shall not swing or toy with their batons (mace).

Section 22. Members of the department shall not have their hands or batons (mace) in their pockets while in uniform, with the exception of during extremely cold weather when it may become necessary to place their hands in mackinaw pockets to prevent freezing.

Section 23. Members of the department shall not engage in any line of business where such action will in any manner, directly or indirectly, interfere with the proper and efficient performance of police duty.

Section 24. Members of the department shall not perform at any time for wage, salary, fee, gift, or other compensation, any work or service of any character for any person, firm, or corporation other than that required by their official position in the police department where such work will, directly or indirectly, interfere with the proper and efficient performance of police duty.

Section 25. Members of the department shall not play cards or games in the station house at any time when actually on duty.

Section 26. Members of the department shall not use their revolvers except:

- (a) To defend themselves from death or serious injury.
- (b) To defend another person unlawfully attacked from death or serious injury.
- (c) To effect the arrest or to prevent the escape, when



every other means for effecting the arrest has been exhausted, of a convicted felon or of a person who has committed a felony in the policeman's presence or whose guilt is clear, or when a felony has been committed and the policeman has reasonable grounds to believe the person he is attempting to apprehend committed the felony.

- (d) To kill a dangerous animal, or to kill an animal so badly injured that humanity requires its removal from further suffering.

A policeman who fires a revolver in a public place takes many risks and must do so in such a manner as will not jeopardize the lives of innocent persons.

Section 27. Members of the department shall at all times maintain decorum and command of temper; shall be patient and discreet, and shall not use harsh, violent, profane or insolent language, and be courteous and considerate under all circumstances.

Section 28. Members of the department shall be punctual in reporting for duty at the time and place designated by their superior officers.

Section 29. When members of the department sever their connections with the department they shall deliver to their commanding officers their badge, cap plate, and all other property and equipment furnished to them by the City of Nitro.

Section 30. Members of the department shall report to their immediate superiors any violation of Section 8, Chapter II of the





rules of the Nitro Police Department by any other member of the department, the penalty for which may be dismissal from the department.

Section 31. Members of the department shall familiarize themselves with the statutes of the State of West Virginia and the ordinances of the City of Nitro, and failure to do so, or to take action respecting violations of such statutes and ordinances coming to their attention or about which they have knowledge will be deemed neglect of duty.

Section 32. Members of the department shall make full reports, at the station, of all crimes, accidents and injuries to persons, damage to property, persons found sick in public places, missing persons or any other type of report not specifically set forth above or required by this manual but which is required in any general or memorandum order of the police department on any matter coming to their attention. Any report form of said department on which instructions appear, shall constitute an order of said department. All the reports required by this section shall be completed in detail and submitted promptly.

Section 33. In cases where arrests for the commission of crimes are made on the spot, without any previous report having been made, a report will be filed in the same manner and form as though no arrest had been made and shall include the fact that the case has been cleared by arrest. Such reports to be completed in detail and made promptly.

Section 34. Personal injuries on public space and damage to city property. All reports made by police officers relating to this section shall clearly state the source of the



information contained therein.

PERSONAL INJURIES ON PUBLIC SPACE: In all cases involving falls of persons on public space or any other cases resulting in personal injury to persons on public space, the police officer witnessing or hearing of such an accident shall, if a witness, immediately mark the point of the fall or incident, or, if he hears of the accident, shall obtain the name and address of the injured party and determine from the injured party if possible all the circumstances including the precise location of the fall or incident, and forthwith mark the same, and shall determine the names and addresses of all witnesses who have information regarding the circumstances of the fall or incident. Whether the officer has completed his investigation or not, he shall cause the Mayor or his representative to be notified immediately or at any event not later than the morning following the accident in order that he may arrange for photographs to be taken and measurements made. Upon completion of his investigation, the officer shall promptly make a full report through channels to the Mayor or his representative.

DAMAGE TO CITY PROPERTY: All accidents involving damage to city property or involving city vehicles, shall be promptly reported through channels to the department head in writing and he in turn will report same to chief executive.

Section 35. Members of the department shall be vigilant in observing the condition of streets, sidewalks, alleys, or other parcels of ground in the City of Nitro; shall promptly report any



defects in, obstruction on, or other conditions likely to cause injury to persons or damage to property. They shall, if necessary, take prompt action to barricade the same during the day, and to see that such places are properly lighted at night.

Section 36. Any member of the department who loses his badge or other equipment or insignia through carelessness in failure to properly secure or attach same, or who, having lost any part of his equipment, fails to report such fact promptly, in writing, to his commanding officer, shall be deemed guilty of neglect of duty.

Section 37. Members of the department shall be vigilant in the matter of locating persons suffering from malignant, or epidemical diseases, reporting such cases promptly to the health department through their station.

Section 38. In all cases of accident or illness requiring an officer's attention, members of the department shall render prompt assistance, taking such action as may be necessary in the premises.

Section 39. Members of the department shall not, through threat or recommendation, or in any other manner directly or indirectly, use their office for the purpose of influencing the lawful business, profession, or occupation of any person or persons.

Section 40. When a member of the department discovers a fire he shall first, make every effort to arouse the occupants of the premises and in order to better accomplish this end, he should seek all possible aid from persons available at the scene. He shall



then sound an alarm of fire by telephone to fire-alarm headquarters, or turn in an alarm from the nearest fire alarm box, whichever means is more readily available. He shall prevent interference with the firemen by pedestrians and traffic, and make a report at the station of all facts and circumstances. If the fire is suspicious in origin he shall make a thorough investigation with a view to prosecution.

Section 41. Members of the department on patrol duty shall, when they hear fire apparatus, immediately communicate with their stations and ascertain the location of the fire. If the fire is on their beat, they shall respond promptly; if not on their beat they shall comply with the instructions issued them at the time of their inquiry.

It is the duty of police at fires to clear the immediate area of traffic and spectators and to prevent persons from crowding or standing near entrances to the burning building and to facilitate in every way the activities of the Fire Department. All persons, except firemen, shall be kept out of the building until the occupant has resumed possession. Persons bearing fire actuary passes, or employees of the gas or electric company may be permitted to enter such premises in connection with their official duties, but representatives of the press shall be excluded from the premises although they may, if identified by properly displayed current press passes, operate within fire lines. In the case of fires in unoccupied or closed premises the police shall notify the occupant, owner, or agent thereof. It is very important that the contents of the building be protected against larceny by those who might





take advantage of the confusion existent at the scene of fires.

Section 42. Any member of the department who finds a dead body or learns of a case where death has ensued without a physician having been in attendance, shall immediately notify the dispatcher on duty where the body is found and receive instructions relative to further proceedings. The officer on the scene shall note all particulars, not disturb or permit the disturbance of the body or surroundings and shall allow no unauthorized person within the premises or near the point where the body is found until such time as the coroner has arrived and taken charge. He shall not handle or permit the handling of weapons, glassware, furniture, or other smooth surfaced objects. He shall maintain the possible crime scene in exactly the same condition as discovered by him. He shall carefully preserve all fingerprints, handprints, footprints, and tireprints. He shall take the names of persons who may have knowledge of the occurrence, and if necessary detain any individual whose statement might be needed in establishing any fact in connection with the case and shall arrest any person against whom there exists a reasonable suspicion of guilt supported by facts, circumstances, or credible information and shall make a complete report at the station of all facts and details connected with the case.

Section 43. Members of the department while on duty shall devote their whole time and attention to the business of the department.

Section 44. Members of the department shall give their names and badge number to persons who request them.



Section 45. Except by permission of the chief of police or the commanding officer of the bureau or division, no information concerning the status of any matter or case under investigation, or concerning contemplated changes in either the policy or personnel of the department, shall be given to any one not a member of the department, nor shall members of the department deliver addresses at public gatherings concerning the department except by direction of the chief of police.

Section 46. It shall be the duty of every member of the force to report in writing to the commanding officer any injury to his person or any damage to city property in his charge whether such injury to person or damage to property occurs when such member of the department is on or off duty, such report to be in detail and to give the names and addresses of all witnesses. Where a member of the department is injured to such an extent that he is physically unable to make such report same will be made by his immediate superior officer.

Section 47. Members of the department shall, when they use their revolvers, batons (maces), or blackjacks, make a complete report of same to their commanding officer who shall make a thorough investigation of the case.

Section 48. Whenever a member of the department is called to the scene of a rape, robbery, serious assault, housebreaking, or other high crime, he shall take immediate steps to prevent any disturbance of the crime scene or visible or latent evidence such as fingerprints, footprints, bloodstains, documents, etc. He shall prevent the entrance of any unauthorized person or persons, question all witnesses who may have knowledge of the circumstances and obtain their names and addresses. Where it is evident the



crime is of a serious nature, he shall make a full report of all facts at the station.

Section 49. In all cases involving the arrest of persons as fugitives from other jurisdictions, members of the department shall immediately notify the officer in charge of the circumstances under which the arrest is requested. Where the arrest need not be made at once to prevent the escape of such wanted person, and in all cases where warrants are forwarded to this department for service, such arrests shall be made by or under the direction of a member assigned to that duty or some member of the department designated by competent authority.

Section 50. Members of the department shall serve all warrants promptly and in the cases of assault or threat warrants or other warrants for serious offenses shall, when such warrants are given them for service, make careful inquiry as to the whereabouts of the defendant; where he is employed, etc. The officer having the warrant in his possession shall immediately take such action as is necessary for the prompt service of the warrant. If it is necessary to send a lookout on the radio to all cars, obtain proper description and send such lookout. Members of the department are reminded that proper handling of such warrants could possibly result in the saving of some person's life and failure to properly and immediately act in such cases will be deemed gross neglect of duty.

Section 51. When questioned by superior officers in connection with matters relating to the official business of



the police department, it is the duty of the subordinates to respond to such questions as are asked. Refusal to respond to such questioning is in itself a violation of the rules of the department and subject to disciplinary penalties. In any case where a subordinate declines or refuses to answer proper questions relating to his official duties, it will be the duty of the superior officer to make a complete report of the circumstances together with a recommendation for appropriate disciplinary action based on the refusal of the subordinate to make a statement as directed. This is in addition to any other charges against the offender which the circumstances may warrant.

Section 52. When a member of the department takes a weapon alleged to have been used in the commission of a crime, he shall mark the same in such a manner as will enable him to identify it afterwards, and the return sent to the chief of police with the weapon shall contain a description of such marks. Where property is found in the possession of prisoners, recovered from pawnshops, or secondhand dealers, or otherwise recovered by a member of the department, and is claimed to be the proceeds of crimes, such property shall be marked in a like manner. All marks required by this section shall be clearly legible to any person having occasion to examine the same when it is introduced as evidence.

Section 53. Members of the department who finds abandoned vehicles on public space shall, before having such vehicle hauled into a garage as abandoned property, make a thorough investigation to determine ownership. Such investigation to





include canvas of the immediate vicinity in which the vehicle is found and a check of the license number, if any, with the records of the West Virginia Department of Motor Vehicles. If the owner cannot be found and the vehicle is hauled to a garage, the officer impounding the vehicle shall furnish department of public safety communications with the license and engine numbers to be checked against the listing of stolen vehicles.

Section 54. All property or money alleged or supposed to have been feloniously obtained, or which shall be lost or abandoned, and which shall be thereafter taken into custody of any member of the police force or which shall come into such custody, shall be, by such member, given into the custody of the chief of police and kept by him.

Section 55. All such property and money shall be particularly registered by the chief of police, or someone in the department whom he shall designate, in a book kept for that purpose, which shall contain also a record of the names of the persons from whom such property or money was taken, the names of all claimants thereto, the place where found, the time of the seizure, the date of the receipt, the general circumstances connected therewith, and any final disposal of such property and money.

(a) Upon satisfactory evidence of the ownership of property or money described in the preceding paragraph, the chief of police shall deliver the same to the owner, his next of kin, or legal representative and to him or them only. If in any case, it is proven impracticable for such owner, next of kin, or legal



representative to appear, the chief of police may deliver such property or money to any person having a duly executed power of attorney from such owner, or his next of kin, or legal representative, upon the filing of such power of attorney in the office of said chief of police and the signing of a receipt for such property or money.

(b) In the event two or more persons claim ownership of any such property or money, the chief of police may give notice by registered mail to all such claimants of whom he shall have knowledge of the time of a hearing in the municipal court to determine the person to whom the property or money shall be delivered. At the time so designated, the judge of the municipal court shall hear and receive evidence of ownership of the property or money concerned and shall determine the identity of the owner. After such hearing, the municipal court judge shall order the chief of police to deliver the property or money to the person whom the municipal court judge shall determine is the owner, his next of kin, or legal representative, and to him or them only.

(c) No property or money in the possession of the chief of police alleged to have been feloniously obtained or to be the proceeds of crime shall be delivered under this section if it is required to be held, unless the prosecuting attorney of Kanawha County or Putnam County or the municipal judge of the City of Nitro shall certify that such property or money is not needed as evidence in the prosecution of a crime.

Section 56. Whenever property or money shall be taken from persons arrested, and shall be alleged to have been feloniously obtained, or to be the proceeds of crime, and whenever so brought with such claimant and the person arrested before any court for



trial, and the court shall be satisfied from evidence that the person arrested is innocent of the offense alleged. and that the property rightfully belongs to him, the chief of police shall return such property or money to the accused person himself or to an agent authorized by the accused person to receive the property or money.

Section 57. When perishable property is turned over to the chief of police as the proceeds of a crime, he may deliver it to the owner on ample security being taken by the court for his appearance to prosecute the case.

Section 58. It shall be the duty of the members of the department to respect and obey the orders of the mayor, chief of police, and the officers of the Nitro Police Department subject to rules, regulations and general orders of said department.

Section 59. The chief of police shall provide specific rules for uniform clothing of the police department, and any member shall be removed from the force for not complying with such rules.

Section 60. If any member of the police force shall neglect to make an arrest for an offense which is committed in his presence, he shall be deemed guilty of misconduct and subject to dismissal or other administrative punishment which the mayor shall direct.

Section 61. No member of the police department shall receive or share in, for his own benefit, under any pretense whatever, any present, fee, or emolument, for police service, other than the regular salary and pay provided by law except by consent of the mayor or chief of police. This rule will not prohibit any police officer from receiving any unsolicited presents by legitimate friends and business people during the Christmas season.



For meritorious and extraordinary services rendered by any member of the police department, in the due discharge of his duty, the chief of police may permit such member to retain for his own benefit any reward or present tendered him therefor.

Section 62. It shall be deemed misconduct for any member of the police department to receive any donation or contribution or other things of value from any person for assisting in causing the procuring of any lawyer or bondsman for a person under charge.

Section 63. It shall be deemed misconduct for any police officer, in advance of any raid by police or other peace officers or public officials or the execution of any search warrant or warrant for arrest, to give or furnish either directly or indirectly, any information concerning such proposed raid or arrest to any person other than those officially entitled to such information by virtue of office: PROVIDED, however, that it shall not be deemed misconduct for any police or other peace officer, in conducting any raid or in executing any search warrant or warrant of arrest, to communicate to any responsible person any fact necessary to enable such officer to obtain from such responsible person information necessary to enable such officer to carry out said raid or execute such process.

Section 64. No Police Officer shall attempt, in any manner, to communicate with or influence the Police Civil Service Commission or any member thereof with respect to any matter under their jurisdiction, except in a matter provided by law.

Section 65. Each member of the Police Department will be required, for the purpose of personnel records, to furnish a





photostatic copy of their marriage certificate or other certified proof of marriage, and a photostatic copy of the birth certificate of each child under eighteen years of age.

Section 66. Each member of the department must at all times appear neat and clean, and keep his clothing and equipment in proper order. Whenever he appears before the public he must be properly shaven, hair properly groomed, and clean as to his person and clothing. When necessity causes any uncleanness or lack of neatness, the member will avail himself of the first opportunity to remedy this condition.

The official uniform may be worn at any time in cool weather and shall be worn upon all ceremonial or other appropriate occasions as specified. The two uniforms will be worn when the Commanding Officer specifies. The manner of dress when appearing before the court must be above reproach.



COURTESIES  
CHAPTER III

Section 1. Courtesy. Members of the department shall at all times treat citizens, associates, and superior officers with respect and civility, and shall, even in the face of provocation, refrain from the use of harsh, profane, or abusive language.

Section 2. When members of the department are assigned along parade routes, they shall face the crowd at all times unless otherwise directed. Salutes to the colors shall be given by the commanding officer of the section.

Section 3. Salute to national anthem. Whenever the national anthem is played where members of the force are present and not in formation, they shall stand at attention, and, if in uniform and equipped with baton (mace), they shall render the baton salute at the first note of the anthem, retaining the position until the last note of the anthem. If in uniform, covered and not provided with baton, they shall render the hand salute.

(a) If not in uniform and covered, they shall uncover at the first note of the anthem, holding the headdress opposite the left shoulder and so remain until its close, except that in inclement weather the headdress may be slightly raised.

(b) If in formation, the organization shall be brought to attention and the salute rendered by the officer in command.

Section 4. Salute to flag. When uncased colors pass, members of the department in uniform will render the hand salute if not equipped with baton (mace), and the baton salute if so



equipped; if in civilian dress and covered, they will uncover, holding the headdress opposite the left shoulder with the right hand.

(a) Like honors will be rendered in connection with funerals where the casket or caisson is draped with the American flag.



## CHAPTER IV

## PRISONERS

Section 1. When an officer makes an arrest he shall convey, or cause to be conveyed, the prisoner to the station without delay.

Section 2. When a prisoner is brought to the station, the prescribed entries shall be made on the arrest records. Such records shall show the full name; for example, Jones, Thomas Jackson; not Jones, Thomas J. or Jones, T. J. The spelling of all names must be correct and plainly written.

Section 3. Before being placed in confinement, prisoners shall be thoroughly searched and all weapons and other articles with which they might injure themselves or effect an escape, money, jewelry, other articles of apparent material value, billfolds and contents, ties, belts, and suspenders taken from them. A record shall be made on the arrest card in the space provided for that purpose; showing money, weapons, and jewelry taken from such prisoner. If more than one line is required for making entries of the prisoner's property, additional lines shall be used. The officer recording the arrest shall enter his name and the name of the officer searching the prisoner on the arrest card. After being recorded on the record of arrest, the property shall be placed in an envelope upon which shall be written the name of the prisoner, and the date of arrest: PROVIDED, That the property to be held as evidence or as proceeds of crime shall be recorded separately on the record of arrest and held separately. Personal property and other articles shall be returned to him upon their





being released, upon proper receipt being given, such receipt to show each article returned. When a prisoner is released on bond or collateral, or finally released by court, all property except property held as evidence and firearms shall be returned to him and proper receipt therefore. All firearms shall be checked with the National Crime Information Center and then forwarded to the chief of police with an evidence tag for final disposition.

Section 4. Persons arrested, unless released from jail on bond or collateral, or otherwise, as provided by this manual or by existing law, shall be conveyed to the first session of court after arrest. In appropriate cases, persons arrested shall be arraigned before the Municipal Court of the City of Nitro or such other court as may be directed by the mayor or chief of police. The officer or officers responsible for the arrest shall be present in the court to prosecute or to present evidence. An appropriate charge or charges will be placed against the persons arrested before arraignment. Any officer who, without good cause, fails to be present in court to prosecute a case, or any member of the department receiving a message that a case has been set for trial and fails to promptly notify the witnesses of same, will be deemed in neglect of duty.

Section 5. When it is necessary to have a female prisoner searched, the jail matron shall be notified and shall conduct the necessary search.

Section 6. Immediately upon an arrest being recorded at the station, inquiry shall be made of the prisoner as to the



person or persons he wishes notified of his arrest, and the dispatcher shall at once make every reasonable effort to communicate with such person or persons, except where such action might serve to defeat the ends of justice or entail expense to the city.

Section 7. No one except persons duly authorized shall be permitted to visit or converse with a prisoner while confined at the station house, except as to members of the department and counsel for prisoners, such visit and conversation shall be in the presence of the officer in charge or an officer designated by him.

Section 8. When an attorney visits the station for the purpose of interviewing a client who is being held as a prisoner, such client shall, if requested and practicable, be brought from the cell room and afforded every reasonable opportunity for confidential consultation with such attorney, consistent with proper safeguards against escape or the commission of any unlawful act.

Section 9. Where the condition of a prisoner is such that it is difficult to determine whether he is ill or intoxicated, or when a prisoner is taken ill in the station, he shall be immediately conveyed to a hospital.

Section 10. Prisoners shall be treated with consideration. Harsh, violent, or obscene language on the part of officers toward prisoners will not be tolerated. The use of force beyond that necessary to maintain an arrest or restrain a prisoner may subject the offending officer to removal from the department.

Section 11. It is the policy of the Police Department to avoid creating a record in regard to juveniles who have not



previously had any contact with the law. Accordingly, an investigation should be made to determine the possibility of avoiding the making of a record before transferring a child to the custody of the juvenile bureau. When a child has been taken into custody by the police and parents or guardian cannot be found, or where the parents or guardian fail or refuse to promise in writing to produce the child for a hearing before the juvenile court, and where investigation indicates that the making of a record for the child cannot be avoided, the child, regardless of sex, under the age of 18 years, shall be conveyed to the police station where proper record shall be made, and shall then be transferred to the custody of the juvenile authorities. Under no circumstances or conditions will any child under the age of 18 years be detained in the police station beyond the time necessary for a brief investigation leading to the possibility of avoiding making a record for such child, the possibility of transferring custody of the child to his parents or guardians for production in court, or for proper recording of the case, and the transfer to an authorized representative of the juvenile authority.

In case of lost children, fugitives from parents, juvenile fugitives from institutions, a report of the circumstances and facts will be immediately reported to the juvenile authorities.



CHAPTER V  
BONDS AND COLLATERAL

Section 1. The chief, lieutenant, sergeants, patrolmen, dispatchers and secretary assigned to duty at desk shall have the authority, the same as the clerk of the municipal court, to receive bail or collateral for the appearance of defendants in court from persons charged with offenses triable in the municipal court of the City of Nitro. Collateral shall only be taken in the office of the dispatcher.

Section 2. Except in cases where the amount of collateral to be deposited for the appearance of a defendant in court is fixed by specific orders from the court, or in his absence, by the officer in charge. In those cases in which the minimum amount of collateral to be deposited for the appearances of the defendant in court has been approved by the municipal court, no amount of collateral less than the minimum specified will be accepted.

Section 3. When a prisoner makes a request for a bondsman, the provisions of this manual and the Code of the City of Nitro shall be strictly complied with.

A typewritten or printed list alphabetically arranged of all persons engaged under authority of the circuit courts of Kanawha and Putnam Counties in the business of becoming surety upon bonds for compensation in criminal cases shall be posted in a conspicuous place in the dispatchers office and the city jail, and one or more copies thereof kept on hand; and when any person who is detained in custody shall request any person in charge thereof





to furnish him the name of a bondsman, or to put him in communication with a bondsman, said list shall be furnished to the person so requesting, and it shall be the duty of the dispatcher or person in charge of such place of detention within a reasonable time to put the person so detained in communication with the bondsman so selected.

Section 4. No member of the department or employee of the department shall, directly or indirectly, by inference or suggestion, or in any manner whatsoever, initiate a request for the services of a bondsman.

Section 5. Commanding officers and persons in charge of the station, desk, or other places where prisoners are held in custody will see that bondsmen, agents, clerks, or representatives of bondsmen strictly comply with the provisions of the Code of the City of Nitro. When the conditions set forth in the Code of the City of Nitro have been complied with, the bondsman or his authorized agent shall be permitted to see the prisoner concerned, but in no case shall a bondsman or his representative be permitted to enter the cell room or other room where prisoners are confined.

No bondsman, agent, clerk, or representative of any bondsman shall enter the dispatcher's office or the city jail or other places in which persons in the custody of the law are detained in the City of Nitro for the purpose of obtaining employment as a bondsman, without having been previously called by a person so detained, or by some relative or other authorized person acting for or on behalf of the person so detained, and whenever any person engaged in bonding business as principal, or as clerk, agent, or



representative of another, shall enter the dispatcher's office or the city jail or other place where persons in the custody of the law are detained in the City of Nitro, he shall forthwith give to the person in charge thereof his mission there, the name of the person calling him, and requesting him to come to such place, and the same shall be recorded by the person in charge of such place, and the failure to give such information or the failure of the person in charge to make and preserve such a record, shall constitute a violation of the rules and regulations and such person shall be subject to such administrative punishment as the mayor shall direct.



CHAPTER VI  
CHIEF OF POLICE

Section 1. The chief of police is the executive officer of the Nitro Police Department, and in the exercise of his powers and duties as such shall be subject to such orders, rules and regulations as may, from time to time, be issued by the mayor and council of the City of Nitro and the Civil Service Commission of the Nitro Police Department, and he shall be responsible to the said mayor and council of the City of Nitro and the Civil Service Commission of the Nitro Police Department for the proper and efficient conduct, control and discipline of the department.

Section 2. He shall take such measures as will insure prompt and vigorous enforcement of all criminal statutes, laws, regulations and ordinances, the enforcement of which come properly within the scope of the police function and power.

Section 3. He shall promulgate all orders, rules and regulations of the mayor and council of the City of Nitro and the Civil Service Commission of the Nitro Police Department which pertain to the work of the Nitro Police Department, and shall issue such instructions, and promulgate such orders, rules and regulations, not inconsistent with law or with the orders of the mayor and council of the City of Nitro and the Civil Service Commission of the Nitro Police Department, as he may deem proper in the exercise of his functions as chief executive of the department.

Section 4. Except as otherwise provided by law or the provisions of this manual, he shall order and direct such assignments



to duty, details, and transfers as he may deem necessary in the interest of the public service of such officers as may be assigned to duty in the Police Department by the mayor and the Civil Service Commission.

Section 5. He shall, when necessary, immediately proceed to the scene of any riot, tumultuous assemblage, or other unusual occurrence and take command of the force and direct its efforts in the work at hand.

Section 6. He shall have power to summarily suspend or order the suspension from duty of any member of the department for any misconduct, and shall report such suspension, together with the facts in the case, to the mayor and Civil Service Commission.

Section 7. When charges are filed with him against any member of the department, he shall, when in his judgment the best interests of the department are to be subserved thereby, refer such charges to the mayor and Civil Service Commission.

Section 8. He shall exact from all members of the department unquestioned loyalty, unfailing energy and strict obedience and shall take prompt action in vigorously prosecuting any member guilty of interfering with, or in any manner obstructing or attempting to obstruct, the orderly and efficient operation and conduct thereof.

Section 9. He shall, at such times as he deems it necessary, make a thorough inspection of the department under his command, which inspection shall include the personnel, the building, and all property of the department.





Section 10. He shall order and direct such instruction and training for and by the members of the department as he may deem necessary.

Section 11. If it should become necessary for him to take sick or annual leave, he shall designate a commissioned officer to act as commanding officer in charge of the police department in his absence.

Section 12. He shall make a written report annually to the mayor of the City of Nitro as to the operations of the department for the fiscal year ending June 30, and shall submit recommendations for improvements, together with estimates of the amount necessary for its conduct and operations for the year subsequent to the date of such report. He shall make such other general and special reports as may be required.

Section 13. He shall set up and maintain in his office all personnel, service, and efficiency records and supervise the pay rolls and all expenditures of the police department.

Section 14. He shall frequently confer with all divisions, bureau and platoon commanders as to conditions in respect to their division or platoon.

Section 15. Not less than ten (10) days prior to the expiration of the probationary term of each patrolman, he shall make a written report to the mayor as to the fitness and qualifications of that patrolman, including his recommendations for the promotion of such patrolman to permanent department status.



## CHAPTER VII

## LIEUTENANT AND SERGEANTS

Section 1. Each lieutenant or sergeant will be held responsible during his tour of duty for the preservation of peace, maintenance of order, the prevention of crime, and the detection of criminals within the bounds of the City of Nitro; for the enforcement by himself and by his subordinates of all laws, regulations, and ordinances for the enforcement of which the police department is responsible; for the proper performance of police duty by the members of his command; for the enforcement of all rules and regulations of the department, and for the rigid maintenance of police discipline in his division or platoon.

Section 2. In case of riot or other grave emergency, the commanding officer shall immediately proceed to the scene with all available force and direct the efforts of the police in protecting life, property and preserving the peace.



## CHAPTER VIII

## SERGEANTS

Section 1. Sergeants shall have immediate supervision of patrolmen.

Section 2. They shall give the members of their shift their assignments and enforce attention to the reading of dispatches, orders, and complaints; shall see that warrants, subpoenas, notices and official papers are given to the proper men for service or attention, and note name of officers to whom given on proper record.

Section 3. They shall familiarize themselves with laws and regulations in force in the City of Nitro and with the orders, rules, and regulations for the government of the Nitro Police Department and shall advise and direct the actions of those subordinate to them.

Section 4. They shall communicate with the station through the patrol signal system at least once each hour and shall not leave the confines of the city without permission of the officer in command.

Section 5. They shall note and promptly report any misconduct or violation of the rules and regulations on the part of any subordinate.

Section 6. At the expiration of their tour of duty they shall carefully examine the patrol signal system record for the purpose of ascertaining if the men have communicated with the station in accordance with the rules, and shall investigate and report any discrepancy in time or figures.



Section 7. They shall report to the station at the expiration of their tour of duty and receive reports from the section reporting off duty, and shall ascertain if all summons, warrants, and notices given to their section for service have been properly disposed of. They shall note the condition and appearance of the men, and shall call the attention of the officer then in command to any unusual circumstances in connection therewith.

Section 8. They shall be chargeable with enforcement of law, the prevention of crime and disorder, and shall instruct and assist those under their supervision in the proper performance of their duties.

Section 9. They are strictly enjoined to at all times require from their subordinates a proper attitude of respect and obedience.

Section 10. They shall set an example to their subordinates in sobriety, discretion, skill, industry, the observance of proper discipline, and shall at all times appear neatly attired, clean in person and equipment.

Section 11. They shall jointly be responsible with other supervising officers for the proper care and condition of all police vehicles and to this end shall make thorough inspection of such vehicles and equipment assigned thereto at the completion of their tour of duty. They shall promptly report any loss, damage, or defects to the chief of police.





Section 12. Inasmuch as the efficiency of the patrol force depends largely upon the manner in which the sergeants perform their duty and enforce discipline, they shall be held jointly responsible with the commanding officers for the proper conduct and appearance of subordinates, and will be deemed guilty of neglect of duty and inefficiency where those under their command and supervision are habitually lax and indifferent in the performance of their duty.



CHAPTER IX  
DESK DISPATCHER

Section 1. Dispatcher assigned to desk communications while so assigned shall be obeyed and respected. When on active duty and during the absence of other superior officers they shall be in charge of the station.

Section 2. Insofar as applicable, the rules for police officers shall apply to dispatcher assigned to duty at desk.

Section 3. They shall perform the clerical work of the station in recording arrests, preparing reports, requisitions, and property returns; receive, send and record telephone and radio messages, and perform such other duties as may be required of them.

Section 4. They shall receive, and where necessary, record complaints of citizens made to them, and shall take such action as may be necessary according to the circumstances.

Section 5. When reports of murders, housebreaking, robberies, and other high crimes are made to them, they shall immediately make a report of such crime on the required records at the desk and immediately notify the officer then in command.

Section 6. They shall, while on duty, give their entire time and attention to the business of the department, and shall not leave the station house except with the permission of the officer then in command.

Section 7. They shall be discreet and courteous and shall call the attention of their superiors to any matters requiring special attention.



Section 8. They shall be held responsible for money received as collateral, property taken from prisoners, either as evidence of crime or for safe keeping, and for any other money or valuables entrusted to them by virtue of their official position and they shall see that all property which should be forwarded to the chief is forwarded to that officer in conformity with law and department orders.

Section 9. When prisoners show evidence of injury, the desk dispatcher shall immediately advise the officer in command, who shall institute a prompt and thorough investigation to ascertain how the injury was sustained, and where necessary, submit a complete report to the chief of police with recommendation.

Section 10. Desk dispatchers shall be responsible for the dispatching and regulating of radio communications between the police station and the motorized patrol.

Section 11. They shall, upon going off duty, report to the officer relieving them the condition of the patrol signal system and shall invite the attention of such relieving officer to any unfinished business or any matters which should be made known to such relieving officer.

Section 12. They shall carefully and accurately enter upon the patrol signal system call sheet opposite the name of each officer on duty the exact time such officer communicates with the station and car number through which he communicates.

Section 13. Whenever any officer, other than an official, who required to communicate with the station at designated periods



fails to so communicate at the specified time, the desk dispatcher shall immediately call the attention of his superior officer to the dereliction and shall make a notation on the signal system call sheet as to the name of the superior notified and the time of notification. When the officer finally communicates with the station, the desk dispatcher taking the call shall, unless directed otherwise by a superior officer, enter the time of the call in red ink. If the officer is not heard from until the next call period, the space for the missed call period shall be left blank.

Section 14. They shall render necessary assistance in securing and searching prisoners.

Section 15. They shall, when men are detailed, record on the patrol signal system sheet the place of detail, the reporting time and time of return. They shall in like manner, record assignments to traffic posts and school crossings.





CHAPTER X  
SECRETARIES

Section 1. Duties. The secretary shall report directly to the chief of police of the City of Nitro.

Section 2. The secretary shall perform such duties as dictation, typing, filing of reports and correspondence, communicate with the public by telephone, and handling normal routine office functions such as collecting fines, issuing receipts and receiving complaints from citizens.

Section 3. The above duties shall in no way be considered as the total of possible tasks, since as local conditions dictate, other duties may be assigned.



## CHAPTER XI

## PATROLMEN

Section 1. The prevention of crime being the most important object in view, from a police standpoint, patrolmen shall familiarize themselves with the laws and regulations they are required to enforce, examine and become thoroughly acquainted with every part of the city, and give the persons coming under their observation such attention as will best accomplish that end.

Section 2. They shall report for duty properly uniformed and equipped, and shall give careful attention to dispatches, orders and instructions read and issued by the officer then in command.

Section 3. They shall acquire such knowledge of the residents of the city as will enable them to promptly recognize and furnish information respecting them.

Section 4. During their tour of patrol duty they shall frequently examine the front and rear doors, transom, low windows, and area-ways of buildings on their beats, with a view to ascertaining if they are properly secured at night; and shall also give vacant houses the same attention. If any are found open, they shall be reported at the station after steps have been taken to secure them.

Section 5. They shall form impressions of persons they meet on the street at night so as to enable them to afterwards recognize them, and shall, if the circumstances are of a suspicious nature, ascertain the names and addresses if possible and communicate such information to the desk sergeant and



detective bureau in their field interrogation reports.

Section 6. They shall give persons of known bad character such attention as will make it apparent to them that they are under observation and that detection will follow the commission of a crime, and shall note and report to the desk sergeant the appearance of such persons within their beats and the premises visited.

Section 7. They shall inform themselves as to houses and buildings on their beats in which violations of the law are believed to exist and shall take necessary police action, and, if uncertain as to how to proceed, shall report the facts to the officer then in command.

Section 8. They shall especially observe vehicles on the streets at night which arouse their suspicions, and shall investigate any suspicious circumstances in connection with same, and shall make note of the license numbers of such vehicles for future reference.

Section 9. They shall note and make proper report of all incidentals coming under their observation on their beats - unsafe structure, lamps not burning during the prescribed hours (giving time out and location), public property which may be found defective or broken, such as drains, pumps, fire plugs, sewers, water pipes, broken and dangerous trees, dangerous holes on public or private property; and shall take such measures as will protect the public interests until the conditions have been properly corrected. Such reports to be made at the expiration of their tour of duty except in cases where the public interest requires immediate action.



Section 10. They shall observe and report all traffic signal lights not operating properly, or any obstruction to signal lights or traffic signs. They shall also report all damage to traffic lights, traffic signs and posts. They shall not interfere with the normal operation of traffic control signals, PROVIDED, That this shall not be construed to prevent an officer from turning off a signal device that is mechanically defective.

Section 11. They shall immediately investigate all damage to public property such as schools, street light poles, patrol boxes, parking meters, traffic signal light poles and fire alarm boxes, and make a full report on proper record at police headquarters. Such reports to include a notation whether the person or persons responsible will indemnify the City of Nitro for the damage.

Section 12. When on patrol duty they must not walk or talk with citizens except such brief conversations as are likely to foster good public relations or for the purpose of communicating or receiving information pertaining to the police department.

Section 13. When members of the department on patrol duty meet on the confines of their beats, they shall not walk or talk with each other unless it is for the purpose of communicating or receiving information pertaining to police business, and then they shall be as brief as possible. This provision shall likewise apply to men assigned to duty on posts.

Section 14. They shall constantly patrol their beats, unless otherwise directed by a superior officer.





Section 15. If they observe anything which seems to be irregular or unsanitary, and which cannot be remedied at once, they shall immediately report the same to the proper department of the city government.

Section 16. They shall promptly report to the proper department of the city government any apparent violation of the plumbing, building and health code of the City of Nitro.

Section 17. Whenever they observe anything being done for which a permit is required and none had been procured, they shall promptly advise the proper department of the city government.

Section 18. Patrolmen shall be provided with memorandum books and shall make note of matters of interest coming to their attention within the scope of their duties, such memorandum books to be subject at all times to examination by their superior officers.

Section 19. They shall communicate with the station through the patrol signal system at intervals of one hour at such time as may be directed by the officer then in command.

Section 20. Lunch period, insofar as practicable, shall be limited to a single period of 30 minutes.

Section 21. Unless otherwise directed, they shall not leave the city until the expiration of their tour of duty, and, upon leaving the same, shall proceed by the most direct route to the station and report to the desk dispatcher any matters of police interest which properly should be called to his attention.

Section 22. They shall be held responsible for the preservation of peace, the prevention of crime and disorder, and



the arrest of offenders, and for the enforcement of all statutes.

Section 23. They shall observe children on the street at late hours of the night or in unsuited places, ascertain the reasons therefor, obtain their names and addresses and report the facts to the parents of such children. They shall give the same attention to children on their beats who have absented themselves from school without legitimate reason. Where the facts and circumstances are such as to become evident the children are devoid of proper home or parental care, they shall report such facts to the juvenile authorities.



CHAPTER XII  
CRUISER PATROL

Section 1. Cruiser cars will have two officers assigned thereto, when possible, and they shall not permit any other person to ride in the car without permission of a superior officer, except in the case of an emergency.

When two or more officers are assigned to one radio equipped vehicle, the senior officer shall be held responsible for the proper observance of all orders relating to the operation of such vehicle.

Section 2. Immediately upon receipt of a radio message directing a unit to proceed to a given point, one of the officers in the unit shall immediately make a notation of the exact time the message was received and a brief notation of the facts given by the dispatcher. The unit shall then proceed to the location given and make a notation as to the exact time of arrival at the scene, and they shall immediately investigate the cause of the call for police service and see that proper action is taken. Upon completion of service at the scene, the members shall immediately report briefly to the dispatcher the nature of the trouble, the action taken, and the unit shall then return to service. Prior to leaving their station at the expiration of their tour of duty, the officer assigned to each unit shall make entry on the proper record as to each call received by them during their tour of duty, giving all necessary facts in connection therewith. It is very important that when officers respond to a call and a lookout is to be sent that same be given



to the dispatcher at once, so it can be broadcast; a permanent record shall be kept at the station of each lookout sent.

Section 3. A unit shall not be left unattended except in cases of grave emergency where the conditions are such to demand the physical presence of all members of the unit. In cases where the physical presence of the entire crew is essential, extraordinary effort shall be made to see that the unit is kept in view in order to prevent its being tampered with. At lunch periods both officers will be allowed to call off at a given place if the radio dispatcher is notified of such place and the phone number, but if there is no telephone at such place, only one occupant of the unit shall leave at one time for the purpose of procuring lunch, and lunch periods, insofar as practicable, shall be limited to a single period of 30 minutes for each member of a crew in any one tour of duty. In the absence of specific orders to the contrary, no such lunch periods shall be taken during the morning, noon, or afternoon "traffic rush hours".

Section 4. Radio equipped units shall maintain a constant patrol within the territory assigned them and shall, except in cases of emergency, observe all traffic regulations.

Section 5. Members of radio units shall not under any circumstances or conditions tamper with the radio sending or receiving sets, except in the operation of the volume control, nor shall they make any attempt to effect repairs. When a unit is to be left for any extended period, or when the crew leaves the same to enter their station, they shall turn off the radio until they return.





Section 6. In proceeding to the scene of a call classed as an emergency, drivers of the radio equipped units are authorized to proceed with the greatest possible speed consistent with due regard for the safety of life and property, and will use the warning devices only when necessary.

It is important that radio equipped units, upon approaching the scene of a call, should do so as quietly as possible, so as not to give warning of their approach and thereby permit the possible escape of a criminal.

Section 7. Members assigned to radio units shall be required to perform general police duty and shall take necessary action in all cases of violations of the laws and regulations coming to their attention.

Section 8. No one shall be permitted in the dispatcher's room except members of the department detailed for duty therein, or persons there on official business.

Section 9. The crew reporting to duty shall, in company with the members they are to relieve, make a thorough inspection of the vehicle to which they are assigned and shall, if the vehicle is found damaged or unfit for service, report this fact to the officer then in command who shall promptly investigate and fix the responsibility for such defect or damage and make detailed report, with recommendation, to the commanding officer.

Section 10. Members of radio equipped vehicles shall be held responsible for the maintenance of their vehicles and the equipment attached thereto in a clean condition and in proper



working order. Upon completion of their tour of duty they shall see that the radiator, gasoline tank, and oil reserve of the vehicle to which they are assigned are filled and that the lights are in good working order and tires properly inflated.

Section 11. They shall make immediate report of any defects in or damage to the vehicle operated by them, such report to be complete in detail as to the nature of the defect or damage and the causes therefor. They shall be held pecuniarily responsible for such damage unless they can show conclusively that such damage is not the result of negligence or carelessness on their part.

Section 12. No unnecessary material shall be kept in any department vehicle.

Section 13. Cruisers parked on the ramp will be backed in with front of vehicle headed out. This will save time when answering emergency calls and possibly avoid accidents that could happen if backing out into traffic.

Section 14. The rules and regulations of the Federal Communications Commission licenses police radio stations for emergency messages only. Any communications that do not come within this category shall be transmitted by telephone or other means of transmission. The use of obscene, indecent or profane language by means of radio communication is a serious offense and is deemed misconduct punishable by such administrative action as may be directed.

Section 15. Insofar as applicable, the rules for patrolmen shall apply to members of the force assigned to any duty mentioned in this chapter.



## CHAPTER XIII

Section 1. A felony is a grave crime, such as punishable by death, as murder, or by imprisonment in the penitentiary, as manslaughter, rape, assault with a deadly weapon, grand larceny, forgery, housebreaking and bribery.

Section 2. A misdemeanor is a lesser offense, punishable with fine or imprisonment in the jail or workhouse.

Section 3. Any person who is present when a felony is actually committed is justified in arresting the offender. A police officer is justified in arresting one whom he has reasonable grounds to believe has committed felony even though the person arrested should afterward prove to be innocent.

Section 4. If a police officer knows or has reason to believe that a felony has been committed and if he has probable cause to believe because of facts known to him or communicated to him by a reliable informant that an individual is guilty of the felony, he has the right and duty to arrest that individual with or without a warrant. A police officer has probable cause if he has either personal knowledge of facts or has received information such as will justify a man of prudence in believing that a felony has been committed and that the person arrested committed it. The officer shall take into consideration the manner, action and conversation of an individual as factors in determining whether he has probable cause to make an arrest.

Section 5. A police officer may use no more force than is necessary to make or maintain an arrest. Use of force in excess of that which is necessary to make or maintain an arrest may render the officer guilty of an assault. In determining the



amount of force necessary the officer may take into consideration all surrounding circumstances known to him.

Section 6. If an officer is called upon to justify an arrest, either in a civil suit against the officer for false arrest or imprisonment, or in a criminal prosecution of the person arrested or otherwise, he should in felony cases be in a position to establish that he, at the time of the arrest, knew of or had been advised of facts which would reasonably establish probable cause for believing that a felony had been committed and that the individual arrested was guilty of the felony. If the arrest is for a misdemeanor the officer must show in his justification that the offense was committed in his presence and that he had personal knowledge thereof.

Section 7. If a misdemeanor is charged by a citizen to have been committed and the officer has not witnessed the commission of the offense, in all ordinary cases a warrant should be secured before any arrest is made. Officer should advise complainants of the proper procedure when applying for warrants.

Section 8. Any member of the police department may legally arrest without a warrant in the following cases:

(a) When a felony had been committed or when the officer has reason to believe that a felony has been committed, whether in his presence or not, and the officer in good faith has reasonable grounds for believing from facts within his knowledge or from facts communicated to him by a reliable informant that the person to be arrested has committed the felony.

(b) For breaches of the peace, such as assaults and batteries, affrays, riots, unlawful assemblies,





and forcible entry and detainer, committed in his presence, and for all violations of municipal ordinances or State and Federal laws when committed in the presence or view of the officer.

Section 9. Ordinarily no arrest can be made without a warrant for a mere misdemeanor unless the offense was committed in the officer's presence. If the offense was not committed in the officer's presence he should procure a warrant before attempting to arrest the offender.

Section 10. A police officer may legally break and enter a building to make an arrest without a warrant where all of the following circumstances exist:

- (a) When a felony has been committed or when he has probable cause to believe that a felony has been committed; and
- (b) When he has probable cause to believe that the felon is within the building involved; and
- (c) After he has identified himself, stated the nature of his business, demanded entrance and entrance has been refused; and
- (d) Where the circumstances of the case are such that to attempt to secure a warrant would, in all probability enable the felon to flee and prevent the officer from making the arrest.

In all cases where it is possible for the officer to secure a warrant he should do so before attempting to break and enter and arrest without a warrant. A vague belief in the officer's



mind, suggested by his own thoughts, is, under no circumstances, probable cause. There should be reasonable grounds for suspicion, supported by circumstances sufficient to warrant a cautious man believing that the party is guilty of the offense.

Section 11. To constitute an arrest there must be personal coercion, the person must be deprived of his liberty or be controlled by the will of another. To make an arrest lawful it is necessary that the subject of arrest should have notice that he had been arrested by lawful authority, either by the person making the arrest giving notice of his purpose and reason therefor, or from his being a known officer, or by seeing his uniform or badge of office, or by being arrested while actually committing the offense against the law or while fleeing from the scene of such offense. Mere words do not constitute an arrest unless there is a voluntary submission to the same.

Section 12. An arrest unlawfully made cannot be made good by a warrant taken out afterwards.

Section 13. An officer armed with a lawful warrant, or in making a lawful arrest without a warrant, has the right and it is his duty to use every necessary means to make the arrest. If resisted, he may use such force as is necessary to overcome the resistance.

Section 14. In all cases the force used to make an arrest must be only so great as is necessary to effect the object in view.

Section 15. A policeman shall not use his revolver except in extraordinary cases such as in the actual defense of his own



or another's life, when attacked with deadly weapons, or in active pursuit of escaping felons or those charged with such serious crimes as murder, rape, robbery, housebreaking, arson, etc., or those persons concerning whom the officer has probable cause to believe are guilty of a felony when all other means of apprehending the individual have been exhausted. Shooting at another is a crime except when proven to be done as authorized by law. Therefore, if a policeman sworn to execute the laws, should, through cowardice, passion, or malice, shoot at, wound or kill another, he would be a criminal in a double sense; for the reason that in so doing he would be guilty of violating his oath of office.

Section 16. If an officer witnesses a misdemeanor and, departs the scene and returns, ordinarily he cannot arrest without a warrant for such previous offense. The shortness of the interval does not affect the question. To justify an arrest for a misdemeanor committed in the presence of an officer, the arrest must be made immediately.

Section 17. An arrest cannot be lawfully made in a courtroom or in the precincts of the court unless for an offense committed there and after the arrest has been ordered by the court.

Section 18. Senators and members of the Legislature are privileged from arrest during their attendance at or within their respective Houses and in going to and returning from the same, except upon the charges of treason, felony, or a breach of the peace.

Section 19. A foreign ambassador, minister or other envoy who is a representative of his country is not amenable to the



laws of the country to which he is accredited. He is consequently exempt from any charges whatsoever, even the most heinous, and this is equally true of every member of his official, as distinguished from his domestic, household. Their attaches and domestics are likewise exempt if their names are registered at the State Department. Under the Constitution of the United States it is a serious offense to make such an arrest, but no such privilege attaches to the office of consul, who is not recognized as a diplomatic officer.

Section 20. An officer to whom a warrant is delivered for service must take notice of its contents and see that upon its face it appears to have been issued by an authority having jurisdiction of the subject matter, upon a legal cause shown, and for a person who is named or particularly described therein.

Section 21. The fact that a warrant has been issued and is in the hands of another officer for service is sufficient grounds to authorize an arrest for a felony by an officer who does not have the warrant with him, but it is to be remembered that is only in cases of a felony that the officer is justified in arresting one for whom a warrant has been issued and is in the hands of another officer. For past offenses, less than a felony, an officer cannot lawfully arrest unless he has the warrant with him at the time or is in company with or assisting the officer who has.

Section 22. Confessions. A confession is a voluntary statement made by a person charged with the commission of a crime, wherein he acknowledges himself to be guilty of the offense charged and disclosed the circumstances of the act or his participation therein. To be admissible in court, it must be shown





that the confession was voluntary in fact, that the person was not subjected to any force or violence, that he was not threatened or promised leniency if he should confess. A confession secured as a result of or during a period of unauthorized detention may be rendered inadmissible in evidence as a result thereof.

Section 23. Confessions may be either oral or written, but whenever possible such confessions should be reduced to writing, read to the accused or by him and signed in the presence of one or more officers or witnesses who were present at the time the statement was read and signed.

Section 24. Dying Declarations. A dying declaration is a statement made by one conscious of approaching death, in which he refers to the manner the injuries causing his death were received, or in which he refers to the person causing his injuries. To be admissible it must be clearly evident the declarant at the time the statement was made, believed he was about to die. This may be shown by his statement or by actions which clearly indicate this fact.

Section 25. As in the case of confessions, Dying Declarations may be either oral or written, however, in most cases the dying person will be unable to write and in many cases unable to read. Therefore, it is the duty of the officer taking the statement to record the same in his notebook for reference in court, and witnesses by any persons who may have overheard the declaration.

Section 26. In all cases of serious injury coming to the attention of members of the force they shall immediately take any statements the injured person will make concerning the cause of



his injuries and the person or persons who inflicted such injuries, and retain the same for use as dying declarations under the conditions set forth in the preceding sections.

Section 27. Competency of Witnesses.

(a) The law recognizes naturally incapacitated persons and they therefore are incompetent to testify. Among these are persons insane at the time they are called to testify. They are not excluded on the mere grounds of insanity unless the insanity be shown at the time they are called as witnesses.

(b) There is no definite rule as to the age at which a person is qualified to testify, the question is an individual one for the court to decide, and had been based on the capacity of the person to understand an oath or to recognize the truth.

Where the testimony of a child is essential, the officer should not base his decision on the age of the witness, but instead, if he believes the child is capable of giving testimony, take the child to court as any other witness.

(c) A wife or husband is competent to testify for or against each other, but cannot be compelled to do so. Therefore, where a wife or husband is called to testify against the other, they may refuse to testify and their testimony cannot be compelled.

(d) A defendant cannot be compelled to testify against himself, and may refuse to take the witness



stand and testify in any case in which he is a defendant. Notwithstanding this fact, a police officer must obtain the defendant's criminal record, if any, in all serious cases and furnish the prosecutor with a copy before the case is called to trial.

Section 28. Capacity of Children to Commit Crimes. A presumption of evidence declares a child under the age of seven years to be incapable of committing a crime. Therefore, where a child under seven years of age is apprehended in the commission of an unlawful act, he must be proceeded against through proper welfare authorities and not before the court.

Section 29. Use of Criminal Records. In the preparation of cases involving serious infractions of the law, such as felonies, assaults, and serious misdemeanors, members of the department shall be required to obtain not only the record of the defendant required by this chapter; but shall also supply the prosecutor with the criminal records of the complaining witness, if any. The purpose of this section is to acquaint the prosecutor with any facts which might be referred to by the defense in an effort to attach the credibility of the principal government witness.

Section 30. The mayor or municipal judge, shall have the authority to issue warrants for all offenses committed within the police jurisdiction of the City of Nitro.



CHAPTER XIV  
DISCIPLINARY PROCEDURE

Section 1. Officers in charge will be authorized to suspend subordinates, for just cause, for a period not to exceed three days. In such cases report shall be made in writing to the chief of police for review. Such subordinates shall be afforded the privilege of appealing his suspension to the chief of police for the purpose of pleading his case, and upon his request shall be afforded the privilege of having formal charges placed against him.

Section 2. All suspensions, for just cause, of four days or more shall be made only by the chief of police, who shall immediately forward to the mayor of the City of Nitro the charges, specifications and recommendations against such member of the police department for the review and official action of the mayor. When such member has been dismissed or suspended, for just cause, by the mayor of the City of Nitro, he shall be furnished with a letter from the mayor informing him of such action, which letter shall set forth such charges and specifications.

Section 3. Whenever a suspended or dismissed member of the Nitro Police Department desires to appeal the action of the mayor of the City of Nitro in connection with such disciplinary action, under the provisions of law he shall, within ten days, file his appeal before the Police Civil Service Commission of the Nitro Police Department. The said member of the police department will be furnished at his request, the necessary assistance of the





administrative staff of the City of Nitro in preparing his papers of appeal. It shall, however, be the duty of the member under charge from thereon to conduct his own defense of said charge, without legal assistance from the City of Nitro.

Section 4. Any member of the Nitro Police Department charged with any of the following offenses shall suffer such administrative penalty as the mayor of the City of Nitro may direct:

- (a) Being under the influence of alcoholic beverages or narcotics while on duty.
- (b) Taking narcotics, unless upon the prescription of a reputable physician, or being noticeably under the influence of alcoholic beverage in a public place when off duty.
- (c) Drinking alcoholic beverage, as described in the "Liquor Control Act", while in uniform off duty.
- (d) Malingering or feigning illness or disability in order to evade the performance of duty.
- (e) Willful disobedience of orders or insubordination.
- (f) Willful and knowingly making an untruthful statement of any kind in any verbal or written report pertaining to his official duties as a Nitro Police Officer to or in the presence of any superior officer, or intended for the information of any superior officer, or making any untruthful statement before any court or before a police trial board.
- (g) Upon evidence submitted to the chief of police or mayor showing the conviction of any member of the department in any court of competent jurisdiction of



any criminal or quasi-criminal offense, or of any offense tending to bring discredit upon the department.

(h) Inefficiency as evidenced by repeated and well-founded complaints from superior officers or others concerning the performance of police duty or neglect of duty. Three suspensions within a period of twelve months upon charges involving violations of the rules and regulations of the department shall be prima facie evidence of inefficiency. Superior officers shall, upon the third conviction within a period of twelve months of any member of their command, either submit a report recommending to the chief of police that the officer be cited before the mayor for inefficiency, or submit a report giving the reason why the officer should not be cited on the charge of inefficiency.

(i) Receiving money or other valuable consideration contrary to the rules and regulations of the department or the laws in force in the City of Nitro.

(j) Absence from duty without leave.

(k) Willfully maltreating or using unnecessary violence toward a prisoner or other person.

(l) Neglect or refusal to pay a just debt contracted during time of service, provided the debt, unless admitted shall be evidenced by final judgment of a court of competent jurisdiction.

(m) When frequent intervention by the department is required to compel the liquidation of a just debt.



(n) Conduct unbecoming an officer, which may include, in addition to acts detrimental to good discipline or tending to bring discredit to the department, violation of any law of the United States or any law, municipal ordinance, or police regulation of the City of Nitro.

(o) Willful failure to report promptly to the chief of police, through the proper channels, or direct, any disloyal or suspected disloyalty to the United States or to governments of the state of West Virginia or City of Nitro; or to report promptly any violation by any member whomsoever, without or within the Nitro Police Department, of the Criminal Code of the United States or the Codes of the State of West Virginia or the City of Nitro, or to report the violations of Section 8, Chapter 11 of the rules and regulations of the Nitro Police Department, the penalty provided for which is removal from the department.

(p) Neglect of duty to which assigned, or required by rules and regulations adopted from time to time by the department.

(q) Disobedience or failure to obey any order of a superior officer, or order issued by the mayor or the chief of police.

(r) Any conduct not specifically set forth herein which is prejudicial to the reputation and good order of the police department, or involving failure to obey or properly observe any of the regulations and orders relating to the discipline of said department.



Section 5. The fact that a member of the police department has been charged with and is awaiting trial for a criminal offense involving matters prima facie prejudicial to the reputation and good order of the police department as defined in this chapter, in this or any other jurisdiction, shall not be a bar to his immediate suspension.

Section 6. No officer or member disabled for further duty by reason of disease contracted or injury incurred other than in line of duty shall be allowed to continue to serve in the department. In such cases of disease or injury, the mayor shall order the examination of such disabled member by competent physicians appointed by the City of Nitro or the Police Pension Board, and the said physician shall examine the said member and report in writing upon the individual, and, if such disability is found and individual is not entitled to retire, or being entitled to retire fails and refuses to request retirement, the mayor shall cause to be prepared either (a) a charge of inefficiency, or (b) a charge of disability precluding further service in the department, or (c) both of said charges, in his discretion, and in the case of such members being able to retire, refer the case to the Police Pension Board; and, in the case of such member not being eligible to retire, the mayor shall order such member's dismissal from the department, but such order of dismissal for disability precluding further service in the department shall state that such dismissal is without delinquency or misconduct. The said member so dismissed shall have the right of appeal to the Police Civil Service Commission





upon such dismissal, as provided by law.

In all cases of members of the Nitro Police Department who are eligible for retirement under the Police Pension laws, who may become permanently disabled by reason of such disease or injury, action may be taken by the mayor before such retirement of said member as described in the preceding paragraph: Provided, that any individual under charge of disability precluding further service in the department shall have the right to resign or retire from said department in the manner prescribed by law.

Section 7. Any member of the department who enters into a conspiracy, combination, or agreement with the purpose of substantially interfering with or obstructing the efficient conduct or operation of the police department of the City of Nitro by a strike or other disturbance, shall be guilty of misconduct and subject to dismissal from the department or such other administrative punishment as may be directed by the mayor.



## CHAPTER XV

## GENERAL

Section 1. All books, records, and printed forms used in the Nitro Police Department shall be approved by the chief of police, who shall direct the style and forms to be used and who shall from time to time make such changes and additions as the exigencies of the service may require.

Section 2. All official communications in writing shall be through proper official channels.

Section 3. All members of the department in forwarding communications or reports requiring their signatures shall affix their first and last name in full. The middle name, if any, shall be represented by an initial.

Section 4. All communications and reports shall be made upon the blank forms provided for the purpose, or, in the case of reports or communications for which no special forms are provided, upon official department letterheads, which shall, where practicable, be forwarded flat, without crease or fold.

Section 5. All official papers shall be endorsed over the signature of the officer through whose hand they pass, and shall be forwarded as expeditiously as is practicable.

Section 6. Erasures or alterations of records are prohibited. Should a correction be necessary, a red ink line shall be drawn through the original entry and the correction made above or in the margin, and the person making the correction shall initial same in ink.



Section 7. All correspondence with the authorities of other jurisdictions concerning the investigation of crime or the apprehension of criminals shall be conducted either through or with the approval of the chief of police.

Section 8. There shall be established and maintained at headquarters, such records, books, and indexes as may be directed, from time to time, by the chief of police.

Section 9. Every member of the department shall be required to have a valid operator's permit to operate a vehicle.

Section 10. All orders, general, special, and memorandum, which do not conflict with the provisions of this manual, are still in full force and effect.

Section 11. Nothing contained herein shall contravene the authority over the Police Department granted to the Mayor or the Civil Service Commission by the Charter of the City of Nitro or the statutes of the State of West Virginia.



## NITRO CITY COUNCIL MEETING

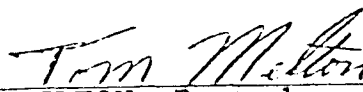
October 21, 1975

The regular meeting of Nitro City Council was held October 21, 1975, at 8:00 P.M. in the Council Chambers. Those 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 Vernon Casebolt, Councilman Paul Hill, Councilman Thomas Lilly, Councilman David Hart and City Attorney Frank Armada.

CITY OF NITRO, POLICE DEPARTMENT: RULES AND REGULATIONS GOVERNING THE POLICE DEPARTMENT OF THE CITY OF NITRO AS PROMULGATED BY THE COMMANDING OFFICER AND THE POLICE DEPARTMENT COMMITTEE AND APPROVED BY THE NITRO CITY COUNCIL. Mayor Gibson stated Council had approximately 3 weeks to review the Rules and Regulations governing the Police Department and asked if there were any questions. Councilman Hill, Chairman of the Police Department Committee, made a motion to accept the adoption of the Resolution. The motion was seconded by Councilman Casebolt. Councilman Hart stated the motion should read that the Rules and Regulations should supersede any previous Rules and Regulations that might conflict in any way. The motion was so amended. Councilman Casebolt seconded the motion as amended. The motion was carried with the exception of Councilman Lilly, who was opposed.

\* \* \* \*

I, Tom Melton, Recorder of the City of Nitro, hereby certify that the foregoing is a true and correct excerpt of the minutes of a regular meeting of the Council of said City held on October 21, 1975, at 8:00 P.M.

  
TOM MELTON, Recorder



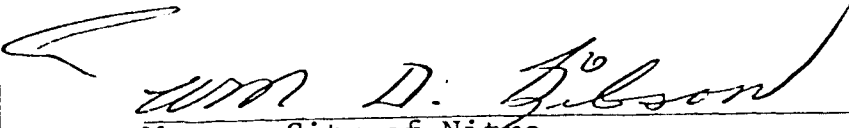


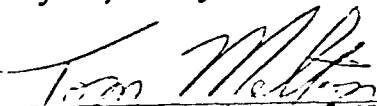
RESOLUTION OF THE CITY OF NITRO TO ACCEPT  
THE ADOPTION OF THE RULES AND REGULATIONS  
GOVERNING THE POLICE DEPARTMENT OF THE  
CITY OF NITRO AS PROMULGATED BY THE  
COMMANDING OFFICER AND THE POLICE DEPARTMENT  
COMMITTEE

On a motion to accept the adoption by Councilman Hill, Chairman of the Police Department Committee, and duly seconded by Councilman Casebolt, it is hereby resolved that the departmental regulations for the City of Nitro Police Department is hereby adopted; and any prior rules or regulations in conflict with these rules and regulations are hereby repealed.

It is further resolved that the aforesaid police regulations consist of fifteen chapters and sixty-six pages, and same shall govern the conduct, procedures and actions of the Nitro Police Department of the City of Nitro, West Virginia, from this day forward.

Passed by Nitro City Council in a regularly scheduled council meeting held on the 21st day of October, 1975, at 8:00 P.M.

  
\_\_\_\_\_  
Mayor, City of Nitro

  
\_\_\_\_\_  
Recorder, City of Nitro











BOND ORDINANCE AUTHORIZING THE ISSUANCE OF \$149,000.00  
SEWAGE SYSTEM REVENUE BOND: Mayor Gibson stated there was a public meeting October 21, 1975, at 7:30 P.M., just prior to this Council Meeting and there were no protests.

Mayor Gibson had given each Councilman specifications on a new police cruiser that Police Chief, Lawrence Craft, would like to have put out for bids. There would be a 1973 model Plymouth to be traded in on the new vehicle. Councilman Hill said there had been a recommendation by the Committee to delete the air conditioner and the A M radio. Council then discussed the advantages and disadvantages of the economy size car. Councilman Hill made a motion to put the specifications out for bid on an economy size car without air conditioning and A M radio, using the 1973 Plymouth as trade-in and sealed bids were to be accepted until 8:00 p.m. November 18, 1975, and the bids would be opened during the Council meeting. Councilman Casebolt seconded the motion and it passed unanimously.

Mayor Gibson read a letter from Nitro Police Chief, Lawrence Craft, in the interest of Michael Brightwell, requesting that he be removed from his probationary period and be continued as a member of the Nitro Police Department. Chief Craft stated in his letter that Officer Brightwell was an outstanding officer and was very well qualified for this position.

Mayor Gibson said that he had received a letter from the Salvation Army signed by Warren H. Fulton, Brigadier, asking permission to place the traditional kettles in front of larger places of business during the Christmas Season. Councilman at Large Dr. Allen moved that the City let the Salvation Army continue with this project, the motion was seconded by Councilman Casebolt and passed unanimously.

Mayor Gibson explained the Michie Company had contacted him by telephone, in regard to the City Code and it would be shipped on October 26, 1975, one copy will be sent first class mail and several other copies will be shipped by express.

Mayor Gibson passed around to each Councilman a letter dated October 21, 1975, regarding the maintenance garage. The Mayor read the letter from Robert Y. Hayne, Appalachian Engineers, Inc., in reference to the new maintenance garage. A copy attached hereto and made a part hereof. Councilman Lilly asked if this would affect our contract with them and should this be agreed on tonight and ratified later after the contractor agrees. Mr. Armada stated there could be a proviso in the Resolution that it was agreed upon provided that we have authorization from the contractor. Councilman Dr. Allen made a motion in form of a resolution to agree to the changes outlined in the letter if the contractor agrees, so there would not be any further delay in getting construction started. The motion was seconded by Councilman Hill and passed unanimously.

Mayor Gibson stated that there was a Resolution needed to designate Councilman Hart to serve on the Kanawha Valley Regional Transportation Authority as a representative member, and the approval of payment of \$500.00 for a participating member. Councilman at Large Allen so moved this Resolution be prepared and approved, it was seconded by Councilman at Large Tidquist and passed unanimously.

COUNCILMAN AT LARGE TIDQUIST: No committee reports

COUNCIL LILLY: No committee reports

COUNCILMAN HILL: Councilman Hill said he received a letter pertaining to Ade Emergency Ambulance Service and questioned if there had been anything in Council about it in his absence. Councilman Lilly asked if the Mayor or Council would like a report on this. Mayor Gibson said that they were in operation and as far as he knew there had been no complaints from the police department or from the citizens of Nitro. Councilman at Large Tidquist stated that he had been questioned as to why Nitro did not have the same service as Dunbar. Councilman at Large Tidquist suggested this matter be checked into so the citizens of Nitro could be better informed on the situation. Councilman Lilly stated that his committee would meet Friday, October 24, 1975, at 7:00 P.M., in the conference room at City Hall to confer on this matter and all Council members were invited to attend.

COUNCILMAN HART: Councilman Hart had no committee reports but wanted to know what had been resolved by the Mayor and Chief of Police concerning the Party Beer Store at 38th Street in that the condition had not changed with the refrigeration equipment. Mayor Gibson stated that the time had expired October 20, 1975. Council then agreed that the Ordinance should go in effect since they had given him more than ample time to get the cooler cases and other materials cleaned up. Mr. Armada stated that Mr. John Ray, possible owner of some of the property, should also be notified of this situation. Mr. Armada stated this would give Mr. Ray an opportunity to take care of his property.

COUNCILMAN AT LARGE DR. ALLEN: Councilman at Large Dr. Allen felt there should be some way to enforce motorbikes and bicycles to observe the rules and regulations of the City Streets. He said they were not observing the signs, Councilman Lilly suggested that some warnings be issued and some of the parents notified, for the safety and protection of the children.

COUNCILMAN CASEBOLT: Councilman Casebolt had no committee reports but would like to question the "STOP" sign on Second Avenue and Seventh Street, if it was in the proper location. Council members and City Attorney Armada agreed that it was properly placed.



APPALACHIAN ENGINEERS, INC.

301 OTT BUILDING - 215 DUNBAR STREET  
CHARLESTON, WEST VIRGINIA  
25301

304 343-9211

October 21, 1975

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

Re: Maintenance Garage

Dear Mayor Gibson:

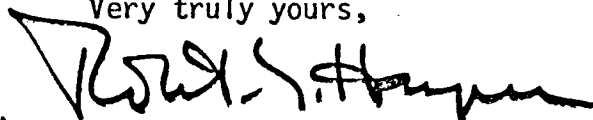
This is to confirm our discussions regarding the foundation conditions at the Maintenance Garage Site. After it was determined that an old garbage fill extended into the area of the proposed Maintenance Garage, we excavated a series of trenches in various locations to probe the extent of the garbage fill and the location of firm foundation.

It is our recommendation that the width of the Maintenance Garage be reduced from 50 feet to 40 feet and that the garage be shifted 6 feet toward the property line. It is our further recommendation that a concrete retaining wall-foundation be constructed along the end of the building adjacent to Main Avenue and approximately 75 feet along the property line in lieu of column foundations and grade beams. It is also recommended that the floor elevation be raised by 2 feet to elevation 586 to minimize the height of the retaining wall and also coincide with the 100-year flood elevation.

Together with certain other minor revisions to the facility, we estimate that the proposed changes would result in a net reduction of approximately \$7,500 in the contract price.

It is our recommendation that you proceed on this basis. If you concur in the matter, please advise and we will notify the contractor to resume work in accordance with the proposed revisions.

Very truly yours,



Robert Y. Hayne

RYH:lh



APPALACHIAN ENGINEERS, INC.

301 OTT BUILDING - 215 DUNBAR STREET  
CHARLESTON, WEST VIRGINIA  
25301

304 343-9211

June 17, 1975

Mayor William Gibson  
Nitro City Building  
Nitro, West Virginia

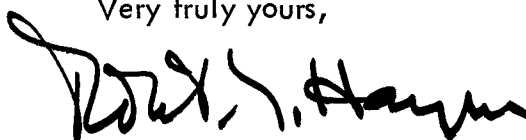
Re: Maintenance Garage Drawings

Dear Mayor Gibson:

There is attached one (1) set of drawings showing the proposed Maintenance Garage in a revised location. These drawings are essentially complete and as soon as the specifications have been reproduced the project is ready for advertising for bids.

We anticipate that the specifications will be ready on before June 23 and the project can be advertised thereafter. We would suggest that you allow at least four weeks for receipt of bids which would set the bid date as July 22, 1975.

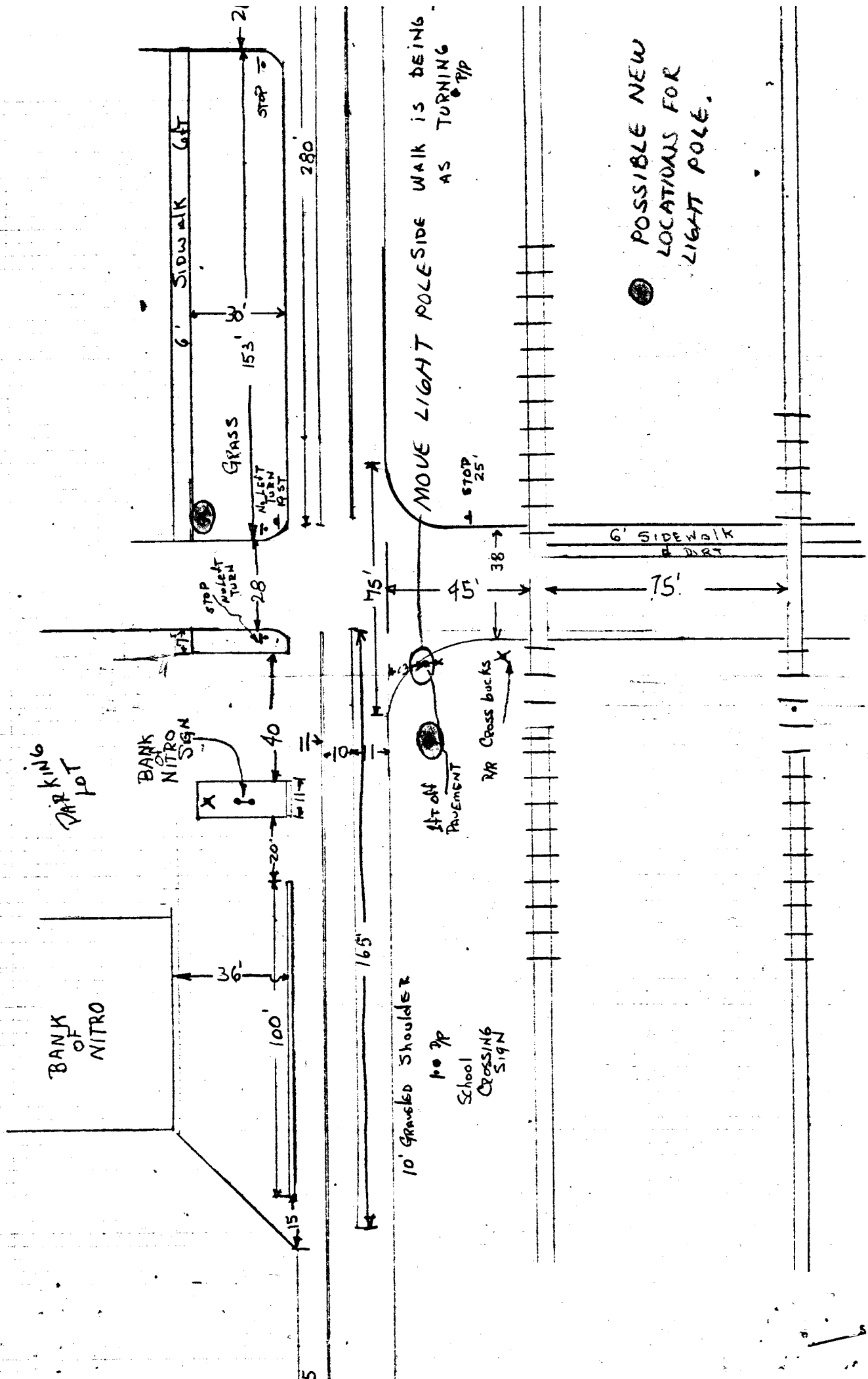
Very truly yours,

A handwritten signature in black ink, appearing to read "Robert Y. Hayne", written in a cursive style.

Robert Y. Hayne

RYH:jb







COUNCILMAN PRIDDY: No committee reports.

CITY RECORDER MELTON: No committee reports.

Councilman Casebolt made a motion to adjourn, it was seconded by Councilman Priddy and passed unanimously.

  
MAYOR

  
RECORDER





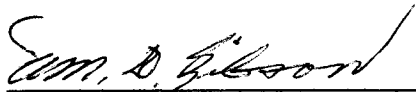
R E S O L U T I O N

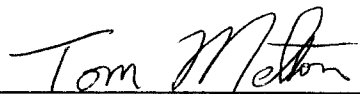
WHEREAS, there is a vacancy existing in regard to the appointment of the City of Nitro representative to the Kanawha Valley Regional Transportation Authority, and

WHEREAS, City Council is of the opinion that the interests of the City of Nitro would best be promoted by having a representative from the City Council to serve on the said Authority,

THEREFORE, be it resolved that David Hart is hereby appointed the duly authorized representative of the City of Nitro to the Kanawha Valley Regional Transportation Authority.

This motion was duly made and seconded, and passed by unanimous vote on the 21st day of October, 1975. at regular council meeting.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Recorder



minimal red tape and federal restrictions;

WHEREAS, Efficient government calls for well-planned advance budgeting;

WHEREAS, The current revenue sharing program expires December 31, 1976 and July through June fiscal year governments must begin budgeting the previous spring;

THEREFORE, BE IT RESOLVED by Nitro City Council that general revenue sharing be re-enacted by the first session of the 94th Congress providing local governments with advance dollar figures that can be used for efficient, responsive planning of programs and budgets and that can be identified for more than half of their fiscal '76 year and can be incorporated in long term effective planning.

Mayor Gibson said he had been requested by some of the business men to have the two-hour parking restriction enforced. He said he had given a letter to the police chief on it, and it is being enforced. Since then he has had requests from some areas for Council to consider changing the two-hour restriction on 22nd Street and 20th Street. He said the feeling is that 21st Street and Bank Street, plus a small section of Second Avenue, are the only ones that need it.

Councilman at Large Hugo Tidquist: Councilman Tidquist had no new business, but a short memo from Stephen Mullins, Recreation Director, was read to Council. Mr. Mullins' memo stated that Nitro had officially gotten underway for the Bicentennial celebration on Monday, October 27, and he wanted to express his appreciation to Mr. Ronald Lyons, Principal of Nitro High School, and to the bands and band directors of the High School and Junior High School bands for their musical presentation.

Councilman Paul Hill: No new business.

Councilman David Hart: Councilman Hart stated that he had made a survey of the main streets in his ward regarding pot-hole paving, leaf pick-up, etc., and also had checked on the refrigeration equipment that had been stored at 37th Street.

Councilman Hart also stated that Mr. William Fortune, president of the Golden Oldies Street Rod Association, had asked permission to have their annual car show at Ridenour Memorial Park, or, as a second choice, City Park, on the weekend of April 24-25, 1976. Mr. Fortune was asked several questions by the councilmen concerning the proposed show, including space needed for parking, the amount of camping that would be done, the distance for the planned parade, etc. After some discussion,

it was decided that Mr. Fortune should go with Lt. Webb or Chief Craft and survey the parking areas at Ridenour Park to see if the facilities would be adequate, and if they are not, then consider Nitro City Park, before a decision is made by Council in granting the request. The decision would be made at next council meeting.

Councilman at Large Keith Priddy: Councilman at Large Priddy had no reports, but asked about the progress on the changes in the plans on the maintenance building. The Mayor replied that our Engineers are working with Meade Construction Company of Kentucky to make sure everything is exactly right.

Recorder Tom Melton: No reports.

Councilman Casebolt made the motion for adjournment. The motion was seconded by Councilman Hill and was approved unanimously.

Wm. D. Gibson Tom Melton  
Mayor Recorder

R E S O L U T I O N

WHEREAS, local governments in West Virginia budget from July through June and make long term budget commitments to efficiently meet the needs of their citizens;

WHEREAS, local governments depend on general revenue sharing dollars for essential local government programs;

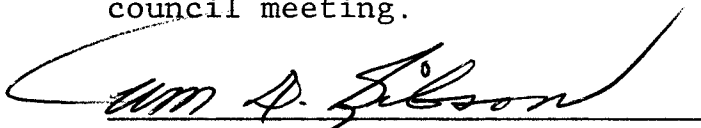
WHEREAS, Revenue sharing dollars enable local governments to fill locally determined vital needs with minimal red tape and federal restrictions;

WHEREAS, Efficient government calls for well-planned advance budgeting;

WHEREAS, The current revenue sharing program expires December 31, 1976 and July through June fiscal year governments must begin budgeting the previous spring;

THEREFORE, BE IT RESOLVED by Nitro City Council that general revenue sharing be re-enacted by the first session of the 94th Congress providing local governments with advance dollar figures that can be used for efficient, responsive planning of programs and budgets and that can be identified for more than half of their fiscal '76 year and can be incorporated in long term effective planning.

This motion was duly made and seconded, and passed by unanimous vote on the 4th day of November, 1975, at regular council meeting.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Recorder



## NITRO CITY COUNCIL MEETING

November 4, 1975

The regular meeting of Nitro City Council was held in the Council Chambers November 4, 1975, at 8:00 P.M. Present were Mayor William D. Gibson, City Recorder Tom Melton, Councilman at Large Keith Priddy, Councilman at Large Hugo Tidquist, Councilman Vernon Casebolt, Councilman Paul Hill, Councilman David Hart and City Attorney Frank Armada. Councilman at Large Dr. R. V. Allen and Councilman Thomas Lilly were absent.

The meeting was called to order by the Honorable William D. Gibson. Invocation was given by Reverend Garland O'Dell of the Otterbein United Methodist Church.

APPROVAL OF MINUTES FOR OCTOBER 21, 1975, PUBLIC MEETING  
ON BOND ORDINANCE: Councilman at Large Hugo Tidquist made a motion for approval of the minutes of the public meeting. The motion was seconded by Councilman Casebolt and was approved by unanimous vote.

APPROVAL OF MINUTES FOR OCTOBER 21, 1975, COUNCIL MEETING:  
 Mayor Gibson stated that each councilman 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 approval of the minutes. The motion was seconded by Councilman Hill and approved by unanimous vote.

OCTOBER FINANCIAL REPORT: Mr. Tom Melton, Chairman of the Finance Committee, gave the following report:

Balance September 30, 1975	74,319.49
Receipts for October	86,066.51
Disbursements for October	53,237.40
Balance October 31, 1975	107,148.60

POSSIBILITY OF OVERHEAD STOP SIGN OR BLINKING LIGHT AT INTERSECTION OF LOCK STREET AND MAIN AVENUE: Mayor Gibson recommended that this be left in committee since Councilman at Large Dr. Allen, Chairman of the Street & Traffic Committee, was ill and unable to attend council meeting.

TRAFFIC PROBLEMS ON 18TH STREET HILL AND THE POSSIBILITY OF PLACING LOAD LIMIT SIGNS: Mayor Gibson stated that this had already been reviewed by the city engineer, and he wanted Mr. Armada's opinion on it. Mr. Armada stated that the city engineer and the Street Committee would need to make a recommendation as to the maximum weight load they would want on the street, and then he would draft the appropriate ordinance.

ADE AMBULANCE SERVICE TO THE CITIZENS OF NITRO: In the absence of Councilman Lilly, Chairman of the Emergency Ambulance Service Committee, Mayor Gibson recommended this be kept in committee.

NEW BUSINESS AND COMMITTEE REPORTS:

Mayor Gibson read a letter from Mr. & Mrs. W. C. Lucas of #4 Smith Street, complimenting the City and Gene Williams especially for the improvement in the landfill area at Smith Street.

The Mayor stated that he wanted to inform Council that an in-depth investigation is under way in certain areas of Nitro to try to determine who is inserting dangerous articles into candy on Halloween. A discussion followed, and the suggestion was made to explore the idea of having parties in various locations throughout the city next year instead of "Trick or Treat".

The Mayor read a letter from the West Virginia Department of Highways, Office of the District Engineer, signed by Mr. Frank Ramsey, regarding a Pre-Construction Conference set for November 17, 1975, to discuss the traffic signal for 40th Street and First Avenue.

Another letter read by Mayor Gibson was from the Office of the Governor. This letter stated that an award of \$1,133 (\$1,019.70 in federal, \$56.65 in state and \$56.65 in local funds) had been awarded for updating police communications in the Nitro Police Department.

The Mayor reported that the Zoning Appeals Board had approved an application from Mr. M. S. Giersch for a zoning change in order to build a warehouse and had disapproved an application from Mr. Oshel Craigo to build a warehouse between Frederick Street and First Avenue. After some discussion, Mr. Armada stated that should Mr. Craigo wish to change his original application, he would need to re-apply to the Zoning Appeals Board, or appeal their decision.

Mayor Gibson stated that he had received a letter from the Regional Intergovernmental Council signed by Benjamin F. Howatt, regarding the renewal of General Revenue Sharing. Also included was a suggested Resolution for Council's consideration. Copies of the letter and resolution had been given to all councilmen. Councilman at Large Priddy made a motion that the Resolution be adopted. Councilman Casebolt seconded the motion, which was passed by unanimous vote. The Resolution is as follows:

RESOLUTION

WHEREAS, local governments in West Virginia budget from July through June and make long term budget commitments to efficiently meet the needs of their citizens;

WHEREAS, local governments depend on general revenue sharing dollars for essential local government programs;

WHEREAS, Revenue sharing dollars enable local governments to fill locally determined vital needs with



We, as residents of the city of Nitro, do petition the city of  
Nitro, Kanawha County, West Virginia, to keep the street of  
Caufeld open for public use.

J. L. Bonner

Albina F. Bonner  
Dan Estep

J. F. Mollohan  
M. F. Bartlett

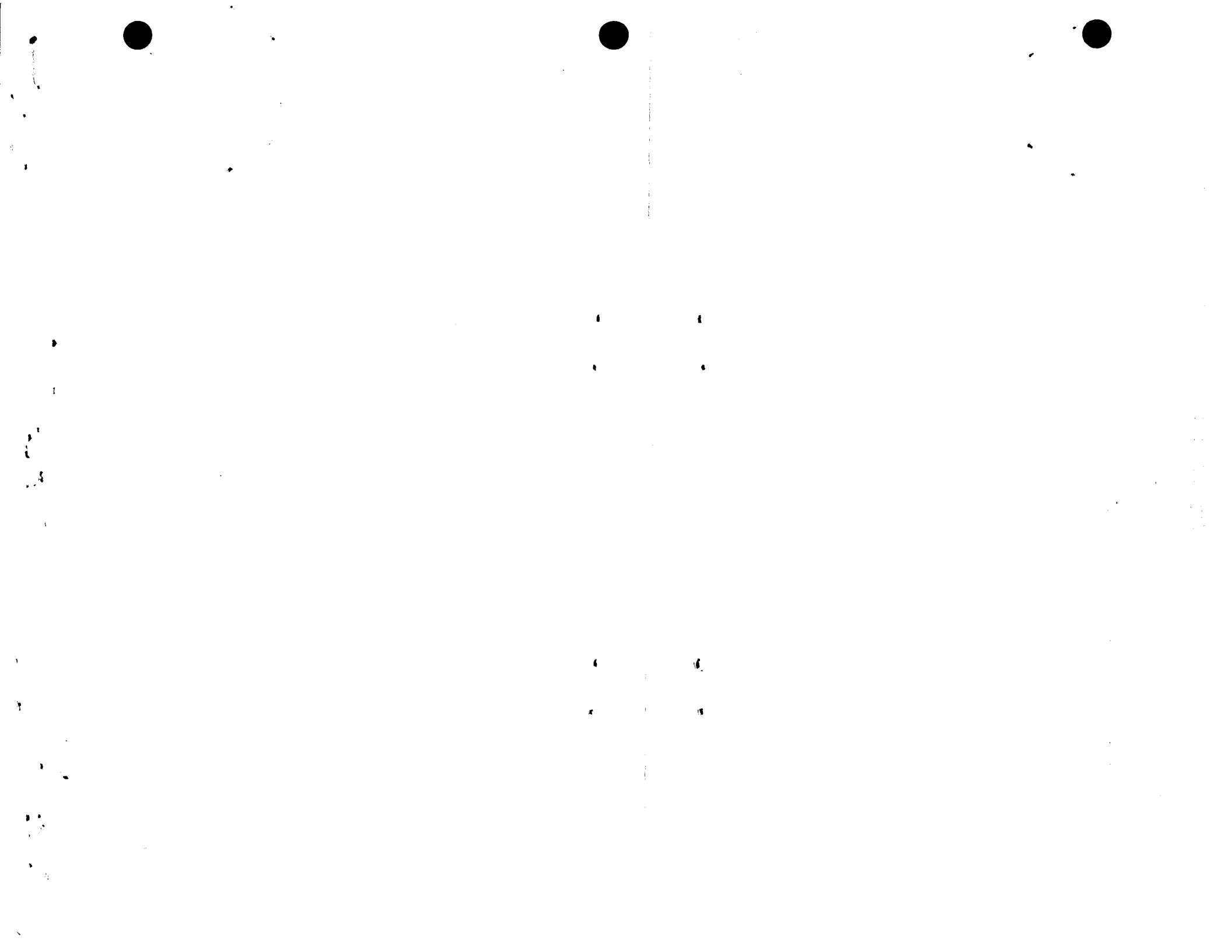
Ruby Bartlett  
Kathleen Bates

N. H. Gates  
D. V. Hager

Thelma L. Hager  
R. C. Isenor

Walter Isenor

W. E. Smith



## NITRO CITY COUNCIL MEETING

November 18, 1975

The regular meeting of Nitro City Council was held in the Council Chambers November 18, 1975, at 8:00 P.M. Present were Mayor William D. Gibson, City Recorder Tom Melton, Councilman at Large Keith Priddy, Councilman at Large Hugo Tidquist, Councilman at Large Dr. R. V. Allen, Councilman David Hart, Councilman Vernon Casebolt and Councilman Thomas Lilly. Councilman Paul Hill was absent.

The meeting was called to order by the Honorable William D. Gibson. Invocation was given by Reverend Garland O'Dell of the Otterbein United Methodist Church.

APPROVAL OF MINUTES FOR NOVEMBER 4, 1975, COUNCIL MEETING: Mayor Gibson stated that each councilman 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 approval of the minutes. The motion was seconded by Councilman at Large Tidquist and approved by unanimous vote.

APPROVAL OF OCTOBER FINANCIAL STATEMENT: City Recorder Melton stated that the financial statement had been mailed to all councilmen. He reported that the cash balance of \$107,148.60 was the same as given in the financial report at the previous meeting. Mr. Melton stated that he had discussed with the finance committee the possibility of investing a portion of this amount in a liquid type savings account which can be withdrawn at any time should the money be needed. The finance committee was of the opinion some of this money should be drawing interest, and Mr. Melton reported that he has transferred \$50,000.00 into a savings account. Councilman Hart asked about the item on the financial statement shown as a "refund \$615.56" under Recreational Revenue Fund. Mr. Melton replied that \$600.00 of the amount was for chlorine tanks returned and the deposits refunded. Councilman Casebolt made a motion for approval of the financial statement. The motion was seconded by Councilman at Large Dr. Allen. Voting for approval of the financial statement were Councilmen Tidquist, Hart, Allen, and Casebolt; and Recorder Melton. Opposed were Councilmen Lilly and Priddy. The motion carried.

POSSIBILITY OF OVERHEAD STOP SIGN OR BLINKING LIGHT AT INTERSECTION OF LOCK STREET AND MAIN AVENUE: Councilman at Large Dr. Allen, Chairman of the Street & Traffic Committee, reported that the committee had held a meeting on Friday evening, and it was recommended that the city have a sign erected on Main Avenue to read "Dangerous Intersection Ahead". This sign to be erected in the area that presently has "Slow" and "Curve" signs. Councilman at Large Dr. Allen made a motion for the approval of the committee's recommendation. The motion was seconded by Councilman Casebolt and passed by unanimous vote.

SEALED BIDS TO BE OPENED FOR POLICE CRUISER: Councilman Hart read a letter from Mr. Earl Marion of United Dodge which stated that when he first received the invitation to bid on the 1976 police cruiser, United had nothing to offer which met the specifications. He had just today received some literature from the factory on a model which he felt could meet the specifications. He asked if the bidding could possibly be extended until next council meeting so that he could have time to submit a bid. Councilman Hart stated that the bids were advertised in a legal manner with a deadline, and he felt if exceptions were made to our normal procedure of bidding, which is very legal, we would be opening the door for some kind of precedence. He stated that we have to have an orderly procedure for the bidding operation. The councilmen present agreed with Councilman Hart, so it was decided to proceed with opening the bids. The bids were as follows:

Tag Galyean Chevrolet  
Charleston, West Virginia

1 Chevrolet Nova	4,653.75
Less allowance for fleet discount	524.28
and trade-in of 1973 Plymouth	<u>350.00</u>
Net amount	3,779.47

Capital Chrysler Plymouth, Inc.

1 Plymouth Valiant	4,444.08
Less trade-in	<u>850.00</u>
Net Amount	3,594.08

The bid from Capital Chrysler Plymouth listed several deviations from the original specifications.

Childers Chevrolet, Inc.

1 1976 Chevrolet Nova sedan	4,786.10
Less trade-in	<u>1,277.00</u>
Net amount	3,509.00

Delivery in 45 days.

Councilman Lilly made a motion that the bid be awarded to Childers Chevrolet, as the low bidder, provided they met all the specifications. The motion was seconded by Councilman Casebolt and was passed by unanimous vote.

GOLDEN OLDIES CAR SHOW: Councilman Casebolt stated that Mr. Fortune and Chief Craft had inspected Ridenour Memorial Park and had come to the conclusion that there would not be enough room for parking and they would have traffic problems, so Mr. Fortune had requested permission to have the show at City Park. Councilman Hart made a motion that City Park be reserved for the Golden Oldies Car Show on the weekend of April 24-25, 1976. The motion was seconded by Councilman Casebolt and passed by unanimous vote.

REGIONAL INTERGOVERNMENTAL COUNCIL, UP TO DATE REPORT ON VARIOUS PROJECTS, SUCH AS HOUSING AND BLOCK GRANTS: The Mayor introduced Mr. Ben Howatt of the Regional Intergovernmental Council, who with his three staff members, Mr. Gerald Roueche, Deputy Director; Mr. Kenneth Eigenbrod, Regional Service Director; and Ms. Linda Pauley, Housing Specialist, came down to give council a status report on the various projects that they have been working on for the City of Nitro. Two projects in particular are housing and Block Grant projects. Mr. Howatt stated that he has heard nothing on the city's applications under the Community Development Act. These are still pending with HUD in Pittsburgh. He said that he felt sure he would have some information on them by the middle of December.

The Community Development Act was passed in 1972, and was designed to replace the old categorical programs administered by HUD. The legislation is new, and it took a while to write the guide lines and get the program moving. The Community Development Act was aimed primarily at the big cities. The larger cities 50,000 and over are designated as Entitlement Cities, which means that they are going to get a certain sum of money which has already been set aside for them. All they have to do is file an application for it. The second category is for medium sized cities who have already had experience with HUD programs such as Urban Renewal, etc. The average of the previous five years spending on Urban Renewal is held aside for them and all they have to do is make application for it. The third category covers cities like Nitro, and others without previous HUD funding. No amount is reserved for each city, but each one can make application for any or all of the balance of the Block Grant funding for the area. Mr. Howatt explained that even though we haven't received information on the funding on the previous applications, Nitro should begin now thinking about next year's applications. Mr. Howatt stated that of 18 projects funded by HUD, all but one were related to health and safety, water or sewer. Also, he explained HUD officials like to combine their funding with other federal money for projects. Some other points brought out during the discussion were the fact that the amount of money available through these Block Grant Funds will be increased in varying amounts in the next few years, and that new applications need to be filed each year. Mr. Kenneth Eigenbrod gave a brief description of the method of filing applications for 1976. He said that HUD this year is going to a type of pre-application that is only two pages long. These will be filed from February 1 to March 15, 1976. These will be

reviewed, and the communities with projects selected for funding will be invited to file a final application. He stated that projects meeting certain criteria are more likely to be funded. These are, imminent threat to public health and safety; sub-standard or low housing; high unemployment rate due to national policy; and low economic conditions. There are also to be public meetings to allow for citizen input into the planning of projects for the community.

Ms. Linda Pauley, Housing Specialist, said that on the housing application, a new application could be made or the previous one could be used again which used the 1970 census figures as a guide line. She asked if there had been any recent surveys done on housing needs. A lengthy discussion followed, with the councilmen asking questions about many different points concerning the applications and funding. It was brought out that the RIC staff is available to help the smaller towns and cities with applications for many different kinds of federal funding. One question concerned the length of time allotted for spending the grants. The reply was that it should be used within a reasonable amount of time. There is no specific date limit.

The Mayor stated that housing is desperately needed in Nitro, and he asked why Nitro has been unable to obtain housing while St. Albans and Dunbar have. Ms. Pauley stated that unfortunately Nitro did not participate in Urban Renewal several years ago while St. Albans and Dunbar had done so, and they were able to buy property and get the housing started through Urban Renewal. Some housing projects are privately funded, and some housing can be privately administered and still be federally funded. Ms. Pauley said that what she is working on now, is to get the Housing Authority started back in Nitro, and to work under the new program at the end of the Housing & Community Development Act 1974, which is called Section 8. The Mayor stated that a group had been recently appointed as a Housing Authority, but an ordinance had not been passed giving them authority to perform certain duties. He suggested that a joint meeting be arranged between the staff members of RIC and the members of the Housing Authority, and possibly Mr. Roger Switzer. Mr. Howatt suggested that the public meetings required for the citizen input be held soon so Council will have time to analyze the needs before making the new application. Councilman at Large Allen stated that Nitro is a town with a lot of older people, and that he is being asked constantly what Nitro is doing to obtain housing for its elderly citizens. The Mayor stated that he would be willing to go to Washington to talk to officials there if it would help. It was pointed out that the needs would have to be documented, so there would be no doubt of the need for housing. It was suggested that a survey be taken in order to find the percentage of elderly and widows as compared to the total population. After some further discussion it was decided to have the members of the Nitro High School Band to conduct the survey in the city, and Ms. Pauley would arrange for the proper questionnaire to be used in the survey. It was suggested that the press releases on the survey be out at least a week before it is

to be taken, so everyone will be aware of what the young people are doing. It was brought out that people will be more inclined to answer the questions promptly and accurately if they are aware of the use of the survey.

Mr. Howatt suggested that the City should be looking now for possible locations for the housing. This also will be needed before filing the application.

The Mayor and Councilmen stated that they did appreciate Mr. Howatt and his staff coming down and sharing their knowledge with them, and the Mayor added that he would appreciate any help from RIC on future projects.

#### NEW BUSINESS AND COMMITTEE REPORTS:

Mayor Gibson said that he had given councilmen a copy of a resolution concerning the High School Band. Mr. Melton read the resolution. Councilman Casebolt said he thought it should be added to the resolution that the band would be doing the survey for the City. The completed Resolution reads as follows:

#### RESOLUTION

WHEREAS, the Nitro High School Band has accepted an invitation to participate in the Bicentennial Celebration at Disney World, Florida; and

WHEREAS, the Nitro High School Band must raise Twenty Thousand Dollars (\$20,000.00) to pay for its trip to Disney World; and

WHEREAS, the common Council of the City of Nitro, Putnam and Kanawha Counties, West Virginia, is of the opinion that said trip would be in the best interest of said band members and promote the recognition of the City of Nitro; and

WHEREAS, said Council desires to aid and assist the Nitro High School Band in the amount of \$ 2,000.00 toward raising of said funds.

In addition to the above, be it resolved that the City of Nitro is desirous of further assisting said Band in their efforts to raise \$20,000.00 by furnishing city trucks for one Saturday to canvass certain areas of the City in collecting soft drink bottles,

And be it further resolved, in an effort to show sincere appreciation and as a means to repay the City of Nitro, the Nitro High School Band members will conduct a housing survey which will be supervised by the Regional Intergovernmental Council,

And be it further resolved that the common Council of the City of Nitro, Putnam and Kanawha Counties, West Virginia, does hereby urge every one of its citizens to contribute, support and promote the Band activities.

ATTEST:

Tom Melton  
Recorder

Wm. D. Gibson  
Mayor

Councilman at Large Dr. Allen made a motion that the City assist the band fund raising by a donation of \$1,500.00. Councilman Casebolt asked that the motion be amended to read \$2,000.00. The motion was seconded by Councilman Lilly and passed by unanimous vote to assist in the amount of \$2,000.00.

Mayor Gibson stated that the traffic problem on 18th Street hill, Penwood Avenue, and 15th Street had been discussed at recent council meetings. He asked Mr. Melton, City Recorder, to read the first reading of an ordinance drafted to establish weight limits on these streets. Mr. Melton read the ordinance as follows:

#### ORDINANCE

BE IT ORDAINED by the common council of the City of Nitro, Kanawha and Putnam Counties, West Virginia, that 18th Street Hill, Penwood Avenue and 15th Street Hill, that vehicular traffic shall be restricted according to weight not to exceed 8000 pounds gross vehicle weight. Any person, firm or corporation violating this ordinance shall be fined not less than \$10.00 nor more than \$100.00 or imprisoned not more than ten days or both fined and imprisoned. This ordinance shall become effective as of date of passage.

Councilman Casebolt made a motion that this be accepted as first reading. The motion was seconded by Councilman at Large Dr. Allen and passed by unanimous vote.

Mayor Gibson read a letter from Mr. Robert Cunningham, Secretary of the Nitro Business & Professional Association, in which he asked that the two-hour parking limitation be discontinued on 20th Street and 22nd Street. After some discussion, Councilman at Large Dr. Allen made a motion that the Limited Parking Ordinance be amended as follows:

1. That 20th and 22nd Streets be excluded from the two-hour parking restriction;
2. That parking signs be erected in front of Nitro Elementary School to conform with the ones at the High School which say "No Parking 7 to 9 AM and 2 to 4 PM";



APPALACHIAN ENGINEERS, INC.

301 OTT BUILDING - 215 DUNBAR STREET  
CHARLESTON, WEST VIRGINIA  
25301

304 343-9211

November 18, 1975

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

Re: Nitro Maintenance Garage

Dear Mayor Gibson:

We have contacted Mr. Bob Lewis of Meade Construction Company to see when they can resume construction on the above referenced project. Mr. Lewis assured this office that they would have all of the prices firmed up for the additions and deletions to the Contract by Friday, November 21, 1975, and that construction would resume by December 1, 1975.

Very truly yours,

*Ted T. Zachwieja*

Ted T. Zachwieja

TTZ:jb



## ADDITIONS AND DELETIONS

### NITRO MAINTENANCE GARAGE

Delete the following work

#### Section 1 - Maintenance Garage

1. Foundations and grade beams
2. Floor area - 1500 sq. ft.
3. Building - net difference 10' in width (40 x 150)
4. Trench and grating inside building and mud sump
5. Oil interceptor and piping
6. Floor drain and piping from grease pit
7. Underground roof drain connections
8. 550 gallon waste oil tank
9. Concrete block walls for wash rack, 196 sq. ft.
10. Concrete apron, 750 sq. ft.
11. Grease pit with block walls
12. Work bench - 52 lineal feet

#### Section 2 - Site Work

1. Concrete block retaining wall with footer
2. Reinforced concrete gutter behind building
3. CMP Storm sewer, 226 lineal feet
4. Type "G" inlets, 4 each
5. Manhole, 8.5 vertical ft.

#### Section 3 - Base Course

Delete entire item at lump sum bid price (\$ \_\_\_\_\_)

#### Section 4 - Chain Link Fence

No Change



Section 5 - Bituminous Concrete Paving

Delete entire item at lump sum bid price (\$ \_\_\_\_\_)

Section 6 - Portland Cement Concrete Paving

Delete entire item at lump sum bid price (\$ \_\_\_\_\_)

Section 7 - Fuel Tanks

Delete entire item at lump sum bid price (\$ \_\_\_\_\_)



Add the following work

Section 1 - Maintenance Garage

1. Compacted fill within footing lines, 170 cubic yards
2. Footings and foundation walls for building
3. Concrete block walls for wash rack, 550 sq. ft.
4. Rearrange locker room, parts room, storage area, and stairway.
5. Change location of propane tank
6. Grease Pit - concrete walls
7. Floor drain and piping in wash area

Section 2 - Site Work

1. Corrugated metal pipe, 226 lineal feet
2. Type "B" inlets, 3 each
3. Compacted fill outside of footing lines, 2075 cubic yards
4. Drop manhole, 16 vertical feet

Section 3 - Base Course

1. Crushed stone - 6" thick, 460 sq. yds. (driveway only)

Section 4 - Chain Link Fence

No Change

Section 5 - Bituminous Concrete Paving

1. Bituminous concrete paving for driveway - 2" thick, 370 sq. yds.

Section 6 - Portland Cement Concrete Paving

1. In lieu of the concrete paving, use 6" black base where indicated, - 360 sq. yds.

Section 7 - Fuel Tanks

To be Omitted





3. On Second Avenue opposite the schools, to extend the 2-hour parking limitation from 21st Street to 19th Street;
4. The fine for overtime parking if paid within 48 hours to be \$1.00, after 48 hours to be \$5.00.

This motion was seconded by Councilman at Large Priddy and passed by unanimous vote.

Another letter read by the Mayor was from the Business and Professional Association asking permission to have their annual Christmas parade December 6 at 11:00 A.M. They also asked for participation from the Fire Department and the Police Department.

The Mayor stated that he had attended a meeting on Monday with the Department of Highways and they have awarded the installation of the traffic light at 40th Street and First Avenue to Bayless & Ramey, Inc., and they have allowed the company until September, 1976, to start construction because of the length of time it takes to obtain the complicated equipment needed to install a light. The work is to be completed by November, 1976.

The Mayor stated that copies of a letter dated November 18, 1975, over the signature of Ted T. Zachwieja, from Appalachian Engineers concerning additions and deletions to the maintenance garage had been given to all councilmen. He asked that this letter and attachments be made a part of the minutes. Councilman Casebolt asked if this item would have to be let for bids again with these changes. The Mayor replied that this would not be necessary. It has been discussed with Mr. Armada, and council had voted during council meeting of October 21, 1975, approval of a letter dated October 21, 1975, over the signature of Robert Y. Hayne, to allow some changes in the specifications.

Mayor Gibson read a letter from the Greater Kanawha Valley Heart Association asking permission to conduct its annual fund drive during the month of February, 1976. Councilman Lilly made a motion for approval. The motion was seconded by Councilman at Large Tidquist and passed by unanimous vote.

Mayor Gibson read a letter from the Textile Workers Union of America, Local #7, in which they thanked the city for the services of the traffic director at First Avenue and Plant Road. They stated that this was a great help to the workers in getting out of Plant Road. The Mayor stated that Mr. Holley felt that he should have more money than the other school patrols because he has to be on the job three times a day and during the afternoon for longer hours than the others. Councilman at Large Dr. Allen recommended that the Police Department Committee see if they could not raise his salary to \$150.00. The Mayor stated that if the Councilmen had no objections, he felt the man should have the increase. There were no objections.

Mayor Gibson said he thought it would be very nice if the city could become involved in arranging for a Christmas party for the elderly. Perhaps have it at the Woman's Club and have some form of entertainment for them. Councilman at Large Dr. Allen mentioned that should a party be planned, it should include all senior citizens of Nitro, and not just the ones that belong to the Senior Citizen's Clubs. Dr. Allen also stated that he felt it would be a nice gesture, and would not be very expensive as most of the items would be donated. Councilman Casebolt made a motion for approval of this. The motion was seconded by Councilman at Large Tidquist. The motion passed, with all voting in favor except Councilman Lilly who abstained. Councilman Lilly stated that he did not oppose doing things for the elderly, but he questioned the legality of spending city funds on a party for the elderly. Councilman Casebolt said he felt that the senior citizens did not complain when the city donated \$1,000.00 to the Community School for the younger people, and they will not complain that we are donating \$2,000.00 to the band, and he feels there will be no question and no resentment for this.

Councilman at Large Hugo Tidquist: No new business.

Councilman Thomas Lilly: Councilman Lilly said he thought the public meetings on the Block Grant money should be scheduled in December. He suggested they be held at 7:30 P.M. on the same dates as the December council meetings. This suggestion met with approval, and also approved was the suggestion that the public meetings be advertised in the papers.

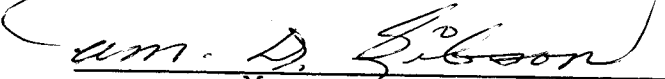
Councilman at Large Dr. R. V. Allen: No new business.

Councilman at Large Keith Priddy: No new business.

Councilman Vernon Casebolt: No new business.

Recorder Tom Melton: No new business.

Councilman Casebolt made the motion for adjournment. The motion was seconded by Councilman Thomas Lilly and passed by unanimous vote.

  
Mayor

  
Recorder

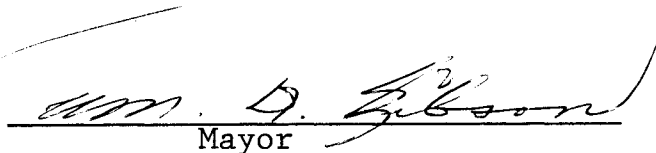

## PUBLIC MEETING ON BLOCK GRANT FUNDS

December 2, 1975  
7:30 P.M. - Council Chambers

The meeting was called to order by the Honorable William D. Gibson. Present were Mayor Gibson, Recorder Tom Melton, Councilman at Large Hugo Tidquist, Councilman at Large Keith Priddy, Councilman at Large Dr. R. V. Allen, Councilman Thomas Lilly, Councilman David Hart, Councilman Vernon Casebolt, and City Attorney Frank Armada. Councilman Paul Hill was absent.

Mayor Gibson stated that the public meeting was called in order to give citizens an opportunity to express their priorities for applications for Block Grant Funds. Councilman Hart asked if the questionnaires were ready for the housing survey. The Mayor replied that Ms. Pauley had informed him that they were ready. She said she would like to meet with the band members and fully explain to them the use of the questionnaire. The Mayor said he had given this information to Mr. Mel Pennington.

There being no further discussion on this matter, Councilman at Large Dr. Allen made a motion for adjournment of the public meeting. The motion was seconded by Councilman Vernon Casebolt and passed by unanimous vote.

 _____ Mayor	 _____ Recorder
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## NITRO CITY COUNCIL MEETING

December 2, 1975

The regular meeting of Nitro City Council was held in the Council Chambers on December 2, 1975, 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 at Large Hugo Tidquist, Councilman Vernon Casebolt, Councilman Thomas Lilly, Councilman David Hart and 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 Reverend James Arbogast of St. Paul's United Methodist Church.

APPROVAL OF MINUTES FOR NOVEMBER 18, 1975, COUNCIL MEETING:  
Mayor Gibson stated that each councilman had received a copy of the minutes in the mail and had been given an opportunity to review them. Councilman at Large Dr. Allen made a motion for approval of the minutes. The motion was seconded by Councilman Casebolt and approved by unanimous vote.

NOVEMBER, 1975, FINANCIAL REPORT: Mr. Tom Melton, City Recorder gave the following report:

Balance October 31, 1975	107,148.60
Receipts through November	38,375.45
Disbursements for November	93,374.74

Mr. Melton explained that the disbursement figure includes the \$50,000.00 which was transferred to savings, while the actual disbursements would be \$43,374.74. The balance as of November 30, 1975, would be \$52,149.31 in checking and \$50,000.00 in savings.

SECOND READING OF ORDINANCE REGARDING WEIGHT LIMIT RESTRICTION ON 18TH STREET HILL, PENWOOD AVENUE AND 15TH STREET HILL: Recorder Melton read the Ordinance as follows:

ORDINANCE

BE IT ORDAINED by the common council of the City of Nitro, Kanawha and Putnam Counties, West Virginia, that 18th Street Hill, Penwood Avenue and 15th Street Hill, that vehicular traffic shall be restricted according to weight not to exceed 8000 pounds gross vehicle weight. Any person, firm or corporation violating this ordinance shall be fined not less than \$10.00 nor more than \$100.00 or imprisoned not more than ten days or both fined and imprisoned. This ordinance shall become effective as of date of passage.

Councilman Casebolt made a motion that the Ordinance be approved as the second reading. The motion was seconded by Councilman at Large Dr. Allen and was approved by unanimous vote.

ANNOUNCEMENT OF RECEIPT OF NEW CITY CODE: Mayor Gibson stated that the new City Code had been received from the Michie Company and that copies had been given to the councilmen for review. The Mayor stated that Mr. Armada is preparing an ordinance to enact the Code. A meeting time for all councilmen and Mr. Armada to discuss the Code was set for December 9, 1975, at 7:00 P.M. in the Council Chambers.

NEW BUSINESS AND COMMITTEE REPORTS:

Councilman at Large Hugo Tidquist: No new business or committee reports.

Councilman Thomas Lilly: No reports or new business.

Councilman David Hart: Councilman Hart stated that he thought it would be a good idea to examine the possibility of a block party concept for "trick or treat" night in Nitro. He made a motion that Mr. Steve Mullins, Recreation Director, do a feasibility study on this for next year. The motion was seconded by Councilman Casebolt and the vote of approval was unanimous.

Councilman at Large Dr. R. V. Allen: Councilman at Large Dr. Allen stated that he had received a call stating that there was no street light on 24th Street between First and Second Avenues. Councilman Hart said he would check on this on his way home and if there was a light out he would call and report it the following morning.

Mayor Gibson said he would appreciate council approval to have a 21,000 Lumens Mercury Vapor light installed at the city owned property on Broadway Avenue where the old West Virginia Water intake used to be. Some city trucks and equipment are being parked there, and good lighting would reduce the threat of vandalism. Councilman Priddy made a motion that the light be installed. It was questioned whether one light would be enough for the area. Councilman Hart asked that the motion be amended to read "proper illumination" instead of one light. Councilman Casebolt seconded the motion as amended and it passed by unanimous vote.

Councilman at Large Dr. Allen stated that he has received favorable comments on the parking area on First Avenue opposite 21st Street. He said that Mr. Gene Williams did a good job on the area.

Mayor Gibson read a letter dated November 25, 1975, from Mrs. J. A. Withrow, in which she thanked the Mayor and City Council for the repairs made on the parking area.

Councilman at Large Dr. Allen asked about the progress on the party for the senior citizens. The Mayor replied that the party is scheduled for December 8 at 5:30 P.M. at the Nitro Woman's Club, and that all senior citizens are welcome to come. The Mayor encouraged the councilmen to attend.

Councilman at Large Keith Priddy: Councilman at Large Priddy asked about the progress on the maintenance garage. The Mayor replied that he had been informed by Mr. Hayne that there had been a death in the contractor's family, but he feels they should have the figures within a few days. After they review the figures from the contractor, Mr. Hayne said he would like to have a meeting with the councilmen to discuss all the details. The Mayor said it might be possible to have this ready for discussion at the meeting already scheduled on the City Code.

Councilman Vernon Casebolt: Councilman Casebolt asked what could be done about the drainage problem behind the apartment building at Main Avenue and Kapok Street. He was told that the drain is on property belonging to the Penn Central Railroad, and that Gene Williams has been up there several times in an effort to clear this drain. A drainage problem exists for several blocks in this area. In one place the drain pipe is higher than the ditch. The ditch cannot be built up with dirt because then water would overflow into the yards. Councilman Lilly suggested the residents come to the public meeting on December 16, and list the drainage problem as a priority for application for Block Grant money.

Councilman Casebolt made a motion for adjournment. The motion was seconded by Councilman at Large Dr. Allen. All present voted in favor.

Sam D. Gibson  
Mayor

Tom Melton  
Recorder





PUBLIC MEETING ON BLOCK GRANT FUNDS

December 16, 1975

7:30 P.M. - Council Chambers

A public meeting was called for 7:30 P.M. December 16, 1975 in the council chambers to give the citizens of Nitro a chance to attend and voice their opinions on priorities for Block Grant Funds. No one came to voice opinions or objections. Councilman David Hart moved for adjournment of the public meeting. The motion was seconded by Councilman Casebolt and passed unanimously.



## NITRO CITY COUNCIL MEETING

December 16, 1975

The regular meeting of Nitro City Council was held in the Council Chambers on December 2, 1975, 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 at Large Hugo Tidquist, Councilman Vernon Casebolt, Councilman Thomas Lilly, Councilman David Hart, Councilman Paul Hill and City Attorney Frank Armada.

The meeting was called to order by the Honorable William D. Gibson, with invocation being given by Reverend James Arbogast of St. Paul's United Methodist Church.

APPROVAL OF MINUTES OF DECEMBER 2, 1975, PUBLIC MEETING:  
Councilman Vernon Casebolt made a motion for approval of the minutes. The motion was seconded by Councilman at Large Tidquist and approved by unanimous vote.

Mayor Gibson announced that the Nitro High School band members had started the housing and family characteristic survey in Nitro this past week end. Mr. Melton estimated that 1700 survey sheets had been turned in.

APPROVAL OF MINUTES OF DECEMBER 2, 1975, COUNCIL MEETING:  
The Mayor stated that copies of the minutes had been sent to each councilman for review. Councilman Lilly made a motion for approval of the minutes. The motion was seconded by Councilman Casebolt and approved by unanimous vote.

APPROVAL OF NOVEMBER 1975 FINANCIAL STATEMENT: Mr. Tom Melton, City Recorder and Chairman of the Finance Committee, said that the statement had been mailed to the councilmen for review. He also stated that the general fund balance of \$52,149.31 does not include the \$50,000.00 in the liquid savings account. This is listed as a separate item on the financial statement. Mr. Melton also reported that the Finance Committee had recommended that an additional \$35,000.00 be transferred to savings, which would earn 5-3/4% interest until needed. Councilman at Large Priddy asked about the amount of \$375.00 under both line items #23 and 46. Mr. Melton explained that this was for the purchase of a low-boy to be used for both the garbage and street departments, so the cost was split between them. Mayor Gibson asked if there were any other questions. There were none. Councilman at Large Dr. Allen made a motion that the financial statement be approved. The motion was seconded by Councilman Casebolt. Councilman Hart, Hill, Tidquist, Allen and Casebolt, and Recorder Melton voted for approval with Councilmen Lilly and Priddy opposed.

NEW CITY CODE MEETING DECEMBER 9, 1975: Councilman at Large Dr. Allen, Chairman of the Ordinance Committee, reported that this meeting was more of a generalization meeting to delegate sections of the code for different groups to study. This was

recommended by Mr. Armada, City Attorney. The study will take some time and Councilman Dr. Allen suggested that the Ordinance Committee meet after council meeting and set up a time for the entire council to meet with Mr. Armada to review and discuss the Code. Councilmen Hart and Priddy agreed.

STATUS REPORT ON MAINTENANCE GARAGE: Since Councilman Hill had been unable to attend the last meeting, Mayor Gibson gave the report. Both Mr. Armada, City Attorney, and Mr. Hayne of Appalachian Engineers had studied the matter and there were four proposals for Council's consideration:

1. Accept Meade Construction Company's new proposal of \$252,189.00, with revised drawings.
2. Advertise for bids for site preparation, with Appalachian Engineers preparing specifications, and have bids opened in next council meeting.
3. Have the city attorney terminate the contract with Meade Construction Company at an equitable cancellation charge.
- 4A. Re-bid the original package as originally planned with additional site preparation.
- 4B. Re-bid and revise scope of work with smaller garage.

Councilman Lilly made a motion that proposal No. 2, "Advertise for bids for site preparation with bids to be opened at next council meeting," be accepted. The motion was seconded by Councilman Hill. Councilman Casebolt asked if this would hold Meade Construction to the original plans for the building, not the revised plans. The answer was yes, the new bids would be to remove the unsuitable soil and garbage that is there and have it hauled to the Western Landfill, and the area filled with dirt. Councilman at Large Dr. Allen asked about the time factor. Mr. Armada replied that this should be no problem, that usually it is the contractor who asks for an extension due to weather, etc. Mr. Armada also stated that Meade Construction Company could be held to the original contract. Councilman at Large Tidquist asked about the amount of material to be moved. The answer was approximately 2500 to 3000 cubic yards. Other points discussed were the depth - this information should be furnished by topographical maps; time needed for site preparation - estimated two weeks after bid is awarded; bids are to be opened at Council meeting January 6, 1976; there may be some unpleasant odor when the work is being done. The vote on this motion was Councilmen Lilly, Hill, Hart, Allen, Casebolt and Priddy and Recorder Melton in favor, with Councilman at Large Tidquist opposed.

NEW BUSINESS AND COMMITTEE REPORTS:

Mayor Gibson announced that Santa Claus would be at City Hall on Saturday, December 20, during the hours of 9:00 A.M. - 12:00 noon, and 1:00 P.M. - 4:00 P.M. All children are welcome to come to see Santa.

The Mayor reported that the senior citizen's Christmas party was held December 8 as planned. Approximately 120 of the senior citizens attended. Everyone seemed to have a wonderful time.

The Mayor read a letter from the West Virginia Department of Highways over the signature of L. S. Smith, District Engineer concerning the drainage problem on 40th Street at Bailes Drive and on 39th Street East. This letter is attached hereto and made a part hereof. The Mayor stated that he would like to pursue this matter further and would like to get the Department of Highways to stay involved and assume the responsibility for correcting this drainage problem by a more direct route if at all possible. After some discussion, Council agreed that the State Department of Highways should stay involved.

The Mayor stated that he had received a letter and a statement from the Michie Company showing a balance of \$4,511.09 due on the new Code books, and that Mr. Armada said he would like to check the contract on this again. The original contract was for \$3,200.00 with \$14.25 per each additional page.

Tom Melton, City Recorder: Mr. Melton reported on the Finance Committee meeting held on December 4. Items discussed were - possibility of raises for Mayor, Recorder and Councilmen for the next term of office; excess levy election to be held in February; new gross sales tax forms; amendments to the budget after 1/3 fiscal year. Mr. Melton said he would like to have another meeting soon. Also discussed at the meeting was the transfer of \$35,000.00 from general checking account to the savings account.

Councilman Vernon Casebolt: No reports. Councilman Casebolt said he would like to have the Street Light Committee check into the possibility of having a light installed in the middle of the block on Washington Avenue between Dogwood and Elm. It was decided to have someone check to see if there is a pole at this location.

Councilman at Large Keith Priddy: No new business or reports.

Councilman at Large Dr. R. V. Allen: Councilman at Large Allen asked what steps the City could take to make sure that parking lots are kept clean.

Councilman at Large Allen asked if the letter had been written to our Congressmen and Senator asking that they extend Revenue Sharing. He was told that a letter and resolution had both been sent.

Councilman at Large Allen asked about having a ditch opened up on Third Avenue between 17th and 18th Streets. He said the water is running on the street. He also said he had gotten called about tires being slashed on 24th Street, and there being no street light in the middle of that block. David Hart said he had checked, and from 21st Street down, the streets with poles nearby on First Avenue have a light in the middle of the block, and the others do not. It was suggested that Appalachian Power be called about the possibility of getting new poles installed.

Councilman David Hart: Councilman Hart said he attended a meeting of the Kanawha County Citizen's Transportation Advisory Committee. He said this Committee does have some input into what is to be done, and should council have need of information or recommendations they should contact him to have it passed along.

Councilman Paul Hill: No new business or reports.

Councilman Thomas Lilly: Councilman Lilly stated that he would like to commend the Street Department for some of the work they have done on the ditches in the Fourth Ward.

Councilman Lilly said the Insurance Committee had a meeting December 9, and the committee agreed they would like to have a resolution presented to City Council. Mr. Melton read the resolution as follows:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NITRO  
AUTHORIZING THE PARTICIPATION AND COVERAGE OF  
CITY EMPLOYEES, IN THE WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE  
PLAN.

WHEREAS, the City of Nitro is desirous of continuing insurance coverage upon its employees and

WHEREAS, employees of the City of Nitro are now eligible to participate under the West Virginia Public Employees Insurance Plan, and

WHEREAS, the City Council of the City of Nitro is of the opinion that such membership under such plan would be of benefit to the aforesaid employees.

THEREFORE, the City Council of the City of Nitro, Kanawha and Putnam Counties, West Virginia, does hereby resolve that the City be and is hereby authorized to apply to the West Virginia Public Employees Insurance Board for the purpose of extending coverage to all city employees commencing on the \_\_\_\_\_ day of January, 1976.

Introduced and passed on this the 16th day of December, 1975, at a regular session of the 16th day of December, 1975.

APPROVED BY:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Recorder

Councilman Lilly made a motion that Council adopt the Resolution. The motion was seconded by Councilman Casebolt and passed by unanimous vote.

Councilman Lilly commented about the draining of the large pond of water along Route 25. The Department of Highways had opened up a drain that cleared one section of the water.

Councilman at Large Hugo Tidquist: Councilman at Large Tidquist stated that Mr. Bill Harris of Fenton Circle had remarked that the area paved after the gas well repair had a dip that was letting water stand in the street. Councilman Lilly said that it was a temporary repair and would be re-paved again after it compacted.

Councilman Hart stated that Steve Mullins had prepared a feasibility study and had come up with several plans on the Block Party concept for Halloween, which he felt had a lot of merit. Councilman Hart said he feels that Council needs to help Steve develop this. There is a lot of good in this and a lot can be done with this plan.

Councilman Hill made a motion for adjournment. The motion was seconded by Councilman Casebot. The motion carried.

Wm. D. Gibson  
Mayor

Tom Melton  
Recorder





RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NITRO  
AUTHORIZING THE PARTICIPATION AND COVERAGE OF  
CITY EMPLOYEES, IN THE WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE PLAN

WHEREAS, the City of Nitro is desirous of continuing insurance coverage upon its employees and

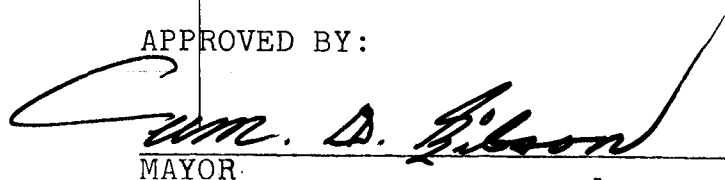
WHEREAS, employees of the City of Nitro are now eligible to participate under the West Virginia Public Employees Insurance Plan, and

WHEREAS, the City Council of the City of Nitro is of the opinion that such membership under such plan would be of benefit to the aforesaid employees.

THEREFORE, the City Council of the City of Nitro, Kanawha and Putnam Counties, West Virginia, does hereby resolve that the City be and is hereby authorized to apply to the West Virginia Public Employees Insurance Board for the purpose of extending coverage to all city employees commencing on the 1st day of January, 1976.

Introduced and passed on this the 16th day of December, 1975, at a regular session of the 16th day of December, 1975.

APPROVED BY:

  
MAYOR

  
RECORDER



## NITRO CITY COUNCIL MEETING

January 6, 1976

The regular meeting of Nitro City Council was held in the Council Chambers on January 6, 1976, 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 at Large Hugo Tidquist, Councilman Thomas Lilly, Councilman David Hart, Councilman Paul Hill and City Attorney Frank Armada. Councilman Vernon Casebolt was absent.

The meeting was called to order by the Honorable William D. Gibson. Invocation was given by Reverend Arley Cravens of the Nitro Church of God.

APPROVAL OF MINUTES OF DECEMBER 16, 1975, PUBLIC MEETING:  
Councilman at Large Dr. Allen made the motion for approval of the minutes of the public meeting on Block Grant Funds. The motion was seconded by Councilman at Large Tidquist and approved by unanimous vote.

APPROVAL OF MINUTES OF DECEMBER 16, 1975, COUNCIL MEETING:  
The Mayor stated that each councilman had received a copy of the minutes in the mail and had been given an opportunity to review them. Councilman Lilly made a motion for approval of the minutes. The motion was seconded by Councilman Hart and was approved by unanimous vote.

DECEMBER FINANCIAL REPORT: Mr. Tom Melton, Recorder and Chairman of the Finance Committee, gave the following report:

Balance November 30, 1975	52,149.31
Receipts for the month	44,672.79
Disbursements	89,148.78

Mr. Melton explained that included in the figure for receipts is \$20,000.00 which was transferred from savings to checking, leaving the actual receipts figure \$22,672.79. Included in the disbursements is \$35,000.00 which was transferred from checking to the savings account early in the month. This leaves the actual disbursements at \$54,148.78. At the end of December the balance in checking was \$7,673.32 and the balance in savings was \$65,000.00.

BIDS TO BE OPENED ON SITE PREPARATION SPECIFICATIONS FOR MAINTENANCE GARAGE: Mayor Gibson stated that contrary to what has been reported in the newspapers, there has never been any footers dug or any concrete poured on the project. Four bids have been received as follows:

G. E. Ray Construction Company	
Item 1.	28,500.00
Item 2.	9,000.00
Item 3.	17,250.00
Total	54,750.00
Bid bond 5%, completion 60 days	

Kanawha Stone Company, Inc.

Item 1.	15,570.00
Item 2.	4,635.00
Item 3.	7,380.00
Total	27,585.00

Bid bond \$1,400.00, completion 120 days.

Excavators, Inc.

Item 1.	27,750.00
Item 2.	9,000.00
Item 3.	18,375.00
Total	55,125.00

Bid bond over 5%, completion 60 days.

Kenneth M. Dunn & Day Construction Co.

Item 1.	36,000.00
Item 2.	6,000.00
Item 3.	9,600.00
Total	51,600.00

Bid bond 5%, completion 60 days.

Councilman Paul Hill, Chairman of the Building & Planning Committee, made a motion that if all specifications are met, the bid be awarded to Kanawha Stone Company with the low bid of \$27,585.00. This motion was seconded by Councilman Hart and passed by unanimous vote.

NEW BUSINESS AND COMMITTEE REPORTS

Mayor William D. Gibson: Mayor Gibson read a letter from Mr. James S. Bennett of the United States Department of Agriculture, Soil Conservation Service, concerning the completion and upkeep on the Blakes Creek Watershed Project. A copy of this letter is attached hereto and made a part hereof. Councilman Lilly asked if the City would set up a file on the maintenance of the area. The Mayor replied that our Recreation Director has already set up a file, and we do plan to keep a close check on it.

The Mayor read a memo from Mr. Edgar Henry of the Water Development Authority stating that he was enclosing a check for \$100,000.00 as their grant to the City of Nitro for payment of the nonfederal share of the construction on the Sanitary Sewer project. A copy of same is attached hereto and made a part hereof. Councilman Hart asked if this were the money that the Regional Intergovernmental Council was talking about possibly being available by the middle of December. The answer was, no, what RIC was discussing was Community Development, Block Grant Funds. Nothing has been heard on these yet.

The Mayor stated that every three years a special levy election is held. The last election was held in February, three years ago, so this must be brought before the citizens soon. He stated that more details on this would be presented at the next council meeting.

City Recorder Tom Melton: No new business.

Councilman at Large Keith Priddy: Councilman Priddy stated that he had been in contact with Appalachian Power Company concerning the lights which had been under discussion. He reported that they no longer set poles for 3500 lumens lights. They will install poles for either 7000 or 21,000 lumens lights. The 3500 lumens lights are to be phased out. The cost per month for the 7000 lumens is \$4.00 per month per light, which is \$1.00 more, but it gives twice the amount of light. After the city establishes the locations for the lights, Appalachian Power Company is to be notified by letter, and the total time for installation should be approximately 4 weeks. Councilman Priddy stated that he thought it would be a good time to re-check the wards and see just how many lights are needed. It may be that not so many will be needed with the brighter lights. Councilman Priddy reported that the lighting for Ridenour Memorial Park should be completed shortly.

Councilman at Large Tidquist reported that he had been contacted about the possibility of installing street lights along a stretch of Route 25 (First Avenue between the Moose Club and Karnes Gulf Station.

Councilman at Large Dr. R. V. Allen: Councilman at Large Allen asked that the city attorney prepare an ordinance to adopt the amended city code, and have the ordinance ready for the first reading by the next council meeting.

Councilman at Large Allen stated that a number of street signs around the city are being damaged, or defaced, by accidents or vandalism. He said he felt that if possible the guilty person should be held responsible for the cost of replacement. The Mayor stated that in the case of automobile accidents, a report is made by the investigating officer, and the municipal judge handles it.

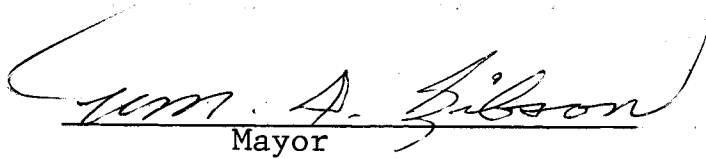
Councilman David Hart: No committee reports. Councilman Hart did report that some holes in 40th Street between the bridge and Third Avenue need attention. Also he wanted it clarified that the City of Nitro is a bird sanctuary.

Councilman Paul Hill: No reports.

Councilman Thomas Lilly: No committee reports. Councilman Lilly did state that the changeover of employee insurance seems to be going smoothly.

Councilman at Large Hugo Tidquist: No committee reports. Councilman Tidquist said he had been asked about the possibility of having a stop sign installed at the intersection of Old County Road and Red Oak Drive. Residents are worried about school children who catch the bus nearby. The Mayor stated that he had also been contacted about this. It was decided to turn this matter over to the Street & Traffic Committee and Police Chief Craft for consideration.

The motion for adjournment was made by Councilman Hill.  
The motion was seconded by Councilman at Large Priddy and carried  
by unanimous vote.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Recorder



STATE OF WEST VIRGINIA  
WATER DEVELOPMENT AUTHORITY  
1201 DUNBAR AVENUE  
DUNBAR, WV 25064

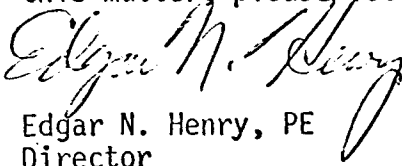
(304) 348-3612

December 29, 1975

Honorable William D. Gibson  
Mayor, City of Nitro  
P. O. Box 515  
Nitro, WV 25143

Pursuant to Agreement No. C-540288-01, enclosed is check No. 8793922 for \$100,000 which is full payment of the Water Development Authority grant to the City of Nitro for payment of the nonfederal share of the cost of its construction project.

If you have any questions or if we can be of further assistance in this matter, please let us know.

  
Edgar N. Henry, PE  
Director

bb

Enclosure

cc Senators  
Delegates  
EPA-Wheeling  
Federal-State Relations  
Water Resources Division  
Regional Planning Council  
Consulting Engineer





## NITRO CITY COUNCIL MEETING

January 20, 1976

The regular meeting of Nitro City Council was held in the Council Chambers on January 20, 1976, at 8:00 P.M. Those present were Mayor William D. Gibson, City Recorder Tom Melton, Councilman at Large Keith Priddy, Councilman at Large Dr. R. V. Allen, Councilman at Large Hugo Tidquist, Councilman Thomas Lilly, Councilman David Hart, Councilman Vernon Casebolt and City Attorney Frank Armada. Councilman Paul Hill was absent from the meeting.

The Honorable William D. Gibson called the meeting to order. He also welcomed as guests at the meeting, Cadette Girl Scout Troop #2486.

APPROVAL OF MINUTES FOR JANUARY 6, 1976, MEETING: Mayor Gibson stated that each councilman had been sent a copy of the minutes in the mail and had been given an opportunity to review them. Councilman at Large Dr. Allen made a motion for approval of the minutes. The motion was seconded by Councilman at Large Tidquist and passed by unanimous vote.

APPROVAL OF DECEMBER FINANCIAL STATEMENT: Recorder Melton reported that the financial statement shows a balance of \$7,673.32 in checking in the general fund and \$65,409.86 in the savings account. In the savings account \$409.86 is the interest that has accumulated since opening this account. Mr. Melton reported that \$35,000.00 had been deposited in savings during December, but \$20,000.00 had been withdrawn. Mr. Melton asked if there were any questions. Councilman at Large Priddy asked if there were some reason why Line Item #61, Contingent Fund, was exceeding the estimate. Mr. Melton replied that the larger amount was carried over from the previous month, and he would need to check on the item. Later in the meeting, he explained that \$2,000.00 of this item was for the Nitro High School Band to help with their fund raising for a trip to Disney World, Florida. The High School Band in return did the housing survey for the city. Mr. Melton made a motion for approval of the financial statement. The motion was seconded by Councilman Casebolt. Councilmen Tidquist, Hart, Allen, Casebolt and Recorder Melton voted for approval of the financial statement, with Councilmen Lilly and Priddy opposed. The motion carried.

SPECIAL OR EXCESS LEVY ELECTION: Mr. Melton, City Recorder, stated that a letter had been received from the State Tax Department stating that the current excess levy is due to expire on June 30, 1976. A special election to continue this levy has been held each three years. The last one was on February 24, 1973. Mr. Melton gave the first reading of the resolution calling for the special election to be held on February 21, 1976, as follows:

## NOTICE OF SPECIAL ELECTION

FOR  
ADDITIONAL MUNICIPAL LEVY

## TO THE VOTERS OF NITRO, WEST VIRGINIA

## TAKE NOTICE

That a regular meeting of the Council of the City of Nitro, State of West Virginia, held on the 20th Day of January, 1976, 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

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

Street Maintenance and Repairs, \$7,000.00 for each fiscal year for a period of three years.

Parks and Recreation, \$6,532.00 for each fiscal year for a period of three years.

Firemen's Wages, \$8,000.00 for each fiscal year for a period of three years.

Additional Street Lighting, \$5,500.00 for each fiscal year for a period of three years.

Policemen's Wages, \$13,500.00 for each fiscal year for a period of three years.

Library, \$5,000.00 for each fiscal year for a period of three years.

Fire Hydrant Rental, \$2,000.00 for each fiscal year for a period of three years.

3. That the total approximate amount for said purpose or purposes is \$47,532.00 for each fiscal year for a period of three years.

4. That the separate and aggregate assessed valuation of each class of taxable property within the municipality of Nitro is as follows: Class I, \$1,684,818; Class II, \$11,710,531; Class IV, \$14,848,729; Aggregate \$28,244.078.

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

6. That the proposed years to which the additional levy shall apply are the fiscal years beginning July 1, 1976; July 1, 1977; July 1, 1978.

7. That the question of such additional levy shall be submitted to a vote at a special election, to be held on the 21st day of February, 1976.

8. That the notice calling such election shall be given by the publication of this order at least once each week for two successive weeks before said election, within fourteen consecutive days next preceding the election, in the Kanawha Valley Leader, a newspaper of general circulation in said Municipality and the only qualified newspaper published therein and of general circulation in the City of Nitro. Printed copies of this order shall also be posted at each place of voting at least ten days before said election. All the provisions of the laws concerning General Election shall apply as far as practicable, except that a separate ballot shall be used at such election when held in connection with any other election.

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

OFFICIAL LEVY BALLOT  
CITY OF NITRO  
WEST VIRGINIA  
SPECIAL ELECTION

Special election to authorize additional levies for the fiscal years beginning July 1, 1976; July 1, 1977; and July 1, 1978 for the following purposes and in the approximate amounts set forth as follows:

For street maintenance and repairs, the annual approximate amount of	\$ 7,000.00
For parks and recreation, the annual approximate amount of	6,532.00
For firemen's wages, the annual approximate amount of	8,000.00
For additional street lighting, the annual approximate amount of	5,500.00
For policemen's wages, the annual approximate amount of	13,500.00

For Library, the annual approximate amount of 5,000.00

For fire hydrant rental, the annual approximate amount of 2,000.00

The annual total approximate amount to be expended during the term of this levy is \$47,532.00

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

( ) 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 A Gibson Mayor

Attest:

\_\_\_\_\_  
Recorder

Councilman at Large Dr. Allen made a motion that this be accepted as the first reading. The motion was seconded by Councilman Casebolt and passed by unanimous vote. Councilman Lilly said it should be made clear that this is not an additional levy to raise taxes, but is a continuation of the present levy, which has been in effect for a number of years. Mayor Gibson said voting machines would be used, and that he would be in touch with Mr. Pauley, Kanawha County Clerk, about arranging for their use.

ORDINANCE TO ADOPT THE AMENDED CITY CODE (FIRST READING):  
Mr. Frank Armada, City Attorney, said that the effective date of the ordinance should be February 18, 1976, instead of February 4, in order to allow for the proper length of time between publication and the second reading. Mr. Melton read the title of the ordinance. The ordinance reads as follows:

ADOPTION OF THE CODE OF  
THE CITY OF NITRO  
ORDINANCE NO. \_\_\_\_\_

An ordinance adopting a revision and codification of the ordinances of the City of Nitro, entitled the "Code of the City of Nitro, West Virginia," providing for the repeal of certain ordinances not included therein, with certain exceptions, and for other purposes hereinafter set out.

Be it ordained by the City Council of the City of Nitro:

Section 1. There is hereby adopted by the City Council that certain Code entitled the "Code of the City of Nitro, West Virginia," containing certain ordinances of a general and permanent nature as compiled, consolidated, revised, codified and indexed in Chapters 1 to 22, both inclusive, of which Code not less than three copies have been and are now filed in the office of the city recorder-treasurer, where they shall remain on file and be made available to the public for inspection and use during all regular business hours.

Section 2. The provisions of such Code shall be in force on and after February 18, 1976, and all ordinances of a general and permanent nature adopted on final reading and passage on or before February 1, 1975, and not contained in such Code are hereby repealed from and after February 18, 1976, except as hereinafter provided.

Section 3. The repeal provided for in the preceding section of this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before February 18, 1976; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to February 1, 1975; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money for the City or authorizing the issue of any bonds of the City or any evidence of the City's indebtedness or any contract or obligation assumed by the City; nor shall it affect any annual tax levy; nor shall it affect any right of franchise conferred by ordinance or resolution of the City Council on any person or corporation; nor shall it affect any ordinance adopted for purposes which have been consummated; nor shall it affect any ordinance which is temporary, although general in effect, or special, although permanent in effect; nor shall it affect any ordinance relating to the compensation of the City officers or employees or serve to reduce the compensation of any present City officer or employee; nor shall it serve to deprive any person of any lawful retirement, disability, death or other benefit accrued or accruing; nor shall it affect any ordinance annexing territory to the City; nor shall it affect any ordinance naming, renaming, opening, accepting or vacating streets, alleys, easements or rights of way in the City; nor shall it affect any ordinance relating to zoning; nor shall it affect any ordinance adopted on final reading and passage after February 1, 1975; nor shall it affect any of the following ordinances or amendments thereto: (a) Any ordinance or part of any ordinance now in effect which was enacted as a home rule ordinance pursuant to authority of prior chapter 8A of the Code of West Virginia, including Ordinances No. 66, 73 and 105; (b) Any ordinance not codified in or in conflict with the City Code adopted by Section 1 of this ordinance which directs or authorizes the establishment or maintenance at any location within the City of any traffic-control sign, signal, marking or other device or which, for the enforcement thereof, a traffic-control sign, signal, marking or other device is by law required to be in place at the place or within the area affected thereby; (c) Ordinance

No. 133, approving rules and regulations of the board of trustees of the policemen's pension and relief fund; (d) Ordinance No. 139, enacted May 4, 1965, relating to the city swimming pool facilities; and (e) Ordinance No. 108, providing for certain insurance coverage for the municipal sewage system.

Section 4. Whenever in the Code adopted by this ordinance or in any rule, regulation, notice or order promulgated by any officer or agency of the City under authority of such Code duly vested in him or if any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of such Code or any such rule, regulation, notice or order shall be punished by a fine not exceeding five hundred dollars or imprisonment for a term not exceeding thirty days, or by both such fine and imprisonment.

Except where otherwise provided, every day any violation of such Code or any such rule, regulation, notice or order shall continue shall constitute a separate offense.

Section 5. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance and the Code hereby adopted are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance or the Code hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance or the Code hereby adopted.

  
 \_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 Recorder

\_\_\_\_\_  
 Date of Enactment

Councilman Lilly made a motion for approval of the first reading. The motion was seconded by Councilman at Large Dr. Allen and passed by unanimous vote.

POSSIBILITY OF STOP SIGN AT INTERSECTION OF OLD COUNTY ROAD AND RED OAK DRIVE: Councilman at Large Dr. Allen read a petition he had received from the residents of Red Oak Drive and Old County Road, which was signed by 28 residents, requesting that the city install a stop sign at the intersection of Old County Road and Red Oak Drive. Councilman at Large Allen made a motion that the stop signs be erected as requested. The motion was seconded by Councilman Hart, and passed by unanimous vote. The petition is attached hereto and made a part hereof.

NEW BUSINESS

Mayor Gibson read a letter from Mr. Steve Mullins, Recreation Director and Chairman of the Bicentennial Commission. The letter stated that the Bicentennial Commission has now received its incorporation charter from the Secretary of State, and is now eligible for partial funding by the City of Nitro. He requested \$750.00 to start projects for the Bicentennial celebration. It was stated that he would like to purchase a Bicentennial flag for each school, public building and park in Nitro. This would be approximately 10 flags at \$20.00 each. Councilman Casebolt made a motion that Mr. Mullins be given permission to use this amount from his budget, since he is within his budget, and later money can be transferred from other areas after the Finance Committee has had an opportunity to meet and study this. Councilman at Large Tidquist seconded the motion. The vote of approval was unanimous,

Mayor Gibson read a letter from Mr. Gay N. Warner concerning an area beside his home that was designated as a street by the Sattes heirs, but has never been improved by the City of Nitro. Mr. Warner asked that the city abandon the section as a street and give him title to it. After some discussion, Mr. Armada, city attorney, stated that there is some doubt that the City of Nitro owns the property unless it was dedicated from the Sattes heirs to the city at the time it was incorporated into the city. Mr. Armada pointed out that Mr. Warner should contact Mr. F. L. Sattes about getting the Sattes heirs to arrange for a quit-claim deed for this small area which they had reserved as a street. Mr. Armada stated that he would also contact Mr. Sattes and give him a copy of the letter and also a copy of the deed. The letter from Mr. Warner is attached hereto and made a part hereof.

The Mayor reported that he had contacted Mr. Casto of the Department of Highways about repairing holes in 40th Street Road in the Putnam County section. Mr. Casto had promised that it would be repaired as soon as weather permits.

Tom Melton, City Recorder: No reports.

Councilman Vernon Casebolt: No committee reports. Councilman Casebolt asked for a study of the possibility of the city installing a storm drain from the railroad track to connect with the drain on Main Avenue in the vicinity of the Union Hall. He stated that the water is draining from both directions into this section. The distance would be approximately 80 to 120 feet. In the discussion it was brought out that a drainage problem exists through that particular area almost as far as the Nitro-St. Albans bridge. Councilman Lilly said he would like to see the facts documented in the event an application could be made for Block Grant Funds for storm drains. Councilman Casebolt made a motion that this be given to the Storm Drain Committee for study. Councilman Hart seconded the motion. The vote of approval was unanimous.

Councilman at Large Keith Priddy: Councilman at Large Priddy stated that he would like for each councilman to survey his ward and make a list of locations where additional street light poles are needed. He would like to get the list together by next council meeting for submitting to the power company for placement.

Councilman at Large Dr. R. V. Allen: Councilman at Large Allen said he hoped the residents in the Riverdale Acres area and 40th Street would be tolerant during the construction of the sewer lines. Should there be unusual problems, he said he felt the contractor would make corrections, but while the construction is in progress there will have to be mud.

Councilman David Hart: Councilman Hart said he did appreciate the Scout Troop having an interest in finding out what goes on in their city.

Councilman Thomas Lilly: No reports.

Councilman at Large Hugo Tidquist: Councilman at Large Tidquist stated that a new regulation from the Health Department might make it necessary to close the wading pool at City Park. Council was informed by Mr. Melton that a waiver had been granted allowing its use provided the pool is drained and cleaned every day.

Councilman at Large Tidquist stated that the sidewalk on East 39th Street leading to the grade school is lower than the road and it gets splashed with a lot of mud. He wondered if the city could see about helping keep this sidewalk clean.

Another thing Councilman Tidquist asked about was the area on Second Avenue where the grassy area is being ruined by automobiles being parked on it. The Mayor asked Mr. Armada if anything could be done about this, since there are no signs in the area restricting parking. One suggestion was to have "No Parking" signs installed. It was also suggested that the Police Chief or one of his policemen be asked to talk with the persons responsible and ask them to refrain from parking there.

The Mayor at this point allowed a short period for the girls from the Cadette Troop to ask questions.

Councilman David Hart made a motion for adjournment. The motion was seconded by Councilman Casebolt and passed unanimously.

Wm. A. Gibson  
Mayor

Tom Melton  
Recorder



UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

Post Office Box 865, Morgantown, West Virginia 26505

December 23, 1975

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

Dear Mr. Gibson:

I am sure that you share our satisfaction in having successfully completed the Blakes Creek - Armour Creek watershed project. The Capitol and Western Soil Conservation Districts, city of Nitro, and the County Commission of Kanawha County as sponsors of the project can take pride in a job well done.

The project completion date is December 31, 1975. Final construction work on the recreational facilities was completed July 30, 1973.

The city of Nitro will be responsible for operation and maintenance of the completed project in accordance with agreements previously executed; except that, during a 3-year establishment period following completion of the structural measures, the Service may bear the cost of needed vegetative repairs not considered to be routine maintenance.

Will you please indicate your concurrence in project completion and date thereof by signing the copy of this letter attached hereto and returning it to me.

Sincerely,



James S. Bennett  
State Conservationist

Please indicate your agreement by signing the carbon copy and returning it to: James S. Bennett, State Conservationist, Soil Conservation Service, P. O. Box 865, Morgantown, West Virginia 26505.

Concurred in,

  
Mayor, City of Nitro



PETITION

We the undersigned, being residents of Red Oak Drive and the Old County Road, Nitro, West Virginia, do hereby respectfully petition the elected officials of the City of Nitro to erect a stop sign at the top of the hill on Red Oak Drive at the intersection of Red Oak Drive and the Old County Road.

The purpose of this request is to safeguard against the possibility of the school children getting hurt while going to and from school. In our opinion this sign has been needed for the past several years.

NAME

ADDRESS

Mattison J R Carter

33 old County Road

William A. Burford

39 old County Road

Joyce C Burford

39 Old County Road

Clara M. Tyree

43 Old County Road

Henry H. Tyree

43 Old County Road

Douglas R. Tyree

173 old County Road.

Lloyd Meadows

49 old County Rd.

Janice Means

44 Old County Rd.

Delene Martin

49 Red Oak Dr.

Sharon Martin

Red Oak Dr

James K. Tucker

20 Red Oak Drive

Emma J. Tucker

20 Red Oak Drive

Warren Wright

1157 1st Avenue Nitro

Herbert Wright

38 old County Road.

DATE: \_\_\_\_\_



## NAME

## ADDRESS

James Wright  
Mella Wright

44 Red Oak Drive  
44 Red Oak Drive

Davis Brown

44 Red Oak Drive

Mary Roberts

38 Red oak Dr

Richard Roberts

38 Red oak Dr

Pessie Martin

49 Red oak Dr

Helen Landers

63 Red Oak Dr

Bernice Parsons

24 Red oak Dr

William Parsons

24 Red oak Dr

H C Tippet

15 Red Oak Dr

Mr & Mrs James Cook

11 Red Oak Dr

Berna Mae Hawk

No 13 Old County Road

Mr & Mrs John Hawk

No 13 Old County Road

DATE: Betty L Hawk

No 13 Old County Road



Jan. 18, 1976

To. The Mayor and City Council  
of the City of Nitro  
Gentlemen:

In 1949 we purchased 3 lots from  
the Sattes Estates, and built on  
the lots a small frame house.

We moved into this house in  
September 1950. Since that time  
we have tried to maintain a  
respectable home in the community.

On the East side of our property is  
a small portion of land designated  
as a street, this street is about  
150 feet long and 30 feet wide and  
we have used this land as a driveway  
all these years, we have kept it mowed  
and free from trash during this time.  
Due to Cancer Surgery and a heart attack  
we have hired this work done for the  
past eleven years, at considerable expense  
to us. therefore we would like to  
petition you for title to this property.





over the years we have suffered from vandalism to every car we have owned. one new car was damaged the very first night we had it. we are continually gathering up trash left by people going and coming from Big Star Super Market. also for the last 6 months we have had people from across the street parking their cars on this property even though their own drive way was empty.

Gay N Harner

RECEIVED  
JAN 19 1973  
U.S. DEPT. OF JUSTICE

## NITRO CITY COUNCIL MEETING

February 3, 1976

The regular meeting of Nitro City Council was held in the Council Chambers on February 3, 1976, at 8:00 P.M. Present were Mayor William D. Gibson, Recorder Tom Melton, Councilman at Large Keith Priddy, Councilman at Large Dr. R. V. Allen, Councilman David Hart, Councilman Vernon Casebolt, Councilman Paul Hill and Councilman Thomas Lilly. Councilman at Large Hugo Tidquist was absent.

The meeting was called to order by the Honorable William D. Gibson. Reverend Wilbur Turner of St. Paul's United Methodist Church gave the invocation.

APPROVAL OF MINUTES OF JANUARY 20, 1976, COUNCIL MEETING:  
Mayor Gibson stated that copies of the minutes of the previous meeting had been sent to each councilman for review. Councilman Casebolt made a motion for approval of the minutes. Councilman Lilly seconded the motion which passed by unanimous vote.

JANUARY 1976 FINANCIAL REPORT: Mr. Tom Melton, Chairman of the Finance Committee, gave the following report:

Balance in checking December 31, 1975	7,673.32
Receipts	56,597.40
Transfer from savings	22,000.00
Disbursements	54,777.16
Balance in checking January 31, 1976	31,488.56
Balance in Savings January 31, 1976	43,409.86

SPECIAL OR EXCESS LEVY ELECTION (SECOND READING): City Recorder Tom Melton gave the second reading of the Resolution for the Excess Levy Election to be held February 21, 1976, as follows:

NOTICE OF SPECIAL ELECTION  
FOR  
ADDITIONAL MUNICIPAL LEVY

TO THE VOTERS OF NITRO, WEST VIRGINIA  
TAKE NOTICE

That a regular meeting of the Council of the City of Nitro, State of West Virginia, held on the 20th day of January, 1976, 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

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

Street Maintenance and Repairs, \$7,000.00 for each fiscal year for a period of three years.

Parks and Recreation, \$6,532.00 for each fiscal year for a period of three years.

Firemen's Wages, \$8,000.00 for each fiscal year for a period of three years.

Additional Street Lighting, \$5,500.00 for each fiscal year for a period of three years.

Policemen's Wages, \$13,500.00 for each fiscal year for a period of three years.

Library, \$5,000.00 for each fiscal year for a period of three years.

Fire Hydrant Rental, \$2,000.00 for each fiscal year for a period of three years.

3. That the total approximate amount for said purpose or purposes is \$47,532.00 for each fiscal year for a period of three years.

4. That the separate and aggregate assessed valuation of each class of taxable property within the municipality of Nitro is as follows: Class I, \$1,684,818; Class II, \$11,710,531; Class IV, \$14,848,729; Aggregate \$28,244,078.

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

6. That the proposed years to which the additional levy shall apply are the fiscal years beginning July 1, 1976, July 1, 1977; July 1, 1978.

7. That the question of such additional levy shall be submitted to a vote at a special election, to be held on the 21st day of February, 1976.

8. That the notice calling such election shall be given by the publication of this order at least once each week for two successive weeks before said election, within fourteen consecutive days next preceding the election, in the Kanawha Valley Leader, a newspaper of general circulation in said Municipality and the only qualified newspaper published therein and of general circulation in the City of Nitro. Printed copies of this order shall also be posted at each place of voting at least ten days before said election. All the provisions of the laws concerning General Election shall apply as far as practicable, except that a separate ballot shall be used at such election when held in connection with any other election.

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

OFFICIAL LEVY BALLOT  
CITY OF NITRO  
WEST VIRGINIA  
SPECIAL ELECTION

Special election to authorize additional levies for the fiscal years beginning July 1, 1976; July 1, 1977; and July 1, 1978 for the following purposes and in the approximate amounts set forth as follows:

For street maintenance and repairs, the annual approximate amount of	\$ 7,000.00
For parks and recreation, the annual approximate amount of	6,532.00
For firemen's wages, the annual approximate amount of	8,000.00
For additional street lighting, the annual approximate amount of	5,500.00
For policemen's wages, the annual approximate amount of	13,500.00
For Library, the annual approximate amount of	5,000.00
For fire hydrant rental, the annual approximate amount of	2,000.00
The annual total approximate amount to be expended during the term of this levy is \$47,532.00	

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

( ) 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

Attest:

Tom Melton  
Recorder

Mr. Melton asked that a sample ballot be made part of the minutes. Councilman at Large Dr. Allen made a motion that the Resolution be passed on second reading. The motion was seconded by Councilman Casebolt and approved by unanimous vote. Mr. Melton was asked about publication of the notice of the election. He replied that it would be published two consecutive weeks prior to the election, and also that he had already sent an application to the Board of Education for permission to use the schools.

STREET LIGHT SURVEY FROM WARD COUNCILMEN CONCERNING NEW POLES AND STREET LIGHTS: Councilman at Large Keith Priddy, Chairman of the Street Light Committee, stated that some of the Councilmen had not had time to complete the survey of their wards, and he would like this kept in committee until next council meeting.

#### NEW BUSINESS AND COMMITTEE REPORTS

Mayor William D. Gibson: Mayor Gibson read a letter from Mr. Joe Savilla, president of the Nitro-Putnam Elementary School PTA, asking for permission to solicit in the city of Nitro for their school carnival. Councilman at Large Priddy made a motion that permission be granted. The motion was seconded by Councilman Casebolt and passed by unanimous vote.

Mayor Gibson read a letter from Mrs. Charles Mann, President of the Junior Woman's Club, asking for permission to stop traffic on First Avenue at Lock Street on February 8 to solicit donations for the heart fund. The Mayor said he had discussed this with the Police Chief and he had no objection to the solicitation of funds from people in the automobiles, he did question the advisability of stopping cars on busy First Avenue. He thought it might be better to have the solicitation done in an area that already has a stop sign, and traffic would be stopping anyway. Councilman Casebolt said it would be a bad time to be stopping traffic at that location because of church traffic. Councilman at Large Allen made a motion that permission be granted to allow for solicitation, and that the Mayor and Police Chief contact Mrs. Mann to work out a suitable location for the "Car Stop".

Councilman Lilly seconded the motion which passed by unanimous vote.

Mayor Gibson read a letter from Mr. H. M. Galloway addressed to the Police Chief in which he submitted his resignation from the Police Civil Service Commission. The resignation to be effective December 1, 1975. The letter was dated November 26, 1975, but reading of it had been delayed at the request of Mr. Armada because of the involvement of Mr. Galloway in the strike at the Monsanto plant. His letter is attached hereto and made a part hereof.

The Mayor introduced Ms. Linda Hill of the Regional Intergovernmental Council. Ms. Hill passed out to the councilmen copies of the new pre-application for Block Grant funding for the fiscal year of 1977 which begins July 1, 1976. Mayor Gibson stated that on Item No. 6 - Design and construct swimming pool enclosure - for \$7,000.00, he felt there may have been an error made on the price of this. Councilman Hart questioned Item No. 12 - Housing Inspection \$20,000.00. He asked why the priority of new housing wasn't listed. Ms. Hill explained that on the pre-application only community projects are listed. If HUD likes some of the projects and invites the City of Nitro to make an application for certain particular projects, then a housing assistance plan survey may be submitted. The cost estimate on No. 7 was also questioned. Mayor Gibson suggested the cost estimates on the various projects be discussed with Mr. Hayne of Appalachian Engineers and corrected if need be. Ms. Hill stated that her superiors at RIC felt that the 1970 census would be more favorable to the city in the Housing Assistance plan than the recent survey undertaken. Councilman Lilly pointed out that the population figure on the application was too low. He thought it might be possible that only the Kanawha County population of Nitro had been used and this would need the Putnam County population of Nitro added to it. After some discussion, Councilman at Large Dr. Allen made a motion that the Mayor be authorized to sign the application after the corrections that are deemed necessary are made. Councilman Casebolt seconded the motion which passed by unanimous vote.

Mayor Gibson stated that the West Virginia Council of Towns and Cities had called a meeting of the Mayors and had met with Mr. McManus and Mr. Brotherton to support the passage of Senate Bill No. 14 on State Income Tax. This bill, if passed, would allocate 10% of the state income tax to municipal governments and counties. The Mayor encouraged everyone to support the bill.

Councilman Thomas Lilly: No committee reports. Councilman Lilly stated that he would like to make a suggestion that our representative on RIC put before the legislature the possibility of returning to the cities a percentage of gasoline taxes on a pro-rated basis to be used in street repair. Councilman Lilly stated that this was not a proposal for a tax increase on gasoline, just share with the cities a portion of the taxes which are ear-marked for road repair and maintenance.

Councilman Paul Hill: Councilman Hill stated that Sixth Street near Third Avenue has deteriorated very badly. He suggested that Mr. Gene Williams or Mr. Hayne of Appalachian Engineers check this out with the possibility of repaving the street.

Councilman David Hart: Councilman Hart said that a section of East 39th Street between 40th Street and the Nitro-Putnam Elementary school is in very bad shape and in need of repair. He compared it to a "corduroy" road full of chuck holes. Councilman Hart stated that there are only two residences on this section of road which is used by school buses, delivery trucks to the school, and parents driving children to and from school. He stated that Mr. Riffle, one of the residents, did not feel that he alone should bear the expense of paving. Mr. Melton asked if the street were one-way. Councilman Hart replied that it is. Councilman at Large Allen said that a few years ago he had gone with a group to the Putnam County Board of Education to ask if they would help maintain or repair this street. The answer was "no". Councilman at Large Allen said he would be glad to be part of a group to contact the Board again to see if they would be interested. Mayor Gibson said that the road has been built up at different times and now the road is higher than the walk. This results in a lot of mud on the sidewalk. During further discussion it was brought out that most of the heavy vehicles using the street are school connected. Councilman Hart said that Mr. Riffle was not asking for an expensive paving job, but just gravel or rock to make the street more usable.

Councilman at Large Dr. R. V. Allen: Councilman at Large Dr. Allen said that some time ago it was stated that the city owns a strip of land 12 ft. wide between First Avenue and the railroad. He asked where the city line begins and the state property ends. The Mayor replied that he had been informed by the engineers that the state right-of-way extends 10½ ft. from the pavement, then the city owns 12 ft. between that and the railroad. This is between 22nd and 35th Sts. The city does not own any land below 35th St. The Mayor stated that any chuckholes that are within 10½ ft. of the pavement are the responsibility of the Department of Highways. The Mayor read an item from the "Hot Line" of the Charleston Daily Mail which stated that the State Department of Highways planned to widen the highway by 4 ft., two feet on each side, as soon as this can be approved and funding becomes available.

Mayor Gibson said he has had some complaints about the condition of 40th Street Road, especially in the Putnam County section, and that he has communicated with Mr. William S. Ritchie and has asked them to please give this their immediate attention.

Councilman at Large Keith Priddy: No committee reports. Councilman at Large Priddy asked about the fill that is being done with fly ash along Route 25. He wanted to know if the owners were complying with the city's fly ash ordinance. The



Mayor replied that they have been given a copy of the ordinance and they are trying. They have the equipment and the dirt to cover the fly ash, but because of the weather conditions they have not been able to get it all done.

Councilman Vernon Casebolt: Councilman Casebolt stated that he visited the fire department to get first hand information on the training they are having. He said that each fireman and volunteer fireman are being trained, and he believes this training is paying off for the citizens of Nitro.

Councilman Casebolt stated that citizens following the fire truck, and other sightseers are blocking the streets so additional fire equipment and ambulances have a hard time getting through. He said he wished there were some way people could be educated to stay out of the way.

Councilman Casebolt made the motion for adjournment. The motion was seconded by Councilman Hart and passed by unanimous vote.

*Wm. G. Gibson*  
*Tom Melton*



November 26, 1975

Mr. L. R. Craft, Chief of Police  
City of Nitro  
City Building  
Nitro, West Virginia 25143

Dear Mr. Craft:

I am submitting my resignation from the Nitro Police Civil Service Commission, effective December 1, 1975.

My duties at the present time are much greater than I anticipated and I cannot devote the time to the Nitro Police Civil Service Commission that is necessary.

Yours truly,

  
H. M. Galloway

cc: The Honorable William D. Gibson  
Mel Pennington  
Nedra Brace



## NITRO CITY COUNCIL MEETING

February 17, 1976

The regular meeting of Nitro City Council was held in the Council Chambers on February 17, 1976, at 8:00 P.M. Present were Mayor William D. Gibson, Recorder Tom Melton, Councilman at Large Dr. R. V. Allen, Councilman at Large Hugo Tidquist, Councilman David Hart, Councilman Vernon Casebolt, Councilman Paul Hill, Councilman Thomas Lilly and City Attorney Frank Armada. Councilman at Large Keith Priddy was absent. The meeting was called to order by the Honorable William D. Gibson.

APPROVAL OF MINUTES OF FEBRUARY 3, 1976, COUNCIL MEETING:

Mayor Gibson stated that copies of the minutes had been mailed to each councilman for review. Councilman Casebolt made a motion for approval of the minutes. The motion was seconded by Councilman Lilly and approved by unanimous vote.

APPROVAL OF JANUARY, 1976, FINANCIAL STATEMENT:

City Recorder Melton stated that a difference of \$42.93 in disbursements between the financial report of last meeting and the financial statement for the end of the month was for new checks ordered through the bank and not recorded until the bank statement was received. Councilman Casebolt made a motion for approval of the financial statement. The motion was seconded by Councilman at Large Dr. Allen. Voting for approval were Councilmen Allen, Tidquist, Hill, Hart and Casebolt and Recorder Melton. Councilman Lilly opposed. The motion carried.

ORDINANCE TO ADOPT THE AMENDED CITY CODE (SECOND READING):

City Recorder Tom Melton read the title of the ordinance as follows:

"An Ordinance adopting a revision and codification of the ordinances of the City of Nitro, entitled the "Code of the City of Nitro, West Virginia," providing for the repeal of certain ordinances not included therein, with certain exceptions, and for other purposes hereinafter set out." A copy is attached hereto and made a part hereof.

Mr. Frank Armada, City Attorney, asked if there were any motions for changes or amendments. Councilman Lilly made a motion for approval of the second reading. The motion was seconded by Councilman Casebolt. The new code books were passed out for inspection. Mr. Armada stated that he felt Council should be commended for the job completed on the Code books. He also stated that a limited number of the Code books would be available for sale at a price of approximately \$50.00. The vote for approval of the ordinance to adopt the amended city code was unanimous.

APPROVAL OF SPECIAL LEVY ELECTION WORKERS TO WORK AT POLLS ON FEBRUARY 21, 1976: Mr. Tom Melton, City Recorder, reported that councilmen had been given a list of workers for their review and approval. A class is scheduled for Thursday night to go over the machines and procedures. The voting machines have been checked and locked. Approval has been received from the Boards of Education for the polling places in both Putnam and Kanawha County. The polls will be open from 6:30 A.M. to 7:30 P.M. Councilman Lilly made a

motion for approval of the list of workers. The motion was seconded by Councilman Hart and passed by unanimous vote.

STREET LIGHT SURVEY FROM WARD COUNCILMEN CONCERNING NEW POLES AND STREET LIGHTS: Councilman at Large Priddy who is chairman of the Street Light, Street Numbering and Street Sign Committee, was absent from the meeting, so it was decided to keep this in committee until next council meeting.

#### NEW BUSINESS AND COMMITTEE REPORTS

Mayor Gibson stated that the city attorney had prepared an ordinance pertaining to the up-grading of the Sewer Use Ordinance as required by the Environmental Protection Agency in connection with the two construction projects now under way. These are Project Nos. C540179 and C-540288, the sewage treatment plant and the new sewer lines for 40th Street area and Riverdale Acres. Mr. Frank Armada, city attorney, stated that the adoption of this ordinance is required by EPA, and the city agreed by accepting the grants on the projects that an ordinance would be enacted. Mr. Armada explained that it is a basic ordinance that follows federal guidelines regarding what can and cannot be deposited in the sewer system. Mr. Armada stated that a petition had been received from the Sanitary Board asking that the ordinance be passed. The petition is as follows:

#### P E T I T I O N

Comes now the Nitro Sanitary Board of the City of Nitro West Virginia, and does respectfully Petition the Honorable Council of the City of Nitro, Nitro, West Virginia, and does respectfully request that they do entertain and enact the following attached proposed ordinance entitled:

"AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF IN THE CITY OF NITRO, COUNTIES OF KANAWHA AND PUTNAM, STATE OF WEST VIRGINIA"

Dated this 12th day of February, 1976.

Signed: William D. Gibson, Chairman

Councilman Lilly asked if this ordinance would supersede existing ordinances on sewer use. Mr. Armada said it would. The Mayor read a letter from the United States Environmental Protection Agency dated February 2, 1976, in which they give their approval of the new Sewer Use Ordinance. This letter is attached hereto and made a part hereof. Mr. Tom Melton, City Recorder, read the title of the ordinance which is as follows:

"AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF IN THE CITY OF NITRO, COUNTIES OF KANAWHA AND PUTNAM, STATE OF WEST VIRGINIA"

Be it ordained and enacted by the Council of the City of Nitro, State of West Virginia, as follows:

# ARTICLE I

## Definitions

Unless the Context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

Sec. 1. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C, expressed in milligrams per liter.

Sec. 2. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Sec. 3. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

Sec. 4. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

Sec. 5. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

Sec. 6. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

Sec. 7. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

Sec. 8. "Person" shall mean any individual, firm, company, association, society, corporation, or group.

Sec. 9. "ph" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Section 10. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one half (1/2) inch (1.27 centimeters) in any dimension.

Sec. 11. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Sec. 12. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

Sec. 13. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

Sec. 14. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

Section 15. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

Sec. 16. "Sewer" shall mean a pipe or conduit for carrying sewage.

Sec. 17. "Shall" is mandatory. "May" is permissive.

Sec. 18. "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

Section 19. "Storm Drain" (sometimes termed "storm Sewer") shall mean a sewer which carries storm and surface water and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Sec. 20. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

Sec. 21. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Sec. 22. "Nitro Sanitary Board" shall mean those members appointed by the Mayor of the City of Nitro, and confirmed by the City Council of the City of Nitro, West Virginia, and any person acting under direction of said Board as an employee or agent.

## ARTICLE II.

### Use of Public Sewers Required

Sec. 1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Nitro or in any area under the jurisdiction of said City any human or animal excrement, garbage, or other objectionable waste.

Sec. 2. It shall be unlawful to discharge to any natural outlet within the City of Nitro, or in any area under the jurisdiction of said City any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Sec. 3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cess-pool or other facility intended or used for the disposal of sewage.

Sec. 4. The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley or right of way in which there is now located or may in the future be located a public sanitary or combined sewer of the City is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line

## ARTICLE III

### Private Sewage Disposal

Sec. 1. Where a public sanitary or combined sewer is not available under the provisions of Article II, Section 4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.



Sec. 2. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Secretary of the Nitro Sanitary Board. The application for such permit shall be made on a form furnished by the Nitro Sanitary Board which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Nitro Sanitary Board. A permit and inspection fee shall be paid to the Nitro Sanitary Board at the time the application is filed as hereinafter provided in Article IV, Section 2.

Sec. 3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Nitro Sanitary Board. It shall be allowed to inspect the work at any stage of construction, and in any event, the applicant for the permit shall notify the Nitro Sanitary Board when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Board.

Sec. 4. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Health of the State of West Virginia. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Sec. 5. At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Article III, Section 4, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

Sec. 6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City of Nitro or to the Nitro Sanitary Board.

Sec. 7. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Nitro Sanitary Board, the West Virginia Department of Health or any other duly authorized government agency.

Sec. 8. When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

#### ARTICLE IV Building Sewers and Connections

Sec. 1. No unauthorized person shall uncover, make any connections with or open onto, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Nitro Sanitary Board.

Sec. 2. There shall be two (2) classes of sewer service connection fees: (a) for service where the service connection is in place ready for the owner to connect, generally at the property line; and (b) for service where the Sanitary Board must first make an opening in the Board's collector sewer and then extend the line to the owner's property line. In either case, the owner or his agent shall make application on a special form furnished by the Nitro Sanitary Board. The permit application

shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Nitro Sanitary Board. A permit and inspection fee of Twenty Five Dollars (\$25.00) for in service sewer inspection (a) and One Hundred Fifty Dollars (\$150.00) for an in service connection fee (b) shall be paid to the Nitro Sanitary Board at the time the application is filed.

Sec. 3. All costs and expenses incident to the installation and connection of a building sewer shall be borne by the owner. The owner shall indemnify the Nitro Sanitary Board from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Sec. 4. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

Sec. 5. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Nitro Sanitary Board to meet all requirements of this ordinance.

Sec. 6. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Nitro Sanitary Board and the City of Nitro. In the absence of code provisions, or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

Sec. 7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Sec. 8. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Sec. 9. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Nitro Sanitary Board, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Nitro Sanitary Board before installation.

Sec. 10. The applicant for the building sewer permit shall notify the Nitro Sanitary Board when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Nitro Sanitary Board or its representative.

Sec. 11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Nitro Sanitary Board, and the City of Nitro.

ARTICLE V  
Use of the Public Sewers

Sec. 1. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

Sec. 2. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as combined sewers or storm sewers, or to a natural outlet approved by the Nitro Sanitary Board. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Nitro Sanitary Board to a storm sewer, combined sewer or natural outlet.

Sec. 3. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (a) Any gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquid, solid or gas.
- (b) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.
- (c) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

Sec. 4. No person shall discharge or cause to be discharged the following described substances, materials, wastes or waters

if it appears likely in the opinion of the Nitro Sanitary Board that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the Nitro Sanitary Board will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- (a) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F. (65 C);
- (b) Any water or waste containing fats, wax, grease, or oil, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F. (0 and 65°C);
- (c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (.76 hp metric) or greater shall be subject to the review and approval of the Nitro Sanitary Board;
- (d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not;
- (e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Nitro Sanitary Board for such materials;
- (f) Any waters or wastes containing phenols or other taste-or odor-producing substances, in such concentrations exceeding limits which may be established by the Nitro Sanitary Board as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters;
- (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Nitro Sanitary Board in compliance with applicable State or Federal regulations.

- (h) Any waters or wastes having a pH in excess of 9.5.
- (i) Materials which exert or cause:
  - (1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to sodium chloride and sodium sulfate).
  - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  - (3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
  - (4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

Sec. 5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated above, and which in the judgment of the Nitro Sanitary Board may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Nitro Sanitary Board may:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition for discharge to the public sewer;
- (c) Require control over the quantities and rates of discharge, and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 10 of this article.

If the Nitro Sanitary Board permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Nitro Sanitary Board, and subject to the requirements of all applicable codes, ordinances, and laws.

Sec. 6. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Nitro Sanitary Board they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Nitro Sanitary Board and shall be located as to be readily and easily accessible for cleaning and inspection.

Sec. 7. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Sec. 8. When required by the Nitro Sanitary Board, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Nitro Sanitary Board. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Sec. 9. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids and analyses are obtained from a 24 hour composite of all outfalls whereas pH's are determined from periodic grab samples.)

Sec. 10. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Nitro Sanitary Board and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Nitro Sanitary Board for treatment, subject to payment therefore, by the industrial concern.

#### ARTICLE VI. Protection from Damage

Sec. 1. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be

subject to immediate arrest under charge of disorderly conduct.

## ARTICLE VII. Powers and Authority of Inspectors

Sec. 1. The Nitro Sanitary Board or other duly authorized employees of the Nitro Sanitary Board bearing proper credentials and identification shall be permitted to enter into properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance.

Sec. 2. The Nitro Sanitary Board or any of its duly authorized employees bearing proper credentials and identification shall be permitted to enter all private properties through which the City of Nitro or the Nitro Sanitary Board holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

## ARTICLE VIII Penalties

Sec. 1. Any person found to be violating any provision of this ordinance except Article VI shall be served by the Nitro Sanitary Board or the City of Nitro with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Sec. 2. Any person who shall continue any violation beyond the time limit provided for in Article VII, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding One Hundred Dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Sec. 3. Any person violating any of the provisions of this ordinance shall become liable to the Nitro Sanitary Board for any expense, loss, or damage occasioned the Nitro Sanitary Board by reason of such violation.

## ARTICLE IX Validity

Sec. 1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec. 2. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

## ARTICLE X Ordinance in Force

Sec. 1. This ordinance shall be in full force and effect

from and after its passage, approval, recording, and publication as provided by law.

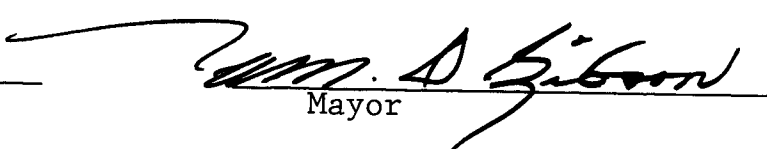
Sec. 2. Passed and adopted by the Nitro City Council of the City of Nitro, West Virginia on the \_\_\_\_ day of \_\_\_\_\_ 1976, by the following vote:

Ayes:

Nays:

Approved this \_\_\_\_ day of \_\_\_\_\_ 1976

Attest

  
Mayor

Councilman at Large Dr. Allen made a motion that the ordinance be accepted as first reading. The motion was seconded by Councilman Hart. The vote of approval was unanimous.

Mayor Gibson read a letter from Appalachian Engineers, Inc., regarding the city maintenance garage site. The letter stated that they felt the contract with Meade Construction Company should be terminated, and the city should consider the use of an alternate site for the garage. The proposed new site would be between Lock Street and the old water intake property. With the letter was a preliminary site plan showing the boundaries of the property. The area would have to be rezoned and the construction re-bid. The Mayor stated that, at the request of Mr. Hayne, an informal meeting was held at City Hall on Tuesday night to discuss this, and all councilmen were invited to attend. Both Mr. Armada and Mr. Hayne were present. Mr. Armada stated that his recommendation to Council was for the city to disclaim the contract with Meade Construction Company. Meade Construction Company has been unable to fulfill the contract due to circumstances surrounding the condition of the subsoil at the landfill. Meade Construction Company has asked \$8,000.00 for the work which they have done. Our engineers are collecting data to substantiate the amount of work done. Mr. Armada said that Meade Construction Company has indicated that they would like to re-negotiate the contract, but he feels this cannot be done. It would have to be re-bid. The Mayor displayed a drawing showing the proposed alternate site for the garage. He explained that the city could obtain a 60-day option on this property for the sum of \$500.00. An additional 60-day option could be obtained for an additional \$500.00. Total cost of the property would be \$40,000.00.

Councilman Lilly stated that he had been unable to attend the meeting on Tuesday. He wanted to know if it would not be possible to still consider using the landfill, since all the preliminary work has been done, and possibly getting some additional consultation on it. Councilman Hill pointed out that the city could purchase the alternate site with the funds that would be needed to re-bid allowing for the removal of the garbage and refilling with dirt. Councilman Lilly stated that changing the location of the garage would still leave a landfill to be renovated. The original plans were to renovate the landfill and acquire a city maintenance garage at the same time. He also asked if the alternate



site would need to be rezoned, and if core drillings had been made. The Mayor stated that the purpose of the 60-day option is to allow time to have the land rezoned, and engineering work done to see if the site is suitable before the actual purchase.

Councilman Hill stated that as well as he could remember the renovation of the Smith Street landfill was to have been a long-range program, probably carrying over into the next administration. He added, that some time ago one of the chemical companies had offered the city a site for the garage near Armours Creek. This site proved unsuitable. Then it was decided to go with the landfill site which has also proved unsuitable. Councilman Hill said he feels that, through the meeting on Tuesday night, we are again moving in the right direction. He said Mr. Hayne had not ruled out the possibility of renovating the landfill and having a building there some day, but probably something that would not require such deep footers. Recreation facilities are planned. Councilman Hill said that the purpose of the meeting was to find out if council wanted to spend the extra money, and the property is probably worth more, and go to the alternate site.

Councilman Casebolt stated that he would like to make a motion that the city retain the property for \$500.00 on a 60-day option, and then see if it can be rezoned. The motion was seconded by Councilman Hart. Councilmen Allen, Tidquist, Casebolt, Hart and Hill, and Recorder Melton voted for approval. Councilman Lilly opposed. Councilman Lilly stated that he would like to entertain a motion that the city get another consultation from some other engineering firm as to the landfill site versus the other site to see whether the landfill can be renovated for a city garage. There were no motions to this effect.

Mayor Gibson read a letter concerning Library Appreciation Day, which will be February 22, 1976, from 2 to 4 P.M. in the John V. Ray room at the Kanawha County Library.

Mayor Gibson read a letter from the Multiple Sclerosis Society asking permission to solicit for funds in Nitro from May 9, 1976 to June 20, 1976. Councilman Lilly made a motion that permission be granted. The motion was seconded by Councilman Casebolt and passed by unanimous vote.

The Mayor presented a petition he had received from approximately 24 property owners of the Washington Avenue area requesting that the property between the 600 - 700 block of Washington Avenue be used as a landfill, to be filled with trash, not garbage. The Mayor said he thought the petition should be turned over to Mr. Armada, city attorney for study. Councilman Casebolt said if it were at all feasible, he would recommend it, because he feels the area is a health hazard as it is now.

Mayor Gibson read portions of the Block Grant Application which listed items on the application in order of priority as

follows:

1. Construct storm sewers in 1976 in Brookhaven area No. 2, Ivy Street, Kanawha Avenue, River Avenue and Old County Road.
2. Pave city owned land between Penn Central Railroad and State Department of Highways.
3. Pave Easter Road, Ivy Street, Kanawha Avenue River Avenue and Old County Road.
4. Develop Smith Street landfill mini-park to include site preparation, access road and parking, stone building, recreation equipment and boat ramp.
5. Develop recreational facilities on 40th St.
6. Design and prepare a plan and specifications for swimming pool enclosure.
7. Design and prepare plans for a second floor for the Recreation Building.
8. Develop Ridenour Memorial Park - Pave parking and access road and construct storage and concession building.
9. Design storage and concession building at Ridenour Memorial Park.
10. Design renovation of the old water intake building.
11. Design and prepare specifications for two fire stations.
12. Implement housing inspection program.

The list of priority projects was compiled from suggestions and citizen input at public hearings held on the Block Grant Funds.

Mayor Gibson recognized a group from the Nitro Business Men's Association who had asked to speak to council concerning improvements needed in the parking area along First Avenue. Present were Mr. and Mrs. Paul Van Buren, Mr. Bill Javins, Mr. Mervin Gibson and Mr. Rusty Casto. Mr. Paul Van Buren, spokesman for the group asked what his group, and what the city could do to improve and maintain the parking area from 19th Street to 40th Street. He said he was aware that some of the property belongs to the State Department of Highways, some to the City and some to the Railroad, but something needs to be done and he asked for advice on what should be done. He said the business men are also interested in 40th Street. The street is in serious need of repair, needs to be made wider, in order to make it more attractive for the residents of the Cross Lanes area to come to Nitro for their

shopping. Mr. Van Buren was concerned about the loss of business in the Nitro area, partially due to the new malls at St. Albans and Winfield. He pointed out that a loss of retail business means a loss in the city income as well. Mr. Van Buren pointed out how hard it is to cross First Avenue in the afternoons because of heavy traffic, and suggested the possibility of crosswalks being painted. He was told the State Department of Highways would have to paint them if approved, since it is a State highway. Councilman at Large Tidquist agreed that something needed to be done, and he said he thought it would have to be a joint project. Mayor Gibson pointed out that the city engineers had been working on the project for several months, and that he had been in contact with the State Department of Highways on both the parking and repairs to 40th Street. Mr. Van Buren said he was not aware of this.

City Attorney Frank Armada asked just what the business community was willing to contribute toward the upkeep or maintenance of the parking area. Mr. Van Buren said he was sure there were people who were interested in leasing the parking area from the state and improving it. This has been discussed in the meetings of the Business Men's Association.

Mr. Van Buren asked if it would be possible for a member of the Business Men's Association to be elected or appointed to an "at-large" chair on council. Mr. Frank Armada replied that this could not be done. It would be unconstitutional.

Councilman Hart asked Mr. Van Buren if he thought traffic control and adequate parking facilities were the major steps needed to take care of the situation. Mr. Van Buren replied "Collectively, yes."

There was some further discussion regarding the business area of Nitro, and the possible remedies for the parking situation. The Mayor also presented two letters that had been written about the condition of 40th Street. One from Councilman Hart, and one written by the Mayor to Highway Commissioner Ritchie. Councilman Casebolt added that the contract has already been let for the installation of a traffic light at 40th Street and First Avenue.

Mr. Van Buren said he would like to apologize if he had been guilty of badgering anyone.

Mayor Gibson said he felt that he had not only been badgered, but that he felt he had been lied upon if what was printed in the paper earlier was correct.

Mayor Gibson presented a set of maps of First Avenue showing the area that belongs to the city. The maps were made by Appalachian Engineers and were taken from records of the Kanawha County Courthouse.. Mr. Armada stated that the maps were drawn to clarify what land is owned by the city. Mr. Van Buren asked, suppose we do pave the parking, how do we patrol it for the protection of the citizens getting across. He was

told this would be a matter for the police department. During further discussion Mr. Van Buren and the other businessmen were invited to return to council meeting at any time. And it was decided, in order to further communication between city council and the business community, copies of Council meeting minutes would be forwarded to the president of the Nitro Business Men's Association and copies of the minutes of their meetings would be sent to council.

Mr. Van Buren asked if a petition signed by the merchants would be of any help. He was told it would prove helpful.

Reverend Joe Kimble of the Nitro United Baptist Mission on Main Avenue stated that last fall there had been a problem with the workers from a nearby carwash dumping residue from the carwash up against the railroad tracks, which made an eyesore. He stated that Mr. Casebolt had been instrumental in getting that stopped. Now these people are dumping the residue in the middle of the street, and it makes quite a mud hole. Rev. Kimble stated that if Council would get the mud removed, the church will put some gravel there. It was decided that the owner or his employees should be notified to discontinue dumping in the street, and also, that Mr. Williams, Street Superintendent, should check on having the mud removed from the street.

Councilman at Large Hugo Tidquist: Councilman Tidquist stated that each councilman had been given a list of recommended changes for the pool. He would like for these to be studied and recommendations on the proposed changes be made at next council meeting.

Councilman Thomas Lilly: Councilman Lilly said there may be some trouble with water run-off onto Frederick Street from the fill being made by Tom Rhule motors. It was decided to have the building inspector check this out.

Councilman Paul Hill: Councilman Hill asked if Mr. Williams had had an opportunity to check the paving on Sixth Street. The Mayor stated that he has asked both Mr. Williams and Mr. Hayne to check into it.

Councilman David Hart: No new business.

Councilman At Large Dr. R. V. Allen: No new business.

Councilman Vernon Casebolt: Councilman Casebolt said he has had a request from a group of young men who want to remove the curb from a section of street, pour concrete beside the street and put up a basketball pole and net. He stated that the young people have been playing basketball in this area for years, and the basket gets knocked down by a passing truck. Councilman Hart said he felt the concrete would need to be re-enforced and made as strong as the original curb, also it would have to be joined to the street properly, and properly drained. The Mayor

said it might be possible to have a basketball court installed somewhere nearby, if the city acquires the additional land under consideration. Another suggestion was that perhaps an area of the landfill could be used for basketball.

Councilman Casebolt made a motion for adjournment. The motion was seconded by Councilman at Large Allen. The motion carried.

Tom. D. Gibson  
Mayor

Tom Melton  
Recorder

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ADOPTION OF THE CODE OF  
THE CITY OF NITRO,

---

ORDINANCE NO. I 83

An ordinance adopting a revision and codification of the ordinances of the City of Nitro, entitled the "Code of the City of Nitro, West Virginia," providing for the repeal of certain ordinances not included therein, with certain exceptions, and for other purposes hereinafter set out.

Be it ordained by the City Council of the City of Nitro;

Section 1. There is hereby adopted by the City Council that certain Code entitled the "Code of the City of Nitro, West Virginia," containing certain ordinances of a general and permanent nature as compiled, consolidated, revised, codified and indexed in Chapters 1 to 22, both inclusive, of which Code not less than three copies have been and are now filed in the office of the city recorder-treasurer, where they shall remain on file and be made available to the public for inspection and use during all regular business hours.

Section 2. The provisions of such Code shall be in force on and after February 18, 1976, and all ordinances of a general and permanent nature adopted on final reading and passage on or before February 1, 1975, and not contained in such Code are hereby repealed from and after February 18, 1976, except as hereinafter provided.

Section 3. The repeal provided for in the preceding section of this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right





established or accruing before February 18, 1976; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to February 1, 1975; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money for the City or authorizing the issue of any bonds of the City or any evidence of the City's indebtedness or any contract or obligation assumed by the City; nor shall it affect any annual tax levy; nor shall it affect any right or franchise conferred by ordinance or resolution of the City Council on any person or corporation; nor shall it affect any ordinance adopted for purposes which have been consummated; nor shall it affect any ordinance which is temporary, although general in effect, or special, although permanent in effect; nor shall it affect any ordinance relating to the compensation of the City officers or employees or serve to reduce the compensation of any present City officer or employee; nor shall it serve to deprive any person of any lawful retirement, disability, death or other benefit accrued or accruing; nor shall it affect any ordinance annexing territory to the City; nor shall it affect any ordinance naming, renaming, opening, accepting or vacating streets, alleys, easements or rights of way in the City; nor shall it affect any ordinance relating to zoning; nor shall it affect any ordinance adopted on final reading and passage after February 1, 1975; nor shall it affect any of the following ordinances or amendments thereto: (a) Any ordinance or part of any ordinance now in effect which was enacted as a home rule ordinance pursuant to authority of prior chapter 8A of the Code of West Virginia, including Ordinances No. 66, 73 and 105; (b) Any ordinance not codified



in or in conflict with the City Code adopted by Section 1 of this ordinance which directs or authorizes the establishment or maintenance at any location within the City of any traffic-control sign, signal, marking or other device<sup>c</sup> or which, for the enforcement thereof, a traffic-control sign, signal, marking or other device is by law required to be in place at the place or within the area affected thereby; (c) Ordinance No. 133, approving rules and regulations of the board of trustees of the policemen's pension and relief fund; (d) Ordinance No. 139, enacted May 4, 1965, relating to the city swimming pool facilities; and (e) Ordinance No. 108, providing for certain insurance coverage for the municipal sewage system.

Section 4. Whenever in the Code adopted by this ordinance or in any rule, regulation, notice or order promulgated by any officer or agency of the City under authority of such Code duly vested in him or ~~it~~<sup>he</sup> any act is prohibited or is made or declared to be unlawful or an offense or a ~~m~~<sup>mis</sup>demeanor, or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of such Code or any such rule, regulation, notice or order shall be punished by a fine not exceeding five hundred dollars or imprisonment for a term not exceeding thirty days, or by both such fine and imprisonment.

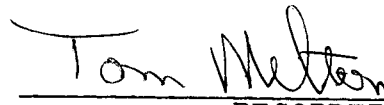
Except where otherwise provided, every day any violation of such Code or any such rule, regulation, notice or order shall continue shall constitute a separate offense.



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Section 5. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance and the Code hereby adopted are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance or the Code hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance or the Code hereby adopted.

  
MAYOR

  
RECORDER

\_\_\_\_\_  
DATE OF ENACTMENT





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III

6TH AND WALNUT STREETS  
PHILADELPHIA, PENNSYLVANIA 19106

FEB 2 1976

Re: C-540179  
C-540288-02  
City of Nitro  
West Virginia

Honorable William D. Gibson  
City of Nitro  
P. O. Box 515  
Nitro, West Virginia 25143

Dear Mayor Gibson:

In accordance with January 19, 1976 request of the West Virginia Department of Natural Resources, this is to advise that the proposed Sewer Use Ordinance is acceptable to this agency.

Approval of the proposed Sewer Use Ordinance satisfies the general conditions incorporated into the December 28, 1973 Grant Agreement, for Grant C-540179 and, April 3, 1975 Grant Agreement for Grant C-540288-02.

Should you have additional questions, or require further assistance in this matter, please contact this office.

Sincerely yours,

A handwritten signature in cursive script, reading "R. Fenton Roudabush".

R. Fenton Roudabush, Chief  
Virginia/West Virginia Section  
Facilities Management Branch

cc: Mr. John Hall  
Appalachian Engineering, Inc.





CITY OF NITRO  
SPECIAL LEVY ELECTION  
FEBRUARY 21, 1976

<u>Precinct 368</u>	<u>West Sattes Elementary School</u>
Clerk	Loucille Callihan, 102 Juniper Street, 755-3578
Clerk	Evelyn Shepherd, 210 Lee Street, 722-3203
Supply Commissioner	Majorie Hudnall, 103 Juniper Street, 755-4526
Commissioner	Bonnie Jones, 200 Juniper Street, 755-3658
Commissioner	Nell Carney, 801 Dupont Avenue, 755-4617

<u>Precinct 369</u>	<u>West Sattes Elementary School (East End of School)</u>
Clerk	Jaunita Hastings, 1406 Sattes Circle, 727-8456
Clerk	Reba Lewis, 1343 Valentine Circle, 727-3555
Supply Commissioner	Majorie Sales, 1358 Valentine Circle, 727-1189
Commissioner	Mrs. John Shiflett, 1307 1st Avenue, 727-8688
Commissioner	Wanda Smith, 203 Walker Street, 727-7801

<u>Precinct 370</u>	<u>West Sattes Elementary School</u>
Clerk	Ollie Hancock, 711 Kanawha Avenue, So. 727-3792
Clerk	Loucille Caldwell, 715 Kanawha Avenue, So. 722-3832
Supply Commissioner	Sue Goodwin, 103 Cleveland Avenue, 727-3780
Commissioner	Rita Shahan, 706 Kanawha Avenue, 727-0384
Commissioner	Amy Yates, 712 Michigan Avenue, 727-1270

<u>Precinct 22</u>	<u>Nitro-Putnam Elementary School</u>
Clerk	Mrs. Roland Carroll, 3818 38th Street, 755-1198
Clerk	Hazel Townsend, 4122 3rd Avenue, 755-2213
Supply Commissioner	Bertha French, 4060 40th Street, 755-3158
Commissioner	Stella O'Gorman, 3802 38th Street, 755-3432
Commissioner	Florence Mollohan, 3813 38th Street, 755-4553

*Wm. A. Gibson*  
*Tom Melton*



SPECIAL LEVY ELECTION

CITY OF NITRO

FEBRUARY 21, 1976

Precinct 364

Nitro High School

Clerk

Garnet Galloway, 2 Blakes Creek Road, 755-2482

Clerk

Joan Stephens, 111 Brookhaven Drive, 776-2822

Supply Commissioner

Jacqueline Mallett, 2507 25th Street, 755-2805

Commissioner

Tillie Mynes, 2158 21st Street, 755-2651

Commissioner

Charmagne Mazze, #1 Barrington Road, 776-3125

Precinct 365

Nitro Elementary School

Clerk

Reba Mathes, 1612 16th Street, 755-2633

Clerk

Velma Kinder, 1816 18th Street, 755-3123

Supply Commissioner

Viola Regel, 1619 16th Steet, 755-2669

Commissioner

Joyce Middleton, 1922 19th Street, 755-2883

Commissioner

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

Precinct 366

Baker Elementary (Multi-purpose Room)

Clerk

Myrtle Adkins, 113 11th Street, 755-1319

Clerk

Jessie Raynes, 1123 11th Street, 755-3525

Supply Commissioner

Ruth Carpenter, 1022 10th Street, 755-2430

Commissioner

Mrs. Ellis Finch, 1018 10th Street, 755-5505

Commissioner

Audry Deeter, 722 7th Street, 755-5406

Precinct 367

Baker Elementary (Multi-purpose Room)

Clerk

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

Clerk

Elsie Simmons, 305 Kanawha Avenue, 755-3776

Supply Commissioner

Lillian Mannix, 15 Main Avenue, 755-1870

Commissioner

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

Commissioner

Reba Webb, 1227 West 12th Street, 755-1238



## Nitro City Council Meeting

March 2, 1976

The regular meeting of Nitro City Council was held in the Council Chambers on March 2, 1976, at 8:00 P.M. Those present were Mayor William D. Gibson, Recorder Tom Melton, Councilman at Large Dr. R. V. Allen, Councilman at Large Hugo Tidquist, Councilman at Large Keith Priddy, Councilman Vernon Casebolt, Councilman Paul Hill and Councilman Thomas Lilly. Councilman David Hart was absent.

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.

Mayor Gibson gave recognition to Mr. Harold Casebolt, father of Councilman Casebolt, who was visiting from South Carolina.

APPROVAL OF MINUTES OF FEBRUARY 17, 1976, COUNCIL MEETING: Mayor Gibson stated that the minutes had been mailed to each councilman for their review. Councilman Casebolt made a motion for approval of the minutes. The motion was seconded by Councilman at Large Tidquist and approved by unanimous vote.

FEBRUARY, 1976, FINANCIAL REPORT: Mr. Tom Melton, Recorder and Chairman of the Finance Committee, gave the following report:

Balance in general fund February 1, 1976	31,450.63
Receipts for the month	45,957.89
Disbursements	47,833.29
Balance in checking account	29,575.23
Balance in Savings	43,409.86

Mr. Melton reported that disbursements included over \$1,000.00 spent on the Special Levy election.

REPORT ON SPECIAL LEVY ELECTION ON FEBRUARY 21, 1976: Mr. Tom Melton reported on the Special Levy Election held on February 21, 1976. Only 193 people voted, with 178 for the Levy and 15 against. Percentages were 92% for and 8% against. The voting machines have been canvassed and everything was in order. Following is a list of the votes of each precinct.

<u>Precinct No.</u>	<u>Machine No.</u>	<u>For the levies</u>	<u>Against</u>	<u>Total</u>
22	36652	30	5	35
364	36653	31	1	32
365	36654	29	3	32
366	36655	19	0	19
367	36656	29	3	32

368	36657	12	0	12
369	36658	22	2	24
370	36659	6	1	7
Totals		178	15	193
Percent		92	8	100

#### PROPOSED CHANGES FOR NITRO SWIMMING POOL OPERATIONS:

Councilman at Large Tidquist, Chairman of the Recreation Committee, reported that a list of the proposed changes had been given to each councilman for their review and recommendations. Councilman Casebolt made a motion that changes be approved. The motion was seconded by Councilman at Large Tidquist. Councilman Lilly said he had a question concerning Item (a) which proposed to allow full time employees of the city to buy season passes to the pool for half price. He said he thought there might be something in the original bond ordinance which would prohibit this. After some discussion, Councilman Casebolt withdrew his motion, and Councilman at Large Tidquist withdrew the second. Mr. Steve Mullins, Recreation Director, explained some of the reasons for the proposed changes for the pool. He also stated that he would check into the legality of Item (a). Councilman Lilly made a motion that Items (b), (c) and (d) be approved and Item (a) be brought back for discussion after being checked. The motion was seconded by Councilman Casebolt and passed by unanimous vote. A list of the proposed changes is attached hereto.

STREET LIGHT SURVEY FROM COUNCILMEN CONCERNING NEW POLES AND STREET LIGHTS: Councilman at Large Keith Priddy, Chairman of the Street Light Committee, reported that each councilman had surveyed his ward, and the total lights requested is 39. Councilman at Large Priddy made a motion that the list be submitted to Appalachian Power Company, and let their engineering department determine the location for new poles, and if lights are needed in all the areas requested. The motion was seconded by Councilman Casebolt. Councilman Lilly asked if a further survey should be undertaken to determine if all 39 lights were really needed. Councilman Priddy replied that where there are no existing poles, the power company's engineering department would let us know if they feel lights are needed, or if existing lights can be relocated to better illuminate certain areas. In any event, their report will come back to City Council for approval before any poles or new lights are installed. The vote for approval of Councilman Priddy's motion was unanimous.

#### NEW BUSINESS AND COMMITTEE REPORTS

Mayor Gibson stated that both he and Councilman Casebolt had received a petition from area residents near the proposed site for the city maintenance garage. Councilman Casebolt stated that the petition was signed by 55 residents, several of whom were in attendance at the council meeting. Councilman Casebolt stated that the city has looked at several sites for the proposed maintenance garage, one in the western edge of the city, the Smith Street landfill, and now the Milhoan property. He also stated

that in view of the petition from so many residents, the city is continuing to look for available property. Mayor Gibson reported that he has contacted numerous people in an effort to locate suitable property for the city garage, but so far nothing has proven satisfactory. Among those contacted were John Ray, Elmer Fike, Angus Payton, Leo Cavender, Bill McDavid. The Mayor said he would recommend that a letter be written to all the people on the petition asking for their help in locating a piece of property for the construction of the maintenance garage. Councilman Casebolt said he thought this would be a good idea, and that he would recommend that the city hold up on exercising the option on the Milhoan property until a further search is made for other property to locate the garage on.

Councilman Lilly made a motion that Council accept the petition and that it become part of the record. The motion was seconded by Councilman Casebolt and passed by unanimous vote. A copy of the petition is attached hereto and made a part hereof.

Councilman Lilly remarked that he still couldn't get it in mind that the garage could not be built on the Smith Street landfill. Councilman Casebolt replied that if we want to spend the money to prepare the property it probably could be done, but if we can find a suitable piece of property for the amount of money it would take to prepare the landfill, then we would be better off to do so. There was some further discussion concerning Meade Construction Company and renovating the landfill.

Mayor Gibson read a letter from residents of Hillside Drive concerning problems in the area. The letter is attached hereto and made a part hereof. The Mayor stated that he had called the ladies and assured them that we are concerned. The City Attorney has also been involved in trying to clear this up. The Mayor said he felt the city is in a better position to get something done since the adoption of the new city code which was enacted during the last council meeting. He also said he has located the owners of the property. Mayor Gibson stated that the city was not responsible for the drain system along Route 25, this was installed by the State Department of Highways. The land in question is lower than the drainage system, and there is no way the water can drain off. The area needs to be filled enough so it will properly drain. Councilman Casebolt suggested a letter be written to the property owners giving them a specified time to get something done. Councilman Lilly said he thought the City Attorney was supposed to arrange a meeting with the property owners and see if something could be worked out.

Mayor Gibson stated that there is a problem he has been asked by Chief of Police Craft to bring to the attention of council. This concerns automobiles being parked on the city streets without a license. They are not abandoned or junked. The Mayor stated that he would like for the ordinance committee to study this and see if the ordinance could be amended so that the removal of these cars can be enforced.

The Mayor stated that the Sewer Use Ordinance second reading had been delayed until next council meeting in order to have sufficient time for advertising.

Mayor Gibson read a letter from Mrs. Mary A. Veazy, Secretary Nitro High School Band Patrons, in which she thanked the members of city council for their contribution to the band's trip to Disney World.

Mayor Gibson announced that he had spoken with Senator Randolph and had been informed that the City of Nitro has been awarded \$106,000.00 in Block Grant Funds. He stated that he has not received the confirmation in writing. This allocation is from last year's application.

Mayor Gibson stated that the city attorney is working with the attorney for the American Legion on completing the deed for the American Legion building. The persons who will sign this deed transferring the building to the city of Nitro are: Mr. Thomas R. Boch, 1520 West 15th Street; Mr. Shelton Brewer, Poca, West Virginia; and Mr. Golden T. Jones, Poca, West Virginia. The Mayor stated that the approximate appraisal value of the building is \$37,000.00. This building is a gift to the city from the American Legion.

Tom Melton, Recorder: No new business.

Councilman Vernon Casebolt: Councilman Casebolt said that he has received a complaint that people are dumping rubbish into the swampy area at the end of Washington Avenue. He made a motion that the city have "No Dumping" signs installed. The motion was seconded by Councilman at Large Tidquist and passed by unanimous vote. Councilman Casebolt also requested that the police patrol this area in an effort to catch the persons dumping there.

Councilman Casebolt stated that he had previously brought before Council the possibility of a group of boys building a basketball court on the street, but since this wasn't feasible, he would like to have the approval of Council to have the city install a regulation size basketball court on part of the landfill property. He said this would not be a great expense, and the boys are willing to donate their labor, but it would be necessary to hire someone experienced to supervise the project. Councilman Casebolt made a motion to have this done. The motion was seconded by Councilman at Large Dr. Allen and passed by unanimous vote.

Councilman at Large Keith Priddy: No reports.

Councilman at Large Dr. R. V. Allen: Councilman at Large Allen stated that the new stop signs on Red Oak Drive have already been stolen. A discussion followed about methods of installing signs in order to make it more difficult for them to be vandalized. The Mayor stated that Gene Williams is aware that the signs are missing and that he plans to replace them. Councilman at Large Allen also reported that some of the one-way signs along Third Avenue are missing and should be replaced.



Councilman Paul Hill: No reports.

Councilman Thomas Lilly: Councilman Lilly stated that it was discussed at last council meeting about water run-off on Frederick Street caused by the filling that is being done, and he wanted to know if the building inspector had checked on this. The Mayor replied that he had personally contacted Mr. Rhule, the building inspector had been up there, and Mr. Hayne had been down, and as best they could determine Mr. Rhule is doing everything possible to provide proper drainage. He has installed a large manhole on the lower corner of his lot and has run a drain to it. The Mayor stated that Mr. Rhule is also elevating his lot so that any water will run in the direction of this large manhole. The Mayor added that the surrounding land is low-lying land, but he could not find where Mr. Rhule is taking any short cuts or doing anything out of the ordinary other than trying to do a good job.

Councilman Lilly stated that the part causing concern is the section designated as an alley between the landfill and the private property. Councilman Lilly added that it appears to him that this fly ash that is being dumped in and not being covered is completely over in the alley already and is imposing on the alley itself, and that he cannot see how any drain is going to carry any residue from this alley back up hill to drain this off. He asked when this is completed what is going to drain the water that would accumulate in the alley and come back on these people's property. Councilman Lilly said this is the concern voiced to him in this particular area.

Councilman at Large Dr. Allen said he had been in this area on numerous occasions and the water did not just come because of the fill. He felt, too, that Mr. Rhule should take every precaution to protect the neighboring property there. He also added that if Mr. Rhule is filling up the alley, he should be required to take it out, and our engineers should go up and check it out. Councilman at Large Allen stated that he is familiar with the property, and for the last five years he has been receiving phone calls about it.

Councilman Lilly stated that the feeling is that when this is finished, there will be no drain, apparently, that the water from the run-off that accumulates in the alley would have no where to go except back up on these people's property. Councilman Lilly said he thought perhaps a pipe from the alley to the drain would solve the whole problem. Councilman Lilly stated that the city has issued a permit for this, and if it runs water on these people's property, then the city is a party to this. Councilman Lilly said he had heard there would be a law suit over this if the filling continues, and this is why he brought it up. Mayor Gibson asked if he had looked at the manhole. Councilman Lilly stated that if there was a pipe running from the alley to the manhole to take off the water that runs down the side of the property, he did not think there would be any complaints. He also said that what Mr. Rhule has should adequately drain the property on top once the fill is completed, but on the side when the water runs down the side, there is no

where for it to go except on these people's property behind. Councilman at Large Dr. Allen again stated that the water was on this property before whenever it rained. Councilman Lilly said there would be more when you put a hill there, and you cannot drain water on people's property.

The Mayor stated that he has had the engineer look at it, the building inspector looked at it, and he personally looked at it.

Councilman Lilly stated that in Chapter 15, Article 17, it states that fly ash will be covered every day at 8:00 P.M., and there is fly ash in the area, and pictures taken of it, where it wasn't covered on a week end. He stated that the city is in violation for not enforcing this regulation. He asked if the regulation could be enforced. The Mayor said he thought Mr. Rhule was doing a pretty good job, and that the owner of the Volkswagon garage did a good job, and he also thought the church was doing an outstanding job. Councilman Lilly repeated that the fly ash wasn't covered by 8:00 P.M. on the three days that he inspected the place, and was completely down in the alley, and over on the other people's property, and that they have pictures of it. Councilman Lilly said he wanted to know what we are going to do about the situation.. The Mayor replied "I think we have be-labored this long enough." Councilman Lilly said "I don't think we have - -." Mayor Gibson said "Well, I think we have and I am the chairman."

Councilman at Large Hugo Tidquist: No reports.

The Mayor stated that he would entertain a motion for adjournment. Councilman Vernon Casebolt made the motion for adjournment. The motion was seconded by Councilman at Large Dr. Allen. The motion carried.

*Wm. D. Gibson, Mayor*  
*Tom Melton, City Recorder*









TO: ALL MEMBERS OF NITRO CITY COUNCIL

WE, THE UNDERSIGNED, RESIDENTS AND VOTERS LIVING IN THE AREA OF LOCK AVENUE, LOCK STREET, BROADWAY AVENUE, MINOR AVENUE, SMITH STREET AND THE IMMEDIATE SURROUNDING AREA, ARE SUBMITTING THIS PETITION OF PROTEST TO THE PROPOSED CONSTRUCTION OF A CITY GARAGE ON THE PROPERTY COMMONLY KNOWN AS "MILHOAN PARK". IT IS OUR UNDERSTANDING THAT THIS PROPERTY IS PRESENTLY ZONED AS RESIDENTIAL PROPERTY AND IT IS OUR REQUEST TO THE CITY COUNCIL AND THE ZONING COMMITTEE THAT THE PROPERTY ZONING REMAINS THE SAME. WE TRUST THAT OUR ELECTED AND APPOINTED CITY OFFICIALS WILL GIVE THIS PETITION THEIR MOST SERIOUS CONSIDERATION.

TO: ALL EM



NAME

ADDRESS

Betty Klein  
Donald Burgess

210 Broadway Ave.  
305 Broadway Ave.

John Dexter Burgess  
Bessie J. Burgess  
Charles Eugene

305 Broadway Ave.  
113 South of Main  
110 Rock St

Sammy Long

12 Main Avenue

117.711 Army  
William Mamm

15 Main Avenue  
15 - Main Ave.

Langhae Taylor

139 Jack Ave.

Norma South Walker  
Daine Walker

218 Broadway Ave  
218 Broadway Ave.

10. Rem Bower

216 Broadway Ave  
12 Main Ave

Victor Thompson

Ward 1 alt

17 Main Ave

Miss Jennie Meek

31 Main Ave

Bob Wright

135 Main

Langhae Taylor

129 Main Ave

Alvin B. White

131 Main Ave

Doc. Davidson

137 Main Ave

Mrs. Mrs. Lowell Hill

155 Main Ave.

Wendell K. Harris

131 Main Ave

Langhae Taylor



## NAME

## ADDRESS

R. L. Harris	123 Lock ave
Barbara L. Harris	123 Lock Avenue
C.R. Shank	121 Lock ave.
Shirley Shank	121 Lock ave.
Tom Mack	133 Lock Ave.
Howard F. Mack	133 Lock ave.
Wendy C. Mack	133 Lock ave
Deborah L Mack	133 Lock Ave.
B. H. Bishop	135 Lock ave
Betty Bishop	135 Lock Ave.
Howard R. Harper	141 Lock ave
Lucas Harper	141 Lock ave
W. C. Shewen	205 Broadway Ave.
Mrs. George Miller	212 Broadway ave.
Mrs. Johnny B. Goodall	213 Broadway Ave.
Johnny B. Goodall	213 Broadway Ave
Mark Goodall	213 Broadway ave
Mr. L. J. Minnick	215 Broadway Ave
Lenore J. Minnick	215 Broadway Ave.
John D. Burgess	305 Broadway ave
Rosalie Burgess	305 Broadway ave.
1 Newen	110 Minor Ave
Geneva Skyles	108 minor ave
Debra Skyles	108 minor ave
Ferry Skyles	108 minor ave
John Stein	210 Broadway Ave



NAMEADDRESS

Mrs Cecie Walker	115 Lock St
Ray Humphrey	107 Minor ave.
Elsie Demuse	110 Minor Ave.
Herbert Doss	303 Broadway Ave
Nearthy Doss	303 Broadway Ave
G H Gilbert	127 Lock ave
Loren Gilbert	127 Lock Ave.



# Parks and Recreation Department

CITY HALL, NITRO, WEST VIRGINIA 25143  
TELEPHONE 755-8080

STEPHEN L. MULLINS  
Director

February 17, 1976

From: Recreation Director

To: Mayor and Council

Subject: Recommendations regarding pool operation for the 1976 pool season.

1. I have the following proposals or recommendations regarding operation of the pool during the 1976 season:

- a. I propose that all full-time employees of the city of Nitro who have at least a year's longevity be permitted to purchase season passes for the swimming pool at 1/2 price. This is not expected to significantly effect pool pass revenues, but is intended only as a fringe benefit for city employees.
- b. I propose that season pool passes be offered on a pro-rated basis for the 1976 pool season. The pro-rated schedule is as follows:

Beginning of season - June 30	Full price
July 1 - July 31	3/4 price
August 1 - End of season	1/2 price

The season pass prices are currently:

Family - \$36.00      Single - \$18.00

The reasoning behind this proposal is that newly arrived Nitro residents could buy a pass during the season without having to pay for the full season. This also allows a price break for persons who, for one reason or another, cannot afford a pass for the entire season. This change should not significantly effect pool pass sales.

- c. I propose that the entrance fee at the gate be reduced to half price after 4:00 P.M. This would allow for late-comers to the pool, especially working people who cannot swim until after 4:00 P.M. This is seen as a price break which would make the pool more readily accessible to Nitro residents without significantly effecting gate receipts. It is an extra consideration which hasn't been offered previously.

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- d. I propose that the pool hours of operation remain the same as last season, which was highly successful and lent itself to efficient personnel scheduling and economical operation.

Those hours are:

Tuesday - Sunday  
Monday

12:00 - 8:00 P.M.  
CLOSED

2. These proposals have been well thought out and are mainly responses to perceived needs or situations which have arisen in the past.

  
Stephen L. Mullins

1-1-1

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February 24, 1976

The Honorable Mayor Gibson  
Nitro City Hall  
Nitro, West Virginia 25143

Your Honor,

This letter comes to you from some of the concerned residents of Hillside Drive, Nitro, West Virginia. Up to now sporadic efforts on the part of residents of this street to eliminate what they see as one of our problems have been fruitless. Now we are attempting to communicate directly with the City Government to obtain action on this problem.

As you know, there is a vacant lot and a swampy area across the street from 222 Hillside Drive. Weeds on the vacant lot have grown quite tall and are never cut during the summer, thus providing breeding places for various types of snakes, rodents and mosquitos. Several phone calls were made to the Nitro City Police Department during late summer 1975, requesting the weeds be cut, but nothing has been done.

The swampy area, as we understand it, is the result of improper drains on this street, installed by the City of Nitro, to carry away the water resulting from rains and snows. The drain that is to carry this pooled water from in front of our homes to the river is not situated properly to do its job.

These two areas have posed potential problems for some time, but now we find the situation worsening. Due to the outbreak of St. Louis encephalitis in Nitro in 1975, we have become more concerned. Encephalitis is caused by a virus that is transmitted to man by means of an infective mosquito. On Hillside Drive we have had mosquitos so thick that they appear to be hanging in clouds - this occurs at any time of the day or night. As of December 2, 1975 we still had mosquitos present in this area due to the larvae in the swamp maturing and hatching. Weekly and twice-weekly sprayings of the swamp by the Public Health Department do not seem to help control the mosquitos.



Information on encephalitis maintains that winter carry-over of the source of encephalitis may be by reptiles and rodents. Method of control of encephalitis recommends "destruction of larvae and elimination of breeding places of known or suspected vector mosquitos."

Therefore we would like to have two things done to help ensure the safety of ourselves and our children from the threat of encephalitis:

1. The property owner of the vacant lot be required (as he is by law) to keep his lot mowed and trimmed.
2. Proper drainage be provided for run off water, and the drains from the "swamp" be corrected so that the "swamp" will be eliminated.

We hope to receive some action on these requests as soon as possible, as we plan to pursue this with the hope of eliminating this problem by Spring.

Very truly yours,

*Mrs. John Hager + Mrs. B. B. Murray*

Residents of Hillside Drive  
Nitro, West Virginia

RECEIVED  
FEB 20 1975

## NITRO CITY COUNCIL MEETING

March 16, 1976

The regular meeting of Nitro City Council was held in the Council Chambers on March 16, 1976, at 8:00 P.M. Present were Mayor William D. Gibson, Recorder Tom Melton, Councilman at Large Dr. R. V. Allen, Councilman at Large Hugo Tidquist, Councilman at Large Keith Priddy, Councilman Paul Hill, Councilman Thomas Lilly and Councilman David Hart. Councilman Vernon Casebolt was absent. The meeting was called to order by the Honorable William D. Gibson.

APPROVAL OF MINUTES OF MARCH 2, 1976, COUNCIL MEETING: Mayor Gibson stated that the minutes had been mailed to each councilman for their review. Councilman at Large Dr. Allen made a motion for approval of the minutes. The motion was seconded by Councilman Hart. Councilman Thomas Lilly stated that on Page No. 268 of the minutes he thought something had been omitted. He stated that he had been called out of order during the discussion of the fly-ash fill, and he would like to have this change made in the minutes. The Mayor said he did not think this had been said. Councilman Lilly asked about the tape of the previous meeting. It was suggested that the tape be played to have this checked. The vote for approval of the minutes was: Councilmen Allen, Tidquist, Hart, Hill and Recorder Melton voting in favor, with Councilmen Lilly and Priddy abstaining.

Councilman Lilly made a motion that the minutes be changed to reflect that he was called out of order. The motion was seconded by Councilman Priddy. Councilman Tidquist stated that he felt if this were on the tape of the meeting then it should be added to the minutes. Councilman Hart asked if the motion and second were that the change be made in the minutes if this was on the tape of the last meeting. He was informed that this was correct. The vote of approval of this motion was unanimous.

APPROVAL OF FEBRUARY, 1976, FINANCIAL STATEMENT: Recorder Melton stated that the financial statement had been mailed to the councilmen. Mr. Melton made a motion for approval of the financial statement. The motion was seconded by Councilman Hart. Councilman at Large Priddy asked about the figure \$535.66, under Item 11 of the Disbursements. Mr. Melton explained this is for equipment ordered for the Police Department and will be paid for by a grant under the Governor's Committee on Crime, Delinquency and Corrections. The city pays for the equipment, and then will be reimbursed for the federal and state amount through the grant. Councilmen Allen, Hill, Hart, Tidquist and Recorder Melton voted for approval of the financial statement. Councilmen Lilly and Priddy opposed.

SEWER USE ORDINANCE - SECOND READING: Recorder Tom Melton read the title of the ordinance which is as follows:

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF IN THE CITY OF NITRO, COUNTIES OF KANAWHA AND PUTNAM, STATE OF WEST VIRGINIA

Be it ordained and enacted by the Council of the City of Nitro, State of West Virginia, as follows:

ARTICLE I.  
Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

Sec. 1. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C, expressed in milligrams per liter.

Sec. 2. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Sec. 3. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

Sec. 4. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

Sec. 5. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

Sec. 6. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

Sec. 7. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground-water.

Sec. 8. "Person" shall mean any individual, firm, company, association, society, corporation or group.

Sec. 9. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Sec. 10. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of foods that have been shredded to such a degree that all particles will be carried freely



under the flow conditions normally prevailing in public sewers, with no particle greater than one half (1/2) inch (1.27 centimeters) in any dimension.

Sec. 11. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Sec. 12. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

Sec. 13. "Sewage" shall mean a combination of the watercarried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

Sec. 14. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

Sec. 15. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

Sec. 16. "Sewer" shall mean a pipe or conduit for carrying sewage.

Sec. 17. "Shall" is mandatory. "May" is permissive.

Sec. 18. "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

Sec. 19. "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface water and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Sec. 20. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

Sec. 21. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Sec. 22. "Nitro Sanitary Board" shall mean those members appointed by the Mayor of the City of Nitro, and confirmed by the City Council of the City of Nitro, West Virginia, and any person acting under direction of said Board as an employee or agent.

## ARTICLE II.

### Use of Public Sewers Required

Sec. 1. It shall be unlawful for any person to place, deposit,

or permit to be deposited in any unsanitary manner on public or private property within the City of Nitro or in any area under the jurisdiction of said City any human or animal excrement, garbage, or other objectionable waste.

Sec. 2. It shall be unlawful to discharge to any natural outlet within the City of Nitro, or in any area under the jurisdiction of said City any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Sec. 3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

Sec. 4. The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purpose, situated within the City and abutting on any street, alley or right of way in which there is now located or may in the future be located a public sanitary or combined sewer of the City is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line.

### ARTICLE III Private Sewage Disposal

Sec. 1. Where a public sanitary or combined sewer is not available under the provisions of Article II, Section 4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

Sec. 2. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Secretary of the Nitro Sanitary Board. The application for such permit shall be made on a form furnished by the Nitro Sanitary Board which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Nitro Sanitary Board. A permit and inspection fee shall be paid to the Nitro Sanitary Board at the time the application is filed as hereinafter provided in Article IV, Section 2.

Sec. 3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Nitro Sanitary Board. It shall be allowed to inspect the work at any stage of construction, and in any event, the applicant for the permit shall notify the Nitro Sanitary Board when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Board.

Sec. 4. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Health of the State of West Virginia. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Sec. 5. At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Article III, Section 4, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

Sec. 6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City of Nitro or to the Nitro Sanitary Board.

Sec. 7. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Nitro Sanitary Board, the West Virginia Department of Health or any other duly authorized government agency.

Sec. 8. When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

#### ARTICLE IV Building Sewers and Connections

Sec. 1. No unauthorized person shall uncover, make any connections with or open onto, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Nitro Sanitary Board.

Sec. 2. There shall be two (2) classes of sewer service connection fees: (a) for service where the service connection is in place ready for the owner to connect, generally at the property line; and (b) for service where the Sanitary Board must first make an opening in the Board's collector sewer and then extend the line to the owner's property line. In either case, the owner or his agent shall make application on a special form furnished by the Nitro Sanitary Board. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Nitro Sanitary Board. A permit and inspection fee of Twenty Five Dollars (\$25.00) for in service sewer inspection (a) and One Hundred Fifty Dollars (\$150.00) for an in service connection fee (b) shall be paid to the Nitro Sanitary Board at the time the application is filed.

Sec. 3. All costs and expenses incident to the installation and connection of a building sewer shall be borne by the owner. The owner shall indemnify the Nitro Sanitary Board from any loss

or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Sec. 4. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

Sec. 5. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Nitro Sanitary Board to meet all requirements of this ordinance.

Sec. 6. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Nitro Sanitary Board and the City of Nitro. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

Sec. 7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Sec. 8. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Sec. 9. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Nitro Sanitary Board, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Nitro Sanitary Board before installation.

Sec. 10. The applicant for the building sewer permit shall notify the Nitro Sanitary Board when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Nitro Sanitary Board or its representative.

Sec. 11. All excavations for building sewer installation

shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Nitro Sanitary Board, and the City of Nitro.

ARTICLE V  
Use of the Public Sewers

Sec. 1. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

Sec. 2. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as combined sewers or storm sewers, or to a natural outlet approved by the Nitro Sanitary Board. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Nitro Sanitary Board to a storm sewer, combined sewer or natural outlet.

Sec. 3. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (a) Any gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquid, solid or gas.
- (b) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.
- (c) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

Sec. 4. No person shall discharge or cause to be discharged the following described substances, materials, wastes or waters if it appears likely in the opinion of the Nitro Sanitary Board that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the Nitro Sanitary Board will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- (a) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F. (65 C);
- (b) Any water or waste containing fats, wax, grease, or oil, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F. (0 and 65°C);
- (c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (.76 hp metric) or greater shall be subject to the review and approval of the Nitro Sanitary Board;
- (d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not;
- (e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Nitro Sanitary Board for such materials;
- (f) Any waters or wastes containing phenols or other taste-or odor-producing substances, in such concentrations exceeding limits which may be established by the Nitro Sanitary Board as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters;
- (g) Any radioactive wastes or isotopes of such half-

life or concentration as may exceed limits established by the Nitro Sanitary Board in compliance with applicable State or Federal regulations.

- (h) Any waters or wastes having a pH in excess of 9.5.
- (i) Materials which exert or cause:
  - (1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to sodium chloride and sodium sulfate).
  - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  - (3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
  - (4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

Sec. 5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated above, and which in the judgment of the Nitro Sanitary Board may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Nitro Sanitary Board may:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition for discharge to the public sewer;
- (c) Require control over the quantities and rates of discharge, and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 10 of this article.

If the Nitro Sanitary Board permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Nitro Sanitary Board, and subject to the requirements of all applicable codes, ordinances, and laws.

Sec. 6. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Nitro Sanitary Board they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Nitro Sanitary Board and shall be located as to be readily and easily accessible for cleaning and inspection.

Sec. 7. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Sec. 8. When required by the Nitro Sanitary Board, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Nitro Sanitary Board. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Sec. 9. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids and analyses are obtained from a 24 hour composite of all outfalls whereas pH's are determined from periodic grab samples.)

Sec. 10. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Nitro Sanitary Board and any industrial concern whereby



an industrial waste of unusual strength or character may be accepted by the Nitro Sanitary Board for treatment, subject to payment therefore, by the industrial concern.

#### ARTICLE VI Protection from Damage

Sec. 1. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

#### ARTICLE VII Powers and Authority of Inspectors

Sec. 1. The Nitro Sanitary Board or other duly authorized employees of the Nitro Sanitary Board bearing proper credentials and identification shall be permitted to enter into properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance.

Sec. 2. The Nitro Sanitary Board or any of its duly authorized employees bearing proper credentials and identification shall be permitted to enter all private properties through which the City of Nitro or the Nitro Sanitary Board holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

#### ARTICLE VIII Penalties

Sec. 1. Any person found to be violating any provision of this ordinance except Article VI shall be served by the Nitro Sanitary Board or the City of Nitro with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Sec. 2. Any person who shall continue any violation beyond the time limit provided for in Article VII, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding One Hundred Dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Sec. 3. Any person violating any of the provisions of this ordinance shall become liable to the Nitro Sanitary Board for any expense, loss, or damage occasioned the Nitro Sanitary Board by reason of such violation.

ARTICLE IX  
Validity

Sec. 1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec. 2. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

ARTICLE X  
Ordinance in Force

Sec. 1. This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

Sec. 2. Passed and adopted by the Nitro City Council of the City of Nitro, West Virginia, on the \_\_\_\_\_ day of \_\_\_\_\_, 1976, by the following vote:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 1976.

  
Mayor

Attest:

\*\*\*\*\*

Councilman Lilly made a motion that the ordinance be accepted at this second reading. The motion was seconded by Councilman at Large Allen and approved by unanimous vote.

ORDINANCE PERTAINING TO UNLICENSED VEHICLES PARKED ON CITY STREETS: Councilman at Large Allen, Chairman of the Ordinance Committee, said he would like to keep this in committee until next council meeting. Mr. Armada, city attorney, had not had an opportunity to work with them on this.

SPECIFICATIONS FOR BIDS ON BASKETBALL COURT: Councilman at Large Tidquist, Chairman of the Recreation Committee, explained that the preliminary sketches prepared by Appalachian Engineers show two sizes. He said he thought the smaller one which is the Junior High size would be more suitable. He added that he has noticed that the younger people who play at City Park seem to prefer the smaller size court. Mr. Steve Mullins stated that the sketch shows two types of construction. He suggested getting bids on both types. Councilman at Large Priddy said that the plans seemed rather elaborate, that it was his understanding

the labor was to have been done by a group of boys. Also that the fact that the city maintenance garage may still be built in the area would need to be taken into consideration. Councilman at Large Tidquist said he understood the basketball court would be built on the south side, away from the area of the proposed garage. Councilman at Large Allen made a motion that the Recreation Committee give this further study and have a report for next council meeting. The motion was seconded by Councilman at Large Tidquist and passed by unanimous vote.

BLOCK GRANT AWARD IN THE AMOUNT OF \$106,000: The Mayor stated that he had received a letter from Robert C. Byrd, U. S. Senator, confirming the HUD Community Development Grant of \$106,000. The Mayor also read part of a letter from Mr. Robert Barill of the Governor's Office, Federal-State Relations, stating that they have received the pre-application for this year's allocation of Community Development grants, and that it is in line with state guidelines. Another letter read was from R.I.C. regarding receipt of the pre-application.

Councilman Lilly asked what comes next on the \$106,000. The Mayor replied that it was his understanding that approximately \$80,000 is to be used for storm sewers, and approximately \$20,000 to be used to set up a housing inspection plan. Councilman at Large Allen asked about the time element. The Mayor said he thought plans were to be under way in 90 days, but he has nothing in writing on this.

#### NEW BUSINESS AND COMMITTEE REPORTS

The Mayor asked Mr. Melton to read a petition which had been received from the Nitro Business Men's Association regarding the paving and upkeeping of the parking area. Mayor Gibson stated that unless Council had objections, he would send the petition to the Department of Highways with a letter showing the city is in agreement on trying to upgrade the parking area through the business area of Nitro. Councilman Lilly made a motion that this petition be forwarded with a letter. The motion was seconded by Councilman at Large Allen and passed by unanimous vote.

The Mayor introduced Mr. & Mrs. Edwards, who had come to speak to Council about the possibility of the Nitro Post Office becoming a sub-station of Charleston. Mrs. Emogene Edwards is an employee of the Nitro Post Office. Mr. Edwards explained some of the reasons they are against the Nitro Post Office becoming a sub-station. He stated that a town loses its identity when it becomes a sub-station of a larger post office. The service is curtailed, and the number of employees is usually very small, possibly only one window clerk at a time. Customers will have to stand in line to get waited on. Only one dispatch of mail each day. Special delivery mail will come out of Charleston once a day. Mr. Edwards stated that he hoped the Mayor and councilmen will do all they can to see that the Charleston Post Office does not make Nitro a sub-station. Mr. Edwards said he would like to

see the business men have petitions for citizens to sign to be sent to our congressmen to let them know how people feel about it. Councilman Hart made a motion that the information distributed by Mr. & Mrs. Edwards be made a part of the official minutes. The motion was seconded by Councilman Lilly and passed by unanimous vote. It was suggested that perhaps a committee of three councilmen could be appointed to work on this. Mrs. Edwards said they thought the change would take effect June 1, 1976. Estimated number of patrons served by the Nitro Post Office is 10,000 or more.

Mayor Gibson read a letter from Harland Bartholomew and Associates concerning Master Plans for recreational development and land use of the Winfield, Marmet and London Navigation pools on the Kanawha River. The Mayor said he thought the city should send this firm the preliminary plans for the proposed recreation area on the river. Councilmen agreed.

The Mayor read a letter from Jackie Peel, secretary of Winfield Elementary School PTA asking permission to solicit the merchants in Nitro for prizes for their school carnival. Councilman Hart suggested that the Mayor consider and act on this request rather than have it an official act of Council. Other councilmen agreed to this. It was agreed that a packet from Sunrise should be handled in the same manner.

Mayor Gibson read a letter from Monsanto Chemical Company complimenting the city on the work of Mr. Orville Holley, who is directing traffic at the plant entrance and also a school crossing guard.

Mr. Frank Armada, City Attorney, reported the statement from the Michie Company for the new code books seemed in order and he recommended that it be paid. Mr. Armada said that the books had been given to the councilmen and everyone had had an opportunity to review them. Councilman at Large Allen made a motion that this be paid. The motion was seconded by Councilman Lilly and approved by unanimous vote.

The Mayor stated that a copy of a letter written to Mrs. Barbara Bacon had been given to all councilmen. The letter was in reference to the complaints the city has been receiving about the swampy area owned by the Sattes heirs. A question was asked about the swampy area on the west side of the highway. The Mayor said the engineering firm is working with the Department of Highways to get them to repair the drain and possibly keep this area drained.

Recorder Tom Melton: Mr. Melton stated that he would like to have the first reading of two ordinances regarding salaries paid to the Mayor and Recorder. The title of the first ordinance is as follows:

AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE 1,  
SECTION 2-2 OF THE CITY CODE OF NITRO, WEST  
VIRGINIA, RELATING TO THE SALARY OF THE CITY  
RECORDER OF THE CITY OF NITRO, KANAWHA AND  
PUTNAM COUNTIES, WEST VIRGINIA

Councilman at Large Dr. Allen made a motion that the first reading be accepted. The motion was seconded by Councilman Lilly and passed by unanimous vote.

The title of the second ordinance reads as follows:

AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE 1,  
SECTION 2-2 OF THE CITY CODE OF NITRO, WEST  
VIRGINIA, RELATING TO THE SALARY OF THE MAYOR OF  
THE CITY OF NITRO, KANAWHA AND PUTNAM COUNTIES,  
WEST VIRGINIA

Councilman Hart made a motion that the first reading be accepted. The motion was seconded by Councilman Hill and passed by unanimous vote.

Recorder Melton stated that it was time again to approve the current levy estimate. He reported that Finance Committee meetings had been held, and also meetings with all the councilmen. Mr. Melton made a motion that the levy estimate be passed for the budget for 1976, 1977. The motion was seconded by Councilman Hill and passed by unanimous vote.

Councilman at Large Keith Priddy: No new business or reports.

Councilman at Large Dr. R. V. Allen: Councilman at Large Dr. Allen stated that Steve Mullins, Recreation Director, had given him a copy of a portion of the bond ordinance relating to the swimming pool. He asked for Mr. Mullins' comments. Mr. Mullins stated that he had read the ordinance to see if it would be illegal to reduce the pool passes to half price to city employees, and the only thing he could find was the section which says such fees, rentals and other charges shall not be reduced so as to be insufficient to provide revenue for payment of the bonds. Mr. Mullins said the reduction in rates would not reduce the revenue any significant amount, in fact, it might increase it.

Mr. Frank Armada, City Attorney, stated that in his opinion it could be done.

After some further discussion it was decided to leave this in the Recreation Committee for further study and report back on it at the next council meeting.

Mayor Gibson said that while the Ordinance Committee is working on an ordinance for unlicensed vehicles, he would like for them to work on one for a contractor's license for the city of Nitro. Contractors pay B&O tax, but at the present time there is no license required. Also he said he would like to have them work on a subdivision ordinance.

Councilman David Hart: Councilman Hart said that Mr. Armada has a letter from the Library Commission requesting clarification of their position under the new city Code. He still has this under consideration. Councilman Hart stated that there is a good bit of trash needing to be picked up on 40th Street. And on East 39th Street near a creek relocation project, the city should keep a check on this.

Councilman Paul Hill: Councilman Hill asked if the list of requested street lights has been sent to Appalachian Power. The answer was yes.

Councilman Thomas Lilly: Councilman Lilly reported that some gravel had been spilled on the highway right near the bridge approach of the Nitro-St. Albans bridge near Johnson Amoco. He has had complaints of this gravel being tossed by the wheels of passing cars and trucks. He said he felt this should be checked out about cleaning it up and also trying to find out who is responsible for this.

Councilman at Large Hugo Tidquist: Councilman at Large Tidquist said he has been asked again to have the city government contact the utility companies and see if a collecting station could not be established in Nitro. Councilman Tidquist made a motion that a letter be written to this effect. The motion was seconded by Councilman at Large Dr. Allen. It was suggested that a copy of the letter be sent to the Public Service Commission. Councilman Hart stated that he thought the Business Men's Association should be asked to work on this problem. He said he felt it was more a function of theirs than it is the city governments. This is something they can do for the citizens. The vote on Councilman Tidquist's motion was unanimous except Councilman Hart who abstained.

A motion for adjournment was made by Councilman Hill. The motion was seconded by Councilman at Large Keith Priddy. The motion carried.

*Wm. A. Gibson, Mayor*  
*Tom Melton, City Recorder*

AN ACT

WHEREAS, Article I, Section 8, Clause 7, of the Constitution of The United States of America provides that the Congress shall establish post offices; and

WHEREAS, Article I, Section 8, Clause 7 of the Constitution of the United States has not been amended as provided for by Article 5 of the Constitution of the United States; and

WHEREAS, "The Postal Reform Bill", (Public Law 91-375, 91st Congress, H. R. 17070, August 12, 1970, Congress having "delegated" its powers under Article I, Section 8, Clause 7, of the Constitution of the United States to another Agency; and

WHEREAS the Congress of the United States is prohibited by the Constitution of the United States of America to "delegate" authority given to Congress by the Constitution; and

WHEREAS, members of the City Council of the City of Nitro, County of Kanawha, State of West Virginia, have taken an oath to uphold the Constitution and must hold as a sacred trust their responsibility to protect the freedom and liberties of the citizens of this City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NITRO, WEST VIRGINIA that, "The Postal Reform Bill", (Public Law 91-375, 91st Congress, H.R. 17070, August 12, 1970), though having the form and name of law, is in reality no law, but is wholly void and ineffective for any purpose; and

THEREFORE BE IT FURTHER RESOLVED, that neither the Legislative, Executive, nor Judicial Departments of the federal government can lawfully exercise any authority beyond the limits marked out by the Constitution, and where rights secured by the Constitution are involved, there can be no rule-making or legislation which would abrogate them; and

THEREFORE BE IT ENACTED BY THE CITY OF NITRO, KANAWHA COUNTY, STATE OF WEST VIRGINIA, that any person, or persons, acting within the law and jurisdiction of, "The Postal Reform Bill", (Public Law 91-375, 91st Congress, H.R. 17070, August 12, 1970), who attempts to alter the present operating structure of the Post Office in the City of Nitro, County of Kanawha, State of West Virginia, shall be charged with a violation of Section 2384, Title 18, United States Code, and be subject to prosecution by the City of Nitro under said U.S. Code.





## LEGAL REFERENCES

1. Section 2384, Title 18, United States Code:  
Seditious conspiracy.
2. United States Constitution
  - a.) Article I, Section 8, Clause 7.
  - b.) Article 5.
3. Federalist Papers #46.
4. Federalist Papers #78.
5. Am Jur, 2nd Sec. 210; Scott vs. Sanford,  
19 How 393, 15 L Ed 691.
6. 16 Am Jur, 2nd Sec. 210; Wilson vs. Philadelphia  
Scho. Dist. 328 Pa 225, 195 A 90, 113 ALR 1401.
7. 16 Am Jur, 2nd Sec. 178; Constitutional Law.
8. 16 Am Jur, 2nd Sec. 547
9. U.S. Sup. Ct., Marbury vs. Madison, 1803, 2 L Ed.  
60; 1 Cra. 137; ref. 6 Whea: 246 & Wal 601.
10. 16 Am Jur, 2nd Sec. 177.
11. 16 Am Jur, 2nd Sec. 210; Constitutional Law.
12. 16 Am Jur, 2nd Sec. 178; Constitutional Law.
13. Key No. 73, Miranda vs. State of Arizona, 87 S. Ct.,  
1602 (1966).



## NITRO CITY CITY COUNCIL MEETING

APRIL 6, 1976

The regular meeting of Nitro City Council was held in the Council Chambers on April 6, 1976, at 8:00 P.M. Present were Mayor William D. Gibson, Recorder Tom Melton, Councilman at Large Dr. R. V. Allen, Councilman at Large Hugo Tidquist, Councilman at Large Keith Priddy, Councilman Paul Hill, Councilman Thomas Lilly, Councilman Vernon Casebolt and City Attorney Frank Armada.

The meeting was called to order by Mayor Gibson and Reverend Wilbur Turner of St. Paul's United Methodist Church gave the invocation.

APPROVAL OF MINUTES OF MARCH 16, 1976: Mayor Gibson stated each Councilman had received a copy of the minutes by mail for their review. Councilman Lilly made a motion for approval of the minutes, the motion was seconded by Councilman at Large Dr. Allen, the vote of approval was unanimous.

MARCH 1976 FINANCIAL REPORT: Recorder Melton gave the following report:

29,575.23 Balance in General Fund February 29, 1976  
32,030.14 Receipts  
59,716.81 Disbursements  
1,881.56 Balance in Checking Account March 31, 1976  
43,409.86 Saving Account

Recorder Melton stated that the disbursements included Social Security contribution for the full quarter.

SECOND READING TO AMEND ORDINANCE RELATING TO THE SALARY OF THE MAYOR: Recorder Melton stated that City Attorney Armada combined the Ordinance for the salary of the Mayor and Recorder in one ordinance which reads as follows:

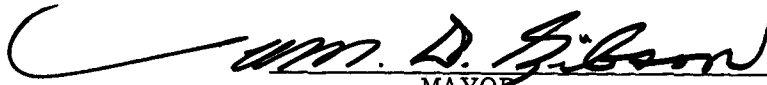
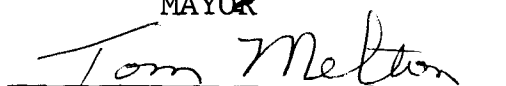
AN ORDINANCE TO AMEND CHAPTER TWO:  
SECTION TWO; SUBSECTION (a); OF THE  
CODE OF THE CITY OF NITRO, WEST  
VIRGINIA, 1976; AS AMENDED BY ADDING  
THERE TO A NEW SECTION DESIGNATED AS  
SUBPARAGRAPH (1); PROVIDING FOR SALARIES  
TO BE PAID THE MAYOR AND CITY RECORDER.

NOW THEREFORE BE IT RESOLVED AND ORDERED BY THE CITY OF NITRO: that Chapter two; Section Two; Subsection (a) of the Code of the City of Nitro; 1976; as amended by adding thereto a Subparagraph (1) to read as follows:

SALARY OF MAYOR AND CITY RECORDER

Commencing on the 1st day of July, 1976, the Mayor shall receive a monthly salary of One Thousand One Hundred Fifty Dollars (\$1,150.00) per month and that in addition thereto he shall be additionally compensated at the rate of Two Hundred Twenty Five Dollars (\$225.00) per month provided that in addition to his duties as Mayor he is serving as Municipal Judge and in the event the Mayor is not serving as Municipal Judge, the said salary of Two Hundred Twenty Five Dollars (\$225.00) per month shall be paid to the person appointed and serving as Municipal Judge.

Commencing on the 1st day of July, 1976, the City Recorder shall receive a monthly salary in the sum of Eight Hundred Seventy Five Dollars (\$875.00) per month.

  
MAYOR  
  
RECORDER

Councilman at Large Dr. Allen made a motion to accept the Ordinance as second reading, the motion was seconded by Councilman Lilly and passed unanimously.

ORDINANCE PERTAINING TO UNLICENSED VEHICLES PARKED ON CITY STREETS: Councilman at Large Dr. Allen, Chairman of the Ordinance Committee stated the Ordinance Committee had met and discussed this and were referring this matter for advice from the City Attorney. City Attorney Armada said this is a situation where the streets are public and parking could not be restricted. It appears that a commercial establishment is using the street for parking vehicles, which is a perfectly legitimate operation, since they are putting dealer plates on the vehicles. We cannot restrict parking to that extent. There is some indication that we could pass a suggestion by passing an ordinance restricting commercial parking on the street. We would have to pass an ordinance restricting parking between designated hours for every one on that street or another alternative, not restricting hours but restricting areas. It would have to be uniformly administered and it has to be a uniform ordinance. We can draw up an ordinance but it is not going to alleviate the problems that exist there or the complaints that the people are lodging.

Mayor Gibson asked if there was anyway of combating this problem. City Attorney Armada said it was a policy decision that the Street Committee will have to resolve as to restricting parking during specific hours which would alleviate some of the problem, and that would probably be the best alternative. Councilman at Large Dr. Allen stated that he would call a meeting of the people in the area and send out an inquiry and in the inquiry ask their feeling on this.

SPECIFICATION FOR BIDS ON BASKETBALL COURT: Councilman at Large Tidquist, Chairman of the Recreation Committee ask that Stephen Mullins, Recreation Director, comment on this subject. Mr. Mullins stated he and Councilman at Large Tidquist felt that a half size court would be sufficient, but if it is the total picture of the recreation development of the City, then we should go ahead and put out bids for a full court. The Junior High size is 74 X 42 and High School size is 84 X 52. Mr. Mullins felt that the Junior High size would be more than sufficient. He further stated when the bids went out they should ask for bids of half-size court as well as a full size and then depending on availability of money, make a decision of the size. Councilman at Large Priddy ask what the approximate cost might be on the court. Mr. Mullins said he did not know exactly but from other asphalt work, he felt it would be approximately \$3,000. for a full size court but that may be a conservative figure. Councilman Casebolt made a motion to advertise for the bids for a full size and half size court and ask that the bids be returned by the next regular Council Meeting. Council then could make a decision after the bids were opened. They would also have the right to accept or reject the bids at this time. Councilman Hill seconded the motion, it was passed by all Councilmen except Councilmen Lilly and Priddy, who were opposed.

Mayor Gibson proceeded by reading a letter of resignation from Councilman Dave Hart, Councilman for the first ward for the City of Nitro. Councilman Hart stated in his letter that he had accepted employment in Washington, Pennsylvania. The Mayor ask Council for their approval of Councilman Hart's resignation. Mayor Gibson stated that Councilman Hart had been a very dedicated, civic minded representative of the citizens of his ward and there were many nice things that could be said for Mr. Hart. Councilman at Large Dr. Allen made a motion to accept Mr. Hart's resignation, the motion was seconded by Councilman Lilly and passed unanimously.

Mayor Gibson then respectfully requested the appointment of Mr. Ronald Ritchie, 232 Brookhaven Drive, to fill the unexpired term of Mr. Dave Hart. Mayor Gibson stated that Mr. Ritchie was recommended very highly by Mr. Hart. Mr. Ritchie has a B.A. Degree from Otterbein College, Masters Degree from Rutgers University, he is an Air Force Veteran and currently employed

at Union Carbide Technical Center as Senior Employee Relations Supervisor. Mayor Gibson entertained a motion to appoint Mr. Ritchie to the Council for the City of Nitro. Councilman Hill made a motion to accept the appointment, the motion was seconded by Councilman at Large Dr. Allen. All Council members voted in favor of the appointment with the exception of Councilmen Lilly and Priddy, who were opposed.

Mayor Gibson read a letter dated April 5, 1976, from Dr. William Wallace, Crusade Chairman of American Cancer Society applying for permission to enact its Education Funds Crusade from door-to-door in the City of Nitro, from April 15 to May 15, 1976. Councilman at Large Dr. Allen made a motion for the permission to be given, the motion was seconded by Councilman at Large Tidquist and passed unanimously.

Mayor Gibson read a letter dated March 22, 1976, from Nitro Community School over the signature of Marjorie Sales, Advisory Council. Mayor Gibson stated that he would furnish the Council members with photostatic copies of the information pertaining to this letter. He stated from all indications that Nitro Community School was asking for a donation of \$800.00. This will be kept in Committee until next Council Meeting.

Mayor Gibson read a letter dated March 19, 1976, over the signature of W. S. Ritchie, Jr., Commissioner, West Virginia Department of Highways. The letter was in reference to the maintenance of Kanawha County Route 35/1, 40th Street Road. Commissioner Ritchie had been informed by Mr. Layman S. Smith, District Engineer, that Route 35/1 is included in the 1976-77 Special Maintenance Program and they plan to repave, berm and ditch 40th Street Road. Commissioner Ritchie further stressed that the Special Maintenance Program is contingent upon the Legislature appropriating the necessary funds for the Department of Highways to support the requested 1976-77 budget and the project will be let to contract as soon as funds are available. Mayor Gibson felt this letter was not very encouraging, that it would probably be sometime before the Legislature funded the money.

Mayor Gibson stated he had received a letter from Lin Hill, Regional Intergovernmental Council, in reference to the plans for the Nitro Marina that is to be built on the landfill. The letter stated that the City would receive a 50% grant to match the City's ownership. Mayor Gibson stated that from all correspondence, the Boat Marina for Nitro was very encouraging.

Mayor Gibson brought to the attention of Council, a landslide in Brookhaven. The Mayor's first knowledge of this problem was March 29, when he received two calls. Mayor Gibson introduced Mr. Libmann of Barrington Road. Mr. Libmann is a resident of this area and directly involved with the situation. Mr. Libmann stated the drainage system was in very poor shape and seemed the main factor in the slip. He stated further that he didn't know who built the streets or who was

responsible for the upkeep on them. Councilman Casebolt ask if the street had been turned over to the City of Nitro, and from all knowledge and information available, it would appear that Estell and Greenlee were still responsible for the streets in this particular development. Councilman Casebolt further stated the City has had similar problems of this nature in the past and the City cannot do maintenance on streets that are owned by a developer. Mayor Gibson stated that he had contact with Mr. Greenlee on March 29. Mr. Greenlee came to the Mayor's office a few days later and said he was going to Brookhaven himself. Mr. Greenlee also had a gentleman call Mr. Williams, Superintendent of Public Works for the City of Nitro and ask Mr. Williams to meet one of his representatives at the slide on Monday, Mr. Williams did meet him there but the Mayor has not had any response from Mr. Greenlee since the meeting. Mayor Gibson stated that he had talked to City Attorney Armada and in the four years he has been Mayor that Estell and Greenlee have not gone through any formality of giving the street to the City. City Attorney Armada stated since the City had no responsibility in this matter that he would be glad to meet with Mr. Libmann after Council Meeting and advise on what they should do as a group because at this point there is nothing the City can do.

Councilman Lilly suggested that the information be documented and the City render any assistance possible. City Attorney Armada advised Mr. Libmann to contact his own personal attorney on this matter.

Mayor Gibson read a letter dated April 1, 1976, from the Law Firm of R. Brawley Tracy and Fred M. Frisk, Jr, in reference to an agreement between the City of Nitro and Estell and Greenlee, Inc. This in connection with an agreement the City negotiated with Estell and Greenlee June 16, 1975. Mayor Gibson stated that City Attorney Armada had an opportunity to review this and he had recommended that it be kept in Committee until the next regular Council Meeting. This is in reference to Estell and Greenlee revising their map and adding three more lots.

Mayor Gibson stated that construction had started on the traffic light at 40th Street and First Avenue in Nitro, the poles are set and in addition to this traffic light being constructed, he received a letter from the Nitro Chief of Police, dated March 26, strongly recommending a traffic light at the Nitro - St. Albans Bridge, on the Nitro side. The Chief of Police gave detailed information that he had compiled on the number of accidents, injuries and property damage. The Mayor sent the letter to William S. Ritchie, Commissioner, West Virginia Department of Highways strongly recommending they assist the City of Nitro in correcting this hazardous traffic situation. Councilman Hill said that several citizens had contacted him and questioned the traffic light being installed at 40th Street, as to the provisions, if any that have been made for the intersection adjacent or just northwest of the traffic light. Mayor Gibson stated it had been explained to him that they were going to put a median coming up

river and make two lanes going down they intend to put an extra lane coming out of Plant Road, so that traffic coming out and wanting to turn right can do so.

Mayor Gibson introduced Doris Lemon in connection with a problem some of the residents in the area of Blackwood Street and Kanawha Avenue, South are having with an alley. Mr. and Mrs. Casto and Mr. and Mrs. Bateman were also present to discuss this. Mayor Gibson said this problem had been brought up in 1973, when James E. Kessinger was City Attorney. City Attorney Armada stated that he discussed this problem with them briefly before Council Meeting, and this is an alley that abuts their property but has never been used, it appears to be an alley in name only. The property was subdivided by Carte Land Company and developed. There is an individual now that wants to use the alley and the question is the City's particular interest in the alley. City Attorney Armada said that City Recorder Melton would have to examine the past minutes to determine if in fact Carte Land Company dedicated streets and alleys to the City, as to wheather or not there is actually an alley there or just in name only. A complete physical inspection or an actual dedication could reveal this information. One alternative for the City could be one of abandonment, but this decision would have to be made by Council.

COUNCILMAN AT LARGE TIDQUIST: Councilman at Large Tidquist stated there are some residents in the inner circle of Sattes Circle wanting street lights for a dark area. Five or six years ago there were no street lights in the inner circle of this area and City Council recommended they be put up. One property owner didn't want the pole put next to his property because there would have to be a guy wire and it would come back in his yard, since that time this property has been sold and the other people would like to have a light in this dark area. Councilman at Large Tidquist explained where the other street lights were and that he would like the Street Committee to look into this to see what action could be taken. Councilman Lilly stated he believed when the request for street lights had been turned over to Appalachian Power Company they indicated that this street didn't have lights. Councilman at Large Priddy said they will have the Street Committee check on this situation.

COUNCILMAN LILLY: No reports

COUNCILMAN HILL: No reports

COUNCILMAN AT LARGE DR. ALLEN: No reports

COUNCILMAN AT LARGE PRIDDY: No reports

COUNCILMAN CASEBOLT: No reports

RECORDER MELTON: Recorder Melton read a letter dated March 31, 1976, addressed to Nitro City Council over the



signature of Robert Hurley requesting a license for an office at 11 Kanawha Avenue, this area is zoned for general residential use. Council decided that Mr. Hurley should write a letter to Mayor Gibson giving specific details of the business and in turn Mayor Gibson would give the letter to the Zoning Board for their consideration. Councilman Hill stated he had discussed this matter with Mr. Dolin, one of the partners, and they were wanting to start and establish a business. They would be working out of a portable or back of a pick up-truck. They would like to build up a business before moving to a permanent location.

Councilman Casebolt made a motion to adjourn, the motion was seconded by Councilman at Large Tidquist and passed unanimously.

  
MAYOR

  
RECORDER



## NITRO CITY COUNCIL MEETING

April 20, 1976

The regular meeting of Nitro City Council was held April 20, 1976, at 8:00 P.M. in the Council Chambers. Those present were Mayor William D. Gibson, City Recorder Tom Melton, Councilman at Large Dr. R. V. Allen, Councilman at Large Keith Priddy, Councilman Ronald Ritchie, Councilman Thomas Lilly and Councilman Paul Hill. Councilman at Large Hugo Tidquist and Councilman Vernon Casebolt were absent.

The meeting was called to order by the Honorable William D. Gibson. Invocation was given by the Reverend Wilbur Turner of St. Paul's United Methodist Church.

Mayor Gibson stated that he would like to congratulate Ronald Ritchie on being appointed Councilman of Ward I to fulfill the unexpired term of David Hart.

APPROVAL OF MINUTES OF APRIL 6, 1976. COUNCIL MEETING: Mayor Gibson stated that the minutes of the previous meeting had been sent to all councilmen for their review. Councilman Lilly made a motion for approval of the minutes. The motion was seconded by Councilman at Large Dr. Allen and passed by unanimous vote.

APPROVAL OF MARCH, 1976, FINANCIAL STATEMENT: Mr. Tom Melton City Recorder, reported that the financial statement had been mailed to all councilmen. The statement shows a balance of \$1,888.56 in the general fund checking account and \$43,409.86 in investment savings account. Recorder Melton made a motion for approval of the financial statement. Councilmen Allen, Hill, Ritchie and Recorder Melton voted in favor of approval. Councilmen Lilly and Priddy opposed. The motion carried.

BIDS FOR BASKETBALL PLAYGROUND: Mayor Gibson reported that bids for the basketball playground would be opened at council meeting on May 4, 1976. The additional time was needed for sufficient advertising as prescribed by law.

ADDITIONAL STREET LIGHT IN SATTES CIRCLE: Councilman at Large Priddy reported that he had checked on this, and this additional light had already been included in the report sent to Appalachian Power Company.

NEW BUSINESS AND COMMITTEE REPORTS

Mayor Gibson reported that the city attorney, Mr. Frank Armada, had been working with the attorney for Estill & Greenlee in an effort to determine responsibility for fixing the slip on Barrington Road. He stated that Mr. Armada feels that the City of Nitro is not liable since Estill & Greenlee have never dedicated the streets to the City of Nitro. However, Mr. Armada does feel that the city is morally obligated to assist the citizens in this area since Estill & Greenlee do have a working arrangement with the city and do contribute money into an

escrow account to help alleviate the storm drain problems in the Brookhaven area. Also, the Mayor stated that Mr. Armada is working on an agreement which he feels will be fair and just to all concerned. The agreement would be drawn up and approved by both attorneys, and would stipulate that the city would furnish the labor to repair the slippage and Estill & Greenlee would furnish all materials needed. A discussion followed between the councilmen and the delegation of gentlemen from the Brookhaven area concerning the probable causes, and possible repairs to the damaged road. The Mayor reported that Mr. Hayne and Mr. Warner of Appalachian Engineers had also inspected the site, but have not given any cost estimates on the job yet. Councilman Lilly said he thought we should get the cost estimates from the engineering firm, and possibly call a special meeting to discuss it. Councilman at Large Allen suggested having the contract written and bring it before council for approval. The possibility of the road getting worse in the event of rain was also discussed, and the need to do some drainage work or temporary repairs immediately.

Councilman Paul Hill made a motion that we authorize city employees to make temporary repairs, such as installing a drain pipe, etc., while the agreement for the permanent repairs is being worked out. The motion was seconded by Councilman at Large Dr. Allen. The vote of approval was unanimous. Councilman at Large Allen added that he thought this was a wise thing to do until the engineering firm can present cost estimates and an agreement can be reached.

Mayor Gibson reported that several months work had gone into the plans for up-grading the fire hydrants in the city. He read a letter from Fire Chief Kenneth King which gave the recommendations of the Insurance Service of West Virginia Rating Bureau as hydrants 400 ft. apart in the business and more populace areas, and 800 feet apart in the residential or less populace areas. Another letter read by the Mayor was from the Fire Chief to the West Virginia Water Company itemizing the proposed hydrants. On April 1, 1976, Fire Chief King and a representative of the water company again toured the areas of the proposed hydrants, and the city hopes to have the cost on the installation of these in the very near future.

Mayor Gibson read a letter from Appalachian Engineers, Inc., signed by Mr. Robert Y. Hayne, concerning the storm drain extension from 40th Street to Armour Creek. He also passed the drawing on this proposed extension for councilmen to examine. Mr. Hayne stated that a right-of-way across some private property would be needed for the installation. Councilman at Large Allen made a motion that the city attorney be asked to obtain easements or right-of-way for this installation. The motion was seconded by Councilman Ritchie and passed by unanimous vote.

The Mayor read parts of a letter from the Department of Housing and Urban Development, Pittsburgh Area Office, confirming the allocation of \$106,000 grant to the City of Nitro of Block Grant Funds. Of this \$106,000, \$20,000 is allocated for a housing inspection program, \$80,000 for storm drains, and \$6,000 for administrative costs. A special account has been opened in the Bank of Nitro to handle these funds. The Mayor also read a letter from Mr. Robert Y. Hayne addressed to the Department of Housing & Urban Development in which he had forwarded the following required items:

1. HUD Form 7082 with standard contract provisions
2. SF 1194-101 (Signature Card)
3. HUD-274 (Designation of Depository)
4. Certification of specimen signature

Copies of both letters have been given to all councilmen for review.

Mayor Gibson stated that copies had been given to the councilmen of the Storm Sewer Improvement Environmental Assessment - Funding CD Block Grant, which had been prepared by Appalachian Engineers. Listed in the Environmental Assessment are the following projects:

1. Brookhaven Storm Sewer Project
2. Ivy Street Storm Sewer
3. River Avenue Storm Sewer
4. Kanawha Avenue Storm Sewer
5. Old County Road Storm Sewer

The Mayor stated that one area of storm drains had been repaired last fall in the Brookhaven area, and preliminary engineering work has been done at two other locations. Other tentative plans include the funding allocation for each project and the construction schedule as follows:

Brookhaven #2	\$27,000
Ivy Street	28,000
Kanawha Avenue	12,000
River Avenue	6,500
Old County Road	6,500

### Construction Schedule

Plans and Specifications	May 10, 1976
Advertise for bids	May 11, 1976
Receive Bids	May 25, 1976
Award Contracts	June 22, 1976

Mayor Gibson stated that the Ordinance Committee has been working on a subdivision ordinance for the City of Nitro. He said the ordinance could possibly be ready to have the first reading by the next council meeting.

Mr. William Fortune reported that plans for the Golden Oldies Car Show are in good shape. He said they are expecting approximately 400 cars, and at least 15 states will be represented. This will bring quite a few out of state visitors to Nitro. Mr. Fortune also stated that City Park is in good condition for the show.

Mayor Gibson read a letter addressed to Mr. Layman Smith, District Engineer, West Virginia Department of Highways, from Mr. Robert Y. Hayne of Appalachian Engineers. Mr. Hayne was asking what the Department of Highways intended to do about the drainage problem off Route 25 near the Weathertite Corporation building. The Department of Highways had opened a hole on the shoulder of Route 25 in an attempt to locate the cross drain, but nothing further has been done.

Mayor Gibson read a letter from Mrs. Marjorie Sales of the Community School Advisory Council in which she stated that Community School expenses are approximately \$800.00 more than the tuition charges for classes.

Another letter read was from Mr. Jerry Barker of 806 Kanawha Avenue, Nitro, West Virginia, asking for a license to be issued for a rubber stamp manufacturing business to be operated from his home. It was agreed this should be turned over to the zoning appeals board.

Mayor Gibson stated that with the help of the West Virginia State Fire Marshall's office, he hoped to declare war on delapidated buildings in the City of Nitro. He passed out copies of an order from the Fire Marshall's office for the removal of a delapidated building at 1122 First Avenue. Recently passed legislation gives the Fire Marshall's office more authority in matters such as this.

A letter from Mr. John L. Fennessey, Crossgates, Inc., McMurray, Pennsylvania, was passed out to the councilmen. Mr. Fennessey stated that he was very interested in pursuing the opportunity of constructing elderly housing in Nitro. Mayor

Gibson stated that this same company is in the process of entering into a construction agreement with the City of St. Albans to build over one hundred units there.

Mayor Gibson reported that the sewer construction in Riverdale Acres and 40th Street areas is approximately 75% completed, and the sewage treatment plant is on schedule.

The Mayor reported that all of the legal work has been completed on the deed for the American Legion Building, and all that is needed now is the signature of the trustees.

TOM MELTON, CITY RECORDER: Mr. Melton stated that every year on the third Tuesday in April the city must lay the levy. This is to give an opportunity to hear any objections to the levy rates. The rates are the same as when the budget was passed for the fiscal year. Mr. Melton made a motion that the levy be passed and sent to the State Tax Department. The motion was seconded by Councilman at Large Dr. Allen and passed by unanimous vote.

Mr. Melton stated that the Revenue Sharing Budget needed to be passed and sent to the State Tax Department. The estimated receipts which he presented to council was for 1/2 year, which would be from July 1, 1976, to December 31, 1976, in the amount of \$71,979.50. This same figure will need to be passed again in June. Mr. Melton made a motion for approval. The motion was seconded by Councilman at Large Dr. Allen and passed by unanimous vote. The categories and amounts are as follows:

<u>Public Safety</u>	
Police Department	\$8,436.34
Fire Department	<del>11,736.34</del>
	<del>3,300.00</del> 14,736.34
<u>Environmental Protection</u>	13,604.66
<u>Health</u>	
Crematory & Garbage	22,654.00
<u>Recreation</u>	
Parks & Playgrounds	23,984.50

COUNCILMAN AT LARGE KEITH PRIDDY: No reports.

COUNCILMAN AT LARGE DR. R. V. ALLEN: No reports.

Mayor Gibson stated that he would like to report on the vacant land near the Weathertite building that is owned by the Sattes heirs. He said he has spoken with Mrs. Harvey and Mrs. Bacon, two of the heirs, and has also sent them a letter outlining in detail the health hazards of the swampy area and giving them 10 days to take care of the problem. Mrs. Bacon had replied by letter stating that the Department

of Highways was guilty of installing a faulty or mal-functioning drain. Mr. Armada, city attorney, feels that the city should have the engineering firm document this from an engineering standpoint whether the Department of Highways did indeed install a faulty drain before any further pressure is brought about the area being cleared. The Mayor said the engineering firm is checking this out and will send a written report on it in the very near future.

COUNCILMAN RONALD RITCHIE: No reports.

COUNCILMAN PAUL HILL: Councilman Hill stated that he has received a lot of complaints about the berm along the road leading to the dam at Ridenour Memorial Park. He feel that this is very dangerous and he would like to see something done.

The Mayor stated that the Department of Highways had repaired one side of the road but did nothing to the other, and that he would get in touch with them to see if they would come back and finish the job.

COUNCILMAN THOMAS LILLY: No reports.

Councilman Lilly made a motion for adjournment. The motion was seconded by Councilman at Large Dr. Allen.

  
Mayor

  
Recorder



## NITRO CITY COUNCIL MEETING

May 4, 1976

The regular meeting of Nitro City Council was held May 4, 1976, at 8:00 P.M. in the Council Chambers. 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 Ronald Ritchie, Councilman Thomas Lilly, Councilman Vernon Casebolt and Councilman Paul Hill.

The meeting was called to order by Mayor William D. Gibson and the invocation was given by Reverend James Arbogast of St. Paul's United Methodist Church.

APPROVAL OF MINUTES FOR APRIL 20, 1976, COUNCIL MEETING:  
Mayor Gibson stated that the minutes of the previous meeting had been sent to all councilmen for their review. Councilman Lilly made a motion for approval of the minutes. The motion was seconded by Councilman at Large Dr. Allen and passed by unanimous vote.

FINANCIAL REPORT FOR APRIL, 1976: Mr. Tom Melton, Recorder and Chairman of the Finance Committee, gave the following report:

Balance April 1, 1976	1,888.56
Receipts for month of April	69,403.60
Disbursements for April	48,523.39
Balance in checking	
April 30, 1976	22,768.77
Balance in Savings	43,409.86

BIDS OPENED ON BASKETBALL COURT: The tabulation of the bids were as follows:

<u>Description</u>	<u>W.VA.Black Rock</u>	<u>Orders &amp; Haynes</u>
74' X 42' play area		
8" Aggregate Base	4,900.00	3,200.00
37' X 21' play area		
8" aggregate base	2,900.00	1,550.00
74' X 42' play area		
4" coated aggregate	4,300.00	3,200.00
37' X 21' play area		
4" coated aggregate	2,300.00	1,550.00

Councilman Casebolt asked which type of surface Mr. Warner thought would be best. Mr. Warner replied that he felt the coated aggregate, or black base, would be better. Councilman at Large Tidquist asked if these quotations include the backboards and striping. He was told no by Mr. Warner who further stated that the Mayor felt that the backboards and striping could be installed

cheaper using city labor, rather than advertising this for bids. Councilman Hill made a motion for accepting the bid from Orders & Haynes for the small size court. The motion was seconded by Councilman Casebolt. Councilman Casebolt asked why not go for a full court instead of the small size. It was also asked if the asphalt play area would have to be moved in the event the maintenance garage would be built in the area. Mr. Danny Warner of Appalachian Engineers stated that this would be located in the area set aside for playground in the total plans for the area. The motion by Councilman Hill and the second by Councilman Casebolt were withdrawn. Councilman Casebolt made a motion that the city accept the bid for the full size court. The motion was seconded by Councilman Ritchie. Councilman Priddy asked how this would fit in with the original plan of the garage. Mr. Warner replied that at the first public meeting on the original plan there had been quite a bit of opposition from residents, so this was the reason for approving the alternate site. He added that as far as we know, that site will never be considered again for a maintenance garage. Councilman Casebolt added that should the maintenance garage be built on the alternate site, it would not take the play area. Other points brought up by Councilman at Large Priddy for discussion were the fact that the basketball court was originally planned with volunteer labor and is now becoming an expensive item; parking facilities for the play area; lights; supervision and insurance. Councilman at Large Tidquist asked if the Finance Committee had determined if funds were available for this. Mr. Melton replied that it would have to be paid for either with accrued interest on savings, or from the recreation budget. The vote on the motion for accepting the bid on a full size court from Orders & Haynes was Councilmen Tidquist, Hill, Ritchie, Allen and Casebolt and Recorder Melton voting for approval. Councilmen Priddy and Lilly opposed. The motion carried.

SUBDIVISION ORDINANCE: Councilman at Large Dr. Allen reported that the city attorney advised delaying this at this time until he has had an opportunity to study the matter and possibly rewrite portions of the ordinance which would not be applicable to Nitro.

ENGINEERING REPORT ON ROAD SLIPPAGE IN BROOKHAVEN: The Mayor read two letters from Mr. Robert Y. Hayne of Appalachian Engineers concerning the condition and repairs to Barrington Road in Brookhaven. The first letter dated April 22, 1976, stated that it is difficult to determine the cause of the slip other than to assume that the slip is due to improper filling operations on a potential slide area during the original construction. Mr. Hayne also stated that the matter of responsibility for correction of the slide should be determined by Mr. Armada and the attorney for the developer. In the second letter Mr. Hayne listed the following as a preliminary cost estimate:

Remove slide - 2000 CY @ \$2.50	5,000.00
Compacted earthfill - 2000 CY @ \$6.00	12,000.00

Remove Concrete Street - 20 CY @ \$50.00	1,000.00
Replace concrete street - 100 sq.yd. @\$25.00	2,500.00
Replace catch basin - 2 ea. @ \$750.00	1,500.00
12" Storm Drain - 100 LF @ \$20.00	2,000.00
Sub Total	<u>24,000.00</u>
Engineering & Design @ 15%	3,600.00
Contingencies @ 25%	<u>6,000.00</u>
Total Estimated Cost	33,600.00

Mr. Armada feels that this should be held until the responsibility is determined. Councilman Ritchie asked if the cost estimate was based on the work being contracted through bids. Mr. Warner said yes. Councilman Ritchie added that if the work was done with city employees, the cost would go down considerably.

CERTIFICATION OF CANDIDATES FOR MUNICIPAL ELECTION: Mr. Tom Melton, City Recorder, presented the petitions for the following candidates for office in the Municipal Election to be held June 1, 1976:

Mayor

William D. Gibson  
1302 Valentine Circle

Dana "Shorty" Johnston  
202 Kanawha Avenue

Thomas B. Lilly  
1504 Fenton Circle

Recorder

Tom "Bucky" Melton  
2819 28th Street

Council at Large

Dr. R. V. Allen  
2177 21st Street

Donald G. Karnes  
101 Holly Street

Mel Pennington  
104 Beech Street

Keith E. Priddy  
1527 West 15th Street

Councilman - First Ward

B. I. Bailey  
217 Brookhaven Drive

Dewey M. King  
2438 Third Avenue

Ronald Ritchie  
232 Brookhaven Drive

Cleo F. Smith  
4005 40th Street

Councilman - Second Ward

Homer L. Thomas, Jr.  
1934 19th Street

Councilman - Third Ward

Dean Miller  
2 Smith Street

Elmer H. Rhodes  
1439 Park Avenue

Councilman - Fourth Ward

Gus C. Bailey  
101 Blackwood Avenue

Councilman Casebolt made a motion that all candidates be approved. The motion was seconded by Councilman at Large Dr. Allen and passed by unanimous vote.

NEW BUSINESS AND COMMITTEE REPORTS

Mayor Gibson read a letter from Kenneth M. Dunn Company addressed to Appalachian Engineers, Inc., regarding City of Nitro Contract No. 1. In the letter Mr. Alan L. Shreve, Area Superintendent, listed streets which he felt the City of Nitro would want to consider for complete paving when the contractor does the ditch line paving. The list, which follows, shows the amount of paving required of the Kenneth M. Dunn Company and the amount of square feet to be paved by the City.

<u>Street</u>	<u>K.M.D. Sq. Ft.</u>	<u>Total St. Sq. Ft.</u>	<u>City Sq. Ft.</u>
Cleveland	2,660	5,400	2,740
Kanawha Ave. So.	1,328	3,600	2,272
Hickory Rd.	5,146	16,428	11,282
31st St.	3,068	19,950	16,882
Easter Road	2,596	13,068	10,472
40th Street	2,160	6,480	4,320

Mr. Danny Warner of Appalachian Engineers stated that in the near future the contractor would like to start the final paving restoration. The contractor had brought it to his attention that the city might want to consider working with them to completely pave some of the streets which are badly in need of paving. Mr. Warner stated that he thought the City might want to get the feeling of some of the residents on this by calling for a public meeting. The Mayor said he thought this would be a pretty good opportunity for some of the property owners. However, Mr. Warner stated that if the residents on any particular street did not want to participate in this complete street repaving proposal, then the contractor would proceed with paving obligations as set forth in the Contract #1 sewer line specifications. Mr. Warner further explained that by compliance with the specifications the street surfacing would equal or exceed pavement conditions prior to construction.

A reference was made to 40th Street being on the list. The Mayor said he feels that 40th Street will probably be paved by the State Department of Highways within the next thirty days. He has been assured that the traffic light at 40th Street will be in operation soon, possibly by June 1, and the paving on 40th Street should be finished about the same time. Mayor Gibson stated that he thought each person on the streets considered for paving should be notified by letter of the time specified for the public meeting, and that he would like to have a representative from the contracting firm and Appalachian Engineers present for the meeting. It was also suggested public meetings be held in different areas instead of trying to have one large meeting for everyone. Councilman Ritchie asked if it would be possible to give an approximate cost for the property owners. Mr. Warner replied that the larger amount of paving would make the cost per square yard less, so it would be impossible to quote the price at present. The contractor would have to get additional cost estimates for the additional paving. Councilman at Large Dr. Allen said he thought we should go ahead with the meetings as soon as possible. The Mayor said if there were no objections he would proceed with this.

Mayor Gibson stated that a letter of credit had been received on the \$106,000 Block Grant allocation. The plans and specifications for the Brookhaven #2 Storm Drain project will be ready to advertise for bids by May 11. The schedule calls for advertising for bids on May 11, receiving bids by May 25 and awarding bids June 22, 1976. Councilman at Large Dr. Allen made a motion that this schedule be followed. The motion was seconded by Councilman Casebolt and passed by unanimous vote.

Mayor Gibson announced that he had received the deed to the Nitro Community Center, previously known as the American Legion Building. Signatures of Mr. T. R. Boch, Mr. Shelton Brewer and Mr. Golden T. Jones, trustees of the American Legion, are needed to finalize the deed. Councilman Vernon Casebolt made a motion that the Mayor proceed with obtaining the needed signatures for the deed. The motion was seconded by Councilman

at Large Tidquist. The vote of approval was unanimous.

Mayor Gibson stated that he would like to appoint Councilman Ronald Ritchie to replace David Hart as Nitro's representative on the Kanawha Valley Regional Transportation Authority. Councilman Vernon Casebolt made a motion that this appointment be approved. The motion was seconded by Councilman Hill. All voted in favor except Councilman Ritchie who abstained.

Mayor Gibson said he had received a telephone call from a firm called Crossgates, Inc., who build housing units for the elderly, and their representative has been in Nitro checking for suitable building sites.

The Mayor read a letter from Mr. Joe Philpott, Twin City Communications Club, asking permission to solicit in Nitro for prizes to be awarded at the spring festival of the club. Councilman Casebolt made a motion that permission be given. The motion was seconded by Councilman Hill and approved by unanimous vote.

Mayor Gibson read a letter from Mr. Stephen Mullins, Recreation Director, submitting his resignation as of May 26, 1976. Councilman Lilly said he thought a letter should be written to Mr. Mullins recording the facts about what he has accomplished while here. He said he feels that Mr. Mullins has done an outstanding job, and everyone hates to see him leave, but he has accepted other employment. Councilman Lilly made a motion that the resignation be accepted. The motion was seconded by Councilman Casebolt and passed by unanimous vote.

The Mayor read a letter from the West Virginia Department of Highways concerning the problem with traffic at the intersection of West Virginia 25 and Center Street near the Nitro-St. Albans Bridge. Mr. Joseph S. Jones, State Highway Engineer, stated that he had requested a traffic study in the area and will prepare a report of their findings.

Mayor Gibson stated that he had met with Lyle Sattes concerning the swampy area along Hillside Drive, and that they hope to start filling the area this week. They have requested that the city help supervise to see that it will properly drain.

The Mayor stated that he had given the councilmen a copy of a letter from Mr. D. K. Carr, Operations Manager, West Virginia Water Company, addressed to Mr. Kenneth K. King, Fire Chief, regarding the cost estimate for the installation of additional fire hydrants in the City of Nitro. Following is a list of the proposed hydrants and the estimated cost of each:

- |    |  |          |
|----|--|----------|
| 1. | First Avenue at 4114 (One Hydrant)                                   | 1,160.00 |
| 2. | 40th St. Rd. every 800 ft. from Easter Rd.<br>to State Route #62 (6) | *        |
| 3. | Barrington and Brentwood Rd. (one Hydrant)                           | *        |

4.	Norwood Road, 800 ' from existing hydrant and an additional hydrant at 800 ft. intervals (2)	*
5.	Third Ave. 800 ft. from hydrant at 31st St. & Second Ave. toward Pine Grove Add.	980.00
6.	Third Ave. 800 ft. from hydrant at 21st St. & Third Ave. West	960.00
7.	18th St. and First Ave. (One Hydrant)	1,530.00
8.	Penwood Ave. 800 ft. from Short St.	*
9.	15th St. West & Park Ave. (one Hydrant)	1,570.00
9A.	Park Ave. & 11th St., W. (one hydrant)	1,580.00
10.	Broadway Ave. & Boundary St. (One Hydrant)	1,030.00
11.	800 ft. north of hydrant at Lock St. & Main Ave. (one hydrant)	1,080.00
12.	Kanawha Ave. & Dogwood St. (one hydrant) (233' of 6" and 391' of 8" water main etc.)	8,500.00
13.	Kapok St. & First Ave., So. (133' of 6" main and one hydrant)	2,450.00
14.	So. Kanawha Ave. 800 ft. from north end	Deleted
15.	800 ft. east of fire hydrant at 1100 First Ave. So., (850 ' of 6" water main and one hydrant)	8,300.00
16.	800 ft. east of fire hydrant at Walker and Benamati Sts. toward Valentine Circle (one hydrant)	1,200.00
17.	Move fire hydrant on 11th St., W. to curb of street (see Item #9)	Deleted
Estimated cost total		<u>30,340.00</u>

\*Items 2, 3, 4, & 8 above have not been estimated at this time and are not included in the total cost due to the fact that these particular installations require additional engineering study. We will submit to you our estimated costs for said items at a later date.

Items #14 and #17 were deleted at your request to our Mr. Harry Curtis, Distribution Supervisor, Nitro Area.

The approximate cost of replacing an existing two (2) way fire hydrant with a new three (3) way hydrant (2 - 2½" nozzles and 1 - 4" pumper nozzle outlet) is \$1,000.00 each.

Mayor Gibson said he felt this should be given to the Fire Department Committee and the Finance Committee for study and they can report back on what can be done. Councilman at Large Dr. Allen stated that he would like for the Fire Department to designate what areas are Priority I and Priority II, so we could have something to work with.

Councilman at Large Hugo Tidquist: No reports.

Councilman Thomas Lilly: No reports.

Councilman Paul Hill: No reports.

Councilman Ronald Ritchie: No reports.

Councilman at Large Dr. R. V. Allen: No reports.

Councilman Vernon Casebolt: Councilman Casebolt asked how soon the work could be started on the basketball court. The Mayor replied that it would be as soon as the contractor could get to it.

Recorder Tom Melton: Recorder Melton gave Councilmen a list of proposed poll workers for the city election to be held on June 1, 1976. Councilman Casebolt made a motion that the workers be approved. The motion was seconded by Councilman Hill and passed by unanimous vote. Councilman at Large Keith Priddy asked about alternate workers. Mr. Melton said there should be one alternate for each precinct. The following people were approved as workers:

Precinct 364

Clerk  
Clerk  
Supply Commissioner  
Commissioner  
Commissioner

Nitro High School

Joan Stephens, 111 Brookhaven Dr. 776-2822  
Valieda McClanahan 71 N. 21st St. 755-2452  
Garnet Galloway, 2 Blake Rd. 755-2482  
Tillie Mynes, 2158 21st St. 755-2651  
Charmagne Mazzei, 1 Barrington Rd. 776-3125

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  
Isabelle Hudnall, 1522 15th St. 755-3422  
Marguarite Grover, 1409 14th St. 755-2620

Precinct 366

Clerk  
Clerk  
Supply Commissioner  
Commissioner  
Commissioner

Moose Club

Myrtle Adkins, 1113 11th St., 755-1319  
Jessie Raynes, 1123 11th St., 755-3525  
Ruth Carpenter, 1022 10th St., 755-2430  
Mrs. Ellis Finch, 1018 10th St., 755-5505  
Audry Deeter 722 7th St., 755-5406

Precinct 367

Clerk  
Clerk  
Supply Commissioner  
Commissioner  
Commissioner

Baker Elementary School Multi-Purpose Rm.

Golda Roark, 1332 W. 13th St. 755-1343  
Elsie Simmons, 305 Kan. Ave., 755-3776  
Carolyn Luker, 1319 W.13th St., 755-2432  
Ruby Hustead, 2 Main Ave., 755-4217  
Janice Amburgey, 1426 W.14th St. 755-3870

Precinct 368

Clerk  
Clerk  
Supply Commissioner  
Commissioner  
Commissioner

I.A.M. Union Hall 801 Main Avenue

Lucille Callihan, 102 Juniper St. 755-3578  
Nell Carney, 801 Dupont Ave. 755-4617  
Marjorie Hudnall, 103 Juniper St., 755-4526  
Bonnie Jones, 200 Juniper St. 755-3658  
Iris Miles, 708 Main Ave., 755-4417

Precinct 369

Clerk  
Clerk  
Supply Commissioner  
Commissioner  
Commissioner

West Sattes Elem. School East End of School

Ruth Phalen, 1372 Valentine Circle 727-5829  
Reba Lewis, 1343 Valentine Cr. 727-3555  
Evelyn Sheperd, 210 Lee St., 722-3203  
Mrs. John Shiflett, 1307 First Ave. 727-8688  
Wanda Smith, 203 Walker St., 727-7801



Precinct 370

Clerk  
Clerk  
Supply Commissioner  
Commissioner  
Commissioner

Jim Walter Homes 606 First Ave.

Ollie Hancock, 711 Kan. Ave. So. 727-3792  
Vesta Arman, 707 Kan. Ave., So. 727-0796  
Sue Goodwin, 103 Cleveland Ave. 727-3780  
Rita Shahan, 706 Kan. Ave. 727-0384  
Amy Yates, 712 Michigan Ave. 727-1270

Precinct 22

Clerk  
Clerk  
Supply Commissioner  
Commissioner  
Commissioner

Nitro-Putnam Elementary School

Mrs. Roland Carroll, 3818 38th St. 755-1198  
Hazel Townsend, 4122 Third Ave. 755-2213  
Bertha French, 4060 40th St. 755-3158  
Stella O'Gorman, 3802 38th St., 755-3432  
Florence Mollohan, 3813 38th St. 755-4553

Mr. Melton said that he had given everyone a copy of House Bill 815 referring to compensation for police and fire department personnel who are required to work on holidays. This has been given to Mr. Frank Armada, City Attorney, for study.

A motion for adjournment was made by Councilman Casebolt. The motion was seconded by Councilman at Large Dr. Allen. The motion carried.

Wm. A. Gibson  
Mayor

Tom Melton  
Recorder



## NITRO CITY COUNCIL MEETING

May 18, 1976

The regular meeting of Nitro City Council was held May 18, 1976, at 8:00 P.M. in the Council Chambers. 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 Ronald Ritchie, Councilman Thomas Lilly, Councilman Vernon Casebolt and Councilman Paul Hill.

APPROVAL OF MINUTES FOR MAY 4, 1976, MEETING: Mayor Gibson stated that the minutes of the previous meeting had been sent to all councilmen for their review. Councilman Vernon Casebolt made a motion for approval of the minutes. The motion was seconded by Councilman Ronald Ritchie and passed by unanimous vote.

APPROVAL OF APRIL, 1976, FINANCIAL STATEMENT: City Recorder Tom Melton reported that the financial statement had been mailed to all councilmen, and that the balance in the general fund checking account was \$22,768.77 and the balance in the general fund investment savings account was \$43,409.86 as of April 30, 1976. Mr. Melton made a motion for approval of the financial statement. The motion was seconded by Councilman Casebolt. Councilman Priddy asked about Line Item #61 - Contingent fund - why the amount was so high for the month. Mr. Melton explained that he had paid for repairs to two trucks that had been damaged in minor accidents in the approximate amount of \$1,700.00. Money had been received from insurance companies to cover most of this and was deposited in the general fund under "Miscellaneous". The vote on approval of the financial statement was: Councilmen Tidquist, Hill, Ritchie, Allen, Casebolt and Recorder Melton in favor, with Councilmen Lilly and Priddy opposed. The motion carried.

Councilman Casebolt asked permission to ask a question. He asked Councilman Priddy why he has been voting against the financial statement for the past two years. Councilman Priddy replied that if he did not agree with some of the expenditures on a financial statement he would vote against it. When asked what expenditures he did not feel were right, he replied that he felt the salary paid to the police chief was not in the budget and that was his reason for voting against this particular financial statement. Councilman Casebolt said that Council had voted to hire the Chief, and that a salary had always been paid to the Police Chief. Councilman Priddy did not say why he had voted against the financial statement for the previous month. Mayor Gibson asked for another vote on the financial statement. The vote was the same as before.

Mayor Gibson read a letter from the Kanawha Valley Astronomical Society, signed by Mr. Nelson M. Richardson, President, in which they asked permission to have some of their monthly meetings at Ridenour Park. Also in the letter they suggest the possibility of constructing a small observatory, at the Astronomy Club's expense,

at Ridenour Park. Councilman Casebolt made a motion that the club be permitted to have their meetings at the park, and that the matter of the small observatory be checked out with the Soil Conservation Commission to see if this is permissible before a decision is made on this. The motion was seconded by Councilman Lilly and passed by unanimous vote.

Mayor Gibson stated that he would like to have council approval of two Ballot Commissioners, Mrs. Viola Ragle of 1619 16th Street and Mrs. Velma Kinder of 1816 18th Street. Councilman at Large Dr. Allen made a motion that these be approved. The motion was seconded by Councilman Casebolt and approved by unanimous vote.

Mayor Gibson read a letter from Union Boiler Company regarding the purchase of land owned by the West Virginia Water Company. The Mayor also presented two maps showing proposals for the city to acquire a portion of this land with a building suitable for a maintenance garage for the price of \$100,000.00. The letter is attached hereto and made a part hereof. Mayor Gibson stated that Union Boiler Company is willing to buy the land from the West Virginia Water Company for \$200,000.00 and is offering the city the two proposals from which to make a choice for \$100,000.00. The first proposal is a strip of land 180 feet wide along the Kanawha River, extending all the way to Plant Road. The second proposal is for approximately seven acres facing on Viscose Road. The brick building located on the property, which can be used as a garage, will need larger openings cut for entrance of trucks. Union Boiler Company has offered to furnish the equipment for this with the City furnishing the labor. After some discussion, Councilman Casebolt made a motion that the city purchase this land from Union Boiler Company (Proposal No. 2 - the seven acres facing Viscose Road). The motion was seconded by Councilman Hill and approved by unanimous vote. Councilman at Large Dr. Allen said he would like for the Mayor to write Mr. McDavid of Union Boiler Company and thank him for what he is doing for the city.

The Mayor read a letter from Mr. Harold W. Beemer, Chief, Engineering Division, Department of the Army, Huntington District Corps of Engineers, Huntington, West Virginia, regarding the development of the boat marina and recreation complex at the Smith Street landfill. The Mayor explained that the land would be appraised and the appraisal would be used as the city's share of the matching funds for the development. The letter requested a response by May 28, 1976. Councilman Casebolt said this would save the city a tremendous amount of money in the development of this site for recreation. Councilman at Large Priddy asked if there would be a percentage of matching funds after the City reached the total of land valuation. Mayor Gibson replied that development above the cost of the land would be the City's responsibility. Councilman Casebolt made a motion that the Corps of Engineers be notified to move forward with the appraisal. Councilman Lilly asked if we have the appraisal are we committed to completing the project. He also asked about the

feasibility study of a cost of maintaining the facility. Councilman Casebolt said he felt the marina might pay for itself with the docks, gasoline sales, etc. Councilman Hill seconded the motion for the appraisal. The vote of approval was unanimous. Copies of the letter and drawings are attached hereto and made a part hereof.

Mayor Gibson said he has had several citizens and some of the councilmen suggest that the city should have "Open House" and allow the citizens of Nitro to come in and see the improvements that have been made inside City Hall. He stated that all the present administration had been involved in the improvements and he felt now would be a good time to have "Open House". This is scheduled from 1 - 5 P.M. Saturday, May 22, 1976. Councilman at Large Dr. Allen said he thought it was a good idea, especially since three of the council members are not running for re-election and this would show some appreciation to them. Councilman Lilly said he thought it was a good idea, but he would like to see it some other time besides this Saturday. Councilman at Large Priddy said he had to work on Saturday. Councilman Casebolt made a motion that the "Open House" be approved. The motion was seconded by Councilman at Large Dr. Allen. The vote was: Councilmen Tidquist, Hill, Ritchie, Allen, Casebolt and Recorder Melton in favor of approval. Councilmen Lilly and Priddy opposed.

Mayor Gibson read a letter from Mr. William M. Kelly, Jr., asking permission to solicit in Nitro for the Soap Box Derby Fund. Councilman Thomas Lilly made a motion for approval. The motion was seconded by Councilman Casebolt and approved by unanimous vote.

Mayor Gibson read a letter from Governor Arch A. Moore, Jr., concerning the traffic problem at the intersection of Route 25 and Center Street. Governor Moore stated that he felt sure a prompt response from Commissioner Ritchie would be received.

The Mayor said he had been swamped with inquiries about when the city would plan another outing for the senior citizens. After talking with them, Thursday, May 27, 1976, was chosen for a picnic at Ridenour Memorial Park. The Mayor stated that all councilmen were invited to take part. Councilman Paul Hill made a motion that the picnic be held. The motion was seconded by Councilman Casebolt. All voted in favor except Councilmen Lilly and Priddy who opposed.

Mayor Gibson reminded Council that the next regular council meeting would fall on the day of the city election. Councilman Casebolt made a motion that the meeting be moved to June 8, 1976. The motion was seconded by Councilman Lilly and approved by unanimous vote.

RECORDER TOM MELTON: No new business.

COUNCILMAN VERNON CASEBOLT: Councilman Casebolt stated that he had received a list from the Fire Chief giving the priority for fire hydrants proposed by the West Virginia Water Company.

He said he would like for the Finance Committee to study this. He added they may need to get in touch with the Water Company because an engineering report has not been received on No. 3, 4, and 5. Also, No. 2 location has been changed from Dogwood and Kanawha Avenue to Dogwood and Washington Avenue. Councilman Ritchie asked how soon we may expect the engineering report on Nos. 3, 4, and 5. Councilman Casebolt said he did not know. Councilman Lilly asked about the reason for the deletion of the fire hydrant on Kanawha Avenue South. Councilman Casebolt said he would have to check on this.

Councilman Casebolt asked about the status of the lights at Ridenour Memorial Park. The Mayor said he would check on this. Appalachian Power Company has agreed to install the lights.

Councilman Casebolt said he has reported before about complaints along Third Avenue where the West Virginia Water Company pumps water that runs down the hill and through the 12" storm drain at Third Avenue. He stated that in places the drain has been washed out and the water is damaging property. He asked that this be checked.

Councilman Casebolt asked if the stop light at 40th Street is still on schedule. The Mayor replied that as far as he knows this is on schedule.

Councilman Casebolt said he had received a copy of a letter addressed to the Mayor from Bill Javins, President of the Nitro Business and Professional Association. He said he thought the letter was in very poor taste and that he was offended. Councilman Casebolt said the area the business men wanted paved does not belong to the city. Councilman Casebolt also said he did not believe the business men were making any effort to pave the parking area, except the owner of the Dairy Queen, who has paved areas for his customers to use. Councilman Casebolt noted from the minutes of the Business Association meeting that they had spent \$1,500.00 for lights. He suggested this could possibly have been used for paving. Councilman Paul Hill asked if the city does not have in the planning stage, plans for paving its portion of the property along the Penn Central track. The Mayor read that it is included in our Block Grant application. Councilman Casebolt added that Council was told the Business Association would be in touch with the Department of Highways about getting them to pave their portion of the property, and so far we have seen nothing in their minutes about this being done.

COUNCILMAN AT LARGE PRIDDY: No reports.

COUNCILMAN AT LARGE DR. R. V. ALLEN: Councilman at Large Allen stated that he, too, resented the letter from the Business Association. Councilman at Large Allen stated that he would like to warn the senior citizens to call City Hall and check on contractors who approach them with cheap prices for roofing, electrical work, or other repairs. Councilman Ritchie said the picnic on May 27 would be a good time to do this.

The Mayor stated that he has had complaints about the young people riding bicycles on the sidewalk in the business area. He said there is an ordinance against riding bicycles on the sidewalk and he would like to request that parents ask their children not to ride on sidewalks.

Mayor Gibson said he has had some inquiries about whether or not the contractor on the sewer lines will pave the areas of the streets where the sewer lines are being installed. He wanted to assure citizens that the streets will be returned to an equal or better condition.

COUNCILMAN RONALD RITCHIE: Councilman Ritchie said at last council meeting it had been discussed about the possibility of completely paving some of the streets in connection with the paving of the sewer line and about possibly having public meetings to see if the citizens were willing to absorb the additional expense. He wanted to know if anything further had developed on this. Mayor Gibson replied that Mr. Hayne had advised against rushing into this. He felt the City should wait until the Federal Government has completed the final inspections of the sewer lines. Any negotiations completed now might have to be changed in some areas.

Councilman Ritchie asked what progress had been made with the attorneys concerning the slip on Barrington Road. The Mayor said the attorneys have discussed it, but so far no decision has been reached. Councilman Ritchie said anything that could be done to expedite the matter would be helpful as the slip may get worse and result in a bigger job. The Mayor said he felt he should write a letter to Estill & Greenlee, with copies to both attorneys.

Mayor Gibson said he was concerned about the outside of the library building. He said repairs to the outside of the building had been delayed because of financial pressure caused by the maintenance garage, and he felt that it should at least have a good painting. Councilman Casebolt suggested waiting until we have a definite figure on the cost of the garage and possibly using a portion of the remaining Revenue Sharing to brick the outside of the Library. Money was originally transferred from the library fund to assist with the garage.

COUNCILMAN PAUL HILL: Councilman Hill said it is unfortunate about the timing of the letter from Mr. Javins. He said he felt sure the business men have priorities to go by and they should know that the city also has to go by priorities. The paving will be a priority in the future and it will be taken care of in due time.

COUNCILMAN THOMAS LILLY: Councilman Lilly said over the last few years there has been a growing number of utility companies closing their collection offices in Nitro, and we have discussed this with such businesses as Marrs Jewelry and the Bank. Councilman Lilly said that if contact were made with the various utility companies, there was a good possibility that the city could be

placed in a bonded fiduciary capacity to provide this service to the senior citizens particularly and all the citizens in general. He said that approximately 5,000 people paying five different utilities is a considerable amount of money.

Councilman Lilly stated that there has been a considerable amount of votes on a lot of different subjects tonight and it is possible these things could have been put on the agenda. in representing the people of the 4th Ward, some of these things quite possibly need to be discussed with the people in order to vote the way they want. He suggested that if possible, these things be put on the agenda in the future so he could have a little time to study them.

Mayor Gibson said he has had a collection box made with a slot in the door for the deposit of city municipal service and sewer bills, where they can be paid even when the office is closed.

In further discussion on the payment of utility bills, Councilman Casebolt said he thought it might be a good idea to write some of the utility companies to see what could be done. Councilman at Large Allen suggested having a representative from the utility companies come to council meeting to discuss the possibility of having somewhere to pay utility bills.

COUNCILMAN AT LARGE HUGO TIDQUIST: Councilman at Large Tidquist stated that several months ago, the recreation department accepted donations to resurface the volleyball court at City Park. He wanted to know what has been done about this. Mr. Melton said he would check on this.

Councilman Casebolt made a motion for adjournment.

Reverend Arbogast gave a closing prayer.

*Wm D. Gibson Mayor*  
*Tom Melton, City Recorder*





# UNION BOILER COMPANY

POST OFFICE BOX 425

NITRO, WEST VIRGINIA 25143

TELEPHONE AREA CODE (304) 755-3322

May 18, 1976

Honorable William D. Gibson  
Mayor, City of Nitro  
Nitro, W. Va. 25143

Dear Mayor Gibson,

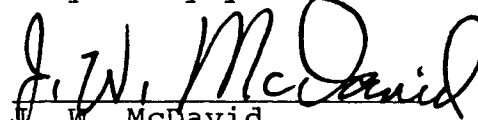
Attached please find a copy of the W. Va. Water Company map of the property reviewed with you and Mr. Haynes yesterday, May 17, 1976.

We are pleased to offer the following proposal to you and your council for consideration, the sale of which is subject to the usual approvals of the public service commission for the disposal of utility property. No problem is anticipated here by the West Virginia Water Company.

The gross sale price with no commissions applicable is \$200,000.00. The city share of this cost based on the proposals is \$100,000.00. Union Boiler Company will retain either portion as outlined on the attached map.

If we can be of additional assistance please advise.

Very truly yours,

  
J. W. McDavid  
President

/bks





DEPARTMENT OF THE ARMY  
HUNTINGTON DISTRICT, CORPS OF ENGINEERS  
P. O. BOX 2127  
HUNTINGTON, WEST VIRGINIA 25721

REPLY TO  
ATTENTION OF:

ORHED-PR

13 May 1976

Honorable William Gibson  
Mayor of Nitro  
City Hall  
Nitro, WV 25143

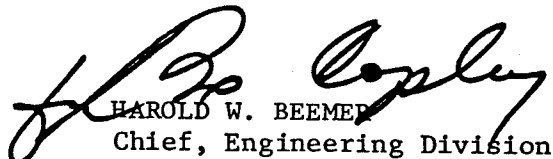
Dear Mayor Gibson:

Reference is made to a letter dated 10 March 1976 from the consulting firm of Harland Bartholomew and Associates relative to them preparing Master Plans for the Winfield, Marmet, and London Navigation Pools, Kanawha River for this office. Subsequent to that meeting, the consultant has prepared concept plans for the three projects.

Inclosed for your review and comments is a copy of the Winfield Navigation Pool concept plan exhibits and excerpted Sections VIII and IX of the text relative to potential site developments which have been identified at this stage of planning. It would be appreciated if your agency's response could be transmitted to this office by 28 May 1976 so that we may furnish consolidated review comments to the contractor within the time period specified in the contract.

Your cooperation in this matter is appreciated. Should you have questions concerning the review of concept plans, please contact this office.

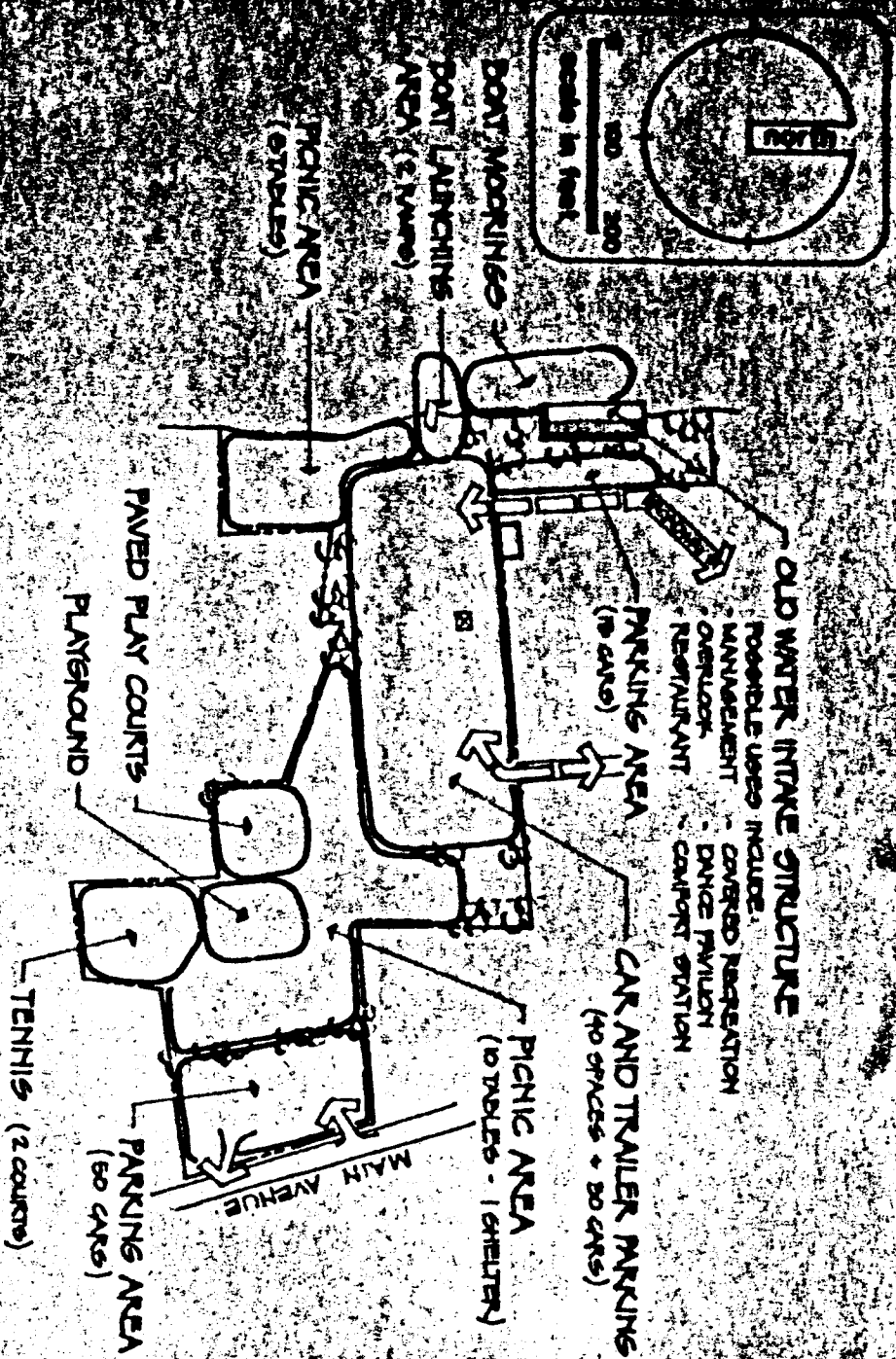
Sincerely yours,

  
HAROLD W. BEEMER  
Chief, Engineering Division

- 2 Incl  
1. Concept Plan Exhibits  
2. Excerpted Text Sections  
VIII & IX







# NITRO 4.9 AC.1

FACILITIES	EXISTING	PROPOSED
STAND, MOBILE ELEVATOR	•	•
LIMITATION ON STRUCTURES, ETC.	•	•
WATER SYSTEM	•	•
WASTE WATER SYSTEM	•	•
WASTE COLLECTION & DISPOSAL	•	•
ROADS	•	•
PAVED AREAS	•	•
CAR & TRAILER PARKING	•	•
LAUNCHING RAMP	•	•
DOCKS, PIER & MOORING FACILITIES	•	•
PICNIC UNITS	•	•
CAMPING UNITS	•	•
SHOWERING BEACH	•	•
PICNIC SHELTERS	•	•
CONCRETE STATIONS	•	•
SPECIAL USE BUILDINGS	•	•
OVERLOOK STRUCTURES	•	•
PLAYGROUND FACILITIES	•	•
FIELD RECREATION	•	•
TENNIS COURTS	•	•
PAVED PLAY AREA	•	•
BRIDGES	•	•
STONE DAMMAGE STRUCTURES	•	•
ELECTRICAL & LIGHTING	•	•
TRAILS	•	•
SITE IMPROVEMENTS	•	•
SIGNS	•	•
INTERPRETIVE DEVICES	•	•
SMALL BOAT NAVIGATION AID	•	•
WASTE DISPOSAL	•	•
VISITOR SAFETY CONTROL	•	•
FISHING PIER & BOAT	•	•
FACILITIES FOR FISHING	•	•
VISITOR CENTER	•	•

PROPOSED FACILITIES  
EXISTING FACILITIES  
NOTE: WHERE TWO NUMBERS ARE SHOWN,  
THE FIRST INDICATES EXISTING  
FACILITIES  
• WATER INTAKE BUILDING

10

11

12

13

JUNE 7, 1976

The Nitro City Council met Monday, June 7, 1976, at 7:00 p.m. at Nitro City Hall. Members 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 and City Attorney Frank Armada. Councilmen Vernon Casebolt, Thomas B. Lilly, Paul Hill and Ronald Ritchie were absent.

Mayor William D. Gibson called the meeting to order and ask for a resolution to have Council for Board of Canvassers. Councilman at Large Dr. Allen so resolved the Council into a Board of Canvassers to canvass the City Election held June 1, 1976, and Councilman at Large Tidquist seconded the motion and the motion passed unanimously.

The Board of Canvassers then proceeded to Dunbar, West Virginia, to canvass the voting machines used in the Municipal Election.

The voting machines were unlocked by a Voters Registration Official and City Recorder Melton announced the following results from each voting machine:

PRECINCT 22

MAYOR

William D. Gibson	147
Dana "Shorty" Johnston	124
Thomas B. Lilly	88

CITY RECORDER

Tom "Bucky" Melton	252
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COUNCILMAN AT LARGE

Dr. R. V. Allen	209
Donald G. Karnes	187
Mel Pennington	168
Keith E. Priddy	178

COUNCILMAN - WARD ONE

B. I. Bailey	101
Dewey M. King	128
Ronald Ritchie	83
Cleo F. Smith	28

PRECINCT 364

MAYOR

William D. Gibson	319
Dana "Shorty" Johnston	56
Thomas B. Lilly	102

CITY RECORDER

Tom Melton	368
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COUNCILMAN AT LARGE

DR. R.V. Allen	330
Donald G. Karnes	342
Mel Pennington	290
Keith E. Priddy	180

COUNCILMAN - WARD ONE

B.I. Bailey	148
Dewey M. King	120
Ronald Ritchie	206
Cleo F. Smith	3

PRECINCT 365MAYOR

William D. Gibson	87
Dana "Shorty" Johnston	38
Thomas B. Lilly	59

CITY RECORDER

Tom Melton	138
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COUNCILMAN AT LARGE

Dr. R.V. Allen	112
Donald G. Karnes	131
Mel Pennington	106
Keith E. Priddy	92

COUNCILMAN - WARD TWO

Homer L. Thomas, Jr.	129
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PRECINCT 366MAYOR

William D. Gibson	95
Dana "Shorty" Johnston	54
Thomas B. Lilly	40

CITY RECORDER

Tom Melton	138
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COUNCILMAN AT LARGE

Dr. R.V. Allen	116
Donald G. Karnes	126
Mel Pennington	104
Keith E. Priddy	83

COUNCILMAN - WARD TWO

Homer L. Thomas, Jr.	155
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PRECINCT 367

<u>MAYOR</u>		<u>CHALLENGED</u>	<u>BALLOTS COUNTED</u>
William D. Gibson	223		
Dana "Shorty" Johnston	87	+1	
Thomas B. Lilly	105		

CITY RECORDER

Tom Melton	328	+1
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COUNCILMAN AT LARGE

Dr. R.V. Allen	266	
Donald G. Karnes	270	+1
Mel Pennington	258	
Keith E. Priddy	196	

COUNCILMAN - WARD THREE

Dean Miller	224	
Elmer Rhodes	175	+2

PRECINCT 368

<u>MAYOR</u>		
William D. Gibson	105	+1
Dana "Shorty" Johnston	42	
Thomas B. Lilly	40	

CITY RECORDER

Tom Melton	145	+1
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COUNCILMAN AT LARGE

Dr. R.V. Allen	122	+1
Donald G. Karnes	145	+1
Mel Pennington	119	+1
Keith E. Priddy	88	

COUNCILMAN - WARD THREE

Dean Miller	115
Elmer Rhodes	65

PRECINCT 369MAYOR

William D. Gibson	218
Dana "Shorty" Johnston	30
Thomas B. Lilly	93

CITY RECORDER

Tom Melton	247
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COUNCILMAN AT LARGE

DR. R. V. Allen	227
Donald G. Karnes	257
Mel Pennington	208
Keith E. Priddy	133

COUNCILMAN - WARD FOUR

Gus Bailey	283
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PRECINCT 370MAYOR

William D. Gibson	76
Dana "Shorty" Johnston	21
Thomas B. Lilly	60

CITY RECORDER

Tom Melton	113
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COUNCILMAN AT LARGE

DR. R. V. Allen	90
Donald G. Karnes	117
Mel Pennington	74
Keith E. Priddy	69

COUNCILMAN - WARD FOUR

Gus Bailey	142
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City Recorder Melton brought forth the sealed envelopes containing the challenged ballots from each precinct.

City Recorder Melton had two absentee ballots that were received at Nitro City Hall, by mail, June 2, 1976, that could not be counted. The ballots were received from Sada Whited, 3205 32nd Street and Irene Bright 3415 34th Street.

PRECINCT 22

The sealed envelope was opened and it contained one challenged ballot of Mr. Romie S. Smith, 4005 40th Street. Mr. Smith did not register until May 27, 1976. Councilman at Large Allen made a motion not to count the ballot, the motion was seconded by Councilman at Large Tidquist and the motion passed unanimously.

PRECINCT 364

The sealed envelope was opened from Precinct 364 and it contained four challenged ballots. The first name called was Mrs. W. D. Dooley of 2620 2th Street. Mrs. Dooley's name had not appeared in the Registration Book from Kanawha County Registration Office. The Board of Canvassers ask City Attorney Armada his advice of this situation and Mr. Armada stated the Board should decide on this. After a through discussion the Board decided decided not to count any Voters Ballot that was not listed in the Voters Registration Book. The motion was made by Councilman at Large Tidquist, seconded by Councilman at Large Allen and passed unanimously.

The three other challenged ballots in the envelope were those of:

Madolyn Carol Reed, Box 217 40th Street	-Not in Registration Book
Freda Mae Haverty, Box 1 Escoe Drive	-Not in Registration Book
Escoe Haverty, Box 1 Escoe Drive	-Not in Registration Book

Motion was made by Councilman at Large Tidquist not to count these votes, motion was seconded by Councilman at Large Allen and passed unanimously.

PRECINCT 367

The sealed envelope from Precinct 367 was opened and it contained eight challenged ballots.

Edward A. Blackwood, 14 Main Avenue	Not in Registration Book
Linda Marie Blackwood, 14 Main Avenue	Not in Registration Book
Betty Rutherford, 204 Broadway Avenue	Not in Registration Book
Arden Ashley, 201 Broadway Avenue	Not in Registration Book
Frances Kay Postelwait, 415 DuPont Avenue	- Not in Registration Book
Gary W. Botkins, 1124 11th Street	Not in Registration Book
Robert Prior, 105 Washington Avenue	Not in Registration Book

Councilman at Large Allen made a motion not to count these ballots, the motion was seconded by Councilman at Large Tidquist and passed unanimously. The eight ballot was John D. Cox of 506 Main Avenue, challenged in the fact that absentee ballot was in wrong precinct. The Board agreed that the ballot was in proper precinct and accepted and counted Mr. Cox' vote.

PRECINCT 368

The sealed envelope from Precinct 368 was opened and it contained two challenged ballots. Anna Jewell Raynes, 514 DuPont Avenue did not register until May 21, 1976. Registration is required Thirty (30) days before election. Councilman at Large Priddy made a motion not to accept the vote, Councilman at Large Allen seconded the motion, the motion passed unanimously.

The second challenged vote was Bobby K. Raynes Glock 4064 40th Street. Mrs. Bobby Glock was registered in the Voters Registration Book as Bobby K. Raynes, she married recently and her name had not been changed on the Registration Book. Councilman at Large Priddy made a motion to accept the vote to be counted, Councilman at Large Allen seconded the motion and the motion passed unanimously.

#### PRECINCT 369

The sealed envelope from Precinct 369 was opened and it contained four challenged ballots:

Glen Joe Jividen, 1306 Valentine Circle-Not in Registration Book  
Michael G. Holmes 1405 Main Avenue-Not in Registration Book  
Councilman at Large Allen made a motion not to accept the ballots, Councilman at Large Tidquist seconded the motion and the motion passed unanimously.

Iva V. Wallace, 1104 Benamati Avenue and  
Alfred L. Wallace 1104 Benamati Avenue did not complete or sign envelope no. 2 that was required for completion of records. Councilman at Large Tidquist made a motion not to accept the ballots Councilman at Large Allen seconded the motion and the motion passed unanimously.

All ballots opened and unopened were placed back in a sealed envelope and signed over the seal by all the Coard of Canvassers.

Councilman at Large Allen made a motion that Council sitting as Board of Canvassers certify the above results of the canvassing Board and Councilman at Large Tidquist seconded the motion, the motion passed unanimously.

Councilman at Large Tidquist made a motion for adjournment of the meeting. The motion was seconded by Councilman at Large Priddy and passed unanimously.

  
MAYOR

  
CITY RECORDER

## NITRO CITY COUNCIL MEETING

JUNE 8, 1976

The regular meeting of Nitro City Council was held in the Council Chambers on June 8, 1976, 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 Keith Priddy, Councilman at Large Hugo Tidquist, Councilman Paul Hill, Councilman Vernon Casebolt. Councilmen Thomas B. Lilly and Ronald Ritchie were absent.

The meeting was called to order by the Honorable William D. Gibson. The Reverend Robert Blixt of the First Baptist Church gave the invocation.

APPROVAL OF MAY 18, 1976 COUNCIL MEETING MINUTES: Mayor Gibson stated that each Councilman had received a copy of the minutes through the mail for their review. Councilman Casebolt made a motion for approval of the minutes, Councilman Hill seconded the motion, which passed by unanimous vote.

MAY 1976 FINANCIAL REPORT: City Recorder Melton gave the following report:

Balance May 1, 1976	22,768.77
Receipts	45,352.00
Disbursements	42,699.35
Balance May 30, 1976	25,421.42
Balance in Saving	43,409.86

SEALED BIDS FOR STORM DRAIN PROJECT: Councilman at Large Tidquist passed to various Councilmen five (5) sealed bids received on the Storm Drain Project for Nitro. The following bids were submitted, all containing the required bid security of a Bid Bond in the amount of 5% of Total Bid and the agreement to commence work within ten (10) days of the date set out in the Purchase Order Contract and to fully complete the entire project on or before 120 calendar days.

<u>KENNETH M. DUNN COMPANY, INC. P. O. BOX 9367, SO CHARLESTON, W.VA.</u>	
Brookhaven Storm Sewer-Brookhaven Drive & Norwood Road	80,570.00
Brookhaven Drive & Fairview Drive	48,015.00
River & Kanawha Avenue Storm Sewer	28,530.00
Kanawha Avenue Storm Sewer	24,405.00
Old County Road	24,307.50
Total Bid Price of Entire Project	205,827.50

<u>KINSMAN, INC. 1500 KANAWHA BLVD.E, P.O. BOX 3327, CHARLESTON, W.VA.</u>	
Brookhaven Storm Sewer-Brookhaven Drive & Norwood Road	66,580.00
Brookhaven Drive & Fairview Drive	35,770.00
River & Kanawha Avenue Storm Sewer	25,400.00
Kanawha Avenue Storm Sewer	21,450.00
Old County Road	22,771.00
Total Bid Price of Entire Project	171,971.00

G.E. RAY CONSTRUCTION CO., P. O. BOX 9335, SO. CHARLESTON, W.VA.

Brookhaven Storm Sewer-Brookhaven Drive & Norwood Road	56,560.00
Brookhaven Drive & Fairview Drive	35,640.00
River & Kanawha Avenue Storm Sewer	25,170.00
Kanawha Avenue Storm Sewer	21,090.00
Old County Road	25,088.50
Total Bid Price of Entire Project	163,548.50

VALLEY DEVELOPMENT OF W.VA. 5900 MacCORKLE AVE. S.W. ST. ALBANS, W.VA.

Brookhaven Storm Sewer-Brookhaven Drive & Norwood Road	57,567.00
Brookhaven Drive & Fairview Drive	29,573.75
River & Kanawha Avenue Storm Sewer	19,275.50
Kanawha Avenue Storm Sewer	14,957.80
Old County Road	16,771.08
Total Bid Price of Entire Project	138,144.13

WILSON CONSTRUCTION COMPANY, P.O. BOX 1863, HUNTINGTON, W.VA.

Brookhaven Storm Sewer-Brookhaven Drive & norwood Road	34,777.00
Brookhaven Drive & Fairview Drive	25,574.65
River & Kanawha Avenue Storm Sewer	17,850.80
Kanawha Avenue Storm Sewer	14,640.65
Old County Road	16,136.10
Total Bid Price of Entire Project	108,979.20

Councilman Casebolt made a motion to put the bids in Committee until next Council Meeting since there was such a variation in the total bid price of the project. Councilman Casebolt suggested that Appalachian Engineers meet with the Committee to confirm that specifications meet all the requirements. Councilman Tidquist seconded the motion which passed unanimously.

Mayor Gibson read a petition from the residence of 27th Street requesting that 27th Street be made a One-Way Street. The original attached hereto and made a part hereof. Mayor Gibson asked Mr. Charles Hanning of 2714 27th Street, if there was anything he would like to add. Mr. Hanning stated there was too much traffic on the street, that something needed to be done. Discussion followed on load limits, school buses and delivery trucks. Councilman Casebolt made a motion that this be turned over to the Street and Traffic Committee for study with the Police Department also investigating the situation. Councilman at Large Allen seconded the motion, the vote was unanimous.

Mayor Gibson introduced Jack Eastwood, the new Recreation Director, with a brief summary of his qualifications. Mr. Eastwood stated that he felt it a privilege to have the position and he would do the best job possible for the City. Mr. Eastwood elaborated on some of the activities he had planned for the Bicentennial Celebration and the 4th of July.

Mayor Gibson asked City Recorder Melton to read a Resolution from the Nitro Woman's Club for displaying the flag of the United States continuously from June 14th through July 4th as a symbol of rededication to the principles upon which this Nation was founded. Councilman at Large Allen made a motion to accept this Resolution and Councilman Casebolt seconded the motion and it passed unanimously. A copy of which is hereto attached and made a part hereof.

Mayor Gibson read a letter dated June 5, 1976, from Jack C. Whiting, Executive Director of Regional Development Authority of Charleston, West Virginia, stating July 5, 1976, that R.D.A. would close the Western Landfill. Mayor Gibson stated that he was negotiating with several of the neighboring municipalities trying to find a solution to this problem.

Mayor Gibson stated each Councilman had a letter before them dated May 17, 1976, over the signature of Jane E. Galyean of Keep a Child in School. Mrs. Galyean asked permission from City Council to allow several of the deprived children, covered under this program, in Nitro Municipal Swimming Pool free. Mayor Gibson stated he felt City Attorney Armada and the Recreation Director should study this matter before any decisions were made. Councilman at Large Allen stated he also felt this should have a close investigation, in the fact that Nitro has several under-privileged children.

Mayor Gibson read a letter from Mr. Mel Pennington dated April 1, 1976, resigning from the Police Civil Service Commission. Mr. Pennington stated in his letter he was a candidate for Councilman at Large and according to the West Virginia Code it impossible for him to continue as a member of the Police Civil Service Commission. Councilman Casebolt made a motion to accept Mr. Pennington's resignation, the motion was seconded by Councilman at Large Tidquist and passed unanimously.

CITY RECORDER MELTON: City Recorder Melton said he had no new business but he had passed out to all Councilmen a copy of the Official results of the Board of Canvass, of the Voting machines, held June 7, 1976. Recorder Melton further stated there had only been 16 challenged ballots, 14 of which were not counted because they were not in the Voters Registration Books from the Kanawha County Voters Registration Office.

COUNCILMAN CASEBOLT: Councilman Casebolt said he had no new business but he would like to ask if there had been any replies about the lights for Ridenour Park or the State Road coming to fix the berm. Mayor Gibson stated he had no further information on these matters, but he was very pleased with the results on the paving of 40th Street. Mayor Gibson stated an outstanding job was being done on 40th Street, the best in the history of the road. Councilman Casebolt further stated he would like to see some action taken on the use of Ridenour Park. Councilman Casebolt stated he would like to have a uniformed attendant employed or a "User Fee" imposed to stop some of the littering that is taking place in the park.


COUNCILMAN AT LARGE PRIDDY: Councilman at Large Priddy had no reports or new business.

COUNCILMAN AT LARGE ALLEN: Councilman at Large Allen stated he would like to have something done about the traffic on 21st Street. Councilman at Large Allen stated that the sign Committee should investigate the traffic and see if a One-Lane-Traffic sign would help alleviate the situation.

COUNCILMAN HILL: Councilman Hill had no reports or new business.

COUNCILMAN AT LARGE TIDQUIST: Councilman at Large Tidquist state he had no new business but he would like further consideration on the suggestion that Councilman Lilly had last Council Meeting on the Collection Station for public utilities. Discussion followed on the advantages this would have for Nitro senior Citizens as well as all of the citizens. Mayor Gibson stated he would be happy to write a letter to the Public Service Commission on behalf of the citizens.

Councilman Casebolt made a motion to adjourn seconded by Councilman at Large Tidquist and passed unanimously.

  
MAYOR

  
CITY RECORDER



## NITRO CITY COUNCIL MEETING

JUNE 15, 1976

The regular meeting of Nitro City Council was held in the Council Chambers on June 15, 1976, at 8:00 P.M. Present were Mayor William D. Gibson, Recorder Tom Melton, Councilman at Large Dr. R.V. Allen, Councilman at Large Keith Priddy, Councilman at Large Hugo Tidquist, Councilman Paul Hill, Councilman Vernon Casebolt, Councilman Ronald Ritchie and City Attorney Frank Armada. Councilman Thomas B. Lilly was absent.

The meeting was called to order by the Honorable William D. Gibson, with the Reverend Robert Blixt of the First Baptist Church giving the invocation.

APPROVAL OF JUNE 7, 1976, COUNCIL MEETING MINUTES: Mayor Gibson stated each Councilman had received a copy of the minutes in the mail for their review. Mayor Gibson further stated they were the minutes for the canvassing of the voting machines for the Municipal Election held June 1, 1976. Councilman at Large Allen made a motion the minutes be approved, Councilman at Large Tidquist seconded the motion, the motion passed unanimously.

APPROVAL OF JUNE 8, 1976, COUNCIL MEETING MINUTES: Mayor Gibson stated that Council members had also received these in the mail and had an opportunity to review them. Councilman Casebolt made a motion the minutes be approved, seconded by Councilman at Large Tidquist, the motion passed unanimously.

APPROVAL OF MAY, 1976, FINANCIAL STATEMENT: Recorder Melton stated each Councilman had received a copy of the Financial Statement and there was one correction, it was reported the disbursements for the Month of May was \$42,699.35. This was a mistake in the addition and it should have been \$39,909.45. This mistake was only in the report, the Financial Statement is correct. Recorder Melton made a motion the Financial Statement be approved, the motion was seconded by Councilman Casebolt, the motion passed unanimously with the exception of Councilman at Large Priddy, who opposed.

BIDS FOR STORM DRAIN PROJECT: Councilman at Large Tidquist stated that Appalachian Engineers were going to examine the two lower bids further and they were also going to check with H.U.D. Councilman at Large Tidquist felt the bids would probably be ready for next Council Meeting. Councilman Ritchie questioned how long the money would be available from the Block Grant Program. Recorder

Melton stated that he had no information of a definite length of time for the use of the money. Councilman at Large Priddy asked how long the bids were in effect. Mayor Gibson stated he didn't know of an effective date, but the City had sufficient time to study the bids and make a decision.

Mayor Gibson stated he had a petition that was given to him by O.B. Hager, petitioning the City of Nitro to keep Cauffiel Avenue open for public use. The original hereto attached and made a part hereof. Councilman at Large Tidquist asked if this was a designated street. Mayor Gibson stated that it was on the Tax Map and also on the deeds of all property owners in that area. Councilman Casebolt said the street had been in use for the past 20 or 25 years and he did not see how it could be closed. Councilman Casebolt asked City Attorney Armada his opinion. Mr. Armada stated that officially the City had not taken any action on this situation. Mr. Armada stated that it appears the Sattes heirs has written a quitclaim deed on the property which means a person relinquishes to another a claim or title to some property or right without guaranteeing or warranting such title. Mr. Armada further stated although, the City never maintained that particular street, the general public has used it for a number of years. The City is going to place the people on notice that it should not be blocked off. The general public has acquired a prescription right to use it, regardless of whom it may belong. Councilman at Large Allen stated if the residents in the area see a sign, they should notify the Council of this.

Mayor Gibson stated that he had received a Resolution from the members of the Woman's Club and members of the Junior Woman's Club of Nitro. Mayor Gibson passed the Resolution to Recorder Melton who read it aloud.

#### RESOLUTION

WHEREAS, the people of the United States of America will celebrate and honor their country by putting a light in the window the night of July 3rd and the morning of July 4th, 1976,

WHEREAS, the people of the United States will celebrate the anniversary of the birth of this great nation by ringing a bell at 2:00 P.M. on Sunday, July 4, 1976,

THEREFORE, it is only fitting and proper that the Nitro Fire Department blow their siren at 1:58 P.M. on Sunday, July 4, 1976 to let it be known to the citizens of Nitro it is time to ring the bells.

## RESOLUTION

WHEREAS, the people of the United States of America are celebrating the 200 anniversary of the birth of this great nation, and

WHEREAS, the congress of the United States has declared the 21 days from Flag Day through Independence Day as a period to honor America and conduct public gatherings and activities at which the people of the United States can celebrate and honor their country in an appropriate manner, and

WHEREAS, the continuous display of the flag of the United States throughout this 21-day period has been declared by the American Revolution Bicentennial Administration to be a meaningful expression complementary to the common effort to ensure a national commemoration touching the hearts and minds of all citizens

THEREFORE, it is only fitting and proper that these Bicentennial Communities join with all other communities throughout the land in a Bicentennial 21-Day Flag Salute and urge all to fly the flag of the United States continuously from June 14th through July 4th as a symbol of rededication to the principles upon which this nation was founded.

Resolution recommended by the members of the Woman's Club of Nitro and members of the Junior Woman's Club of Nitro.



Councilman at Large Allen made a motion to accept the Resolution, Councilman at Large Tidquist seconded the motion and it passed unanimously.

Mayor Gibson stated there is a possibility the City of Nitro will be asked to write a check in the amount of Ten Thousand Dollars (\$10,000.00) as a means of good faith on the City's part toward purchasing the seven acres of land adjacent to City Park and Plant Road, from the West Virginia Water Company and Union Boiler Company. Mayor Gibson entertained a motion that he and Recorder Melton be able to do this. Mayor Gibson stated this \$10,000.00 would be paid out of Revenue Sharing and would go toward the total purchase price of One Hundred Thousand Dollars (\$100,000.00) for the land. Councilman Casebolt made the motion for the request to be honored, it was seconded by Councilman at Large Tidquist and passed unanimously.

Mayor Gibson passed out copies, to each Councilman, the proposed 1976-77 Fiscal Year Budget for the Nitro Sanitary Board. Mayor Gibson stated there was no need for a vote on this, it was just a matter of presenting it to the Council to see if there were any questions. The proposed budget was observed by those present but no questions were asked.

Mayor Gibson stated he had been contacted by the attorney representing Estill and Greenlee in regard to the Barrington Road land slide. The attorney stated to the Mayor that Estill and Greenlee felt they could repair the road for \$5,000.00. Mayor Gibson stated he told the attorney that if this could be done the City would have no objections, but the City would not be doing any of the work. Mayor Gibson stated that he would present it to Council and see if Council agreed to pay up to Two Thousand Five Hundred Dollars (\$2,500.00) on the work. City Attorney Armada stated before the City could participate in the repairing of the street, there would have to be an agreement made by and between Estill and Greenlee and the City, both being in full agreement, before the City could take any course of action in doing any maintenance work on Barrington Road. Mayor Gibson stated that Gene Williams, Director of Public Works, had been making periodic examinations of the slide for the protection of the citizens in that area. The City has also put up railing and flashing horses to provide the citizens with further protection.

RECORDER MELTON: Recorder Melton stated that each Councilman was in possession of a copy of the Lined Item Budget Adjustments for the fiscal year 1976-77 and asked if there were any questions on the figures or adjustments. The adjustments were as follows:

RECEIPTS	ESTIMATED BUDGET	ADJUSTED TO	NET
POLICE FINES	25,000	16,634	- 8,366
CIVIC BENEFITS	18,000	-0-	-18,000
GROSS SALES	125,000	160,000	+35,000
UTILITIES	35,000	50,000	+15,000
FRANCHISE	1,000	2,000	+ 1,000
PLUMBING LICENSE	400	250	- 150
RECREATIONAL	7,000	6,000	- 1,000
BUILDING PERMITS	1,500	3,000	+ 1,500
TOTAL			<u>24,984</u>

DISBURSEMENTSLINED ITEM:

11	13,000	13,500	+ 500
13	29,520	30,000	+ 480
14	72,530	74,030	+ 1,500
16	8,000	6,000	- 2,000
21	85,860	84	- 1,860
24	3,400	4,200	+ 800
26	3,000	3,700	+ 700
27	3,000	3,500	+ 500
30	850	1,000	+ 150
31	18,500	20,000	+ 2,000
34	600	1,900	+ 1,300
35	3,000	4,300	+ 1,300
38	7,500	11,900	+ 4,400
41	500	3,900	+ 3,400
46	15,400	17,000	+ 1,600
49	5,000	7,000	+ 2,000
51	150	2,000	+ 1,850
59	9,250	13,250	+ 4,000
60	25,000	22,000	- 3,000
60-A	17,000	23,000	+ 6,000
61	3,000	10,000	+ 7,000
62	9,600	10,600	+ 1,000
65	8,636	-0-	+ 8,636
TOTAL			<u>24,984</u>

Recorder Melton made a motion that the adjustments be made and sent to the Tax Department, the motion was seconded by Councilman Casebolt and passed unanimously.

COUNCILMAN CASEBOLT: Councilman Casebolt had no committee reports, but stated he would like to take the opportunity to say how much he enjoyed working with the Council. Councilman Casebolt stated he would like to see the City move ahead on the housing for the elderly, maintenance garage and the Smith Street Landfill, recreation facility. Councilman Casebolt said he wished the new Council all the luck in the world. Mayor Gibson stated the Council would miss him and it had been a pleasure to work with him.

COUNCILMAN AT LARGE PRIDDY: Councilman at Large Priddy had no reports.

COUNCILMAN AT LARGE ALLEN: Councilman at Large Allen had no reports but asked how often the City made inspections on downspouts going into the sanitary sewers. Mayor Gibson stated there were no routine inspections made on this but it was a violation of the Ordinance and he would appreciate knowing if anyone was violating this ordinance. Councilman at Large Allen stated he had not forgotten about the petition for 27th Street being made a one-way-street, but he would have to get further information from neighboring streets and would probably take quite sometime to get it worked out properly.

COUNCILMAN RITCHIE: Councilman Ritchie had no reports, but asked about the open meetings with the residents off of 40th Street, in regard to repair work being done on the streets after the sewer line was completed. Mayor Gibson reported he had written each property owner a letter in these various areas about this. Mayor Gibson stated he had been informed that Appalachian Engineers have a meeting scheduled at 10:00 A.M. on June 16, 1976, to meet with Dunn Construction Company to go over all streets, drive-ways, sidewalks, etc, to be repaired and if any of the Councilmen wanted to attend the meeting they would be welcome. Mayor Gibson stated that all repairs would probably be completed within the next month. Councilman Ritchie asked if the letter had been written to the Public Service Commission on the matter of getting a central collection agency in Nitro for all the public utilities. After some discussion it was decided by Council to invite a representative from each of the Utility Companies to attend Council meeting for an open discussion.

COUNCILMAN HILL: Councilman Hill had no committee reports but stated he had enjoyed working with the "City Fathers" and would like to thank everyone for their cooperation. Mayor Gibson said he would like to thank Councilman Hill for his cooperation and dedication to his office.

COUNCILMAN AT LARGE TIDQUIST: Councilman at Large Tidquist had no reports but wanted to thank everyone. Councilman at Large Tidquist made a motion to adjourn, seconded by Councilman Hill and passed unanimously.

  
MAYOR

  
CITY RECORDER

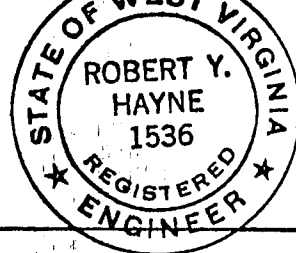




CITY OF NITRO  
STORM DRAIN IMPROVEMENTS

PAGE 1 OF 5

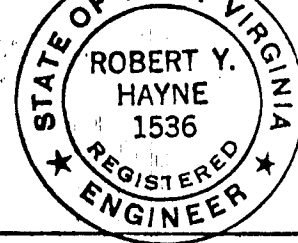
Book 14  
pg 335



BID TABULATION  
PROJECT Community Development Block Grant Program  
CONTRACT Storm Sewer Improvements  
BIDS OPENED June 8, 1976 - 8:00 p.m.

APPALACHIAN ENGINEERS INC.  
CONSULTING ENGINEERS  
CHARLESTON, WEST VIRGINIA  
*[Signature]*  
Certified Correct.

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	BIDDERS												Engineers Estimate	
				Wilson Const. Company		Valley Dev. of W. Va.		G. E. Ray Const. Company		Kinsman, Inc.		K.M. Dunn, Inc.					
				Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
				BROOKHAVEN STORM SEWER - BROOKHAVEN DRIVE & NORWOOD ROAD													
1	65" x 40" Arch Storm Sewer Pipe	560	LF	47.15	26,404.00	83.70	46,872.00	80.00	44,800.00	104.00	58,240.00	107.00	59,920.00			77.00	43,120.00
2	Headwall	1	Ea.	2,484.	2,484.00	2,525.	2,525.00	2,250	2,250.00	500.00	500.00	7,000.	7,000.00			2,200.	2,200.00
3	Wingwall	1	Ea.	1,597.	1,597.00	2,525.	2,525.00	2,400.	2,400.00	500.00	500.00	7,000.	7,000.00			2,200.	2,200.00
4	Dumped Rock Gutter	20	CY	22.00	440.00	35.75	715.00	22.00	440.00	22.00	440.00	25.00	500.00			33.00	660.00
5	Concrete Pavement Removal & Replacement	150	SY	22.00	3,300.00	18.00	2,700.00	24.80	3,720.00	26.00	3,900.00	25.00	3,750.00			27.50	4,125.00
6	Drop Inlet	2	Ea.	197.50	395.00	1,015.	2,030.00	1,100.	2,200.00	1,000.	2,000.00	700.00	1,400.00			1,100.	2,200.00
7	Construction Layout	LS		157.00	157.00	200.00	200.00	750.	750.00	1,000.	1,000.00	1,000.	1,000.00			330.	330.00
	TOTAL BID PRICE				\$34,777.00		\$57,567.00		\$56,560.00		\$66,580.00		\$80,570.00				\$54,835.00
				BROOKHAVEN STORM SEWER - BROOKHAVEN DRIVE & FAIRVIEW DRIVE													
1	36" Storm Sewer Pipe	495	LF	38.07	18,844.65	45.40	22,522.50	56.00	27,720.00	60.00	29,700.00	72.00	35,640.00			44.00	21,780.00
2	Headwall	2	Ea.	1,250.	2,500.00	900.00	1,800.00	1,700.	3,400.00	500.00	1,000.00	3,000.	6,000.00			1,650.	3,300.00
3	Dumped Rock Gutter	35	CY	22.00	770.00	35.75	1,351.25	22.00	770.00	22.00	770.00	25.00	875.00			33.00	1,155.00
4	Concrete Pavement Removal & Replacement	100	SY	22.00	2,200.00	18.00	1,800.00	24.80	2,480.00	23.00	2,300.00	25.00	2,500.00			27.50	2,750.00



**PROJECT:** Community Development Block Grant Program

# CONTRACT Storm Sewer Improvements

**BIDS OPENED** June 8, 1976 - 8:00 p.m.

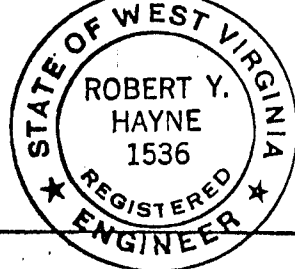
APPALACHIAN ENGINEERS INC  
CONSULTING ENGINEERS  
CHARLESTON, WEST VIRGINIA

CONSULTING ENGINEERS  
CHARLESTON, WEST VIRGINIA

*Ran. Wallace*

Certified Correct.

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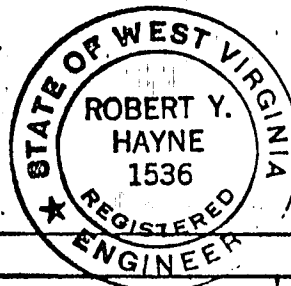


BID TABULATION  
PROJECT Community Development Block Grant Program  
CONTRACT Storm Sewer Improvements  
BIDS OPENED June 8, 1976 - 8:00 p.m.

APPALACHIAN ENGINEERS INC.  
CONSULTING ENGINEER  
CHARLESTON, WEST VIRGINIA  
*[Signature]*  
Certified Correct.

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	BIDDERS												Engineers Estimate	
				Wilson Const. Company		Valley Dev. of W.Va.		G. E. Ray Const. Company		Kinsman, Inc.		K.M. Dunn, Inc.					
				Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
				KANAWHA AVENUE STORM SEWER													
1	18" Storm Sewer Pipe	605	LF	14.33	8,669.65	16.86	10,200.00	28.00	16,940.00	26.00	15,730.00	31.00	18,755.00			22.00	13,310.00
2	Headwall	1	Ea	1,053	1,053.00	700.00	700.00	800.00	800.00	500.00	500.00	1,000	1,000.00			1,100.	1,100.00
3	Drop Inlets	3	Ea	1,408.	4,224.00	800.00	2,400.00	700.00	2,100.00	1,000.	3,000.00	800.	2,400.00			1,430.	4,290.00
4	Dumped Rock Gutter	10	CY	22.00	220.00	35.75	357.50	22.00	220.00	22.00	220.00	25.00	250.00			33.00	330.00
5	Ditch Line Grading	LS		303.00	303.00	1,100.	1,100.00	600.00	600.00	1,000.	1,000.00	1,000.	1,000.00			1,100.	1,100.00
6	Construction Layout	LS		171.00	171.00	200.	200.00	430.00	430.00	1,000.	1,000.00	1,000	1,000.00			330.	330.00
	TOTAL BID PRICE				\$14,640.65		\$14,957.80		\$21,090.00		\$21,450.00		\$24,405.00				\$20,460.00





**BIDS OPENED** June 8, 1976 - 8:00 p.m.

CONSULTING ENGINEER  
CHARLESTON, WEST VIRGINIA

*R. W. Wilson*  
Certified Correct.

[illegible]

# 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

July 6, 1976

Department of Housing & Urban Development  
Pittsburgh Area Office  
2 Alleghney Center  
Pittsburgh, Pennsylvania 15212

Attention: CPD Processing Branch

Re: Nitro CD Block Grant  
Grant No. B-75-DF-54-0017  
Storm Sewers

Gentlemen:

We are in receipt of "Notice of Removal of Grant Conditions" HUD Form 7015.16 (7-75). However, we have not received Treasury Form GFO-7578 (Request for Payment on Letter of Credit and Status of Funds Report).

Bids were received for the storm sewer project on June 8, 1976. The low bid in the amount of \$101,580.72 exceeds the available CD Block Grant of \$80,000 by \$21,580.72. The City of Nitro does not have resources to fund the difference. Under the circumstances, we would like to take the following action and ask that you concur in it.

The storm sewer project consists of installation of storm sewers in five different locations.

<u>DESCRIPTION</u>	<u>BID PRICE</u>
1. Brookhaven Drive & Norwood Road	\$ 35,166.20
2. Brookhaven Drive & Fairview Drive	21,406.25
3. River & Kanawha Avenues	16,895.50
4. Kanawha Avenue	17,917.90
5. Old County Road	15,199.97

TOTAL LOW BID

\$ 101,580.72

July 6, 1976

Please note that the area of Brookhaven is getting two storm sewers. We would like to delete one project, namely, Brookhaven Drive and Fairview Drive, resulting in a revised contract price of \$101,580.72 - \$21,406.25 = \$80,174.47. The City of Nitro will fund \$174.47 and any other expenses over the HUD grant of \$80,000.

A meeting was held with the residents of Brookhaven area along with their Councilman Mr. Ritchie. The residents are in agreement with the proposal as outlined above.

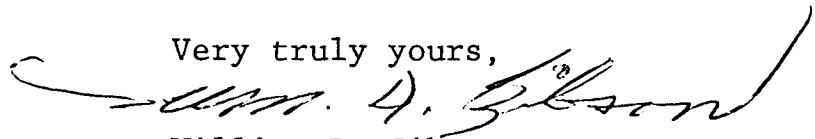
We feel that we have received excellent bids and would like to award the contract to Valley Development of West Virginia, Inc. The last date for awarding the contract is August 6, 1976.

The labor officer designated for this project is Mr. John Aeiker, Appalachian Engineers, Inc., 215 Dunbar Street, Charleston, West Virginia. Telephone Number - 304-343-9211.

Please notify us regarding the debarment status of the lowest responsible bidder namely, Valley Development of West Virginia, Inc. 5900 MacCorkle Avenue, SW St. Albans, West Virginia 25177.

We will appreciate a prompt reply.

Very truly yours,



William D. Gibson, Mayor  
City of Nitro

cc: Appalachian Engineers, Inc.

APPALACHIAN ENGINEERS, INC.

301 OTT BUILDING - 215 DUNBAR STREET  
CHARLESTON, WEST VIRGINIA  
25301

304 343-9211

July 2, 1976

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

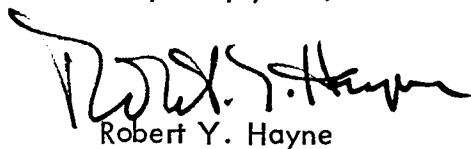
Re: Storm Sewer Project  
Analysis of Bids

Dear Mayor Gibson:

We have analyzed the bids received for the Storm Sewer Project and attach our recommendations. We have also discussed the procedures to follow with representatives of HUD at the Pittsburg office. We attach a draft of a letter for you to send to HUD concerning the storm sewer contract.

It is recommended that you accept the adjusted low bid from Valley Development, Inc. in the amount of \$80,174.47 and make award of the contract, subject to final concurrence from HUD. If you should have any questions in this regard please contact Mr. Habib of this office.

Very truly yours,



Robert Y. Hayne

RYH:jb

Attachments: (1) Bid Analysis  
(2) Draft of Letter to HUD



ANALYSIS OF BIDS  
CITY OF NITRO  
STORM DRAIN PROJECT

June 17, 1976

The City of Nitro received a Community Development Block Grant from the Department of Housing and Urban Development for installation of storm sewers in certain areas of Nitro. Appalachian Engineers, Inc., prepared plans and specifications for the project and bids were received on June 8, 1976. Bids were received from five (5) contractors and ranged from \$108,979 to \$205,827. The Engineer's Estimate was \$154,957. A tabulation of bids is attached.

During the late pre-bid period, it was determined that the specifications called for asbestos bonded bituminous coated corrugated metal pipe, which is a premium pipe coating for specialized purposes and not essential to this project. Time did not permit the issuance of an addendum to permit the use of bituminous coated corrugated metal pipe, (BCCMP) without asbestos bonding. In view of the late discovery, Appalachian Engineers decided to proceed with receipt of bids based on the specified material and then prior to award of contract, effect a cost reduction reflecting the difference in cost of pipe by Change Order.

The difference between the low bid by Wilson Construction at \$108,979 and Valley Development, Inc., at \$138,145, is accounted for by the net difference in cost of the pipe, as indicated by the attached analysis of the three low bids and the Engineer's Estimate.

On June 9, a representative of Wilson Construction Company called Mr. Dan Warner of this office, and stated that upon review of their work papers, it was found that Wilson had used the bituminous coated corrugated metal pipe (BCCMP) price instead of the asbestos bonded bituminous coated corrugated metal pipe price. He further stated that Wilson would not accept award of the contract on the basis of the specified material. Wilson Construction Company confirmed this conversation by letter dated June 17, 1976, and attached hereto.

Courses of action open to the City are as follows:

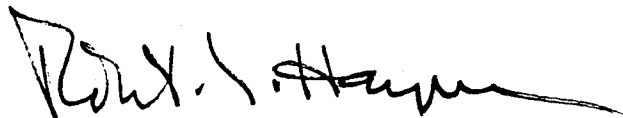
1. Accept Wilson low bid on basis of alternate material BCCMP. This would not be fair to other bidders.
2. Accept Wilson low bid and require use of specification material or corresponding reduction in price. Wilson refused to accept contract under these conditions.
3. Award Contract to second low bidder and retain Wilson bid bond in the amount of \$5,499. This would not be best cost to City.
4. Request adjusted price from Valley Development, the second low bidder on basis of using alternate BCCMP material.

Valley Development has submitted letter dated June 17th revising their Bid on basis of using alternate BCCMP material, which will decrease the bid by \$36,563.41, for a net cost to the City of \$101,580.72. The revised Bid price by Valley is \$7,400 less than the Wilson Bid price. The difference is greater than the Wilson bid bond forfeiture by \$1,900. Material Cost calculations using the net difference in cost of the material from quotations by two material suppliers for the three low bidders and the engineer's estimate is tabulated on the attachment. The revised Bid of Valley Development, using alternate BCCMP material is less than the irregular bid submitted by Wilson Construction.

It is recommended that the City reject the Bid of Wilson Construction Company, without forfeiture of Bid Bond. The Bid was non-responsive to the invitation and specifications and constituted an unintentional error on the part of the contractor for which he should not be unduly penalized.

It is further recommended that the City tentatively accept the revised bid of Valley Development, Inc., and submit the documents to Department of HUD for approval of award of contract to Valley Development, Inc.

It is recommended that the Brookhaven Storm Sewer Project at Brookhaven Drive and Fairview Drive be deleted from the Contract. Deletion of the revised amount of \$21,406.25 for this section will bring the total project construction cost within \$150 of the Community Development Block Grant.



Robert Y. Hayne

APPALACHIAN ENGINEERS, INC.  
301 Ott Bldg. — 215 Dunbar St.  
Charleston, West Virginia

CITY OF NITRO  
STORM DRAIN IMPROVEMENTS

MATERIAL COST ANALYSIS:

<u>Item</u>	<u>Asbestos Bonded</u>	<u>Bituminous Coated</u>	<u>Price Difference</u>	<u>Quantity</u>	<u>Amount</u>
65" x 40" Bands	\$42.37 LF 57.20 Ea.	\$18.11 LF 7.90 Ea.	\$24.26 49.30	560 LF 32 Ea.	\$13,585.60 1,577.60
36" Bands	20.14 LF 20.14 Ea.	10.16 LF 4.74 Ea.	9.98 15.67	495 LF 28 Ea.	4,940.10 438.76
18" Bands	9.99 LF 9.99 Ea.	4.23 Ea. 1.80 Ea.	5.76 8.19	1806 LF 99 Ea.	10,402.56 810.81
TOTAL ADJUSTED MATERIAL COST					\$31,755.43

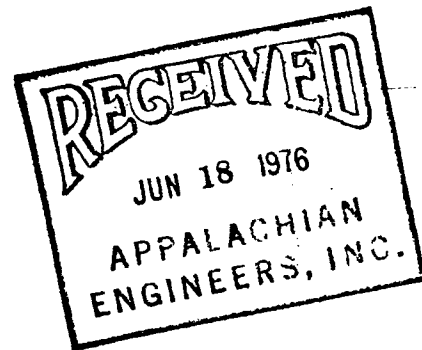
BID ANALYSIS: (3 Low Bids)

<u>BIDDERS</u>	<u>WILSON</u>	<u>VALLEY</u>	<u>RAY</u>	<u>ENGINEER'S ESTIMATE</u>
BID PRICE	\$108,979	\$138,145	\$163,549	\$ 154,957
LESS MATERIAL DIFFERENCE	<u>-0-</u>	<u>31,755</u>	<u>31,755</u>	<u>31,755</u>
ADJUSTED BID PRICE	\$108,979	\$106,390	\$131,794	\$ 123,202
BID BOND - 5%	\$ 5,449	\$ 6,907	\$ 8,177	
REVISED BCCMP PROPOSAL	NONE	\$101,580	NONE	NONE

# wilson

**construction co.**

p. o. box 1863  
huntington, west virginia 25719  
June 17, 1976



Appalachian Engineers, Inc.  
301 Ott Building  
215 Dunbar Street  
Charleston, WV

Attention: Dan Warner

Re: Nitro Storm Sewers  
Nitro, WV

Gentlemen:

We have reviewed our bid on this project and feel that it is not feasible for us to construct the storm sewers using the asbestos bonded pipe at our bid price.

Apparently our firm name was omitted from a list of prospective bidders and we did not receive prices on various items including the asbestos bonded pipe. This probably also accounts for our failure to receive Addendum #3.

We will be glad to proceed with the project using the type of pipe quoted by Carolina Culvert Mfg. Co., but request that we be permitted to withdraw our bid with no penalty if the asbestos bonded pipe is to be required.

Thank you for your cooperation in this matter and we hope that some mutual agreeable solution can be arranged.

Yours very truly,

WILSON CONSTRUCTION CO.

*L W Watts*  
L. W. Watts  
General Manager

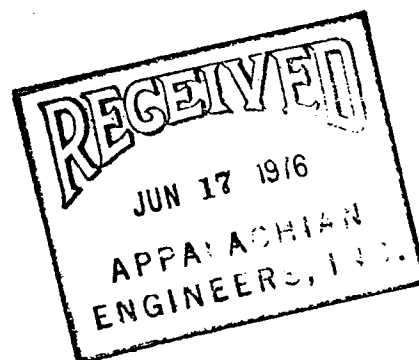
LWW:vs

Valley Development Of W. Va., Inc.  
GENERAL CONTRACTORS  
5900 MacCORKLE AVENUE, S. W.  
ST. ALBANS, W. VA. 25177  
Phone (304) 768-9426

DAVID L. SOUTHALL  
PRESIDENT  
VERNON L. WITHROW  
VICE PRESIDENT

HEAVY CONSTRUCTION  
SEWER AND WATER LINE  
BORING AND JACKING  
TUNNELING

Appalachian Engineers  
Ott Building  
Charleston, W.Va.



Att. Mr. Bobb. Hayne

In regards to are conversation of June 14, 1976 concerning a decrease in the bids, that were given on the Nitro Storm Sewer Improvements, Project.

I am prepared to make a decrease in my bid of \$36,563.41. providing it is permissible to substitute asphalt coated corrugated metal culvert in place of the asbestos bonded corrugated metal culvert pipe.

I have also prepared from my record a substitute bid on the original bid proposal blank, so you will be able to see the adjustment in my bid. Most of which comes from the different in the cost of material.

Sincerely;

Valley Development of W. Va. Inc.

*David L. Southall Pres.*

David L. Southall Pres.

The Bidder understands that the Bid Proposal will be considered by sections and that the Owner may eliminate one or more sections as may be necessary to come within budget limitations. Any sections to be eliminated from the Contract shall be selected by the Owner.

The Contractor is cautioned not to unbalance his bid for the various sections. Apparent unbalanced bids by sections shall be cause for rejection of the entire Bid Proposal.

UNIT PRICE

UNIT BID PRICE

The Bidder hereby proposes to furnish all labor, equipment, materials, supplies, and other incidentals necessary to improve the storm sewer at City of Nitro in accordance with the Drawings and Specifications for the following unit prices:

Unit Price Schedule

Brookhaven Storm Sewer - Brookhaven Drive & Norwood Road

<u>Item No.</u>	<u>Approx. No.</u>	<u>Item</u>	<u>Unit Price</u>	<u>Total for Item</u>
1	560 L F	65" x 40' Arch Storm Sewer Pipe	\$ <u>43.24</u> Per L F	\$ <u>24,472.00</u>
2	1 Each	Headwall	\$ <u>2524.25</u> Per Ea.	\$ <u>2,524.25</u>
3	1 Each	Wingwall	\$ <u>2524.25</u> Per Ea.	\$ <u>2,524.25</u>
4	20 CY	Dumped Rock Gutter	\$ <u>35.22</u> C Y	\$ <u>715.00</u>
5	150 S Y	Concrete Pavement Removal & Replacement	\$ <u>18.00</u> S Y	\$ <u>2,700.00</u>
6	2 Each	Drop Inlet	\$ <u>1015.35</u> Per Ea.	\$ <u>2,030.70</u>
7	L S	Construction Layout	\$ <u>200.00</u> L S	\$ <u>200.00</u>

Total Bid Price - Brookhaven Dr. & Norwood Rd. \$ 35,166.20

### Unit Price Schedule

#### Brookhaven Storm Sewer - Brookhaven Drive & Fairview Drive

<u>Item No.</u>	<u>Approx. No.</u>	<u>Item</u>	<u>Unit Price</u>	<u>Total for Item</u>
1	495 L F	36" Storm Sewer Pipe	\$ <u>29.00</u> Per L F	\$ <u>14,355.00</u>
2	2 Each	Headwall	\$ <u>900.00</u> Per Ea.	\$ <u>1800.00</u>
3	35 C Y	Dumped Rock Gutter	\$ <u>35.75</u> C Y	\$ <u>1251.25</u>
4	100 S Y	Concrete Pavement	\$ <u>18.00</u> S Y	\$ <u>1800.00</u>
5	L S	Clean Existing Channel	\$ <u>2000.00</u> L S	\$ <u>2000.00</u>
6	L S	Construction Layout	\$ <u>200.00</u> L S	\$ <u>200.00</u>

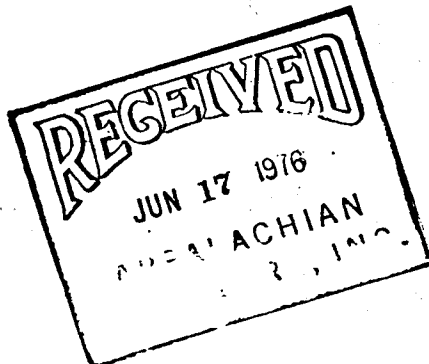
Total Bid Price - Brookhaven Dr.  
& Fairview Dr. \$ 21,406.25

### Unit Price Schedule

#### River & Kanawha Avenue Storm Sewer

<u>Item No.</u>	<u>Approx. No.</u>	<u>Item</u>	<u>Unit Price</u>	<u>Total for Item</u>
1	680 L F	18" Storm Sewer Pipe	\$ <u>15.60</u> Per L F	\$ <u>10,608.00</u>
2	1 Each	Headwall	\$ <u>700.00</u> Per Ea.	\$ <u>700.00</u>
3	5 Each	Drop Inlets	\$ <u>800.00</u> Per Ea.	\$ <u>4000.00</u>
4	10 C Y	Dumped Rock Gutter	\$ <u>35.75</u> C Y	\$ <u>357.50</u>
5	L S	Ditch Line Grading	\$ <u>1080.00</u> L S	\$ <u>1080.00</u>
6	L S	Construction Layout	\$ <u>150.00</u> L S	\$ <u>150.00</u>

Total Bid Price - River &  
Kanawha Avenue \$ 16,895.50





### Unit Price Schedule

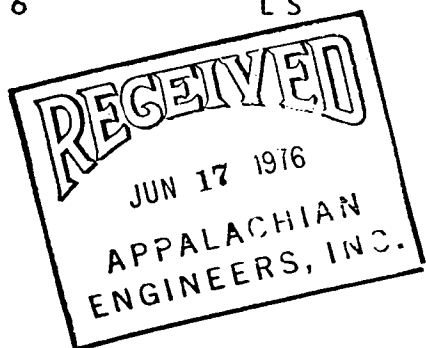
#### Kanawha Avenue Storm Sewer

<u>Item No.</u>	<u>Approx. No.</u>	<u>Item</u>	<u>Unit Price</u>	<u>Total for Item</u>
1	605 L F	18" Storm Sewer Pipe	\$ <u>13.45</u> Per L F	\$ <u>8,155.40</u>
2	1 Each	Headwall	\$ <u>700.00</u> Per Ea.	\$ <u>700.00</u>
3	3 Each	Drop Inlets	\$ <u>800.00</u> Per Ea.	\$ <u>2,400.00</u>
4	10 C Y	Dumped Rock Gutter	\$ <u>35.75</u> C Y	\$ <u>357.50</u>
5	L S	Ditch Line Grading	\$ <u>1100.00</u> L S	\$ <u>1,100.00</u>
6	L S	Construction Layout	\$ <u>200.00</u> L S	\$ <u>200.00</u>
Total Bid Price - Kanawha Avenue				\$ <u>12,912.90</u>

### Unit Price Schedule

#### Old County Road

<u>Item No.</u>	<u>Approx. No.</u>	<u>Item</u>	<u>Unit Price</u>	<u>Total for Item</u>
1	521 L F	18" Storm Sewer Pipe	\$ <u>17.75</u> Per L F	\$ <u>9,247.75</u>
2	6 Each	Drop Inlets	\$ <u>570.00</u> Per Ea.	\$ <u>3,420.00</u>
3	1.5 C Y	Dumped Rock Gutter	\$ <u>36.75</u> C Y	\$ <u>55.12</u>
4	L S	Ditch Line Grading	\$ <u>2000.00</u> L S	\$ <u>2,000.00</u>
5	10 Ton	Aggregate for Surfacing	\$ <u>18.00</u> Ton	\$ <u>180.00</u>
6	L S	Construction Layout	\$ <u>300.00</u> L S	\$ <u>300.00</u>
Total Bid Price - Old County Road				\$ <u>15,199.87</u>



The following is a summary by Sections of the Total Unit Price Bids for:

Brookhaven Storm Sewer - Brookhaven Drive & Norwood Road	\$ <u>35,166.20</u>
Brookhaven Storm Sewer - Brookhaven Drive & Fairview Drive	\$ <u>21,406.25</u>
River and Kanawha Avenue Storm Sewer	\$ <u>16,895.50</u>
Kanawha Avenue Storm Sewer	\$ <u>12,912.90</u>
Old County Road Storm Sewer	\$ <u>15,199.82</u>
TOTAL BID	\$ <u>101,580.72</u>

The Bidder further understands and agrees that his Bid may not be withdrawn for a period of sixty (60) days after the scheduled closing time and opening thereof, and that the Owner reserves the right to reject any and all bids and to waive any informalities in the bidding.

5900 MacCorkle Ave. SW.  
Street Address

ST Albans W.Va. 25177  
City and State

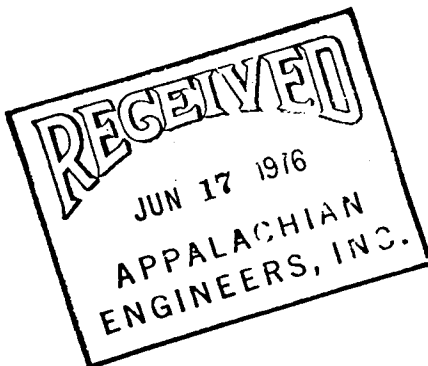
(Corporate Seal)

Respectfully submitted,

Valley Development of W. Va. Inc.  
Name of Bidder

David L. Southall Pres.  
Signature and Title

\_\_\_\_\_  
Signature and Title



## NITRO CITY COUNCIL MEETING

JULY 6, 1976

The regular meeting of Nitro City Council was held in the Council Chambers on July 6, 1976 at 8:00 P.M. Present were Mayor William D. Gibson, Recorder Tom Melton, Councilman at Large Dr. R. V. Allen, Councilman at Large Donald Karnes, Councilman at Large Mel Pennington, Councilman Ronald Ritchie, Councilman Homer Thomas, Jr. Councilman Dean Miller, Councilman Gus Bailey and City Attorney Frank Armada.

The meeting was called to order by the Honorable William D. Gibson. Mayor Gibson welcomed all the new Councilmen and Recorder Melton.

APPROVAL OF JUNE 15, 1976 COUNCIL MEETING MINUTES:

Mayor Gibson stated each Councilman had received a copy in the mail for their review. Councilman at Large Allen made a motion the minutes be approved, the motion was seconded by Councilman Ritchie and passed unanimously.

APPROVAL OF JUNE FINANCIAL REPORT: Recorder

Melton gave the following report:

Balance June 1, 1976	28,211.32	General Fund
Receipts	42,481.90	
Disbursements	62,855.96	

Recorder Melton stated the disbursements included Social Security Contribution for the full quarter and all election expenses. This left a balance of 7,837.26 in checking account for June and 33,409.36 in Special Investment Saving Account.

RESOLUTION PERTAINING TO RIVERBANK EROSION:

Recorder Melton read the Resolution to all Councilmen from the Kanawha Valley Planning Commission. A copy attached hereto and made a part hereof. Councilman at Large Pennington asked if the Corps of Engineers was going to do the work on this project, the Mayor replied the Corps would be doing the work. Councilman at Large Allen made a motion to accept the Resolution, the motion was seconded by Councilman Thomas and passed unanimously. The Resolution is in Resolution Book One at Page One.

RESOLUTION, KANAWHA VALLEY REGIONAL TRANSPORTATION

AUTHORITY: Mayor Gibson recognized Melton Back, Assistant Manager of KVRTA, who stated KVRTA was asking the citizens of Nitro to support the transit levy that would be voted on July 20, 1976. Councilman at Large Pennington asked if the property owners would pay the tax. Mr. Back replied that it would be a personal property tax. Recorder Melton read aloud the resolution to all Councilmen a copy attached hereto and made a part hereof. The Resolution is in Resolution Book One at Page Two. Mr. Back stated further it would take a 60% vote for the levy to pass and it would not increase taxes. Councilman Ritchie made a motion to accept the Resolution. The motion was seconded by Councilman at Large Allen and passed unanimously.

POSSIBILITY OF ESTABLISHING A COLLECTION STATION

FOR PAYMENT OF UTILITY BILLS IN NITRO: Mayor Gibson recognized the following representatives of the Utility Companies:

Diana Allen, C & P Telephone Company  
 R. S. Dawson, W. Va. Water Company  
 E. J. Shaver, Jr., Appalachian Power Company  
 I. D. Christian, Columbia Gas Company  
 Don Patton, Kanawha Cable/Vision

Mayor Gibson asked Councilman at Large Allen to be spokesman for this discussion since he had been more involved in trying to get a central collection agency for the benefit of the Senior Citizens. Councilman at Large Allen asked the representatives as a whole if there were any reasons there could not be a central Collection agency. Mr. Dawson, representing W. Va. Water Company, stated the Bank of Nitro was collecting for their company and doing an outstanding job. Diana Allen, C & P Telephone Company, stated they had contacted the Bank of Nitro to collect for their company and was still waiting a reply. A lengthy discussion followed on the pros and cons of the City itself becoming a collection agency. There were questions of the space, personnel, salary, and compensation from the individual companies. All the Companies were in favor of a central collection agency and would cooperate in this matter, if a business or the Bank of Nitro would be willing to establish themselves as a collection agency. Councilman at Large Allen stated he would go to the Bank of Nitro as a representative of the Utility Companies and the citizens and see if the Bank of Nitro would be in agreement. The various representatives also agreed that the Bank of Nitro would be the most logical collection point and indicated a desire to work toward this accomplishment.

ALLEY CONTROVERSY ADJACENT TO PROPERTY SITUATED ON BLACKWOOD AVENUE: Mayor Gibson asked Councilman Bailey for his report on this situation. Councilman Bailey stated there were several of the residents present to take part in this discussion. Those present were: Mr. and Mrs. Charles Collins, Mr. George McClure, Mr. and Mrs. William Casto, Mrs. Doris Lemon and Mickey Lemon, Mr. and Mrs. Tom Bateman, Jr., Clarence Watt, Attorney at Law, present in behalf of Mr. and Mrs. Charles Collins, Ted Ghiz, Attorney at Law present in behalf of Mr. and Mrs. William Casto, Mrs. Doris Lemon and her son, Mickey Lemon.

Attorney Watt speaking in behalf of his clients stated the map which is the subject matter laid out particular lots that demonstrates and illustrates an alley approximately 10 feet in width. We received information sometime ago there was a delegation that attended Council Meeting asking the City to abandon the alley and give the 10 feet to the respective property owners. We do not feel the City has the right or authority to do this. The alley is there and at this point we will ask that it remain an alley to be used by any one that wants to use it.

Attorney Ghiz speaking in behalf of his clients stated that in his search of the Kanawha County Courthouse records could not find where the City had accepted these streets and alleys. The present use of them would become streets and alleys by prescription rather than formal adoption by the City. The alley while in existence, that is the land is there, is not an alley, and the only one that uses it is Mr. Collins, but the other residents that abut on it use it as their lawn. I do feel the City could pass a resolution that this particular alley could be abandoned and not give the land away because I do not feel the City has that authority.

Each of the residents present were given time to explain the situation as they felt it affected or concerned their property.

Attorney Watts speaking in behalf of Mr. and Mrs. Collins stated that Mr. and Mrs. Collins did not want to damage anyone's property and would certainly take care of any damages inflicted or make compensation.

Attorney Ghiz speaking in behalf of his clients, Mr. and Mrs. William Casto, Mr. and Mrs. Tom Bateman, and Mrs. Doris Lemon, stated he recommended that Council abandon it because it is not an alley.

Attorney Watt speaking for Mrs. Collins stated when the property was originally acquired by Mrs. Blackwood, mother of Mrs. Collins, the alleys were conveyed to her and may I direct your attention to the deed in Deed Book 236 at Page 297 in which the alleys were conveyed to Mrs. Blackwood with reference to this particular alley which was included in the conveyance. Secondly, at the time Mrs. Blackwood wrote her will she devised certain properties to Mr. and Mrs. Collins which included also the alleys and it included this particular alley and her will is also of record in the Clerk's Office at the Kanawha County Courthouse.

City Attorney Armada speaking in behalf of the City Council stated first it would have to be determined if the City had an interest in that property. Also, the fact of the will puts a different light on the situation. Attorney Armada recommended the Council take no action on this until he could determine if Mr. and Mrs. Collins were fee title owners to the land. Attorney Watt agreed, and was willing to give City Attorney Armada all information concerning the will of Mrs. Blackwood and the deed to the properties in this location. Councilman at Large Pennington made a motion this be tabled until the first Tuesday in August at the regular Council Meeting at 8:00 P.M., Councilman at Large Karnes seconded the motion and it passed unanimously.

Mayor Gibson recognized Mr. Kermit Thompson spokesman for a delegation of citizens residing on 39th Street, East. Mr. Thompson stated that Mrs. Connie Stephens, Secretary for the Sanitary Board, asked the property owners in that vicinity to give the City a 10 foot easement for the sewer system. Mr. Thompson stated to proceed with the sewer line would cause a number of problems for the residents in this area. Mr. Danny Warner, Engineer of Appalachian Engineers, Inc., stated there were several alternate routes and they intended to propose to the Sanitary Board on July 8, 1976 at their regular meeting. Mayor Gibson stated he had discussed this matter with Mr. Thompson on a previous occasion and told Mr. Thompson that the Sanitary Board may withdraw on this matter if it would cause undue hardship on the residents in the area, and it was going before the Sanitary Board for further consideration. Mayor Gibson further stated the Sanitary Board would be meeting on July 8, 1976 at 4:00 P. M. and this was on the Agenda for discussion. Mayor Gibson stated the engineers had done some more research in this location and there would be other recommendations made. Mayor Gibson invited all the residents in that area to attend the Sanitary Board meeting of July 8, for further discussion of this matter.

AWARDING OF BID INVOLVING BLOCK GRANT FOR STORM DRAIN PROJECTS: After much discussion and a change in the original plans, council awarded a contract for a storm sewer project.

Valley Development of West Virginia, Inc., of St. Albans will construct the project for \$80,174.47.

The company originally bid \$138,144.38 but the price tag was cut by changing the type of pipe used and eliminating the Brookhaven Drive-Fairview Drive portion of the project.

The reductions were necessary because the city has received a federal grant for only \$80,000.

Engineer Danny Warner approved the changes and said residents in the area which was dropped agreed to the change. A meeting was held with the residents in the area resulting in the agreement.

At the time bids were opened in June, the apparent low bidder was Wilson Construction Co. of Huntington but that company had included the price for a type of pipe different from the one in the Valley Development bid. When the Valley Development bid was adjusted, it was lower. Motion to accept bid of Valley Development, Inc. by Councilman at Large Dr. Allen seconded by Councilman at Large Pennington, passed unanimously.

Councilman Ritchie made a motion that Mayor Gibson be given permission to write a letter, addressed to H.U.D. advising them of Council's decision and changes involved. The motion was seconded by Councilman Bailey and passed unanimously.

Mayor Gibson passed out the list of the new Committee Members effective July 1, 1976. Mayor Gibson asked the list be made part of the minutes of the meeting. The new committee members are as follows:

#### ANNEXATION COMMITTEE

Ronald Ritchie (Chairman)  
Dr. R. V. Allen  
Dean Miller

#### BUILDING AND PLANNING COMMITTEE

Gus Bailey (Chairman)  
Mel Pennington  
Ronald Ritchie

BUSINESS AND CIVIC BETTERMENT COMMITTEE

Mel Pennington (Chairman)  
Dr. R. V. Allen  
Ronald Ritchie

CONSUMER PROTECTION COMMITTEE

Donald Karnes (Chairman)  
Dean Miller  
Homer Thomas, Jr.

THREE CITY HUMANE ASSOCIATION

Homer Thomas, Jr. (Chairman)  
Mel Pennington  
Ronald Ritchie

EMERGENCY AMBULANCE SERVICE COMMITTEE  
TO ASSIST KANAWHA COUNTY COURT AND  
PUTNAM COUNTY COURT IN THEIR EFFORTS  
TO ESTABLISH AN AMBULANCE SERVICE

Gus Bailey (Chairman)  
Dean Miller  
Donald Karnes

FINANCE COMMITTEE

Tom Melton (Chairman)  
Donald Karnes  
William Gibson  
Ronald Ritchie  
Dr. R. V. Allen

FIRE DEPARTMENT COMMITTEE

Mel Pennington (Chairman)  
Gus Bailey  
Homer Thomas, Jr.

GARBAGE HEALTH AND TRASH COMMITTEE

Donald Karnes  
Dean Miller  
William Gibson

INSURANCE COMMITTEE

Dr. R. V. Allen (Chairman)  
Donald Karnes  
Gus Bailey



LIBRARY COMMITTEE

Ronald Ritchie (Chairman)  
Gus Bailey  
Dr. R. V. Allen

ORDINANCE COMMITTEE

Dr. R. V. Allen (Chairman)  
Dean Miller  
Ronald Ritchie

POLICE DEPARTMENT COMMITTEE

Dr. R. V. Allen (Chairman)  
Mel Pennington  
William Gibson

RECREATION COMMITTEE

Mel Pennington (Chairman)  
Dr. R. V. Allen  
Donald Karnes

SIDEWALK COMMITTEE

Homer Thomas, Jr. (Chairman)  
Dean Miller  
Donald Karnes

STORM DRAIN COMMITTEE

Dean Miller (Chairman)  
Gus Bailey  
Homer Thomas, Jr.

STREET AND TRAFFIC COMMITTEE

Dr. R. V. Allen (Chairman)  
Homer Thomas, Jr.  
Mel Pennington

STREET LIGHT-STREET NUMBERING &  
STREET SIGN COMMITTEE

Dean Miller (Chairman)  
Donald Karnes  
Gus Bailey

BRIEF COMMITTEE GUIDELINESBRIEF 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 and/or request a copy of the same be attached to the minutes of the next Council Meeting.

Mayor Gibson requested Councilman Bailey to read a letter from the Nitro Lions Club in behalf of the Annual Antique Car Show to be held September 11, 1976 . The letter requested the closing of 21st Street between Bank Street and Second Avenue, affecting only this section of 21st Street for the dance. Also, requesting the closing of 21st Street and the West end of Bank Street to Second Avenue. Councilman At Large Pennington made a motion to comply with the requests of the letter, Councilman Ritchie seconded the motion. The motion passed unanimously.

Mayor Gibson read a letter from Reverend Arley Cravens Nitro Church of God requesting permission for a parade July 24, 1976, 1:00 P.M. for their Vacation Bible School. The letter further requested a Police Escort and use of a fire truck with children riding on the truck.

A discussion followed involving advice from Mr. Armada on the facts the Council should not give permission for any citizen to ride on a fire truck, but the fire truck could be in the parade. They could also have a police escort. Councilman Bailey made a motion for the permission of the parade, seconded by Councilman at Large Pennington, and passed unanimously.

Mayor Gibson had in his possession a letter dated July 1, 1976, from William L. Wilshire, Jr., Assistant Director, Traffic Engineering Division, West Virginia Department of Highways, in regard to speed zoning on West Virginia Route 25 in Nitro. Mayor Gibson briefly summarized the letter and turned it over to the Traffic Committee for further study. The Traffic Committee will study the recommendations made and report back to Council on their decision.

Mayor Gibson reminded Council of the new Legislation "House Bill 815" for the Police and Fire Departments. This Legislation is in connection with legal holidays and compensation for working holidays. Mayor Gibson asked Councilman at Large Allen, Chairman of the Ordinance Committee, if he had a recommendation to make. Councilman at Large Dr. Allen recommended that City Attorney Armada compile an Ordinance in order that the City be in compliance with House Bill 815. Councilman at Large Dr. Allen stated it would have to be retroactive as of June 8, 1976, effective date of the Bill.

Councilman at Large Allen made a motion to accept House Bill 815, the motion was seconded by Councilman Ritchie and passed unanimously.

Mayor Gibson requested that Councilman at Large Allen give his report on 27th Street being made a one-way street. Councilman at Large Allen stated the Traffic Committee had not made a decision on this. They were waiting for the stop light to be erected at 40th Street to see what the effect would be on traffic in this area. Councilman at Large Allen stated further on the dangerous and hazardous condition of the incline coming off the dam at Ridenour Memorial Park. Councilman At Large Allen reminded Council this was a State Highway, but there were signs of some nature that needed to warn vehicles of the curves and low berm.

Mayor Gibson recommended Council to reappoint Judge James H. Crewdson as City Judge. Discussion followed on the length of the appointment. City Attorney explained to Council that an appointment by them for any official was not for a definite length of time. Councilman at Large Dr. Allen made a motion the appointment be made, it was seconded by Councilman Thomas and passed unanimously.

Mayor Gibson recommended to Council to reappoint Frank Armada as City Attorney. Councilman at Large Karnes made a motion for the reappointment, seconded by Councilman at Large Pennington, and passed unanimously.

Mayor Gibson recommended that Appalachian Engineers be reappointed as City Engineering Firm. Councilman at Large Karnes made a motion for the reappointment, seconded by Councilman at Large Pennington and passed unanimously.

Mayor Gibson told Council the City had 16 children working on the Summer Youth Program with no to the City. Mayor Gibson said he felt the children deserving and he was happy the City was in position to get the children to work.

Mayor Gibson stated he had talked with Mr. McKittrick, Attorney for Estill and Greenlee, on this date and Mr. McKittrick informed him that two contractors surveying the site of the dam at Estill and Greenlee, as to cost of the dam, would soon be resolved.

Mayor Gibson stated he had talked with Mr. McKittrick and they informed him they had received information from the West Virginia Water Company regarding ascertaining the old water intake proper.

Mayor Gibson informed Council the contractors had put down the black base on the basketball court, but there was a wearing course that is yet to be applied to finish the project, after the black base has set up properly.

Councilman At Large Karnes: No new business or reports

Councilman at Large Pennington: No new business or reports

Councilman Bailey: No reports or new business

Councilman Ritchie: Councilman Ritchie asked if their reports from the West Virginia Water Company on the requests for the fire hydrants in the Brookhaven area. Mayor Gibson stated that he had not received any reports from them as of yet.

Councilman at Large Allen: No new business or reports

Councilman Miller: Councilman Miller stated he would like to have the Smith Street Landfill put on the Agenda for next Council Meeting. Councilman Miller also had some question on procedures at Ridenour Memorial Park. Mayor Gibson asked Councilman Miller to call the Recreation Director in regard to any complaints that he receives from the users of the facilities. Mayor Gibson requested that anytime a Councilman receives a complaint to immediately contact someone in charge or to call him so any situation can be rectified as soon as possible.

Recorder Melton: No new business or reports

Councilman at Large Karnes made a motion for adjournment, seconded by Recorder Milton, and passed unanimously.

Wm. A. Gibson  
Mayor

Tom Melton  
Recorder

## NITRO CITY COUNCIL MEETING

July 20, 1976

The regular meeting of Nitro City Council was held in the Council Chambers on July 20, 1976 at 8:00 p.m. Present were Mayor William D. Gibson, Recorder Tom Melton, Councilman at Large Dr. R. V. Allen, Councilman at Large Donald Karnes, Councilman at Large Mel Pennington, Councilman Homer Thomas, Jr., Councilman Dean Miller, and Councilman Gus Bailey.

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

APPROVAL OF JULY 6, 1976 COUNCIL MEETING MINUTES:

Mayor Gibson stated each Councilman had received a copy in the mail for their review. Councilman at Large Allen made a motion the minutes be approved, the motion was seconded by Councilman Miller and passed unanimously.

APPROVAL OF JUNE, 1976 FINANCIAL STATEMENT:

Recorder Melton furnished each Councilman with a copy of the June, 1976, Financial Statement. Mr. Melton made a motion that the Financial Statement Report be accepted, and the motion was seconded by Councilman Karnes and passed unanimously.

SMITH STREET LANDFILL PROPERTY: Councilman Miller stated that the people who had contacted him, and who had stated they would attend the Council Meeting, were not present. He said there were problems and he felt an explanation of the use of the landfill property to those who were supposed to be at the meeting would have been helpful. Therefore, Councilman Miller made a motion to refer this matter to the Recreation Committee and the Garbage-Health and Trash Committee. Councilman at Large Pennington seconded the motion and it was passed unanimously.

SPEED ZONING STUDY, WV ROUTE 25, (FIRST AVENUE)

RECOMMENDATION: Councilman at Large Dr. Allen made a statement that the Councilmen had received a copy of the survey made by the West Virginia Department of Highways. Councilman at Large Allen felt that the recommendation of a speed limit of 50 miles per hour for all vehicles 300 east of the intersection with Lock Street, and running east 50 feet west of the intersection with Kapok Street should be reconsidered.

Councilman at Large Allen, then, made a motion that Mayor Gibson contact The West Virginia Department of Highways and ask them to reconsider their survey dated July 1, 1976. The City recommends 40 miles per hour speed limit rather than the 50 miles per hour. The motion was seconded by Councilman at Large Pennington and passed unanimously. Mayor Gibson stated that Municipal Judge Crewdson had recommended lowering the 50 mile per hour speed limit to 40 mile per hour previously.

ORDINANCE PERTAINING TO "HOUSE BILL 815"

POLICE AND FIREMEN: Mayor Gibson stated that in the absence of City Attorney, Mr. Armada, that the above subject would be discussed at a later date at which time Mr. Armada would be present.

Mayor Gibson stated he had received a letter from Lynn B. Daniels of The Housing And Urban Development in response to his letter of July 6, 1976 requesting their concurrence in the deletion of the 2 storm sewers in the Brookhaven area as CD funded projects. They concurred, and Lynn B. Daniels wrote, "I commend you on the prompt action you have taken in putting your CDBG program to use for the benefit of the citizens of Nitro." A copy of the same is attached hereto and made a part hereof.

Mayor Gibson stated that, as a result of a meeting with Mr. Charles C. Steele at City Hall, he had received a letter from Mr. Charles C. Steele, Deputy Director of The West Virginia Housing Development Fund dated July 15, 1976. Mayor Gibson felt that Mr. Steele was optimistic about the City of Nitro being eligible for a Housing Development for the elderly. Mayor Gibson said that he considered this to be one of the primary priorities in the next four years and wanted to get action.

Councilman at Large Pennington made a motion to table for two weeks discussion that was a result of a letter from West Virginia Citizen Action Group. The letter ask for permission to solicit door-to-door for funds. Councilman at Large Pennington felt that the letter was vague, and Councilman at Large Allen pointed out that it was also misleading. Councilman Bailey seconded the motion and it passed unanimously.

Mayor Gibson said that the City had been having a lot of difficulty with the burglary alarm system, and that Police Chief Craft had mailed letters to the various business houses and communication companies and has called a meeting at 2:00 p.m., July 27, in the Council Chambers to discuss this matter. Mr. Flanagan, who is with the Department of Public Safety, and is the communication technician for the City of Nitro will be present for the meeting.

Mayor Gibson ask that Mr. Paul R. Hill a former Councilman of 615 6th Street, be appointed as a member of The Police Civil Service Commission to fill the vacancy, which was as a result of Councilman at Large Pennington's resignation. Councilman Bailey made a motion to appoint Mr. Paul R. Hill as a member of The Police Civil Service Commission. The motion was seconded by Councilman at Large Pennington and passed unanimously.

Mayor Gibson ask for the Committee Chairmen Reports.

Councilman at Large Karnes: No new business or reports.

Councilman at Large Pennington: No new business or reports.

Councilman Bailey: No new business or reports

Councilman at Large Allen: Councilman at Large Allen introduced Mr. Hanning and Mr. Forest Lanham who spoke in reference to a petition requesting that 27th Street be made one way, from 1st Avenue to 2nd Avenue. The Mayor said that in time the committee would make a decision.

Councilman at Large Allen referred the recommendations on the road coming down off the crest of the dam at Ridenour Memorial Park toward 21st Street to Councilman Miller. Councilman Miller made a motion to erect two signs, "Slow-Congested Area", and "One Lane Traffic Ahead." Councilman at Large Allen seconded the motion, and it passed unanimously.

Councilman Thomas: No new business or reports

Councilman Miller: No new business or reports

Recorder Melton: Recorder Melton made a motion that approximately nine thousand five hundred twenty-two dollars (\$9,522.00) be allocated to the upgrading of the outside of the library(Item 57), and that one hundred dollars (\$100.00) be allocated for office supplies (Item 27). This money would come from The Coal Severance Tax. The motion was seconded by Councilman at Large Allen, and passed unanimously. Mr. Melton further explained that this was an approximate amount and that the figure had been obtained by his making a telephone call.

Mayor Gibson entertained a motion for adjournment.  
Councilman at Large Dr. Allen made a motion for adjournment,  
seconded by Councilman at Large Pennington, and passed  
unanimously.

Wm. A. Gibson  
Mayor

Tom Melton  
Recorder





REGION III  
Curtis Building  
6th. and Walnut Streets  
Philadelphia, Pennsylvania 19106

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
PITTSBURGH AREA OFFICE  
TWO ALLEGHENY CENTER  
PITTSBURGH, PENNSYLVANIA 15212

JUL 16 1976

IN REPLY REFER TO:  
3.1CM

Honorable William D. Gibson  
Mayor, City of Nitro  
P.O. Box 515  
Nitro, West Virginia 25143

Dear Mayor Gibson:

Subject: Revision to Nitro CDBG Program  
Grant No. B-75-DF-54-0017  
Storm Sewers

This is in response to your letter of July 6, 1976 which requests our concurrence in the deletion of the 2 storm sewers in the Brookhaven area as CD funded projects. Your letter clearly explains that the bids received for the implementation of the CD program exceeded your CDBG funds by \$21,580. We concur in your decision to delete the 2 storm sewers proposed for the Brookhaven area and accept your statement that the City of Nitro will fund any other expenses incurred in the execution of the CDBG Program which are in excess of the HUD grant of \$80,000.

You will be receiving under separate cover comments from our Labor Relations Officer regarding the designation of Nitro Labor Officer and the debarment status of the lowest responsible bidder.

Please find enclosed copies of Treasury Report GFO-7578 (Request for Payment on Letter of Credit and Status of Funds Report).

I note with pleasure that you intend to award the project contract by August 6, 1976. I commend you on the prompt action you have taken in putting your CDBG program to use for the benefit of the citizens of Nitro.

Sincerely,

Lynn B. Daniels  
Program Manager

cc: Appalachian Engineers, Inc.

## NITRO CITY COUNCIL MEETING

August 3, 1976

The regular meeting of Nitro City Council was held in the Council Chambers on August 3, 1976 at 8:00 p.m. Present were Mayor William D. Gibson, Recorder Tom Melton, Councilman at Large Donald Karnes, Councilman at Large Mel Pennington, Councilman Homer Thomas, Jr., Councilman Dean Miller and City Attorney Frank Armada. Absent were Councilman Ronald Ritchie, Councilman at Large Dr. R. V. Allen, and Councilman Gus Bailey.

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 JULY 20, 1976 COUNCIL MEETING MINUTES: Mayor Gibson stated each Councilman had received a copy of the minutes in the mail for their review. Councilman at Large Pennington made a motion the minutes be approved. The motion was seconded by Councilman Miller and passed unanimously.

JULY 1976, FINANCIAL REPORT: Mr. Tom Melton, Recorder and Chairman of the Finance Committee, gave the following report:

Balance July 1, 1976	7,912.26	General Fund
Receipts for the Month	52,437.03	
Disbursements	55,850.50	
Balance in checking account	4,498.79	
Balance in savings account	24,679.02	

ALLEY CONTROVERSY ADJACENT TO PROPERTY SITUATED ON BLACKWOOD AVENUE: Mr. Armada, City Attorney, stated that Mr. Ghiz supplied him with a letter dated July 29, 1976 wherein Mr. Ghiz set forth some legal authoritativeness which Mr. Ghiz felt substantiated his position. A copy of the same is attached hereto and made a part hereof. Mr. Ghiz was present in behalf of Mr. and Mrs. William Casto, Mrs Doris Lemon and Mickey Lemon.

Mr. Clarence Watt, Attorney at Law, present in behalf of Mr. and Mrs. Charles Collins felt the the City should have a "hands-off" policy on the alley matter in question.

Mr. Armada stated that the City of Nitro had not established dominion over the alley, nor had the general public used the alley. Mr. Armada stated that the matter would probably have to be settled in court.

Councilman at Large Mel Pennington made a motion that the Council take no action as recommended by Mr. Armada. Councilman at Large Donald Karnes seconded the motion. All present voted in favor with the exception of Councilman Dean Miller who opposed. The motion carried.

ORDINANCE PERTAINING TO "HOUSE BILL 815,"  
POLICE AND FIREMEN: Mr. Armada stated that the ordinance amending Article 4 Section 2-4 which the Council had before them was prepared for first reading, and the ordinance was in direct compliance with the state law. The City Recorder, Mr. Melton, read the ordinance which was as follows:

AN ORDINANCE AMENDING ARTICLE 4 SECTION 2-4  
 VACATION LEAVE AND PAID HOLIDAYS BY ADDING  
 THERETO A NEW SUB-PARAGRAPH (D) PERTAINING  
 TO HOLIDAYS FOR POLICEMEN and FIREMEN.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL  
 OF THE CITY OF NITRO, KANAWHA AND PUTNAM COUNTIES,  
 that certain ordinance identified as Section 2-4  
 vacation leave and paid Holidays be amended by  
 adding thereto a new sub-paragraph (D) to read as  
 follows:

(D) All members of the Nitro Police and Fire Departments shall, if requested to work during a legal Holiday as defined in Section 1, Article 2, Chapter 2, of the Code of West Virginia as amended, or if a legal Holiday falls on the members regularly scheduled day off, be allowed equal time off at such time as may be approved by the chief executive officer of the department under whom he serves, or in the alternative, shall be paid at a rate not less than one and one-half times his regular rate of pay.

This ordinance shall become effective immediately upon passage.

Councilman at Large Pennington made a motion to accept the ordinance on first reading. The motion was seconded by Councilman Homer Thomas, and passed unanimously.

REPORT ON MEETING OF JULY 27, 1976 PERTAINING TO BURGLARY ALARM SYSTEM: Councilman at Large Pennington reported that as a result of the meeting, a letter is expected from A D T Security Systems specifying what they have done in Parkersburg and Beckley. Councilman at Large Pennington suggested the Council should delay any decisions until the Police Department Committee received information from A D T which could possibly be used as guidelines.

Councilman at Large Karnes made a motion to table any action until the Police Department Committee had received the letter from A D T. The motion was seconded by Councilman at Large Pennington and passed unanimously.

Mayor Gibson stated that he had received a letter from Mr. Ron Ritchie, postmarked July 21, 1976, tendering his resignation. A copy of the letter is attached hereto and made a part hereof. Mayor Gibson entertained a motion to accept Mr. Ritchie's resignation. Councilman Miller made a motion to accept Mr. Ritchie's resignation. The motion was seconded by Councilman at Large Karnes and passed unanimously.

Mayor Gibson asked the Council to accept the appointment of Dr. Guy Cassell to fill the unexpired term of Mr. Ritchie. Councilman at Large Pennington made a motion to accept the appointment of Dr. Guy Cassell. The motion was seconded by Councilman Thomas and passed unanimously.

Mayor Gibson stated that Mr. Lyons, principal at Nitro High School, offered to the City of Nitro the lights recently taken down from the football field. Councilman at Large Pennington made a motion to accept the lights. The motion was seconded by Councilman Thomas and passed unanimously.

Mayor Gibson stated that the exterior of the library should be faced with brick to complement the Nitro pool building, the Nitro Junior High School and other buildings in the area. He entertained a motion to have Appalachian Engineers, Inc. draw up specifications for the remodeling, and advertise for sealed bids, to be opened at the first council meeting in September. Councilman Miller made the motion to have specifications prepared, and advertised, and to be opened 8:00 p.m. September 7, 1976. The motion was seconded by Councilman at Large Karnes and passed unanimously.

Mayor Gibson stated that the Council had before them a copy of an agreement made June 15, 1972, between The Regional Development Authority of Charleston-Kanawha County, West Virginia Metropolitan Region, and the Municipality of Dunbar, and the Municipality of Nitro, and the Municipality of St. Albans. The RDA is apparently determined to go out of the landfill business, the Mayor said. Mr. Armada stated that the City had not received a 60 day notice of the closing of the landfill. Mayor Gibson stated that St. Albans and Nitro, and possibly Dunbar may jointly seek a landfill of their own.

Mayor Gibson read a letter from Ronald Lyons, principal of Nitro High School, commending the Nitro Police Department, and conveying to the officers involved his "thanks for a job well done." The officers apprehended a person that broke into Nitro High School, and recovered an estimated one thousand four hundred dollars (\$1,400.00) worth of sound equipment which had been taken from the school office.

Mr. Ray Ashworth, 322 Parkview Drive, St. Albans in a letter, dated August 2, 1976, requested permission to continue last year's project of studying the purple martin population. Councilman at Large Pennington made a motion to grant the request. The motion was seconded by Councilman at Large Karnes and passed unanimously.

Mayor Gibson entertained a motion to advertise for sealed bids a 1967 half-ton Chevrolet pick-up truck, sealed bids to be opened the first council meeting in September. Councilman at Large Karnes made the motion to advertise for bids a 1967 half-ton Chevrolet pick-up truck, with bids to be opened September 7, 1976, at 8:00 p.m. The motion was seconded by Councilman at Large Pennington and passed unanimously.

Councilman Miller made a motion to advertise for bids a 1961 street sweeper, sealed bids to be opened the first council meeting in September. The motion was seconded by Councilman at Large Karnes and passed unanimously.

Mayor Gibson stated the problem of the slide on Barrington Road had not been resolved. Mr. Armada suggested we do nothing at this time, other than what we have done. Mr. Armada was to contact Parrish McKittrick, attorney for Estill Greenlee, on the matter.

Reports. Mayor Gibson asked for the Committee Chairman

Councilman at Large Karnes: No reports

Councilman at Large Pennington: Councilman at Large Pennington stated that he had the honor of representing the Mayor, August 1, at the Sattes Reunion held at the City Park. They presented Councilman at Large Pennington with a map that was Sattes in 1940 and 1941. He presented the map to the City of Nitro. Councilman at Large Pennington made a motion to accept the map and display it in Council Chambers. The motion was seconded by Councilman Thomas and passed unanimously.

Councilman Thomas: No reports

Councilman Miller: No reports, but he urged a meeting of the Recreation Committee and the Garbage-Health and Trash Committee before the next council meeting in regard to the Smith Street landfill property.

Recorder Melton: No reports

Councilman Miller made a motion for adjournment, seconded by Councilman at Large Pennington, and passed unanimously.

  
WILLIAM D. GIBSON, MAYOR

  
TOM MELTON, CITY RECORDER



## NITRO CITY COUNCIL MEETING

AUGUST 17, 1976

The regular meeting of the Nitro City Council was held in the Council Chambers on August 17, 1976, at 8:00 P.M. Present were Mayor William D. Gibson, Councilman at Large Dr. R.V. Allen, Councilman at Large Mel Pennington, Councilman Homer Thomas, Jr., Councilman Dean Miller, Councilman Dr. Guy Cassell, Councilman Gus Bailey and City Attorney Frank Armada. City Recorder Tom Melton and Councilman at Large Don Karnes were absent.

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

Mayor Gibson welcomed Dr. Guy Cassell to the City Council, as Councilman of the First Ward. Councilman Cassell was appointed to replace Ronald Ritchie, who had been transferred to Texas. Mayor Gibson had previously given to Council Members an up-dated list of the Committees and Members. The up-dated list is as follows:

ANNEXATION COMMITTEE

Dr. Guy Cassell (Chairman)  
Dr. R. V. Allen  
Dean Miller

BUILDING AND PLANNING COMMITTEE

Gus Bailey (Chairman)  
Mel Pennington  
Dr. Guy Cassell

BUSINESS AND CIVIC BETTERMENT COMMITTEE

Mel Pennington (Chairman)  
Dr. R. V. Allen  
Dr. Guy Cassell

CONSUMER PROTECTION COMMITTEE

Donald Karnes (Chairman)  
Dean Miller  
Homer Thomas, Jr.

THREE CITY HUMANE ASSOCIATION

Homer Thomas, Jr. (Chairman)  
Mel Pennington  
Dr. Guy Cassell



EMERGENCY AMBULANCE SERVICE COMMITTEE  
TO ASSIST KANAWHA COUNTY COURT AND  
PUTNAM COUNTY COURT IN THEIR EFFORTS  
TO ESTABLISH AN AMBULANCE SERVICE

Gus Bailey (Chairman)  
Dean Miller  
Donald Karnes

FINANCE COMMITTEE

Tom Melton (Chairman)  
Donald Karnes  
William Gibson  
Dr. Guy Cassell  
Dr. R. V. Allen

FIRE DEPARTMENT

Mel Pennington (Chairman)  
Gus Bailey  
Homer Thomas, Jr.

GARBAGE-HEALTH AND TRASH COMMITTEE

Donald Karnes (Chairman)  
Dean Miller  
William Gibson

INSURANCE COMMITTEE

Dr. R. V. Allen (Chairman)  
Donald Karnes  
Gus Bailey

LIBRARY COMMITTEE

Dr. Guy Cassell (Chairman)  
Dr. R. V. Allen  
Gus Bailey

ORDINANCE COMMITTEE

Dr. R. V. Allen (Chairman)  
Dean Miller  
Dr. Guy Cassell

POLICE DEPARTMENT COMMITTEE

Dr. R. V. Allen (Chairman)  
Mel Pennington  
William D. Gibson

RECREATION COMMITTEE

Mel Pennington (Chairman)  
Dr. R. V. Allen  
Donald Karnes

SIDEWALK COMMITTEE

Homer Thomas, Jr. (Chairman)  
 Dean Miller  
 Donald Karnes

STORM DRAIN COMMITTEE

Dean Miller (Chairman)  
 Gus Bailey  
 Thomer Thomas, Jr.

STREET AND TRAFFIC COMMITTEE

Dr. R. V. Allen (Chairman)  
 Homer Thomas, Jr.  
 Mel Pennington

STREET LIGHT-STREET NUMBERING AND  
STREET SIGN COMMITTEE

Dean Miller (Chairman)  
 Donald Karnes  
 Gus Bailey

APPROVAL OF AUGUST 3, 1976 COUNCIL MEETING MINUTES:

Mayor Gibson stated each Councilman had received a copy of the minutes by mail for their review. Councilman at Large Allen made a motion the minutes be accepted, the motion was seconded by Councilman at Large Pennington and passed unanimously.

APPROVAL OF JULY, 1976 FINANCIAL STATEMENT:

Mayor Gibson stated that Recorder Melton was on vacation and entertained a motion that the approval of the Financial Statement be held until the next regular Council Meeting. Councilman Miller made the motion to hold the Financial Statement until next Council Meeting, the motion was seconded by Councilman Thomas, and passed unanimously.

SECOND READING OF ORDINANCE PERTAINING TO "HOUSE BILL 815"

POLICE AND FIREMEN: Councilman at Large Allen stated this was the seconded reading of the ordinance pertaining to amending Article 4, Section 2-4, which reads as follows:

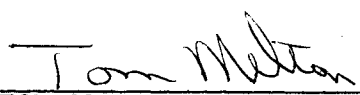
AN ORDINANCE AMENDING ARTICLE 4 SECTION 2-4 VACATION LEAVE AND PAID HOLIDAYS BY ADDING THERETO A NEW SUB-PARAGRAPH (D) PERTAINING TO HOLIDAYS FOR POLICEMEN AND FIREMEN

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NITRO, KANAWHA AND PUTNAM COUNTIES, that certain ordinance identified as Section 2-4 vacation leave and paid Holidays be amended by adding thereto a new sub-paragraph (D) to read as follows:

(D) All members of the Nitro Police and Fire Departments shall, if requested to work during a legal Holiday as defined in Section 1, Article 2, of the Code of West Virginia as amended, or if a legal Holiday falls on the members regularly scheduled day off, be allowed equal time off at such time as may be approved by the chief Executive officer of the department under whom he serves, or in the alternative, shall be paid at a rate not less than one and one-half times his regular rate of pay.

This ordinance shall become effective immediately upon passage.

  
WILLIAM D. GIBSON, MAYOR

  
TOM MELTON, CITY RECORDER

Councilman at Large Allen made a motion to approve the second reading, the motion was seconded by Councilman Thomas and passed unanimously.

BURGLARY ALARM SYSTEM UP-DATING: Councilman at Large Allen stated the present burglary alarm system in the Police Department had been creating problems and it is necessary to have it modernized. Councilman at Large Allen stated it was necessary to have an ordinance prepared in order for the Council to act on up-dating the system. Councilman at Large Allen asked City Attorney Armada to have the ordinance ready for the next Council Meeting for the first reading. Councilman at Large Allen requested that each Council Member receive a copy for study before the next regular Council Meeting.

STREET NUMBERING - WASHINGTON AVENUE: Councilman Miller stated that on Washington Avenue there were two number 1's and two number 3's and some of the mail was being delivered to the wrong addresses. Mr. Larry Pauley is one of the number 3's and he would like to have his property designated as 3-A. Councilman at Large Allen stated this had been before Council previously on August 5, 1975, and at that time some of the property owners felt it would be necessary to have their deeds changed and it would entail legal fees and services. The former Council recommended that Washington Avenues' numbering system remain as it had been and not be changed. A letter of recommendation from the Post Master, and a copy of the minutes of August 5, 1975 were given to each Councilman verifying Councilman at Large Allen's remark in reference to the action of the previous Council.

Councilman at Large Pennington made a motion to stay with the ruling of the past Council and continue with 1-A and 1-B etc. The motion was seconded by Councilman at Large Allen and passed unanimously.

KANAWHA CABLE TELEVISION COMPANY - REQUEST FOR RAISE IN RATES: Mr. Don Patton, Manager of Kanawha Cable Television and Bennett Burgess, Attorney for Kanawha Cable Television were present to discuss and answer questions pertaining to the rate increase. Mr. Burgess speaking in behalf of the company stated this was only the second time the company had to come before Council to request a rate increase on domestic service. Mr. Burgess stated that pole rental had increased by a margin of 40%, this constitutes a major portion of the operating cost of K.C.TV. As a result of this increase K.C. TV finds themselves in a position of having to ask for another increase. The increase would be from \$6.25 per month to \$6.75. A lengthy discussion followed on the completed service for Riverdale Acres, litigation in Washington, D.C. and adding channel 19 from Cincinnati. Councilman at Large Pennington made a motion to refer the ordinance to the Ordinance Committee for further study, the motion was seconded by Councilman Thomas. Councilman Bailey requested that a stipulation be added or considered by the Ordinance Committee that construction must be completed by November 1, 1976, or Council had the right to cancel the approval. The vote was unanimous.

Mayor Gibson stated he was in possession of two letters in reference to the Brookhaven Subdivision streets, one dated August 10, 1976, from Jack D. McGuffey, Professional Engineer, stating after inspecting the area he felt the slip was primarily due to improper shelving and benching and could be corrected for approximately \$9,000.00. Mayor Gibson read the accompanying letter from Parrish McKittrick, Attorney for Estill and Greenlee, dated August 12, 1976, stating Estill and Greenlee would like to proceed with the re-establishment of the street in question upon an agreement submitted from the City of Nitro to the effect:

- (a) The City of Nitro will agree to let Mr. McGuffey manage the work and the City will give Estill and Greenlee the appropriate permits;
- (b) A prior agreement from the City of Nitro to pay one-half of the costs of repair up to the maximum of \$9,000.00 and
- (c) A prior agreement by the City of Nitro to execute the appropriate documents for the dedication of the streets in question to the City.

Mayor Gibson stated he felt the City should get an independent contractor to give an estimate of the cost of the of the repair since there had been such variation in figures, Appalachian Engineers estimated the cost would be approximately \$31,000.00. Councilman at Large Allen made a motion to refer

this matter to the Street Committee for a complete study, the motion was seconded by Councilman Thomas and passed unanimously, the letters are attached hereto and made a part hereof

City Attorney Armada stated the City should not enter in to an agreement or contract until the City's obligations and responsibilities were firmly established.

Mayor Gibson read a letter from United Way of Kanawha Valley, Charleston, West Virginia, over the signature of R. F. Smith, President, asking permission to conduct their campaign in the City of Nitro. The campaign will begin October 2, and continue through December 15, 1976. Councilman at Large Allen made a motion that permission be given, the motion was seconded by Councilman Thomas and passed unanimously.

Mayor Gibson read two letters from Arley K. Cravens, Pastor of the Nitro Church of God, the first letter dated August 10, 1976, was in behalf of the congregation and himself, thanking the City Government for permission of the Vacation Bible School Parade, police escort and the participation of the fire truck.

The second letter from Reverend Cravens commended the the Nitro Police Department of their alertness and concern for Church property. The City Police had seen unwarranted lights on in the church, in the night, and promptly called Reverend Cravens in order that they could investigate.

COUNCILMAN MILLER: Councilman Miller had no reports or new business.

COUNCILMAN THOMAS: Councilman Thomas stated that he had some complaints about the new traffic light at 40th Street. The trees were blocking the view of the traffic light. Mayor Gibson stated that he concurred with these complaints and would send the Department of Highways a registered letter requesting the trees be trimmed.

COUNCILMAN AT LARGE DR. ALLEN: Councilman at Large Allen stated he would like to refer to the Street Sign Committee the request to erect a "Stop" sign at the end of Bailes Drive and 39th Street, East, as well as "Children Playing" sign. Councilman at Large Allen felt these signs were very important to this area.

Councilman Miller stated he would like to see a sign erected on an unimproved street in the 1300 block of Main Avenue, reading Cauffiel Avenue, giving the street its proper identity for better police protection. After considerable discussion regarding the importance of the various signs mentioned by Councilman at Large Allen and Councilman Miller it was decided that Council would act on the matters. Councilman Bailey made a motion that the signs be erected, the motion was seconded by Councilman Miller and passed unanimously.

Councilman at Large Allen stated he would like some information on who was stealing the street signs and painting them. Mayor Gibson stated the "Stop" sign on Red Oak Drive had been tampered with on several occasions. Mayor Gibson stated further that a street light was also needed in that area. Council decided to refer this matter to the Street Light Committee for further study to see if a new pole would be necessary. It was also stated that if a pole presently existed that the pole number should be obtained.

COUNCILMAN DR. CASSELL Councilman Cassell had no reports or new business.

COUNCILMAN BAILEY: Councilman Bailey stated that the sign directing traffic to Dunbar is to close to Main Avenue. Traffic coming off the Nitro-St. Albans Bridge is turning up Main Avenue. The sign should be placed closer to the Dunbar turn-off. Councilman Bailey brought to the attention of Council, two railroad crossings that were in bad need of repair located in the Kinder's Lane and Owen Street area. Councilman Bailey stated it was not the actual crossing but the approaches.

COUNCILMAN AT LARGE PENNINGTON: Councilman at Large Pennington had received the master plan, preliminary drawing for the recreational facilities at Smith Street land fill that was proposed by the Harland Barthlowmew and Associates of Atlanta, Georgia, who is doing the work for the Corp of Engineers from Huntington. In approximately two weeks there will be a representative from the Corp of Engineers in Huntington to make an appraisal of the Smith Street Land fill. Councilman at Large Pennington made a motion to accept the preliminary drawing in order for the appraisal to be made. Councilman Miller seconded the motion, the motion passed unanimously.

Councilman at Large Pennington was in possession of a petition from the residents of 25th Street requesting that 25th Street be made a one-way street from First Avenue to Second Avenue. Councilman at Large Pennington requested the petition be referred to the Street Committee for complete study and recommendation. The original petition is here to attached and made a part hereof.

Councilman at Large Pennington brought to the attention of Council that James Arbogast, Minister of St. Paul's United Methodist Church of Nitro, had been named Minister of the Year for the Charleston District. Councilman at Large Pennington requested a letter of congratulations be written to Reverend on behalf of the Nitro City Council.

Councilman at Large Pennington stated as Chairman of the Fire Department Committee, that Chief Kenneth K. King, Nitro Fire Department had submitted to him the following list of Fire Hydrants needed in Nitro. The list is presented in order of priority. Councilman at Large Pennington pointed out the fact that 40th Street was one of the streets with top priority, and felt this was very much in order since this area had such high insurance rates.


FIRE HYDRANT'S PRIORITY FOR THE  
CITY OF NITRO

1. Broadway Avenue across street from #106 Broadway Avenue.
2. Dogwood Avenue at Washington Avenue.
3. 40th Street Road every 800 feet from Easter Road to State Route #62. (6 plugs)
4. Norwood Road every 800 feet from existing hydrant, which is located at Norwood Road and Brookhaven Drive.
5. Barrington Road at Brentwood Road. (2 plugs)
6. First Avenue at 4114 First Avenue.
7. 800 feet East of hydrant a Benamati and Walker at about 1220 Main Avenue.
8. 800 feet of hydrant at Lock Street and Main Avenue, about 143 Main Avenue.
9. 800 feet from hydrant at 31st Street and Second Avenue toward Pine Grove Addition.
10. 800 feet from hydrant at 21st Street and Third Avenue down Third Avenue about 2340 Third Avenue
11. Kapok Street and First Avenue
12. 800 feet East of hydrant at 1100 First Avenue, South.
13. Park Avenue and 11th Street, West
14. 18th Street and First Avenue
15. 15th Street and Park Avenue. (Library)

Councilman at Large Pennington then read a letter from the West Virginia Water Company dated August 6, 1976, addressed to Kenneth K. King, Fire Department Chief. The letter gave an estimate of \$11,000.00 for several hydrants there were needed. Six were for Easter Road and 40th Street, two for Brentwood, two for Barrington Road and one for Norwood Road. The letter is attached hereto and made a part hereof.

Councilman at Large Allen made a motion for adjournment, the motion was seconded by Councilman Miller and passed unanimously.

  
WILLIAM D. GIBSON, MAYOR

  
TOM MELTON, CITY RECORDER





*McKittrick, Vaughan & McCormick*

*Attorneys and Counsellors at Law*

August 12, 1976

*Vaughan Building*

*450 Second Street*

*St. Albans, West Virginia 25177*

*Telephone 304 727-4314*

*Parrish McKittrick*

*Annis R. Vaughan, Jr.*

*Frederick F. McCormick*

*David P. Cleet*

*app. eng. figured approx  
\$30,000*

Mayor William Gibson  
City of Nitro  
City Hall  
Nitro, West Virginia

Dear Bill:

Herewith, please find enclosed an appraisal by Jack D. McGuffey, P. E., which was submitted to Paul Greenlee concerning an inspection of the condition of the street in Brookhaven Subdivision. Mr. McGuffey, a Registered Professional Engineer, who currently handles construction projects for Estill & Greenlee, feels the slippage can be corrected for a cost of approximately \$9,000.00. Estill & Greenlee would like to immediately proceed with the re-establishment of the street in question upon an agreement submitted to us from the City of Nitro to the effect:

- (a) The City of Nitro will agree to let Mr. McGuffey manage the work and the City will give Estill & Greenlee the appropriate permits;
- (b) A prior agreement from the City of Nitro to pay one-half of the costs of repair up to the maximum of \$9,000.00; and
- (c) A prior agreement by the City of Nitro to execute the appropriate documents for the dedication of the streets in question to the City.

I would appreciate your submitting these proposals to City Council for their approval and then contacting me as soon as possible.

Thank you for your continued cooperation concerning this matter. If you have any questions, please contact me at your convenience.

Very truly yours,

Parrish McKittrick

PMcK/mm  
Enc.

RAPID  
REAL  
ESTATE  
RESULTS



# Estill & Greenlee REALTORS

August 10, 1976

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

Mr. Paul Greenlee, President  
Estill & Greenlee, Inc.  
212 Roane Street  
Charleston, West Virginia 25302

Re: BROOKHAVEN SUBDIVISION

Dear Mr. Greenlee:

I inspected the condition existing in the street in Brookhaven Subdivision this morning, along with Mr. Allen VanHorn, P.E., of VTN, Inc.

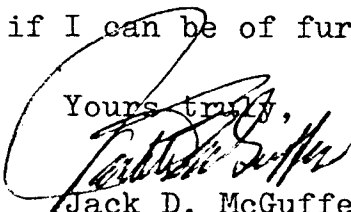
We both feel that the slip is primarily due to improper shelving and benching of undisturbed grades during fill operations. This will be verified after cutting out the fill area and replacement.

The piping and catch basin should be able to be salvaged without difficulty. Only a small portion of the concrete street will have to be removed since the sub-grade under the street appears to be in good condition.

By utilizing Pinch Paving and Excavating Company now working for you on your Hunters Ridge project we feel the problem can be corrected for a cost of approximately \$9,000.00. We would expect to obtain extra fill material from your property in the vicinity.

Please let me know if I can be of further service in this matter.

Yours truly,

  
Jack D. McGuffey, P.E.

JDM:g

THE RESIDENTS OF 25th STREET, NITRO, WEST VIRGINIA,

REQUEST THAT OUR STREET BE MADE ONE WAY

NAME

ADDRESS

H. C. Windy

2510-25th St

Mrs J. W. Moody

2508-25th St

John E. Willard & Brian C. Willard

2505 25th St.

Danny & Deanna Williams

2512-25th Street

Fancy B. Shahan

Mr & Mrs E. A. Hoptner

2506-25th St.

Miss Janet Douglas

2502. 25 St. Nitro W. Va

Mrs Virginia Hunter

2511-25th St

Mr & Mrs. H. G. Rhodes Jr.

2509 25th St.

Mr & Mrs E. R. Mallett

2507 25th St

Mr & Mrs M. C. Jellum

2504 25th St.

Mr & Mrs Wade Hull

2513 25th St



# West Virginia Water Company

KANAWHA VALLEY DISTRICT

AN AMERICAN WATER WORKS SYSTEM COMPANY

BOX 1906 CHARLESTON, WEST VIRGINIA 25327

(304) 344-1631

August 6, 1976

125 - 443

*Received 8-9-76*

*Mayor Gibson*

Mr. Kenneth K. King, Fire Chief  
Nitro Fire Department  
P. O. Box 515  
Nitro, West Virginia 25143

Dear Mr. King:

Subject: Request for Cost Estimates  
for Fire Hydrants in the  
City of Nitro, West  
Virginia.

We have completed our engineering study referred to in  
our letter to you dated April 20, 1976 relative to Items #2, 3 and 4.

We submit the following cost estimate:

- 1.) Item #2 - Fire hydrants along 40th  
Street Road ~~every 800 ft. from~~ Easter  
Road to State Route #62 and one  
additional hydrant on Easter Road  
(six hydrants) . . . . . \$ 7,500
- 2.) Item #3 - Barrington and Brentwood  
Road, two fire hydrants @ 800 ft.  
spacing . . . . . 2,400
- 3.) Item #4 - Norwood Road, one fire  
hydrant @ 800 ft. spacing . . . . . 1,200

Estimated Total \$11,100

The above proposed fire hydrants will provide for a minimum  
fire flow of 500 gpm at 20 psi residual pressure.

Mr. Kenneth K. King  
Nitro, West Virginia 25143

- 2 -

August 6, 1976  
125 - 443

The requested fire hydrant, under Item #8, on Penwood Avenue, 800 ft. from Short Street, will require 450' of 8" water main along Blake Drive from Third Avenue and will be located at an elevation of 690'+. This will only provide for a fire flow of approximately 235 gpm @ 20 psi residual pressure. We, therefore, feel that the estimated cost of \$9,300 is somewhat impractical since the fire flows would still be substandard to the required 500 gpm @ 20 psi.

After reviewing our proposal, please advise our office in writing as to which of the above fire hydrant installations, including those covered in our letter dated April 20, 1976, you wish to authorize the Water Company to install at this time.

If you have any questions relative to this matter, please contact our office.

Very truly yours,



D. K. Carr  
Operations Manager

DKC:ib

cc: Mr. R. S. Dawson  
Mr. B. B. Galford  
Mr. A. C. Nutter

## NITRO CITY COUNCIL MEETING

SEPTEMBER 7, 1976

The regular meeting of the Nitro City Council was held in the Council Chambers on September 7, 1976, at 8:00 P.M. Present were the Honorable William D. Gibson, City Recorder Tom Melton, Councilman at Large Dr. R.V. Allen, Councilman at Large Mel Pennington, Councilman at Large Donald Karnes, Councilman Homer Thomas, Jr., Councilman Dean Miller, Councilman Gus Bailey, Councilman Dr. Guy Cassell and City Attorney Frank Armada.

The meeting was called to order by the Honorable William D. Gibson with Reverend Arley Cravens of the Nitro Church of God in charge of the invocation.

APPROVAL OF AUGUST 17, 1976, COUNCIL MEETING MINUTES:

Mayor Gibson stated each member of Council had received a copy of the minutes by mail for their review. Councilman at Large Dr. Allen made a motion the minutes be accepted, Councilman Bailey seconded the motion. The motion carried unanimously.

APPROVAL OF JULY 1976 FINANCIAL STATEMENT:

Recorder Melton stated he was on vacation at the previous Council meeting and the approval of the July Financial Statement was held over to this meeting for any questions the Council may have. There were no questions and Recorder Melton made a motion the Financial Statement be approved. Councilman at Large Karnes seconded the motion which passed unanimously.

AUGUST 1976, FINANCIAL REPORT: Mr. Tom Melton, Recorder and Chairman of the Finance Committee gave the following report:

Balance August 1, 1976	4,498.79	General Fund
Receipts for the month	76,192.09	
Disbursements	41,450.01	
Balance in Checking Account	39,240.87	
Balance in Savings Account	24,679.02	

SEALED BIDS ON 1967 CHEVROLET HALF-TON PICKUP TRUCK:

Councilman at Large Dr. Allen, Chairman of the Street Committee stated that we had received three sealed bids on the Chevrolet truck which he passed to Councilman Miller, Councilman Thomas and Councilman at Large Karnes. Councilman Miller opened the first bid from Mark D. Matheny of Route 2, Box 120, Hurricane, WV, in the amount of \$151.00. Councilman Thomas opened the second bid from Arthur Cole of 813 Chestnut Street, South Charleston, WV, in the amount of \$105.00. Councilman at Large Karnes opened the third bid from Golden Willis. Mr. Willis had not included his address, only his telephone number 755-3892. Mr. Willis was highest bidder with \$156.97. Councilman at Large Allen made a motion to accept the highest bid of Mr. Willis with the provision that the money would be submitted in a specified length of time or the truck would be sold to the second highest bidder. Councilman Thomas seconded the motion, the motion passed unanimously.

SEALED BIDS FOR SALE OF 1961 STREET SWEEPER: Councilman at Large Dr. Allen stated there were no bids submitted for the street sweeper and made a motion that the street sweeper be advertised again with the bids to be opened at the regular Council Meeting on October 5, 1976. Councilman Miller seconded the motion and the motion passed unanimously.

FIRST READING OF RESOLUTION PERTAINING TO POLICE DEPARTMENT ALARM SYSTEM: Councilman at Large Dr. Allen stated that City Attorney Armada had prepared a Resolution in order for the Police Department to act on their Alarm System and asked City Recorder Melton to read the Resolution aloud. The Resolution read as follows:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NITRO  
PROVIDING FOR THE INSTALLATION OF A CENTRAL BURGLARY  
ALARM SIGNAL RECEIVING SYSTEM

WHEREAS, the City is presently permitting the use of space in Police Department Headquarters for the installation and maintenance of certain various burglary alarm systems, and

WHEREAS, said alarm systems have not, at all times, properly functioned due to the various and sundry types of connections made to said alarm system, and

WHEREAS, the public safety of the City would best be promoted by replacing said system with a uniform central signal receiving alarm system providing for one hookup for each facility to be protected, and

WHEREAS, A.D.T. Security Systems Inc., is desirous of installing a central signal receiving alarm system to be paid for by the subscribers to said service.


THEREFORE, the City Council of the City of Nitro, Kanawha and Putnam Counties, West Virginia, does hereby resolve as follows:

1. That they will permit A.D.T. Security Systems, Inc., to install a central signal receiving alarm system hookup in the headquarters of the Nitro Police Department.
2. That all persons, firms, associations and incorporations subscribing to said service and connecting to such alarm systems shall utilize and install without expense to the City a 131 Ademco module which shall be maintained by the subscriber owner of said hookup.
3. That in the event there should occur a total of four (4) false alarms in any one calendar month from any such installation the owner subscriber of said hookup shall pay unto the City of Nitro a penalty of Twenty-Five Dollars (\$25.00) per response for any additional responses occurring within that calendar month whether such further responses be a false alarm or actual emergency.



4. That in the event of a ~~total~~ of four (4) false alarms per calendar month for two (2) consecutive calendar months, the City may, at it's option, cause the owner subscriber of said hookup to remove such equipment and to discontinue service.

5. The City of Nitro hereby expressly reserves the right, for good cause shown, to require the said A.D.T. Security Systems, Inc. to remove it's equipment in Police Headquarters when, in the opinion of Council, said system is not properly providing the service for which it's installation is being permitted.

  
MAYOR

  
RECORDER

Councilman at Large Allen made a motion to accept this as the first reading. The motion was seconded by Councilman at Large Pennington and passed unanimously.

Mayor Gibson stated he had received a letter dated August 22, 1976, from Eloise L. Ord, President of the Rock Branch Elementary P.T.A asking permission for the P. T. A. to solicit for donations in the Nitro area for their annual school carnival. Councilman Miller made a motion the permission be granted, the motion was seconded by Councilman at Large Karnes and passed unanimously.

Mayor Gibson had also received a letter from Mrs. Paul Spangler, Chairman of the Jr. Department of Woman's Club of Nitro, dated August 30, 1976. Mrs. Spangler asked permission to conduct a door-to-door campaign for "The Breath of Life Week" by the Cystic Fibrosis Foundation. The date for the campaign is September 11-24, 1976. Councilman at Large Allen made a motion this request be granted. Councilman Bailey seconded the motion, the motion passed unanimously.

Mayor Gibson stated he had received several letters pertaining to various phases of City projects. Mayor Gibson read excerpts of the letters and asked that they be briefly explained in the minutes and further requested that the letters be filed in a folder to be kept in the City Recorders. A brief summary of the letters follows:

1. The first letter dated August 13, 1976, over the signature of Joseph S. Jones, West Virginia Department of Highways, in reference to a traffic signal at intersection of West Virginia Route 25 and Center Street. Mr. Jones stated in the letter it would probably be in mid 1977 before the design and plans could be completed.

2. The second letter was addressed to Appalachian Engineers Inc., dated August 13, 1976, from Kenneth M. Dunn Company, Inc. This letter is in reference to the repair and/or replacing the pavement over the sewer lines on the following streets for a sum of \$4.00 per L.F.

Cleveland Avenue	Michigan Avenue
Red Oak Drive	31st Street
Washington Avenue	Old 40th Street
Dupont Drive	Easter Road
Blackwood Lane	Hickory Road

3. The third letter was addressed to Mayor Gibson, dated August 18, 1976, from Ken F. Kobetsky, Director of Traffic Engineering Division of the West Virginia Department of Highways. Mr. Kobetsky stated a survey of Railroad Crossing Standardization indicated that Nitro would need 10 signs and 1 pavement marking. The Federal Government provides 90% of the cost and the City the remaining 10%. The total cost to the City is \$82.00. The installation of signs and markings would begin before December 1, 1976.

4. The fourth letter addressed to Mayor Gibson dated August 18, 1976, over the signature of Robert Y. Hayne of Appalachian Engineers, Inc., is in reference to the landfill project at the Sattes Property on Route 25. Mr. Hayne stated in his opinion the landfill operation of the Sattes property would have no significant effect on the Weather Tite property.

5. Mayor Gibson stated he had written a letter to Mr. William S. Ritchie Jr., Commissioner, WVA Department of Highways requesting the trees be trimmed back at the traffic light at 40th Street and Route 25. Mayor Gibson stated he mailed the letter return receipt requested, and the signed receipt had been returned to him. Mayor Gibson stated that as of this date he had not received a reply.

6. Mayor Gibson read a letter from the Honorable Arch A. Moore, Jr., Governor of West Virginia, in response to the Mayor's letter of July 31, 1976, concerning sanitary waste disposal. Governor Moore stated the alternative and effective solution to sanitary and solid waste disposal was not yet in sight.

7. Mayor Gibson was in possession of two letters concerning the Nitro Maintenance Garage. Both letters were over the signature of Robert Y. Hayne. Mr. Hayne had written to Mr. Frank Armada, City Attorney, on August 24, 1976, pertaining to Meade Construction Company for the discussion of settlement and the release of Meade Construction Company's Performance Bond.

8. My Hayne's second letter was written to William H. Jones, Jr., Attorney for Meade Construction Company. Mr. Hayne stated that he would be in contact with Mr. Jones as soon as he could make a convenient appointment with Mr. Armada, for all concerned

9. Mayor Gibson stated he had received a letter from Marge Sales of Nitro Community Schools, dated August 27, 1976. The letter was in reference to the Community School's progress and their up-coming budget for 1976-77 year. Mayor Gibson also had a letter from William W. Fortune, Community School Supervisor, announcing the formation of a Family Recreation Night. The time will be from 6:30 P.M. to 9:30 P.M. on each Monday night that school is in session beginning September 20, 1976.

10. Mayor Gibson read excerpts from a letter over the signature of Don Patten, Manager of Kanawha Cable Vision, dated September 9, 1976. Mr. Patten stated in his letter that F.C.C. had granted permission to add WXIX channel 19 to their system, and they would be able to retain channels 5 and 6. Mr. Patten further stated construction for River Dale Acres should begin by the end of September.

Mayor Gibson again read the letter from Kenneth M. Dunn Company, Inc. in its entirety in reference to the repair and/or replacement of pavement over the sewer lines the company had installed. The following residents of this area were present for discussion:

Mr. Homer Zigler of Kanawha Avenue, South  
Mr. Elbert Flanagan of 703 Kanawha Avenue, South  
Mr. O. B. Meadows 407 Kanawha Avenue, South  
Dr. and Mrs. Robert Bird Kanawha Avenue South  
Mr. E. L. Goodwin of 103 Cleveland Avenue  
Mr. Mervin Gibson of Cleveland Avenue

Mayor Gibson had each person present state their concern and interest for the repair and/or replacement of pavement needed. A lengthy discussion followed on the potholes, manholes, drainage systems and general damage of the streets.

City Attorney Armada stated one of the most difficult problems whether it be a paving project or sewer project is to determine what caused certain damages. Also damages have to be documented, as specifically what damages was caused by the construction, and not normal wear. Mr. Armada further stated that Kenneth M. Dunn Company would be obligated to make any repairs to private property that were caused by the construction.

Mayor Gibson stated he appreciated the questions, comments and suggestions that the various citizens brought forth, stating that they would be helpful in dealing with the engineering firm and the contractor. Mayor Gibson stated further that Kenneth M. Dunn was very anxious to start the repair work on the streets. Mayor Gibson stated that he did not know where the work would begin, but that it would probably begin in the next two weeks.

Mayor Gibson stated he had received a letter from Mr. John Lilly, President of the Nitro Midget Football League, dated August 25, 1976, asking permission for Nitro City Park for practice. Mayor Gibson said a vote of Council was not necessary; it was just a routine letter for permission to use Nitro City Park. Mayor Gibson explained further that the league also was allowed to ask for donation for parking on the parking lots during High School football games and if Council had no objections the league would continue this practice. There were no objections or questions.

Mayor Gibson stated he had several telephone calls about the school buses using 18th Street during the school session. Mayor Gibson stated some of the residents suggested the buses rotate streets each school year. Councilman Thomas stated he also had several telephone calls, but as far as he could see there was no simple solution. Mayor Gibson asked the Traffic Committee to take this under advisement.

RECORDER MELTON: Recorder Melton had no reports or new business.

COUNCILMAN MILLER: Councilman Miller stated that the "Stop" sign on Red Oak Street and Old County Road had been completely painted over, and he recommended that a new sign be erected and a street light installed. Councilman Miller stated that a pole would have to be erected for the street light. Councilman Miller made a motion the new "Stop" sign be erected and a street light installed at this intersection, the motion was seconded by Councilman at Large Dr. Allen and passed unanimously.

Councilman Miller asked if Mayor Gibson would write the Department of Highways and request the Dunbar sign be moved from the Corner of Main and Center Avenue to the other side of the railroad tracks. Councilman Miller made this request in form of a motion, the motion was seconded by Councilman Bailey and passed unanimously.

COUNCILMAN THOMAS: Councilman Thomas had no new business or reports.

COUNCILMAN AT LARGE DR. ALLEN: Councilman at Large Dr. Allen stated that he had a conference with the City Attorney regarding the slip on Barrington Road and would like for Mr. Armada to elaborate on this subject.

City Attorney Armada explained briefly that an inspection of the slip had been made by Jack D. McGuffey, Professional Engineer, employed by Estill & Greenlee.

Mr. McGuffey reported that his professional opinion was the slip was caused by improper shelving and benching of the road prior to the pavement. Therefore, it was Mr. Armada's opinion that any fault lies with the developer and the City has no responsibility or obligation. City Attorney Armada stated the City had the right to take a position of not being liable and not participate in the expenditure of any funds.

Councilman at Large Pennington stated that these residents needed help and ask if there was anyway it could be done legally. City Attorney Armada stated that the City could possibly take a position of moral obligation.

Councilman at Large Dr. Allen also brought to the attention of Council there had been two accidents involving children riding their bicycles on City Streets in the business area. Councilman at Large Dr. Allen requested the news media to help by an article in the paper stating there is an Ordinance against riding on sidewalks.

Councilman at Large Dr. Allen stated the problem of cars and trucks blocking streets was arising again and he felt the law should be enforced on this.

Councilman at Large Dr. Allen stated that the Community School had increased their budget and he would like to meet with the Financial Committee to decide what the City can do.

Councilman at Large Dr. Allen stated that Mr. Don Patten, Manager of Kanawha Cable Vision and Attorney Bennett Burgess were present in reference to an increase in rates they had presented to Council on August 17, 1976. Councilman at Large Dr. Allen stated that he and City Attorney Armada were working on the Ordinance to present to Council and it would be ready as soon as possible.

COUNCILMAN DR. CASSELL: Councilman Dr. Cassell had no reports or no new business.

COUNCILMAN BAILEY: Councilman Bailey requested the Mayor to write a letter to the Department of Highways to paint Route 25 at the North end of Center Street. The traffic merges from two lanes at this point into one lane and the pavement is unmarked. There is only one graphic sign to indicate the merging of traffic and there has been a number of accidents in this area. Mayor Gibson said he would be glad to write the letter and requested Councilman Bailey's assistance, to make certain the letter was properly worded.

COUNCILMAN AT LARGE PENNINGTON: Councilman at Large Pennington expressed his gratitude to the Fire Department and Police Department on their promptness when they were needed. Councilman at Large Pennington had needed their assistance, the Fire Department was there in two minutes and the Police Department as there in three minutes. Within twenty-four hours the Police Department had apprehended the three youths responsible for the fire.

Mayor Gibson stated he would like to reinstate the practice of using the fire whistle as a curfew time signal. The curfew hours would be 10 o'clock p.m. Sunday through Thursday and 11 o'clock p.m. on Friday and Saturday. All minors would have to be off the streets at this time unless they were accompanied by an adult. Councilman at Large Pennington made a motion to this effect, the motion was seconded by Councilman Miller and passed unanimously.

COUNCILMAN AT LARGE KARNES: Councilman at Large Karnes stated there is a considerable amount of vandalism in the City and some of the paper boys are getting accused of being responsible. Councilman at Large Karnes felt that it may be helpful if the news media would furnish paper boys with some identification.

Mayor Gibson recognized Mr. Romie Hughart in reference to the Antique Car Show to be held September 11, 1976. Mr. Hughart stated Councilman at Large Dr. Allen would be Parade Marshall and Mayor Gibson was asked to make the welcoming address again. Mr. Hughart also expressed his gratitude to the Fire Department, Police Department and Street Department for their help and participation.

Councilman at Large Dr. Allen made a motion for adjournment, the motion was seconded by Councilman Miller and passed unanimously.

  
MAYOR

  
CITY RECORDER

## NITRO CITY COUNCIL MEETING

SEPTEMBER 21, 1976

The regular meeting of the Nitro City Council was held in the Council Chambers on September 21, 1976, at 8:00 P.M. Present were the Honorable William D. Gibson, City Recorder Tom Melton, Councilman at Large Dr. R. V. Allen, Councilman at Large Donald Karnes, Councilman Gus Bailey, Councilman Dr. Guy Cassell, Councilman Homer Thomas, Jr., and City Attorney Frank Armada. Councilman at Large Mel Pennington and Councilman Dean Miller were absent.

The Honorable Mayor William D. Gibson called the meeting to order. The Reverend Arley K. Cravens, Pastor of the Nitro Church of God, gave the invocation.

APPROVAL OF SEPTEMBER 7, 1976, COUNCIL MEETING MINUTES:

Mayor Gibson stated each member of Council had received a copy of the minutes by mail for their review. Councilman at Large Dr. Allen made a motion the minutes be accepted, the motion was seconded by Councilman Bailey and passed unanimously.

APPROVAL OF AUGUST 1976, FINANCIAL STATEMENT:

Mayor Gibson stated each Council Member had received a copy of the August 1976, Financial Statement for their review. Recorder Melton made a motion the Financial Statement be approved, the motion was seconded by Councilman at Large Karnes and passed unanimously.

SECOND READING OF RESOLUTION PERTAINING TO POLICE DEPARTMENT ALARM SYSTEM: Mayor Gibson asked Recorder Melton to read the resolution for the second reading. Recorder Melton read the resolution as follows:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NITRO  
PROVIDING FOR THE INSTALLATION OF A CENTRAL BURGLARY  
ALARM SIGNAL RECEIVING SYSTEM

WHEREAS, the City is presently permitting the use of space in Police Department Headquarters for the installation and maintenance of certain various burglary alarm systems, and

WHEREAS, said alarm systems have not, at all times, properly functioned due to the various and sundry types of connections made to said alarm system, and

WHEREAS, the public safety of the City would best be promoted by replacing said system with a uniform central signal receiving alarm system providing for one hookup for each facility to be protected, and

WHEREAS, A.D.T. Security Systems Inc., is desirous of installing a central signal receiving alarm system to be paid for by the subscribers to said service.

THEREFORE, the City Council of the City of Nitro, Kanawha and Putnam Counties, West Virginia, does hereby resolve as follows:

1. That they will permit A.D.T. Security Systems, Inc., to install a central signal receiving alarm system hookup in the headquarters of the Nitro Police Department.
2. That all persons, firms, associations and incorporations subscribing to said service and connecting to such alarm systems shall utilize and install without expense to the City a 131 Ademco module which shall be maintained by the subscriber owner of said hookup.
3. That in the event there should occur a total of four (4) false alarms in any one calendar month from any such installation the owner subscriber of said hookup shall pay unto the City of Nitro a penalty of Twenty-Five Dollars (\$25.00) per response for any additional responses occurring within that calendar month whether such further responses be a false alarm or actual emergency.
4. That in the event of a total of four (4) false alarms per calendar month for two (2) consecutive calendar months, the City may, at its option, cause the owner subscriber of said hookup to remove such equipment and to discontinue service.
5. The City of Nitro hereby expressly reserves the right, for good cause shown, to require the said A.D.T. Security Systems, Inc., to remove its equipment in Police Headquarters when, in the opinion of Council, said system is not properly providing the service for which its installation is being permitted.

*Sam. D. Gibson*  
MAYOR

*Tom Melton*  
CITY RECORDER

Councilman at Large Dr. Allen made a motion the Resolution be passed for the second reading, the motion was seconded by Councilman at Large Karnes and passed unanimously.

SEALED BIDS FOR REMODELING OF EXTERIOR OF LIBRARY BUILDING:

Councilman Dr. Cassell, Chairman of the Library Committee, stated that only one bid had been received for the remodeling and ask Councilman Bailey to open the bid. Councilman Bailey read aloud the bid from Ed-Pat Construction Company of \$24,900.00. Councilman Dr. Cassell made a motion that since the bid was so much greater than the sum of capital that was allocated in the budget for the project that the bid be rejected; and further that the City advertise for bids again, using the same specifications, with bid to be opened at the regular scheduled Council Meeting on October 19, 1976, at 8:00 o'clock, p.m. The motion was seconded by Councilman at Large Dr. Allen and passed unanimously.



Mayor Gibson recognized a delegation of residents from 18th Street, which were present for the discussion of school buses and heavy truck using their street for egress and exit. Those present were Dorothy Davis, Mr. and Mrs. Harry Tidd, Mr. and Mrs. Albert Harmon and Mr. Charles Smith.

Mrs. Davis, spokeswoman for the residents, stated that all the school buses going to Nitro Elementary and Nitro High School used their street on a daily basis and it was causing considerable damage to the street and they were responsible for the paying of the pavement repairs. Several alternatives were discussed on re-routing the buses and painting some of the curb on 19th Street at Second Avenue in order for the buses to be able to make the turn more easily into Second Avenue from 19th Street.

Councilman at Large Dr. Allen, Chairman of the Street and Traffic Committee, stated that he would contact the Kanawha County Board of Education and the citizens in the area and discuss the situation with them. Councilman at Large Allen stated he would try to have a solution to this problem within the next two months. Councilman at Large Allen further stated there were many other traffic problems of concern, the Traffic Committee was attempting to solve. Mayor Gibson stated that traffic problems were in many areas of the City.

Mayor Gibson stated that he had given each Councilman a copy of a letter from Nitro Community School asking the City for \$1,500.00 donation. Recorder Melton stated that only \$1,000.00 had been allocated in the Revenue Sharing Budget for this purpose.

Councilman at Large Dr. Allen made a motion that \$500.00 be donated now, the remaining \$500.00 be donated the first of 1977; and the remaining \$500.00 would have to wait until the Financial Committee could evaluate the results of the Revenue Sharing Budget as the months of this fiscal year advances further. Councilman Bailey seconded the motion and the motion passed unanimously.

Mayor Gibson recognized Mr. William Fortune, Community School Supervisor. Mr. Fortune was present to explain the new Family Night, Industrial Night, and proposed Summer Program.

Mayor Gibson stated he had received a letter and several attachments dated September 13, 1976, over the signature of Mr. Harold W. Beemer, Chief, Engineering Division, Department of the Army, Huntington District, Corps of Engineers, Huntington, WV, regarding the development of the Smith Street Landfill as a recreational facility, including a boat marina. Mayor Gibson read the letter and attachments verbatim which contained a complete description of the future recreational facilities and boat marina for this area. The description reads as follows:

NITRO SITE: The Nitro site (shown on Exhibit 5) is conceived to be an all-purpose facility with emphasis on water recreation access.

a. Location - Within the City of Nitro (population

8,019 - 1,316 within Putnam County, 6,703 within Kanawha County) on the right bank of the Kanawha River at river mile 44.2, the Nitro site is combined from that of an abandoned water intake plant and a completed sanitary land fill. Access is from Main Street near both the center of the Nitro population, another major park (not water related), schools and other civic building. Nitro is 13 miles above the Winfield Dam and 16 miles downstream from Charleston.

b. Physical characteristics relative to development

1. Size and configuration - The Nitro Site is an irregularly shaped parcel comprising 4.5 acres extending 750 feet from the river and averaging 200 feet in width. A spur of land along the river bank gives the site over 500 feet of river frontage.

2. Topography - Elevations range from 575 near the river to 585 near Main Street. The terrain is gently rolling; it is a former sanitary land fill, shaped to provide surface drainage. Normal river pool elevation is 566.

3. Vegetative cover - Trees and river bank brush exist within the first 100 feet from the river and the remainder is bare of vegetation. Nice trees exist around much of the boundary.

4. Other uses - The site is not presently used except for a small play court in one corner of the site. This is compatible with the proposed uses. Surrounding uses are residential. The spur of river frontage contains an abandoned water intake structure not now in use but which (from exterior inspection) appears to be structurally sound.

5. Access to the river - There is no impedence to access to the river. The bank is gentle and the grade differential from normal pool is not too great for a launching ramp.

6. Location of channel line - The river at normal pool is approximately 700 feet wide at this location and the channel line is 450 from the site or two-thirds of the way toward the other bank.

c. Environmental characteristics relative to development

1. Erosion, wind and wave action - The bank in this location is relatively stable, with vegetation to help protect from erosion for much of the river frontage. There is always wave action from barge traffic but the distance to the channel line helps to reduce the effect from waves caused by traffic.

2. Flooding - Much of the site is subject to the 100 year flood of elevation 586. Twenty-five year flood elevation is 583, twenty year 577, ten year 576, five year 574 and two year 572. Structures should be designed accordingly but the flood frequency and depth are not considered serious enough to preclude use of the site for uses which can stand infrequent flooding.

3. Interference from commercial navigation - There is ever-present commercial navigation on this part of the river but it is not considered incompatible with the proposed uses. Traffic is normally maintained closer to the opposite bank. There is a shoal of less than the maintained 9 foot channel depth for approximately 100 feet from the shore at normal pool which would preclude commercial navigation from coming close to this site.

4. Pollution - Water and air quality have been discussed for the entire pool and apply accordingly to this site. No specific point source of pollution exists.

D. Description of Plan - All indicated facilities are proposed for initial development; the needs analysis for Putnam and Kanawha Counties indicates need in excess of all proposed recreation facilities in the Winfield Pool Master Plan.

The major objective of the Nitro plan is to take advantage of the ideal access to the river afforded by the relatively gentle bank and the expanse of the river frontage available. Two boat launching ramps with a courtesy pier and a boat dock for transient boaters are provided. A picnic area in a wooded river front site is included which will hold 4 picnic units. Parking for 50 cars and trailers (25 per launching ramp) and 45 car parking spaces are provided. One picnic shelter with 10 tables for non-boaters is provided on a part of the site farther from the river. One comfort station is provided for the entire site. The existing paved play court would remain as part of the play ground.

An existing Appalachian Power Company transformer substation would be retained on the site. It is located in a corner and constitutes no impedence.

The abandoned water intake structure on the river bank appears to be structurally sound and might be renovated for a water-related or recreational use such as power squadron meeting place, Coast Guard safety classes or a yacht club facility if docks were added. The location and facility would make an excellent fueling station for boats. There is a critical need for fuel sources on the river. Mitch's Marina at St. Albans is currently the only source in the Winfield Pool. A structural analysis is necessary and concurrence by the city before a definite use can be proposed.

All required utilities exist at the site.

There are no off-site uses which would adversely affect the site for the proposed uses. Concurrently, the proposed uses would be compatible with surrounding uses.

E. Status of participation - The City of Nitro verbally has indicated interest in sharing the cost of proposed development and operation. The City owns the land, which it would contribute toward its share of development costs. It is understood that

tennis courts and possible fuel facilities would not be subject to cost sharing funds.

Mayor Gibson stated this would not obligate the City in any respect at this time. The Huntington District Corps of Engineers were just requesting approval of their Master Plan as it is to date. The City Officials all seemed very enthused with the Corps of Engineers report. Councilman at Large Allen made a motion to let the Huntington Corps of Engineers continue with the development of the plans, the motion was seconded by Councilman Thomas and passed unanimously.

Mayor Gibson stated he had written a letter to William Ritchie, Department of Highways, in regard to the low hanging tree limbs that are blocking the view of the traffic light at 40th Street, and Mr. Ritchie replied to the letter stating he had turned the matter over to Mr. Laymon Smith, District Engineer, and the trees would be trimmed as soon as possible.

Mayor Gibson stated he had also written a letter to Mr. Ken F. Kobetsky, Director of Traffic Engineering, about the "Dunbar" sign at Center Street and Main Avenue being moved.

Mayor Gibson stated he had received a letter from Appalachian Power Company stating they had established a collection agency at the Bank of Nitro. Mayor Gibson stated that he had been informed that all utilities could now be paid at the Bank of Nitro with the exception of C & P Telephone Company and Kanawha Cable Vision.

Mayor Gibson stated he had attended a meeting at the Capitol Building with representatives from Core of Engineers concerning the Flood Insurance Program. Mayor Gibson stated approximately one year ago the Federal Government forced a Flood Insurance Program on cities throughout the United States. Mayor Gibson said the City had disapproved of the original Flood Prone Map for this area, and had Appalachian Engineers to do considerable research as to the Federal Government's findings. As a result of the research the Federal Government revised their Map thereby saving the property owners of Nitro approximately \$40,000.00. Mayor Gibson stated that from all indications the Government was continuing their flood prone study in this area; it appeared that there would be a better insurance rating in the future for the City of Nitro.

Mayor Gibson stated he had a copy of a letter sent to Valley Development of West Virginia, Inc., over the signature of Robert Y. Hayne, Appalachian Engineers, requesting extreme care and traffic control during the installation of the Brookhaven Storm Sewer which should be under construction soon.

COUNCILMAN AT LARGE KARNES: Councilman at Large Karnes stated that some of the residents on 28th Street had requested a street light at 28th Street and Third Avenue. Councilman at Large Karnes further stated that there were some requests for a sign at the corner of Pennwood and Short Street and requested the Street Light and Street Sign Committee to take these two matters under advisement.

COUNCILMAN BAILEY: Councilman Bailey stated he and Mayor Gibson had not had the opportunity to write the letter to the Department of Highways regarding the intersection at the North end of Center Street and Route 25. Mayor Gibson said he would call the Department regarding the situation and follow up with a letter to them.

COUNCILMAN DR. CASSELL: Councilman Dr. Cassell had no reports or new business.

COUNCILMAN AT LARGE DR. ALLEN: Councilman at Large Dr. Allen asked City Attorney Armada if he had any contact with the attorney for Estill & Greenlee. City Attorney Armada stated he had spoken to Mr. McKittrick, attorney for Estill & Greenlee, on the Barrington Road situation and Mr. McKittrick had cited some authority on case laws. Mr. Armada stated he was in process of doing research on the citation and he is to get back in touch with Mr. McKittrick and give him his opinion.

Councilman at Large Alen then asked City Attorney Armada if he had the opportunity to review the proposed ordinance which had been presented to City Council for consideration by Kanawha Cable Vision. City Attorney Armada stated that Mr. Bennett Burgess, Attorney for Kanawha Cable Vision was present to ask Council to make two amendments in the proposed Ordinance that was originally submitted. The two amendments were: Change the beginning increase in monthly charges from October 1, 1976, to November 1, 1976; and change the increase from \$6.75 per month to \$6.50 per month. Attorney Bennett Burgess requested Council to have the first reading of the proposed ordinance at this meeting. City Recorder Melton read the Ordinance as amended as follows:

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 OR SUBSCRIBERS TO ITS SERVICE IN THE CITY OF NITRO, WEST VIRGINIA, ENACTED JANUARY 19, 1965, AS AMENDED, 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" as amended be amended as to Section VII thereof in Paragraph "C" to read as follows: On and after November 1, 1976, monthly charges for domestic service for the first outlet in a single family residence, Six Dollars and Fifty Cents (\$6.50), 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 21st day of September, 1976, and will come up for second reading and adoption at a regularly meeting of the City Council to be held on the 5th day of October, 1976.

  
MAYOR


  
CITY RECORDER

Councilman at Large Dr. Allen made a motion to accept this ordinance as the first reading, the motion was seconded by Councilman Bailey and passed unanimously.

COUNCILMAN THOMAS: Councilman Thomas had no reports or new business.

RECORDER MELTON: Recorder Melton had no reports or new business.

Recorder Melton made a motion for adjournment, the motion was seconded by Councilman Thomas and passed unanimously.

  
MAYOR

  
CITY RECORDER

## NITRO CITY COUNCIL MEETING

OCTOBER 5, 1976

The regular meeting of Nitro City Council was held in the Council Chambers on October 5, 1976 at 8:00 p.m. Present were Mayor William D. Gibson, Recorder Tom Melton, Councilman at Large Dr. R. V. Allen, Councilman at Large Donald Karnes, Councilman at Large Mel Pennington, Councilman Dr. Guy Cassell, Councilman Homer Thomas, Jr., Councilman Dean Miller, Councilman Gus Bailey, and City Attorney Frank Armada.

The meeting was called to order by the Honorable William D. Gibson. Invocation was given by Reverend William Westlund of The First Presbyterian Church.

APPROVAL OF SEPTEMBER 21, 1976 COUNCIL MEETING

MINUTES: Mayor Gibson stated each Councilman had received a copy of the minutes in the mail for their review. Councilman at Large Allen made a motion the minutes be approved. The motion was seconded by Councilman Dr. Cassell and passed unanimously.

SEPTEMBER 1976, FINANCIAL REPORT: Mr. Tom Melton, Recorder and Chairman of the Finance Committee, gave the following report:

Balance August 31, 1976	39,240.87	General Fund
Receipts for the Month	48,667.02	
Disbursements	58,583.46	
Balance in checking account	29,324.43	
Balance in savings account	24,679.02	

KANAWHA CABLE VISION-SECOND READING OF ORDINANCE TO AMEND ORDINANCE ENACTED JANUARY 19, 1965: Mayor Gibson asked for the second reading of the Ordinance. City Recorder Melton read the Ordinance as follows:

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, AS AMENDED, 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" as amended be amended as to Section VII thereof in Paragraph "C" to read as follows:  
On and after November 1, 1976, monthly charges for domestic service for the first outlet in a single family residence, Six Dollars and Fifty Cents (\$6.50), 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 21st day of September, 1976, and will come up for second reading and adoption at a regular meeting of the City Council to be held on the 5th day of October, 1976.

   
MAYOR RECORDER

Councilman at Large Pennington made a motion to accept the Ordinance on second reading, the motion was seconded by Councilman Bailey and passed unanimously.

SEALED BIDS TO BE OPENED FOR SALE OF A 1961 STREET SWEEPER: Mr. Melton stated that only one bid had been received on the 1961 Austin Western Street Cleaner. Dr. R.V. Allen, Chairman of the Street and Traffic Committee, read the bid from Mr. Dale McAvoy, Production Manager, for Putnam Fabricating Company. The bid was for one hundred five dollars (\$105.00). Councilman at Large Dr. Allen made a motion to accept the bid. The motion was seconded by Councilman at Large Pennington and passed unanimously.



Councilman at Large Dr. Allen made a motion to accept the resolution to appoint Dr. Guy Cassell to the Kanawha Regional Transportation Authority. The motion was seconded by Councilman Bailey and passed unanimously.

Councilman Miller made a motion to appoint Councilman at Large Donald Karnes to the Nitro Planning Commission. The motion was seconded by Councilman Dr. Cassell and passed unanimously.

Mayor Gibson stated, "I am sure everyone in this room is aware that recently, last Friday, we had a sad experience here in Nitro. In fact, a tragic automobile accident took the lives of two of our young high school students, Randall Williams and Harold Scott Booth, and also leaves a lady in Thomas Memorial Hospital in bad condition. She was in one automobile and the two young adults were in the other automobile."

Mayor Gibson said that Mr. Lyons, Principal of Nitro High School, Mr. Mays, Vice-Principal of Nitro High School, Mr. Brendan O'Leary, and Mr. Booth, father of Harold Scott Booth were present. Mr. Booth said, "Believe me, I am not vindictive . . . ." Mr. Booth asked for the Council's backing in approaching the Board of Education with the recommendation that the driving of vehicles by students during school hours be restricted. Councilman at Large Pennington made a motion that the Mayor write a letter to the Board of Education asking if it were possible to adopt a policy at Nitro High School restricting the use of vehicles by students during school hours. The motion was seconded by Councilman Bailey and passed unanimously.

Mayor Gibson stated the Chief of Police, Chief Craft, had recommended that Thursday, October 28, 1976, from 6:30 p.m. to 9:00 p.m. be set aside as Halloween Trick or Treat Night for the City of Nitro. Councilman at Large Pennington made a motion that October 28, 1976, from 6:30 p.m. to 9:00 p.m. be set aside as Halloween Trick or Treat Night for the City of Nitro. The motion was seconded by Councilman Miller and passed unanimously.

Councilman at Large Dr. Allen made a motion that 21 pages of specifications for modular homes which were approved by FHA be referred to The Nitro Planning Commission. The motion was seconded by Councilman at Large Pennington and passed unanimously.

Mayor Gibson mentioned the following correspondence received and sent to Councilmen since last Council Meeting:

1. To Mayor Gibson From William J. Bonnett  
District Manager  
Charleston Newspapers  
In reference to the Gazette carriers being required to carry I. D. cards, and the problems involved.
2. To Mayor Gibson From Ken F. Kobetsky  
Director Traffic  
Engineering Division  
WV Department of Highways  
In reference to Mayor Gibson's letter of September 10, 1976, concerning the Dunbar sign at the intersection of Main Avenue and Center Street (WVA Route 25 Spur).
3. To Mr. John Lilly From Mayor Gibson  
#1 Woodbury Circle  
Nitro, WV 25143  
In reference to the parking charge during Nitro School Football Games.
4. To Union Public Service District From Mayor Gibson  
5110 Washington Street, West  
Charleston, WV 25312  
In reference to the overflowing of manholes near #97 Norwood Road and #102 Brookhaven Drive.
5. To Mayor Gibson From Mr. Sam F. Lee, Jr.,  
Principal, Nitro Jr. High  
Request for a Do-Not-Enter or an Exit Only sign to be erected at the lower end of the school parking lot.  
  
Councilman Miller made a motion to erect both a Do-Not-Enter and an Exit sign at the lower end of the Junior High School parking lot. Councilman at Large Dr. Allen seconded the motion, and the motion passed unanimously.
6. To Mr. Harold W. Beemer From Mayor Gibson  
Chief, Engineering Div.  
Dept. of the Army  
Huntington District,  
Corps of Engineers  
Thanking Mr. Beemer for his letter and attachments dated September 13, 1976, regarding the master plans as they pertain to the City of Nitro, the development of the Smith Street Landfill as a recreational facility, including a boat marina.

7. To Mr. Ken F. Kobetsky From Mayor Gibson  
Director, Traffic  
Engineering Division  
W.Va. Dept. of Hignways  
 Regarding a driving or safety hazard which exists  
 going West on First Avenue (Route 25) as you approach  
 the Nitro-St. Albans Bridge intersection.
8. To Colonel Scott Smith From Mayor Gibson  
Huntington District,  
Corps of Engineers  
 Requesting that the Huntington District, Corps of  
 Engineers give the City of Nitro serious consideration  
 as a demonstration project for construction of  
 Streambank Erosion Control.

Mayor Gibson asked for the Committee Chairman  
 Reports.

Councilman at Large Karnes: No reports.

Councilman at Large Pennington: Referred a  
 letter from The Nitro High School Wildcat Band to the  
 Recreation Committee. The band had requested permission  
 to have a carnival using city property within the city  
 limits. Mr. Armada stated that he would personally  
 examine the ordinances to see if there was an ordinance  
 against having a carnival in Nitro.

Councilman Bailey: No reports.

Councilman Dr. Cassell: No reports.

Councilman at Large Dr. Allen: Asked Mr.  
 Armada to schedule a meeting with Estill & Greenlee in  
 regard to the slip on Barrington Road. Councilman at  
 Large Dr. Allen stated that he had received the information  
 he had requested on buses using 18th Street, 19th Street,  
 20th Street, and 21st Street from Mr. Alfred Welch, Bus  
 Supervison-St. Albans Division. Councilman at Large Dr.  
 Allen said that the Finance Committee would meet with  
 the Police Department Committee and the Fire Department  
 Committee before next Council Meeting in reference to  
 recently enacted legislation. Councilman at Large Dr.  
 Allen reported that the stop sign on Red Oak Street was  
 defaced again and that the city should attempt to  
 prosecute those responsible.

Councilman at Large Dr. Allen made a motion to  
 have two lights installed on the land the City is in the  
 process of buying from W. Va. Water Co. on Plant Road,  
 in an effort to protect the city vehicles which are being  
 parked there.

The motion was seconded by Councilman Miller, and the motion passed unanimously.

Councilman Miller: Councilman Miller made a motion to erect signs "School Zone" and "15 Mile Per Hour" on 19th Street between 2nd and 3rd Avenue , and 21st Street between 2nd and 3rd Avenue, and on 3rd Avenue between 19th and 21st Street. The motion was seconded by Councilman at Large Mel Pennington and carried unanimously.

It was decided to put into the Street and Traffic Committee for further study as to what the speed limit should be on 3rd Avenue between 21st Street and 31st Street, and also from 19th Street to 4th Street. After the survey is made by this committee, Council will then consider these areas.

Reverend William Westlund gave the closing prayer.

Councilman Miller made a motion for adjournment. The motion was seconded by Mr. Melton, and the motion passed unanimously.

  
Mayor

  
Recorder

## NITRO CITY COUNCIL MEETING

OCTOBER 19, 1976

The regular meeting of the Nitro City Council was held in the Council Chambers on October 19, 1976, at 8:00 p.m. Present were Mayor William D. Gibson, Recorder Tom Melton, Councilman at Large Dr. R. V. Allen, Councilman at Large Donald Karnes, Councilman at Large Mel Pennington, Councilman Gus Bailey, Councilman Dean Miller, and Councilman Dr. Guy Cassell. Councilman Homer Thomas and City Attorney Frank Armada were absent.

The meeting was called to order by the Honorable Mayor Gibson. Reverend Wilbur R. Turner of the St. Paul's United Methodist Church gave the invocation.

APPROVAL OF OCTOBER 5, 1976, COUNCIL MEETING MINUTES: Mayor Gibson stated each Councilman had received a copy of the minutes by mail for their review. Councilman at Large Pennington made a motion the minutes be approved, the motion was seconded by Councilman at Large Dr. Allen and passed unanimously.

APPROVAL OF SEPTEMBER, 1976 FINANCIAL STATEMENT: Mayor Gibson stated each Councilman had received a copy of the Financial Statement by mail for their review. Councilman at Large Karnes made a motion the Financial Statement be approved, the motion was seconded by Councilman at Large Pennington and passed unanimously.

LIBRARY REMODELING - SEAL BIDS: Mayor Gibson stated only one had been received for the remodeling of the exterior of the library. Councilman Dr. Cassell opened the bid from Ed-Pat Construction Company of Charleston. The bid was in the amount of \$24,000.00. Councilman at Large Dr. Allen made a motion to turn the bid over to the Library Committee to work with Appalachian Engineers for further study and consideration. The motion was seconded by Councilman Bailey and passed unanimously.

SPEED LIMIT FOR THIRD AVENUE: Councilman at Large Dr. Allen, Chairman of the Street and Traffic Committee stated he had made a study of the speed limit in this area and the speed limit on Third Avenue from 21st Street to 6th Street was 20 miles per hour and from 21st Street to 31st Street the speed limit was 25 miles per hour. Councilman at Large Dr. Allen stated he could not see any reason that would dictate a change in the prevailing speed limits at this time. Councilman at Large Dr. Allen recommended that the present speed limits continue. There were no objections to this recommendation.

SCHOOL BUS ROUTE: Councilman at Large Dr. Allen stated this situation is going to take some time; that he had gathered some information but one of the members of the Traffic Committee has been ill and they would try to make a decision in the next two weeks for the next Council meeting.

SCHOOL CARNIVAL ON CITY PROPERTY PER REQUEST OF NITRO HIGH SCHOOL BAND: Councilman at Large Pennington suggested that no action be taken on this matter since City Attorney Armada was not present to interpret the Ordinance, and requested that it be put on the agenda for the next Council Meeting.

BARRINGTON ROAD REPAIRS: City Attorney Armada was not present to give a progress report on this matter.

Mayor Gibson stated he would like to recommend to Council that Olaf Walker of 2104 Third Avenue, Nitro, be reappointed to the Nitro Planning Commission as Chairman since his term had expired. Councilman at Large Dr. Allen made a motion that Mr. Walker be reappointed to this position, the motion was seconded by Councilman Dr. Cassell. The motion passed unanimously.

Mayor Gibson stated he had several letters that he would like to bring to Council's attention. Mayor Gibson stated that each Council Member had received a copy of these letters and that a copy of the same was in a supplement file to the Minutes for future reference.

The letters were as follows:

1. Mr. John P. Lilly, President of the Nitro Midget Football League, had written Mayor Gibson on October 4, 1976, in reference to the contribution of one dollar donation for parking on City property during football games.

2. Mayor Gibson corresponded with William S. Ritchie, Jr., Commissioner of West Virginia Department of Highways on October 6, 1976, requesting a meeting between Commissioner Ritchie and representatives of local businesses in reference to a solution to the traffic congestion.

3. Mayor Gibson had a copy of a letter directed to Ronald Lyons, Principal of Nitro High School, from Donald W. Booth, dated October 11, 1976. Mr. Booth made several recommendations in his letter on the control of student driving during school hours.

4. Mayor Gibson had written the Kanawha County Board of Education on October 7, 1976, urging the Board of Education to adopt a policy for Nitro High School prohibiting the students from driving their vehicles during regular school hours.

5. On October 12, 1976, Mayor Gibson made a written request to Mr. James E. Thompson, Sales Representative for A.D.T. Security Systems, to install a Security Alarm System in the Police Department.

6. R. S. Dawson, Vice President and Manager of the West Virginia Water Company, wrote Mayor Gibson a letter dated October 19, 1976, stating the Bank of Nitro is now accepting payment for the following utilities; West Virginia Water Company, Columbia Gas and Appalachian Power Company. Mayor Gibson stated that he had also talked to Dr. Temple, President of the Bank of Nitro, and Mr. Temple assured him that in the near future C. & P. Telephone Company would also have a collection agency located in the Bank of Nitro. Mayor Gibson stated he appreciated the Bank of Nitro performing this function, particularly for the benefit of our senior citizens.

7. Mayor Gibson had received a letter dated October 5, 1976, from Larry R. Edens, Manager of Union Public Service District, in regard to the overflowing manholes in Brookhaven. Mr. Edens stated that an investigation was in progress to determine the cause of this problem.

8. Mayor Gibson received a written request from Warren H. Fulton, Brigadier, City Commander of the Salvation Army requesting the placement of their kettles in front of the business places in the Nitro area. Councilman at Large Pennington made a motion that the Salvation Army be granted this request, the motion was seconded by Councilman Bailey and passed unanimously.

RECORDER TOM MELTON: Recorder Melton stated the Finance Committee had met in reference to the W. Va. Legislation "House Bill 815" granting the Fire Department and Police Department time and a half for over time and holidays. Recorder Melton stated after a thorough study of the present budget for the City of Nitro, the Finance Committee recommended to give these departments eight (8) extra vacation days for the present fiscal year. Recorder Melton further stated that the Lined Items in the budget would have to be adjusted in these two salary categories.

COUNCILMAN DEAN MILLER: Councilman Miller stated that he had received two requests for street lights, but that he had not had an opportunity to investigate the area to confirm the request.

Councilman Miller stated that he had been approached about the increase in the Municipal Service Fee and asked who determined the increase. Mayor Gibson explained the increase was a necessity, that the Municipal Service Fee covered many areas of the budget for the City. Mayor Gibson stated one of the major items covered by this fee was street lighting.

He gave the following figures on the increase of street lighting for the City:

Fiscal year 1972-73	amount \$ 9,934.00
Fiscal year 1973-74	12,512.00
Fiscal year 1974-75	13,300.00
Fiscal year 1975-76	16,800.00
Fiscal year 1976-77	21,800.00 approximately

Mayor Gibson further stated this fee also covered the fire hydrants for the City and it was recommended by the West Virginia Water Company that Nitro needed \$40,000.00 more in fire hydrants.

Mayor Gibson stated this fee also covered street maintenance, street repairs, equipment repairs, salaries and numerous other items. Inflation in general has caused the cost of operation to increase greatly.

Mayor Gibson stated that the Director of Public Works has the responsibility of the rate of increase on commercial accounts according to the Ordinance. (The Ordinance was adopted in 1971, in Ordinance Book No. II, Ordinance No. 163.)

Mayor Gibson said the increase was also due to the fact that now we have to pay for a place to dump the trash. In the past this was free because we were priviledged to dump at the Smith Street Landfill and down near the Sanitary Treatment Plant below the Interstate.

COUNCILMAN AT LARGE DR. ALLEN: Councilman at Large Dr. Allen recommended the Street and Sign Committee put a School Zone sign on Second Avenue.

COUNCILMAN DR. CASSELL: Councilman Dr. Cassell stated he was interested in the progress of the Barrington Road slip. Councilman at Large Dr. Allen stated that City Attorney Armada had been working very diligently on this and was trying to get something done immediately and felt that Mr. Armada would have a report at the next Council Meeting.

COUNCILMAN BAILEY: Councilman Bailey stated the Department of Highways had done some painting on the intersection at Center Street and Route 25 but he still felt that it was not satisfactory. Councilman at Large Dr. Allen stated the Traffic Committee is in the process of setting up a meeting with the Commissioner of the West Virginia Department of Highways, William Ritchie, Jr., and this is one of the items that will be brought to his attention and discussed.



COUNCILMAN AT LARGE PENNINGTON: Councilman at Large Pennington had no reports or new business.

COUNCILMAN AT LARGE KARNES: Councilman at Large Karnes had no reports or new business. Councilman at Large Karnes stated that he had several compliments on Gene Williams, Director of Public Works, and the work his men were doing.

Councilman at Large Allen made a motion for adjournment, the motion was seconded by Councilman at Large Pennington and passed unanimously.

  
MAYOR

  
RECORDER



## NITRO CITY COUNCIL MEETING

## SPECIAL MEETING

OCTOBER 24, 1976

A special meeting of the Nitro City Council was held on Saturday, October 24, 1976, at 4:00 P.M. in the Council Chambers. Those present were Mayor William D. Gibson, Councilman at Large Mel Pennington, Councilman at Large Dr. R. V. Allen, Councilman at Large Donald Karnes, Councilman Homer Thomas and Councilman Dean Miller.

Mayor Gibson called the meeting to order.

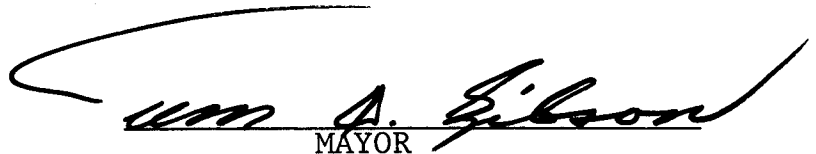
Mayor Gibson stated this was a Special Session to discuss the Kanawha County Special School Bond Election that is to be held on November 2, 1976.

Mayor Gibson stated this Bond would produce a building and renovation program for the Kanawha County Schools.

A lengthy discussion followed on the advantages of this Bond; the benefits for the pupils and the future of the Kanawha County School system.

Councilman at Large Pennington made a motion that the Nitro City Council go on record in support of the Thirty-Nine Million Dollar School Bond Issue, the motion was seconded by Councilman at Large Allen and passed unanimously.

Councilman at Large Dr. Allen made a motion for adjournment of this Special Meeting, the motion was seconded by Councilman at Large Karnes and passed unanimously.

  
MAYOR

  
RECORDER



## NITRO CITY COUNCIL MEETING

NOVEMBER 2, 1976

The regular meeting of the Nitro City Council was held in the Council Chambers on November 2, 1976, at 8:00 p.m. Present were Mayor William D. Gibson, Recorder Tom Melton, Councilman at Large Dr. R. V. Allen, Councilman at Large Mel Pennington, Councilman Dr. Guy Cassell, Councilman Homer Thomas, Jr., Councilman Dean Miller, and Councilman Gus Bailey. Councilman at Large Donald Karnes and City Attorney Frank Armada were absent.

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

APPROVAL OF OCTOBER 19, 1976 COUNCIL MEETING

MINUTES: Mayor Gibson stated each Councilman had received a copy of the minutes in the mail for their review. Councilman at Large Dr. Allen made a motion the minutes be approved. The motion was seconded by Councilman Dr. Cassell and passed unanimously.

APPROVAL OF OCTOBER 23, 1976 SPECIAL COUNCIL MEETING REGARDING KANAWHA COUNTY SCHOOL BOND ELECTION:

Councilman at Large Pennington made a motion the Special Council Meeting Minutes of October 23, 1976, regarding the Kanawha County School Bond Election be approved. Councilman at Large Dr. Allen seconded the motion, and the motion passed unanimously.

OCTOBER 1976 FINANCIAL REPORT: Mr. Tom Melton, Recorder and Chairman of the Finance Committee, gave the following report:

Balance October 1, 1976	27,019.48	General Fund
Receipts for the month	102,469.72	
Disbursements	59,343.50	
Balance in checking account	70,145.70	General Fund
Balance in savings account	10,063.79	

Councilman at Large Pennington made a motion to accept the Financial Report. The motion was seconded by Councilman Thomas and passed unanimously.

SCHOOL BUS ROUTE: Councilman at Large Dr. Allen stated that the Traffic Committee had been meeting, but that they had run into more complications, and felt that they should delay a decision until more study had been made.

BARRINGTON ROAD REPAIRS: Mr. Frank Armada, City Attorney was not present. Councilman at Large Dr. Allen stated he would like to see the matter resolved quickly. Councilman Dr. Guy Cassell stated that he did not feel that the City has a real responsibility other than to support the citizens of that area. However, Councilman Dr. Cassell felt that the City Attorney, Mr. Armada, should advise residents of that area what action they can take.

SCHOOL CARNIVAL ON CITY PROPERTY PER REQUEST OF NITRO HIGH SCHOOL: Mr. Armada was absent. Councilman at Large Pennington made a motion that the Nitro High School Band be given permission to use the City Property for a carnival, contingent on the findings of the City Attorney, Mr. Armada. The motion was seconded by Councilman Thomas and passed unanimously.

REPORT ON REMODELING OF THE NITRO PUBLIC LIBRARY: Councilman Dr. Cassell, Chairman of the Library Committee, made a motion to reject the only bid received, in the amount of twenty four thousand dollars (\$24,000.00) from Ed-Pat Construction Company. The bid was for the remodeling of the exterior of the library. The motion was seconded by Councilman Miller and passed unanimously. Mayor Gibson read the bid from Neil W. Ball, dated October 30, 1976, for masonry material and labor on the renovation of the Nitro Public Library. Councilman Dr. Cassell made a motion to accept the bid of Neil W. Ball in the amount of thirteen thousand eight hundred sixty-three dollars and sixty-eight cents (\$13,863.68). The motion was seconded by Councilman at Large Pennington and passed unanimously. A copy of the bid is attached hereto and made a part hereof.

Mayor Gibson stated that he would like to bring to Council's attention two letters. Mayor Gibson stated that each Council Member had received a copy of these letters and that a copy of the same was in a supplement file to the Minutes for future reference. Also, there is a copy of a Vehicle Invoice No. 5187. The letters and invoice were as follows:

1. Commissioner Ritchie had written Mayor Gibson on October 15, 1976, in reference to the improvements for the Nitro-St. Albans Bridge. Commissioner Ritchie asked that the City submit to them a letter stating that the City of Nitro desires for them to initiate this project, which is necessary in order to meet federal requirements.

Councilman at Large Pennington made a motion to table this until November 16, 1976, in order to give Mayor Gibson an opportunity to write a letter, on Council's approval, to Commissioner Ritchie on the possibility of additional improvements some of the Council have expressed they want. The motion was seconded by Councilman Thomas and passed. Councilman Miller and Councilman Bailey opposed the motion.

2. Mayor Gibson had written Commissioner Ritchie October 28, 1976 in reference to a meeting involving Commissioner Ritchie and the Nitro Area Plant Managers concerning traffic congestion problems in the Nitro area.

3. Mayor Gibson stated that a 1974 Chevrolet pickup truck which had been used primarily by the Recreation Department had been totaled in an accident October 21, 1976. A copy of Vehicle Invoice No. 5187 showed that the City had paid three thousand one hundred fifty-two dollars and ten cents (\$3,152.10) for the truck. Jack Eastwood, Recreational Director, was the driver of the truck. The driver of the other vehicle and Mr. Eastwood had a head-on collision on Goff Mountain Road, and both vehicles were totaled. Mr. Max Weaver of the insurance company involving the other vehicle offered a settlement of three thousand five hundred dollars (\$3,500.00). There was a tow bill of fifty dollars and fifty cents (\$50.50). Councilman Bailey made a motion to accept the settlement of three thousand five hundred dollars (\$3,500.00) plus the fifty dollars and fifty cents (50.50) tow bill. The motion was seconded by Councilman Dr. Cassell and passed unanimously. Councilman at Large Pennington made a motion to advertise for bids on a new truck using the same specifications as was on Vehicle Invoice No. 5187. The motion was seconded by Councilman Bailey and passed unanimously.

The Councilmen nor Mr. Melton had no new business or reports.

Councilman Miller made a motion for adjournment. The motion was seconded by Councilman at Large Pennington and passed unanimously.

Wm D. Gibson  
MAYOR

Tom Melton  
RECORDER





FREE  
ESTIMATE

SATISFACTION  
GUARANTEED

NEIL W. BALL

MASONRY  
SERVICE

502 KANAWHA AVENUE  
NITRO, WEST VIRGINIA 25143

TELEPHONE  
755-4508

October 30 1976

Mr. William D. Gibson  
Mayor, City of Nitro  
Nitro, W. Va.

Dear Bill;

The below is my price for masonry labor on the renovation of the Nitro Public Library. The price includes all labor and equipment necessary to complete this project.

\$ 7,025.00

Very Truly Yours

*Neil W. Ball*  
Neil W. Ball

*The Best In Masonry Is My Business*

List of materials necessary to complete masonry

Face Brick - 19,400 #35X Guyan Blend- Barboursville Clay Mfg. Co.	@ 96.50/M	\$ 1,872.10
4" hollow block Peerless Block Co.	@ .30¢	147.00
Concrete nails Casto Hardware 6 lb.	@ 1.35	8.10
#8 common nails " " 10 lb.	@ .45¢	4.50
Wall ties Peerless Block Co. 2000	@ 15.90/M	31.80
Angle iron lintels for doors & windows - W. Va. Steel Co		85.00
stone caps for Planters & Gas meter enclosure - sills for doors & Windows. Kanawha Brick & Block co.		161.75
Mortar Materials. Pfaff & Smith. - Approx. 215 bags mortar @ 2.63		565.45
" 26 ton mason sand @ 8.10		210.60
Brick cleaning material Peerless Block Co. 6 gal. mearatic acid	@ 2.85	17.10
4 Acid brushes @ 2.80		11.20
Footers for Planters & Gas meter enclosure		
2 yds. Concrete @ 30.00		60.00
80 ft. #4 re-bars @ 20.1¢		16.08
4- Metal doors & frames. - Trojan Building Products		860.00

\$ 4,050.62

*labor and material 202 ft soffit*

*808.00*

*labor and material 190 ft. gutter*

*380.00*

*labor and materials for doors, walk, footer and roof extension over walk, etc.*

*1,600.00*

\$ 6,838.62

*Grand Total*

\$ 13,243.62

## NITRO CITY COUNCIL MEETING

NOVEMBER 16, 1976

The regular meeting of the Nitro City Council was held in the Council Chambers on November 16, 1976, at 8:00 p.m. Present were Mayor William D. Gibson, Recorder Tom Melton, City Attorney Frank Armada, Councilman at Large Dr. R. V. Allen, Councilman at Large Donald Karnes, Councilman at Large Mel Pennington, Councilman Dr. Guy Cassell, Councilman Homer Thomas, Jr., and Councilman Gus Bailey. Councilman Dean Miller was absent.

The meeting was called to order by the Honorable Mayor Gibson. The Reverend William Westlund, Pastor of The First Presbyterian Church gave the invocation.

APPROVAL OF NOVEMBER 2, 1976 COUNCIL MEETING:  
Mayor Gibson stated each Councilman had received a copy of the minutes in the mail for their review. Councilman at Large Dr. Allen made a motion the minutes be approved. The motion was seconded by Councilman Bailey and the motion carried.

APPROVAL OF OCTOBER, 1976 FINANCIAL STATEMENT:  
Recorder Melton stated each Councilman had a copy of the October, 1976 Financial Statement. Mr. Melton made a motion that the Financial Statement be accepted. The motion was seconded by Councilman at Large Karnes, and the motion carried. All Councilmen voted approval of the Financial Statement, with the exception of Councilman at Large Pennington who abstained.

BARRINGTON ROAD REPAIRS: Mayor Gibson stated that Council had received a letter from City Attorney, Mr. Frank Armada, in regard to this matter. Attached to this letter were three more letters. (Copies of the letters are in Supplement File to the Minutes for future reference.)

The letters were as follows:

1. A letter dated November 15, 1976 was written to Mayor Gibson from Mr. Armada in regard to the City's position in regard to the Barrington Road slip.

ATTACHED LETTERS

- A. A letter dated May 3, 1976, was written to Mayor Gibson from Appalachian Engineers, Inc. in regard to the Barrington Road land slide and a preliminary cost estimate.
- B. A letter dated August 12, 1976, was written to Mayor Gibson from Mr. Parrish McKittrick, attorney for Estill & Greenlee, in regard to the slippage of Barrington Road in Brookhaven Subdivision and an appraisal cost by Mr. Jack D. McGuffey, P. E.
- C. A letter dated August 10, 1976, written to Mr. Paul Greenlee from Jack D. McGuffey, P. E., in regard to the slip on the street in Brookhaven Subdivision, and his opinion on the cause of the slip.

Councilman at Large Dr. Allen, Chairman of the Street & Traffic Committee, asked that Mr. Armada address the Council. Mr. Armada referred the Council to the letter (No. 1) dated November 15, 1976, which he had supplied the Mayor. Mr. Armada stated that his opinion on the legality of the City expending public monies in the repair of the slip on Barrington Road had not changed, and that the City can do nothing. In order for the residents of Barrington Road and Estill & Greenlee to understand the City's position, Councilman at Large Dr. Allen made a motion to arrange a meeting at City Hall with Estill & Greenlee and the residents of Barrington Road Tuesday, November 23, 1976, at 7:30 p.m. The motion was seconded by Councilman Bailey and passed unanimously.

REMODELING OF THE NITRO PUBLIC LIBRARY: Councilman Dr. Cassell, Chairman of the Library Committee, stated that the brick used in the remodeling of the Library was not the same color as the brick used in the construction on the Nitro Junior High School and the swimming pool building.

POSSIBILITY OF SCHOOL CARNIVAL LOCATION  
(LEGAL ADVICE): Nitro City Attorney, Mr. Frank Armada's advice was to begin the carnival, if it was the desire of Council.

REPAIRS TO NITRO-ST. ALBANS BRIDGE: Mayor Gibson referred to a letter to him dated October 15, 1976, from Commissioner Ritchie concerning improvements of the Nitro-St. Albans Bridge. (A copy of the letter is in the Supplement File to the November 2, 1976 Council Meeting.)

The Mayor stated that that there were questions that had come up in the November 2, 1976, Council Meeting, that were unanswered, and he was to prepare a letter to Commissioner Ritchie asking certain questions. Mayor Gibson explained that at the meeting held November 5, 1976, with Commissioner Ritchie, and representatives of the Nitro Area Plant Managers, that the various problems with traffic flow, from one end of Nitro to the other, were discussed. The Mayor and Chief Craft, Chief of the Police Department, also attended the meeting.

Mayor Gibson referred to plans for the Nitro area mentioned in the 1977 Kanawha County Transportation Improvement Program.

These include:

1. Traffic signal which will be installed at WV 25 & WV 25 Spur Intersection in Nitro, contract plans in progress, construction to start December, 1976.
2. Two 9 foot surfaced treated lanes and 4 foot shoulders which will be constructed on Blake's Creek Road, 6 mile East WV 25 to .8 miles East WV 25 (Dam Site # 7), construction est. completion, October, 1976.

(Mayor Gibson stated that the lanes had been completed; The shoulders had not been completed.)

3. Approaches to US 60, which will be widened and new deck will be constructed, at US 60 St. Albans to .14 mile South WV 25-Nitro, construction to start April, 1977.

(The question of widening the approaches to the bridge were one of the questions that came up in the November 2, 1976 Council Meeting.)

4. Railroad flashers & Surface at Nitro, 19th Street will be installed, construction to start April, 1977, ROW (right of way) in progress.

Councilman at Large Pennington made a motion to write a letter requesting that WVDH initiate the improvements for the Nitro St. Albans Bridge. The motion was seconded by Councilman Dr. Cassell and passed unanimously.

Mayor Gibson stated that Council had received copies of three letters since last Council Meeting. (Copies of letters are in Supplement File to the Minutes.)

The letters were as follows:

2. Mr. James V. Wysong had written Mayor Gibson on November 4, 1976, on behalf of the three Public Television Stations in West Virginia, thanking the Mayor and the Nitro Police Department for their help October 31 and November 1.
3. Mr. John F. Santrock had written Mayor Gibson November 8, 1976, in reference to the school bond issue which had the support of the City of Nitro administration and City Council.
4. Mr. J. W. McDavid had written Mayor Gibson offering to the City of Nitro the opportunity to purchase the balance of the West Virginia Water Company property located north of and adjacent to the City owned Park, for the cost of one hundred thousand dollars (\$100,000.00). Councilman at Large Dr. Allen made a motion that Council go and look at the property Saturday, November 20, at 12:30 p.m. The motion was seconded by Councilman at Large Pennington and passed by unanimous vote.

Mayor Gibson stated that he had received a check for three thousand five hundred and fifty dollars (\$3,550.00) from the insurance company for the 1974 Chevrolet pickup truck which had been totaled in an accident October 21, 1976. Mayor Gibson asked that Council amend the specifications on a new 3/4 ton truck they will purchase, by the sealed bid procedure, to specify 4-wheel drive. Councilman at Large Karnes made a motion that the specification on a new 3/4 ton truck, previously discussed, be amended to specify 4-wheel drive. The motion was seconded by Councilman Bailey and passed. The purpose in wanting a 4-wheel drive vehicle will be to make it safer for the employees to spread salt in the hill sections.

COUNCILMAN at LARGE KARNES: No new business or reports.

COUNCILMAN at LARGE PENNINGTON: Councilman at Large Pennington stated that the Annual Senior Citizen's Christmas Dinner has been scheduled at the Nitro Women's Club December 12, at 2:00 p.m. Councilman Pennington referred the repair problems of the sidewalk on 21st Street to Councilman Thomas, Chairman of the Sidewalk Committee.

Councilman Pennington also expressed his desire for The Business and Civic Betterment Committee meet with the people who own the lot on the corner of 21st Street to look into the possibility of getting the lot paved to use for additional parking.

COUNCILMAN BAILEY: No reports, but Councilman Bailey stated that he was interested in getting a traffic light at Center and Main Street. Mayor Gibson stated that he would be happy to write a letter and ask the WVDOH to give this matter consideration.

COUNCILMAN DR. CASSELL: No committee reports. Dr. Cassell stated that the construction of the storm sewers at the end of Brookhaven is proceeding and should be completed shortly.

MAYOR GIBSON: Mayor Gibson stated that the question of painting the curb on 19th Street and Second Avenue, at the vacant lot, which is owned by the Bank of Nitro had been discussed previously. Mr. Temple, President of the Bank of Nitro, had no objections to the painting of the curb on 19th Street at the intersection of Second Avenue, the Mayor said, and it would make it easier for the drivers of school buses to negotiate the turn there. Councilman at Large Pennington made a motion that the curb on the corner of 19th Street and Second Avenue be painted. The motion was seconded by Dr. Cassell and passed unanimously.

Mayor Gibson read the letter of resignation dated November 10, 1976, from Sergeant David Walter, Nitro Policeman, written to Chief Craft, Chief of the Police Department.


COUNCILMAN AT LARGE DR. ALLEN: Councilman at Large Dr. Allen stated that the City had to get some easements, and purchase approximately 350 feet of 18 inch pipe, plus labor in order to get the water drainage problem corrected on East 39th. Street near the Nitro-Putnam Grade school. Councilman at Large Dr. Allen made a motion to do whatever was necessary to correct the drainage problem on East 39th Street near the Nitro-Putnam Grade School as soon as possible, because this bad drainage problem has been a long standing hazard to the school children and residents of that area. The motion was seconded by Councilman at Large Karnes and passed.

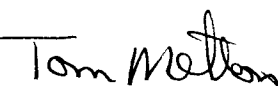
COUNCILMAN THOMAS: No reports, but Councilman Thomas asked when the sewer system on 18th Street Hill would be put in. Mayor Gibson stated that they had been waiting on equipment, and that the equipment had just recently arrived.

MR. MELTON: No new business.

Reverend Westlund gave the closing prayer.

Councilman Karnes made a motion for adjournment. The motion was seconded by Councilman at Large Pennington and passed unanimously.

  
MAYOR

  
RECORDER



## NITRO CITY COUNCIL MEETING

DECEMBER 7, 1976

The regular meeting of the Nitro City Council was held in the Council Chambers on December 7, 1976, at 8:00 p.m. Present were Mayor William D. Gibson, City Recorder Tom Melton, City Attorney Frank Armada, Councilman at Large Dr. R. V. Allen, Councilman at Large Donald Karnes, Councilman at Large Mel Pennington, Councilman Dr. Guy Cassell, Councilman Homer Thomas, Jr., Councilman Dean Miller, and Councilman Gus Bailey.

The meeting was called to order by the Honorable Mayor Gibson. The Reverend James B. Arbogast, Pastor of St. Paul's United Methodist Church, gave the invocation.

APPROVAL OF NOVEMBER 16, 1976 COUNCIL MEETING MINUTES: Mayor Gibson stated each Councilman had received a copy of the minutes in the mail for their review. Councilman at Large Pennington made a motion the minutes be approved. The motion was seconded by Councilman Dr. Cassell and the motion passed.

NOVEMBER 1976, FINANCIAL REPORT: Mr. Tom Melton, Recorder and Chairman of the Finance Committee, gave the following report:

Balance November 1, 1976	70,145.70	General Fund
Receipts for the month	45,085.81	
Disbursements	56,832.31	
Balance in checking account	58,399.20	
Balance in savings account	10,063.79	

BIDS OPENED FOR 1977 MODEL 3/4 TON 4-WHEEL DRIVE PICKUP TRUCK: Council opened and read the bids.

The bids were as follows:

1. Childers Chevrolet, delivery date 4 to 6 weeks, \$5,416.65.
2. Tag Galyean Chevrolet, delivery date 7 to 8 weeks, \$5,380.11.
3. Joe Holland Chevrolet, Inc., no delivery date mentioned, \$5,441.59.

4. Interstate Equipment Sales, Inc, delivery date 6 to 8 weeks, \$5,898.11.
5. Harvey Shreve Ford, no delivery date mentioned, \$5,764.00.
6. United Dodge, Inc., delivery date 90 to 120 days, \$5,368.80.

Councilman Dr. Cassell made a motion that the bids be kept in the Street and Traffic Committee, and Council give the committee authority to make a decision on which bid to accept. The motion was seconded by Councilman at Large Pennington and passed unanimously.

Mayor Gibson informed Council of a meeting scheduled December 14, 1976 at 11:00 a.m. to discuss making repairs to Barrington Road. Those expected to be present for the meeting are Mr. Parrish McKittrick, attorney for Estill & Greenlee, Mr. Frank Armada, Nitro City Attorney, engineers from Appalachian Engineers, engineers from Estill & Greenlee, Mr. Paul Greenlee, First Ward Councilman, Dr. Guy Cassell, and Mr. Naseef, a representative from Barrington Road.

DECISION OF COUNCIL REGARDING THE LAND OFFER  
MADE BY J. W. McDavid IN HIS LETTER DATED NOVEMBER 8, 1976:  
 Councilman Bailey, Chairman of the Building & Planning Committee, stated that the committee had met and the committee was in full agreement to recommend to Council the purchase of the land, contingent upon recommendations of Mr. Armada with respect to a clear title thereof. The land runs parallel with Kanawha River and is adjacent to The Nitro City Park. Councilman Bailey made a motion to purchase the approximate seven acres of land for one hundred thousand dollars (\$100,000) out of revenue sharing. The motion was seconded by Councilman Dr. Cassell and passed unanimously.

Mayor Gibson stated since last Council Meeting Council had received in the mail copies of correspondence. (Copies of letters are in Supplement File to the Minutes.)

The letters were as follows:

1. Colonel Scott B. Smith had written Senator Jennings Randolph on November 8, 1976 regarding streambank erosion problems along the Kanawha River in Nitro.

ATTACHED LETTERS

- a. Senator Randolph had written Mayor Gibson October 18, 1976 stating that he had written to Colonel Smith in regard to the streambank erosion problems along the Kanawha River in Nitro.

- b. A rough draft of a letter written to  
 Scott B. Smith, Colonel  
 District Engineer  
 Corps of Engineers  
 502 8th Street  
 Huntington, West Virginia 251721, from  
 Mayor Gibson.

Councilman Bailey made a motion for Mayor Gibson to write a letter as outlined in the rough draft (b) to Colonel Scott B. Smith. The motion was seconded by Councilman at Large Karnes and passed by a unanimous vote.

2. Robert Y. Hayne of Appalachian Engineers, Inc. had written a letter November 4, 1976 to Mayor Gibson recommending that Mr. Landers submit additional engineering data in reference to the proposed Landers Place Subdivision.

Attached to this letter was a letter dated November 17, 1976 to Mr. Landers from Mayor Gibson informing Mr. Landers that additional engineering data was needed.

3. Mrs. Helen Lodge, President of the Kanawha Valley Heart Association, had written a letter to Mayor Gibson November 29, 1976, requesting permission to conduct its Annual Heart Fund Drive in the Town of Nitro during the month of February, 1977.

Councilman at Large Dr. Allen made a motion the Kanawha Valley Heart Association be given permission to conduct its Annual Heart Fund Drive in Nitro during the month of February, 1977. The motion was seconded by Councilman Thomas and passed unanimously.

Mayor Gibson stated that the Police Civil Service Examination is scheduled December 15, 1976, and that the Nitro Policemen's Civil Service Commission is presently advertising this notice in the Charleston Gazette and the Charleston Daily Mail. Mayor Gibson supplied Council with Nitro Police Department's Rules and Regulations.

COUNCILMAN AT LARGE KARNES: Councilman at Large Karnes had no new business or reports, but he stated he had had several complaints from citizens on traffic violations, in general, which he felt were going on in various sections of the city, unnoticed by the Police Department.

COUNCILMAN AT LARGE PENNINGTON: Councilman at Large Pennington stated that the railroad crossing at Lock Street was in bad shape.

Councilman at Large Pennington said he had a letter from Police Chief Craft, dated December 3, 1976, to Mayor Gibson asking for a 1977 police cruiser car. Specifications of the same were available to Council. Councilman at Large Pennington made a motion to advertise for sealed bids based upon those specifications for a 1977 police cruiser, with the bids to be opened at the December 21, 1976 Council Meeting. Councilman at Large Dr. Allen seconded the motion, and the motion passed unanimously.

Councilman at Large Pennington referred a letter from Mr. Fike, President of Fike Chemical Company, to the Traffic Committee.

COUNCILMAN BAILEY: Councilman Bailey stated he had no reports but that the railroad crossing at Walker Street is in terrible shape.

COUNCILMAN DR. CASSELL: Councilman Dr. Cassell had no reports.

COUNCILMAN AT LARGE DR. ALLEN: Councilman at Large Dr. Allen had no reports.

COUNCILMAN THOMAS: Councilman Thomas had no reports.

COUNCILMAN MILLER: Councilman Miller had no new business.

Councilman at Large Pennington made a motion for adjournment. The motion was seconded by Councilman at Large Karnes and passed unanimously.

  
MAYOR

  
RECORDER

## NITRO CITY COUNCIL MEETING

DECEMBER 21, 1976

The regular meeting of the Nitro City Council was held in the Council Chambers on December 21, 1976, at 8:00 p.m. Present were Mayor William D. Gibson, City Recorder Tom Melton, Councilman at Large Donald Karnes, Councilman at Large Mel Pennington, Councilman Dr. Guy Cassell, Councilman Homer Thomas, Jr., Councilman Dean Miller, and Councilman Gus Bailey. City Attorney Frank Armada, and Councilman at Large Dr. R. V. Allen were absent.

The meeting was called to order by the Honorable Mayor Gibson. The Reverend James B. Arbogast, Pastor of St. Paul's United Methodist Church, gave the invocation.

APPROVAL OF DECEMBER 7, 1976 COUNCIL MEETING

MINUTES: Mayor Gibson stated each Councilman had received a copy of the minutes in the mail for their review. Councilman at Large Pennington made a motion the minutes be approved. The motion was seconded by Councilman Dr. Cassell, and the motion passed unanimously.

APPROVAL OF NOVEMBER 1976 FINANCIAL STATEMENT:

Tom Melton, City Recorder and Chairman of the Finance Committee, stated each Councilman had received a copy of the November, 1976, Financial Statement in the mail. Mr. Melton made a motion that the November, 1976, Financial Statement be accepted. The motion was seconded by Councilman at Large Pennington and passed unanimously.

COMMITTEE REPORT ON 1977 3/4 TON 4-WHEEL DRIVE

PICK-UP TRUCK: Councilman at Large Dr. Allen, Chairman of the Street and Traffic Committee, was absent. However, Councilman at Large Pennington, a member of the Street and Traffic Committee, reported that the truck had been purchased from United Dodge, Inc., who was the low bidder, and that delivery had been made.

BIDS TO BE OPENED FOR 1977 POLICE CRUISER:

Council opened and read the bids.

The bids were as follows:

1. C&O Motors, Inc., delivery date 90 days from date of firm order:  
 1977 Chevrolet Nova, 4-door sedan TOTAL 6,000.85  
 Less trade-in of one 1974 Police Cruiser  
 (Plymouth) 1,084.85  
NET TOTAL 4,916.00
  
2. Childers Chevrolet, delivery date 4 to 6 weeks from date of firm order:  
 1977 Chevrolet Nova, 4-door sedan TOTAL 5,947.55  
 Less trade-in of one 1974 Police Cruiser  
 (Plymouth) 1,127.18  
NET TOTAL 4,820.37
  
3. United Dodge, Inc., delivery date 45 to 60 days from date of firm order:  
 1977 Dodge Aspen, 4-door sedan TOTAL 4,801.00  
 Less trade-in of one 1974 Police Cruiser  
 (Plymouth) 300.00  
NET TOTAL 4,501.00

Councilman Dr. Cassell made a motion that the bids be referred to the Police Committee, and Council give the committee authority to act. The motion was seconded by Councilman Bailey and passed unanimously.

MEETING 11:00 A.M., 12-14-76 REGARDING

BARRINGTON ROAD: Councilman Dr. Guy Cassell, Councilman from Ward I, stated that those in attendance at the meeting were Mr. Greenlee, Mr. Estill, their attorney, and their engineers, Mayor Gibson, Mr. Frank Armada, City Attorney, the City's engineers, Mr. Naseef, a resident of Barrington Road, and himself. Councilman Dr. Cassell explained to Council the reason for the difference in the estimates to correct the slip on Barrington Road, which were made by Estill & Greenlee's engineers and the City of Nitro's engineers. Councilman Dr. Cassell further stated that Estill & Greenlee's engineers and the City's engineers were to make new estimates on the correction of the Barrington Road slip and then come back to Council.

Mayor Gibson stated that the City of Nitro had the allocation of one hundred six thousand dollars (\$106,000) grant of Block Grant Funds. Of this one hundred six thousand dollars (\$106,000), eighty thousand dollars (\$80,000) was allocated for storm drains, and twenty thousand dollars (\$20,000) was allocated for a housing inspection program. Mayor Gibson informed Council that the City had until June 1, 1977, in which to use the twenty thousand dollars (\$20,000) allocation for the housing inspection program.

He further stated that he was experiencing difficulty in finding someone qualified who was available to go out into the homes and perform these inspections. Mayor Gibson requested a recommendation of a person from the Councilmen , should they have anyone to suggest, further stating that he had been in contact with the Federal Officials and there was a good possibility that the twenty thousand dollars (\$20,000) could be used for street paving should a request be made to the Department of Housing and Urban Development. Councilman Dr. Cassell stated that he may be in a position to recommend someone and that he would communicate with the Mayor on the matter.

Mayor Gibson stated that he had received a letter dated December 14, 1976, from A. W. Sue, District Manager, of Greyhound Lines, Inc., in reference to bus parking. (Copy of letter is in Supplement File to the Minutes.) Councilman at Large Pennington made a motion to refer this letter to the Street and Traffic Committee. The motion was seconded by Councilman Dr. Cassell, and the motion passed unanimously.

Mayor Gibson read a letter addressed to him, dated December 14, 1976, from Kenneth K. King, Chief of the Fire Department. Chief King expressed his wish to retire as Chief of the Fire Department, effective January 1, 1977. Councilman Miller made a motion to accept Chief King's resignation. The motion was seconded by Councilman Thomas and passed unanimously.

Councilman at Large Pennington made a motion to appoint Mr. Clyde Harris as acting Chief of the Fire Department to fill the vacancy created by Chief King's resignation. The motion was seconded by Councilman at Large Karnes and the motion carried. All the Councilmen voted approval of the appointment of Mr. Harris, with the exception of Councilman Thomas who abstained.

Mayor Gibson stated that Chief Craft had received a letter of resignation from Ronald D. Lusher of the Police Department. The letter was dated December 15, 1976, effective December 16, 1976.

COUNCILMAN AT LARGE KARNES: No reports, no new business.

COUNCILMAN AT LARGE PENNINGTON: Councilman at Large Pennington made a motion for the Mayor to write a letter to the property owners on 21st Street in reference to the repairs needed in front of their property. The motion was seconded by Councilman Thomas and passed unanimously.

COUNCILMAN BAILEY: Councilman Bailey asked about the railroad crossing repairs. Mayor Gibson stated that he had been assured that all the railroad crossings would be upgraded in due time.

Councilman Bailey expressed his appreciation to FMC for the company's decision to expand the Nitro facility, and referred to a news release he had received from FMC.

COUNCILMAN DR. CASSELL: No reports.

COUNCILMAN THOMAS: No reports.

COUNCILMAN MILLER: No reports.

RECORDER MELTON: Mr. Melton, City Recorder, read the first reading of an ordinance drafted to purchase approximately 14 acres of the property owned by the West Virginia Water Company upon the site occupied by its previous filtering plant, for the purchase price of two hundred thousand dollars (\$200,000). Mr. Melton read the ordinance as follows:

ORDINANCE

AN ORDINANCE TO PURCHASE APPROXIMATELY  
14 ACRES MORE OR LESS OF THE PROPERTY OWNED  
BY THE WEST VIRGINIA WATER COMPANY UPON THE  
SITE OCCUPIED BY ITS PREVIOUS FILTERING PLANT,  
FOR THE PURCHASE PRICE OF TWO HUNDRED THOUSAND  
DOLLARS (\$200,000).

Councilman at Large Pennington made a motion to accept this as the first reading. The motion was seconded by Councilman at Large Karnes and the motion carried by a unanimous vote.

Councilman at Large Pennington made a motion for adjournment. The motion was seconded by Councilman at Large Karnes and passed unanimously.

  
MAYOR

  
RECORDER